
General Corporate Commercial

Establishment of the Cambodia Competition Commission

Introduction

On 17 February 2022, the Cambodia Competition Commission ("**CCC**") was established pursuant to the Royal Government of Cambodia's Sub-Decree No. 37 ANKr.BK on the Organisation and Functioning of the Cambodia Competition Commission ("**Sub-Decree**"). CCC will be in charge of implementing the Law on Competition with the goal to help consumers access high quality, low price, and versatile products and services.

In accordance with the Law on Competition which was enacted on 5 October 2021, CCC has been designated to be the competent authority to perform key activities including but not limited to receiving complaints in relation to competition.

In this Update, we highlight the key aspects of CCC.

Key Aspects of CCC

1. Composition of CCC

CCC will initially comprise 15 members, who are representatives from different ministries and institutions as follows:

- (i) The Minister of Commerce as Chairman;
- (ii) a Secretary of State of the Ministry of Commerce as Permanent Vice-Chairman;
- (iii) a Secretary of State of the Office of the Council of Ministers as Vice-Chairman;
- (iv) a Secretary of State of the Ministry of Economy and Finance as Vice-Chairman;
- (v) a Secretary of State of the Ministry of Interior as Vice-Chairman;
- (vi) a Secretary of State of the Ministry of Industry, Science, Technology and Innovation as Vice-Chairman;
- (vii) a Secretary of State of the Ministry of Justice as Member;
- (viii) a Secretary of State of the Ministry of Post and Telecommunications as Member;

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- (ix) a representative from the National Bank of Cambodia as Member;
- (x) a former judge as Member;
- (xi) two individuals with legal knowledge and experience as Members;
- (xii) two individuals with economic knowledge and experience as Members; and
- (xiii) a Member, who is the Director General of Consumer Protection, Competition and Fraud Repression Directorate-General.

CCC may request for additional members as needed.

The Sub-Decree also sets out the process for appointment of members, as well as removal of members. Grounds for removal of members include a conviction of offences related to competition law or any misdemeanour or criminal offences.

2. Functions and Duties of CCC

The CCC shall have the following functions and duties:

- (i) Establish policies and plans regarding competition;
- (ii) Advise on draft regulations regarding competition to the Government;
- (iii) Request the Government to revise or make an amendment to any national and international regulations;
- (iv) Issue decisions, interim measures and impose fines on the agreement or activities which violate the law on the competition;
- (v) Prepare the formalities and procedures on calculating fines;
- (vi) Prepare rules regarding conflicts of interest for members of CCC;
- (vii) Prepare the requirements and procedures on business combinations;
- (viii) Prepare the requirements and procedures for granting both individual and collective permissions for any agreement or competition-related activity;
- (ix) Prepare the requirements and procedures for the leniency policy on pecuniary fines;
- (x) Cooperate with national institutions or regulators, foreign states, and international agencies on matters relating to competition;
- (xi) Receive, review and resolve complaints related to competition as stated in the Law on Competition;

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- (xii) Establish other regulations and rules that may be issued under the authority of CCC; and
- (xiii) Perform any other duties assigned by the Prime Minister.

3. Functioning of CCC

Secretariat

CCC shall have the Consumer Protection, Competition and Fraud Repression Directorate-General as its secretariat. The working procedures of CCC shall be determined by internal rules.

Ordinary and Extraordinary Meetings

CCC shall hold ordinary meetings at least four times a year. It can also hold an extraordinary meeting upon the invitation of the CCC Chairman. Both types of meetings will be chaired by the CCC Chairman. CCC shall make decisions by the majority of votes of its members present at the meeting. In the case of a tie vote, the Chairman shall have a casting vote.

CCC members who have conflict of interest must withdraw from the CCC meetings. Members who refuse to withdraw from the meeting on the belief that there is no conflict of interest must explain in the meeting the absence of such conflict, before CCC makes a decision.

Competition Case Committee

CCC may establish a Competition Case Committee to scrutinise and examine a specific competition case and request CCC to issue a decision. The Competition Case Committee reports to the CCC and shall comprise at least three members and not more than five members.

If you have any queries on the above, please feel free to contact our team members below who will be happy to assist.

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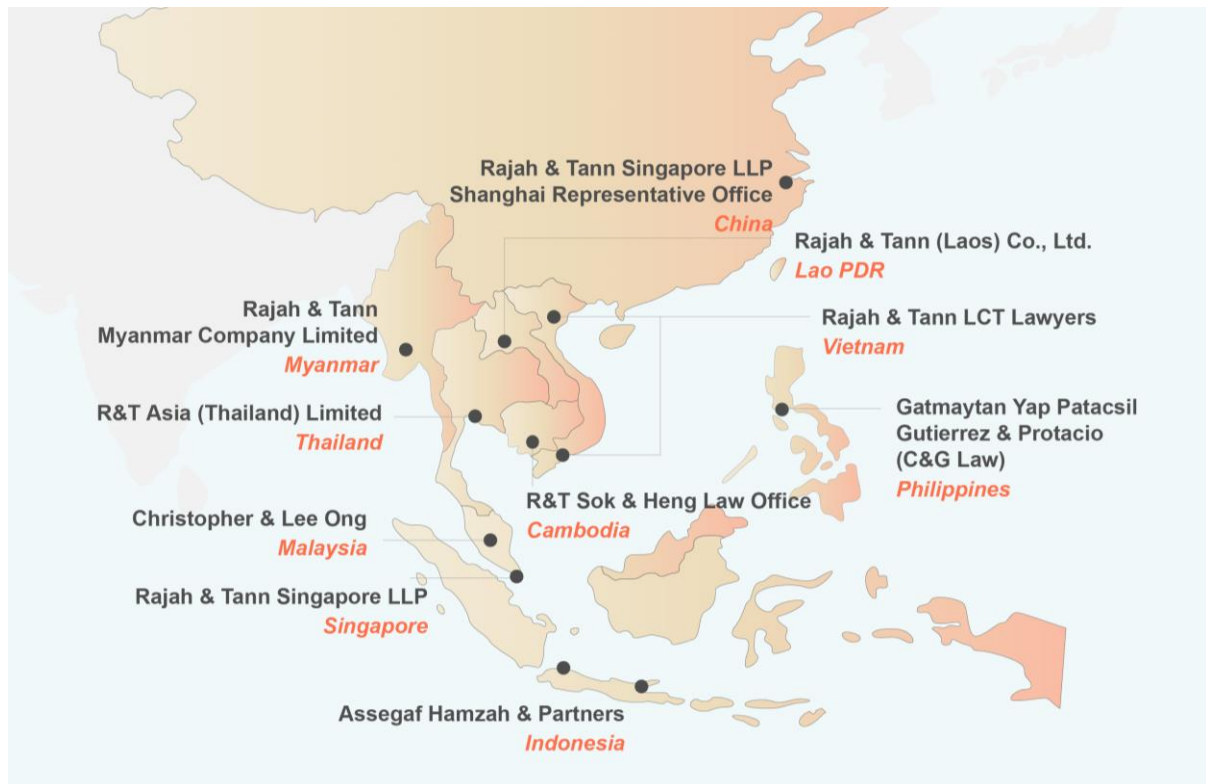
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