

**Kingdom of Cambodia
Nation Religion King**

**Royal Government of Cambodia
No. 135 ANKR.BK**

**Sub-Decree
on
the Organization and Functioning of
the National Committee for Consumer Protection**

Royal Government

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0918/925 dated 6 September 2018 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen 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 Royal Kram No. 02 NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram No. NS/RKM/0196/16 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Commerce,
- Having seen Royal Kram No. NS/RKM/1119/016 dated 2 November 2019 promulgating the Law on Consumer Protection,
- Having seen Sub-Decree No. 38 ANKR.BK dated 16 March 2020 on the Organization and Functioning of the Ministry of Commerce, and
- Referring to the Minister of the Ministry of Commerce's request,

**Hereby Decide
Chapter 1
General Provision**

Article 1-

This sub-decree defines the organization and functioning of the National Committee for Consumer Protection, abbreviated as "NCCP" with the purpose to encourage and promote the effective implementation of the Law on Consumer Protection and fair trade.

**Chapter 2
Composition, Roles and Duties of the NCCP**

Article 2-

The NCCP has the following composition:

- Minister of Commerce, Chair
- 1 representative of the Ministry of Commerce, Permanent Vice Chair
- 1 representative of the Ministry of Economy and Finance, Vice Chair
- 1 representative of the Ministry of Interior, Vice Chair
- 1 representative of the Ministry of Industry, Science, Technology and Innovation, Vice Chair
- 1 representative of the Ministry of Justice, Vice Chair
- 1 representative of the Ministry of Post and Telecommunications, Member

- 1 representative of the Ministry of Health, Member
- 1 representative of the Ministry of Agriculture, Forestry and Fisheries, Member
- 1 representative of the National Bank of Cambodia, Member
- 1 representative of the Council of Jurists of the Council of Ministers, Member
- Director General of the Consumer Protection, Competition and Fraud Repression Directorate-General, Member and Secretary

Number of the composition of the **NCCP** shall not exceed 15 (fifteen).

The actual composition of the **NCCP** shall be determined by the Royal Government's decision.

Article 3-

The **NCCP** has the following roles and duties:

- Develop and disseminate policies and strategic plans related to consumer protection
- Request the Royal Government to review or amend laws and regulations related to consumer protection if necessary
- Request for opinion or decision from the Royal Government on the implementation of the Law on Consumer Protection
- Examine and find a solution in case the provisions prepared by any competent regulator conflict with the provisions prepared by other regulators
- Provide advice to consumer associations and organizations related to consumer protection
- Examine and decide on the measures and procedures necessary for the implementation of the Law on Consumer Protection
- Coordinate cooperation and sign agreements with competent regulators in various sectors or development partners related to consumer protection in the national, regional and international frameworks
- Establish ad hoc working groups to implement any necessary work and may invite representatives of relevant ministries and institutions to participate
- Examine and resolve complaints or cases initiated by the **NCCP** itself related to consumer protection
- Issue a decision to re-disclose information and/or prohibit management functions to individuals who violate the law, as well as impose various administrative sanctions at the request of the competent regulator or the Consumer Protection, Competition and Fraud Repression Directorate-General
- Propose to the Minister of Commerce in determining acts of bad faith and unfair practices
- Decide to disseminate the written warning
- Provide consultation and cooperation with competent regulators in determining the content of information standards for consumers
- Request the Royal Government to set the date of National Consumer Protection Day, and
- Perform other duties assigned by the Prime Minister.

Chapter 3

The functioning of the NCCP

Article 4-

At the request of the concerned ministry and institution the chair of the **NCCP** submits a proposal to the Royal Government to appoint and terminate the role of the **NCCP** composition representing the ministry and institution.

Article 5-

Composition of the **NCCP** shall attend the **NCCP** meeting at least 4 (four) times per year and attend other meetings at the request of the **NCCP** chair.

Article 6-

Quorum for an **NCCP** meeting shall be present at more than half of the total **NCCP** composition.

In case the chair of the **NCCP** is absent, the chair may delegate the authority either to the permanent vice chair or any vice chair to lead the meeting.

The **NCCP** decides by a majority opinion of the **NCCP** members who are present. In the event of a tie, the vote of the **NCCP** chair shall prevail.

Article 7-

The **NCCP** work shall be determined by an internal rule.

Article 8-

The **NCCP** is entitled to use the logo and seal of the Ministry of Commerce.

Article 9-

The composition of the **NCCP** shall be appointed for a term of 5 (five) years per 1 (one) mandate and may be re-appointed.

The composition of the **NCCP** mandate may be terminated in any of the following cases:

- A. Membership is revoked by a 2/3 majority vote (two/third) of the **NCCP** members present in case that member is physically or mentally incapacitated to fulfill his or her role or behaves inappropriately as an **NCCP** member
- B. Convicted of crimes related to an unfair act or unfair practice or any misdemeanor or felony.

The **NCCP** composition representing a ministry and institution whose membership is revoked at the request of the concerned ministry and institution shall be replaced by a new membership of the proposed ministry and institution. In the event of a change of membership at the request of the concerned ministry and institution, the first 5 (five) year mandate shall continue to apply to the completed appointment without recalculation for the replaced membership.

Article 10-

The **NCCP** has the Consumer Protection, Competition and Fraud Repression Directorate-General “**CCF**” as secretariat.

Chapter 4

Roles and Duties of the NCCP Secretariat

Article 11-

The secretariat has the following roles and duties:

- Receive complaints and requests from consumers, consumer associations, competent regulators by sector and relevant persons
- Prepare for the **NCCP** draft decisions to disclose or re-disseminate information, and/or prohibit from managerial functions for a person who violates the laws as well as other administrative sanctions
- Represent the **NCCP** in court proceedings
- Disseminate documents, information, instructions and guidelines related to consumer protection policies and laws, including annual performance reports
- Maintain registration documents and permits of consumer associations by sector and other relevant documents
- Organize **NCCP** meetings and report on the results of the meeting to the chair and copy to all **NCCP** members
- Prepare annual budget for the work of the **NCCP**, and
- Perform other duties assigned by the **NCCP** chair.

Chapter 5

Resources and Financial Management

Article 12-

Resources and budget of the **NCCP** includes:

- **NCCP** resources are provided by the national budget, which is a separate budget within the Ministry of Commerce's annual budget
- **NCCP** has the right to receive, manage and use funds from legitimate sources and domestic and foreign financing cooperation.

In addition to the resources and budget as stated in the first paragraph above, the **NCCP** has other resources derived from transitional fines and other services as determined by an inter-ministerial Prakas between the Minister of Economy and Finance and Minister of Commerce.

Article 13-

The **NCCP**'s remuneration shall be determined by an inter-ministerial Prakas between the Minister of Economy and Finance and the Minister of Commerce.

Chapter 6 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, ministers of all ministries and heads of all relevant institutions shall be responsible for the implementation of this sub-decree in accordance with their respective duties from the date of signature.

Thursday the 9th Day of the waxing moon of the 10th
month, in the year of the Rat, To Sak, B.C. 2564

Phnom Penh, 27 August 2020

Prime Minister

Seal and Signature

Samdech Akka Moha Sena Padei Techo Hun Sen

Respectfully submitted to Samdech Akka Moha Sena Padei Techo Prime Minister
for signature

Minister of the Ministry of Commerce

Signature

Pan Sorasak

Receiving places:

- Ministry of 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 Deputy Prime Ministers
- As stated in Article 15
- Royal Gazette
- Documentation and archive