
Technology, Media & Telecommunications

Key Aspects of Cambodia's New Sub-Decree on National Internet Gateway

On 16 February 2021, the Royal Government of Cambodia (“**RGC**”) issued Sub-Decree No. 23 on the Establishment of National Internet Gateway (“**Sub-Decree**”). The Sub-Decree aims to facilitate and manage internet connections for the enhancement of effective and efficient national revenue collection, protection of national security, and assurance of social order, culture, and tradition.

Key Takeaways from the Sub-Decree on the National Internet Gateway

Briefly, the Sub-Decree contains 11 chapters and 20 articles. The National Internet Gateway (“**NIG**”) includes the Domestic Internet Exchange (“**DIX**”) and the International Internet Gateway (“**IIG**”). The operator of NIG (“**NIG Operator**”) shall apply for and obtain a licence from the Telecommunication Regulator of Cambodia (“**TRC**”). Both DIX and IIG must be operated in Phnom Penh, Sihanoukville Province, Poi Pet City, and Bavet City, and other areas to be identified by the Ministry of Post and Telecommunications (“**MPTC**”). Any approval/permit on the cross-border physical connection issued prior to 16 February 2021, which is the effective date of the Sub-Decree, shall be abrogated after 12 months from such effective date of the Sub-Decree, except the rights granted under the Licence of the Operation of International Telecommunications Gateway and the Licence of Submarine Cable Landing Station Operation.

The Sub-Decree also requires NIG Operators to cooperate with relevant authorities in ensuring that national revenue collection, safety, public order, dignity, culture, tradition and societal customs are maintained. To this end, NIG Operators are required to monitor traffic data consistently and submit traffic data reports to MPTC and TRC on a regular basis.

Six Significant Aspects of the New National Internet Gateway

We highlight six significant aspects of the Sub-Decree.

I. Scope of the Sub-Decree

The Sub-Decree applies to all infrastructures, network operations and internet service operations in Cambodia.

II. NIG Operators and their Duties

The designation and approval of an entity as NIG Operator shall be determined by RGC upon the request of MPTC. The other conditions and eligibility requirements of the NIG Operators will be determined by MPTC.

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The NIG Operators shall perform the following functions and duties:

- manage and facilitate access connection and utilisation of infrastructure, networks, and internet services at all NIGs, including cross-border (land border) internet infrastructure;
- equip routers, switches and related technical equipment to ensure quality and security of network connections;
- connect and/or set up peering with operators of the NIG;
- provide status reports on quality and traffic of network connectivity to MPTC and TRC;
- cooperate with MPTC, TRC and relevant authorities to promote government revenue collection through e-commerce and other related online services;
- cooperate with MPTC, TRC and relevant authorities in blocking and disconnecting all network connections deemed to have negative impact on national revenue, national security, social order, morality, culture and the good traditions of Cambodia; and
- perform other functions as instructed by MPTC.

III. Obligation of Internet Service Provider and Concerning Persons – Set Up Connection to NIG

The obligation of the internet service provider and concerning persons¹ is to establish a connection and/or peering with DIX governed and operated by the NIG Operators. Operators licensed to operate the International Telecommunications Gateways, Submarine Cable Landing Station, or Satellite Ground Station and provide services in Cambodia shall set up their network connections to the NIG.

The Sub-Decree also provides a topology (set out at Annex 2 of the Sub-Decree) illustrating how the network connection to the NIG works. Moreover, telecommunications operators and concerning persons must use Autonomous System Numbers and internet peering networks for all internet connections and/or peering in Cambodia.

NIG Operators and telecommunication operators must ensure compliance with technical conditions and standards for internet network connections and traffic exchange in accordance with the Prakas of MPTC.

IV. Revenue Collection, Safety and Public Order Protection

NIG operators are required to cooperate with relevant authorities in maintaining effective and efficient national revenue collection, safety, public order, dignity, culture, tradition and societal custom, and preventing and suppressing crimes. Operators setting up connection with a NIG Operator must require their network users to fill in application forms for this purpose and provide clear identities and details in accordance with the applicable regulations.

¹ Concerning persons refer to telecommunications operators, content service providers, data centers, associations and other relevant institutions to connect and exchange data with each other through DIX either directly or indirectly.

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The Sub-Decree also imposes an obligation on NIG operators to report and monitor traffic data and submit monthly, quarterly, semesterly, third-quarterly, and annually traffic report within seven days after the end of each month, quarter, semester, third-quarter and year to both MPTC and TRC.

V. Penalties

TRC is empowered to enforce the Sub-Decree against any NIG Operators, telecommunications operators or related persons who fail to comply with any obligation set out in the Sub-Decree. Penalties include, but are not limited to, administrative penalty, suspension of or restriction on licenses, freezing of accounts, and taking necessary actions pursuant to related laws and regulations.

VI. Objection to the Penalties

Any person who does not agree with the decision on penalty under the Sub-Decree may file an objection request with MPTC within 30 days from receipt of the decision. The Minister of MPTC decides on the objection request within 45 days from receipt of the request.

The aggrieved party may challenge the decision of the Minister of MPTC and elevate the same to a competent court within 30 days from receipt of the decision.

If you have any queries on the above development, please feel free to contact our team below.

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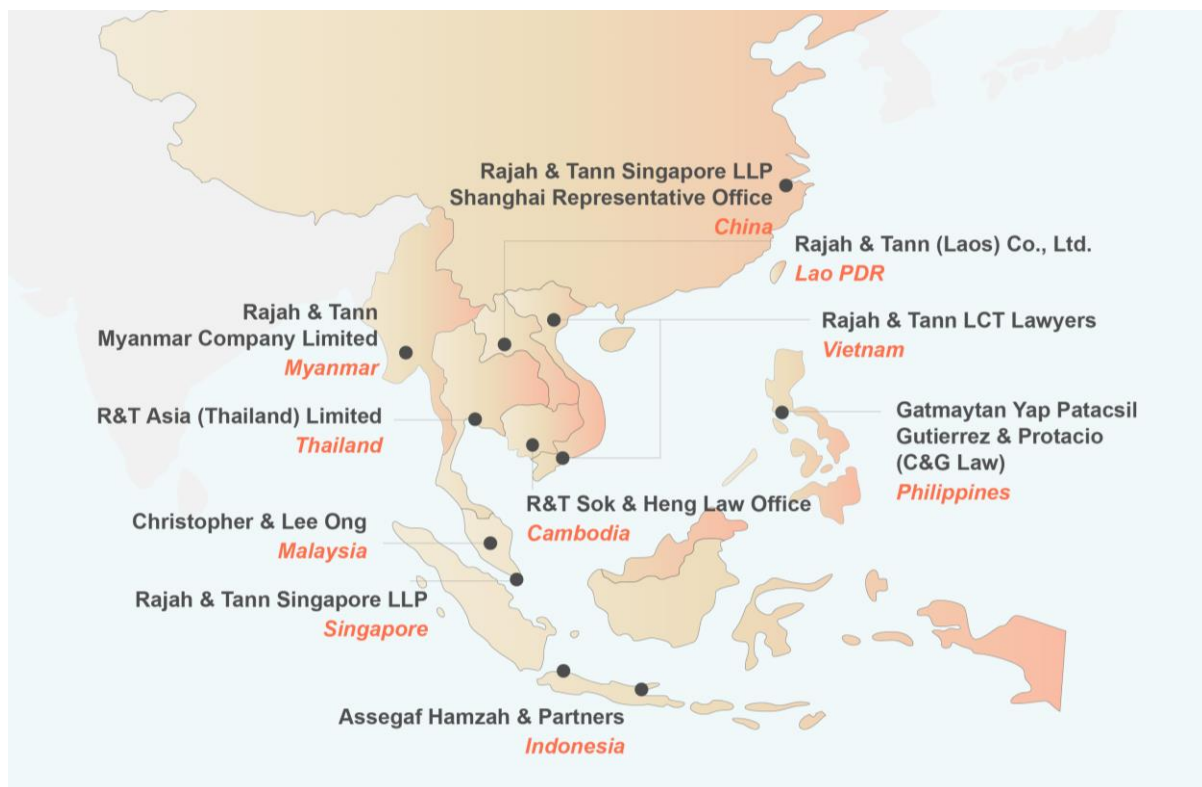
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