



KINGDOM OF CAMBODIA
NATIONAL RELIGION KING

ROYAL GOVERNMENT OF CAMBODIA

N°. 232 ANKR.BK

Sub-Decree

on

The Management of Commercial Advertising on Products and Services

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 Reshuffle of 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/0600/001 dated 21 June 2000, promulgating the Law on the Management on Quality and Safety of the products and services,
- Having seen the Royal Kram No. NS/RKM/1119/016 dated 02 November 2019, promulgating the Law on Consumer Protection,
- Having seen the Sub-Decree No.38 ANKR.BK dated 16 March 2020 on Organization and Functioning of the Ministry of Commerce,
- Having seen the Sub-Decree No.135 ANKR.BK dated 27 August 2020 on the Organization and Functioning of the National Commission for Consumer Protection,
- Referring to the request of the Minister of Commerce.

Hereby Decides
Chapter 1
General Provisions

Article 1.

This Sub-Decree sets out the mechanisms, formalities and procedures for the management of commercial advertising on products and services to protect consumers and promote fair competition.

Article 2.

This Sub-Decree applies to the commercial advertising on products and services in all forms and by all means, including by digital means in the Kingdom of Cambodia.

Article 3.

The following key terms used in this Sub-Decree shall have the meaning as defined hereunder:

1. **Commercial Advertising** refers to the public advertising or the advertising to any group of the public, in any form and by any means, in order to promote the supply of products or services or the sale or granting of real rights on real estate.
2. **Public Place** refers to a public place or building that the public can access.
3. **Product Sample** refers to products in small quantities that are offered to customers for free trial.
4. **Lucky Draw** refers to the lucky draw card that the supplier has attached with the products or services.
5. **Person Applying for Commercial Advertising** refers to a natural person or legal person that has applied for an advertising license from the relevant ministries, institutions and competent authorities.
6. **Flyer** refers to a card that suppliers and distributors provide as a notice or advertising of products and services for public display.
7. **Requirement for Commercial Advertising with Prize** refers to the specification of the total product that has prize, the type of prize, the total amount of the prize, the validity of the prize, the documents or information that is the obligation of the person applying for the advertising license on the products and services to be prized and or win prize to the relevant ministries, institutions and competent authorities.

8. **Compliance Certificate of Commercial Advertising** refers to the certificate issued by the CCF Directorate-General of the Ministry of Commerce to provide to the person applying for advertising in order to certify the accuracy of the text or scheme of the advertising or advertising spot in accordance with the Law on Consumer Protection or other applicable regulations in force.
9. **Souvenirs** refer to equipment, materials, or items that the supplier attached with products or services for free supply.
10. **Packaging** refers to all forms of external packaging on products such as caps, bottles, cans, boxes, bags, cases, including imported and domestic products.
11. **Advertising License** refers to the Prakas or permit or certificate authorizing advertising by the relevant ministries, institutions and competent authorities.
12. **Advertising text** refers to words, content, meaning, e-mail in text or voice, song, poem, chant, chapei, ayai, comedy, ringtone, short video, 3D 4D 5D animation, or other idioms intended to advertise the supply of products and services.
13. **CCF Directorate-General** refers to the Consumer Protection Competition and Fraud Repression Directorate-General of the Ministry of Commerce.

Chapter 2

Competent Institutions

Article 4.

The relevant ministries, institutions and authorities have the authority to issue advertising licenses in accordance with the laws and regulations in force.

The Ministry of Commerce has the authority to provide a compliance certificate of commercial advertising at the request of the person applying for commercial advertising in accordance with the provisions of this Sub-Decree.

Article 5.

The Ministry of Commerce has the authority to monitor and evaluate the compliance of advertising and take action against the fraudulent advertisements of products and services.

If necessary, the Ministry of Commerce shall cooperate with the relevant ministries, institutions and competent authorities.

Chapter 3

Types, Forms and Means of Commercial Advertising

Article 6.

The commercial advertising is divided into two categories: advertising without prize and advertising with prize.

Article 7.

The advertising with prize includes souvenirs and or lucky draws and other prizes attached with products and services.

The person applying for advertising shall make it easy for the winner to receive the real prize.

The person applying for advertising with prize are obliged to comply with the following requirements:

- Confirm the total products with the prize
- Type of prize and total amount of prize
- Validity of provision of prize
- Provide specific locations to be provided prize
- Provide documents or information on the identities of winner on a monthly and annual basis.

Article 8.

Forms and means of advertising on products and services include:

1. Audio-visual media includes: TV and all kinds of electronic media in the industry 4.0, including satellite TV, cable TV, satellite dish.
2. Electronic systems include: Websites, emails in text, voice or images, ringtones, social networks, applications on computer, mobile phones or other smart devices, internet explorer program.
3. Printing includes: Newspapers, magazines, newsletters, information card.
4. Audio broadcasting includes: Audio broadcasting of all kinds.
5. Audio and image storage of all kinds include: CDs, VCDs, DVD-VR, movies, videos, animations, 3D, 4D, 5D, and other culture shows.
6. Stage performance: Concert, art, entertainment show.

7. Display includes: LED screen, AFIS, billboards, dashboards, posters, banners, flyers, brand labels, other postings.
8. Flyers for products and services.
9. Discount sales, special discount sales, clearance sales and sales at a fixed price.
10. On the packaging of products.
11. In transportation centers and means of transportation.
12. In the meeting, workshop, training, press conference.
13. Public display of product sample images.
14. In educational institutions, sports centers, health institutions, religious institutions, business centers, entertainment centers, banking institutions and industrial institutions.
15. Public places.

Article 9.

Advertising text and form of advertising on products and services shall be expressed in Khmer language and letters, except:

1. The Marks or Tradename is available in a foreign language or foreign letters that cannot be substituted by Khmer language and letters.
2. Books, websites and print media are permitted to be published in Khmer and foreign languages, radio and television broadcasts in Khmer and foreign languages.

For advertisings containing both Khmer and foreign language, the Khmer font shall be twice the size of the foreign font and the foreign font shall always be placed below the Khmer font.

Chapter 4

Advertising License and Compliance Certificate of Commercial Advertising

Section 1

Advertising License

Article 10.

The person applying for advertising on products and or services shall apply for an advertising license in accordance with applicable laws and regulations in force.

Article 11.–

It is prohibited to advertise without an advertising license from the relevant ministries, institutions and competent authorities in case the advertising license is a condition in accordance with the laws and regulations in force.

Section 2

Compliance Certificate of Commercial Advertising

Article 12.–

The person applying for commercial advertising on products and or services may apply for a compliance certificate of commercial advertising on products and or services prior to the advertising process.

The Ministry of Commerce shall decide on the application for a compliance certificate of commercial advertising within 5 (five) working days after receiving the application.

The fee for applying for a compliance certificate of commercial advertising on products and or services shall be determined by an inter-ministerial Prakas between the Minister of Commerce and the Minister of Economy and Finance.

The formality and procedure of applying for a compliance certificate of commercial advertising text shall be determined by a Prakas of the Ministry of Commerce.

Article 13.–

The person applying for advertising or person authorized to administer advertisings intended to advertise his products and or services on public or private property shall obtain prior permission from the owner, occupier or manager.

Advertising on the site without the permission of the owner, occupier or manager, the person applying for advertising or the person authorized to administer the advertising shall be liable before the law.

Article 14.–

Compliance certificate of commercial advertising on products and or services issued by the Ministry of Commerce shall be valid for no more than one (1) year according to each text or spot of advertising.

The person applying for advertising may request the renewal of the compliance certificate of commercial advertising within 30 (thirty) days before the expiration date.

In case that there is a change in the advertising text or spot, the person applying for advertising may request a new compliance certificate of commercial advertising.

Chapter 5

Prohibition on Advertising

Article 15-

It is prohibited to advertise on products and services for where legal documents prohibit trade and or advertising.

The types of products and other services that are prohibited in advertising shall be determined by the relevant ministries, institutions and competent authorities.

Article 16-

Advertising without prize or with prize, in any form or by any means, shall not be false, misleading, deceptive, fraudulent or is likely to create a confusion about the quality and safety of products and services.

Article 17-

Advertising on products and services is prohibited as follows:

1. Disclose state secrets, endanger national independence, national defense, national security, national economy, international relations, national sovereignty, security and social order.
2. Affect the honor, national dignity, national flag, national symbol, national anthem, religious institution, the King, national institutions, national and international organizations, national heroes, national leaders and personal reputations.
3. Affect historical values, ethics, culture, customs, national traditions and religious beliefs.
4. Indicate racism, color, sex, language, religious beliefs, political tendencies, national origin, social status, resources or disability.
5. Encourage children to think, act, speak or behave contrary to tradition and ethics, adversely affecting children's health, safety or natural development.
6. Force other people to do advertising on their behalf without permission.
7. Hire a person to make false advertisings claiming to have received prizes or other benefits from products and services.
8. Take the content, form or text of someone without their consent.

9. Compare its own products and services with the intention of degrading or affecting the products and services of others.
10. Use the words such as the best, only one, number one, superior, unmatched or words with similar meanings without proper documents specified by the relevant ministries, institutions and competent authorities.
11. Affect the health and safety of the consumers.
12. Violate other relevant provisions in force.

Article 18-

It is not allowed to use advertising that harms public safety, traffic safety and social order.

Chapter 6

Penalties

Article 19-

Any person who advertises products and services in violation of the provisions of this Sub-Decree shall be subject to the following administrative sanctions:

- Written warning
- Suspension, revocation or cancellation of advertising licenses and or compliance certificate of commercial advertising
- Suspension, revocation or cancellation of a certificate of business registration, license or permit of business-services.

Written warning and suspension, revocation or cancellation of compliance certificate of commercial advertising is the responsibility of the Ministry of Commerce.

Suspension, revocation or cancellation of advertising licenses and or certificates of business registration, licenses or permit of business-services are under the jurisdiction of the relevant ministries, institutions and competent authorities.

The National Commission for Consumer Protection may request the relevant ministries, institutions and competent authorities to take action to suspend, revoke or cancel advertising licenses and or business registration certificates, permit of business-services and to suspend business temporarily in accordance with the laws and regulations in force.

In case that the person advertising on the products and services has received a written warning and has not made the necessary adjustments or continues to violate the provisions of this Sub-Decree, the investigating officers of the CCF Directorate-General of the Ministry of Commerce or officials of relevant ministries, institutions and competent authorities shall report to the Minister, the head of the institution and the relevant competent authority to issue a decision on the suspension, revocation or cancellation of the advertising license or the compliance certificate of commercial advertising and or the certificate of business registration, license or permit of business-services.

Article 20.

The relevant ministries, institutions and competent authorities may take further action for violations of the provisions of this Sub-Decree, including stopping the advertising, confiscating the screens, posters, billboards, banners, pictures, flyers, or any means for the promotion of other products and services as well as suspending of business operations temporarily.

Article 21.

The decision to impose administrative sanctions in accordance with the provisions of this Sub-Decree shall not be a barrier for accusation and criminal prosecution as well as civil liability in accordance with applicable laws and regulations in force.

Chapter 8
Final Provisions

Article 22.

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

Article 23.

The Minister in charge of the Office of the Council of Ministers, the Minister of Economy and Finance, the Minister of Commerce, the Minister of all Ministries and the heads of all relevant institutions shall be responsible for the implementation of this Sub-Decree according to their respective duties from the date of its signing.

Friday, the 11th Day of the waxing moon of the 12th month,
in the year of the Tiger, Chatvasak Sak, B.C. 2566

Phnom Penh, 4 November 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 23
- Royal Gazettes
- Documentation and Archive