

**Kingdom of Cambodia
Nation Religion King**



Ministry of Economy and Finance

No.: 168 SHV.PRK. ATC

Inter-Ministerial Prakas

on

**Imposition of Pecuniary Penalties on Person that Commits a Violation
under Law on Competition**

Deputy Prime Minister

Minister of Economy and Finance

Minister of Commerce

- 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 Cambodia;
- Having seen Royal Decree No. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Adjustment of the Composition of the Royal Government of Cambodia;
- Having seen 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 Royal Kram No. NS/RKM/0196/18 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- 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/0508/016 dated 13 May 2008 promulgating the Law on Public Finance System;
- Having seen Royal Kram No. NS/RKM/0822/010 dated 18 August 2022 promulgating the Law on Management of Non-Tax Revenue;
- Having seen Royal Kram No. NS/RKM/1109/022 dated 30 November 2009 promulgating the Criminal Code;
- Having seen Royal Kram No. NS/RKM/1021/013 dated 05 October 2021 promulgating the Law on Competition;
- Having seen Sub-Decree No. 43 ANKR.BK dated 28 February 2022 on the Organization and Functioning of the Ministry of Economy and Finance;

- Having seen Sub-Decree No. 38 ANKR.BK dated 16 March 2020 on the Organization and Functioning of the Ministry of Commerce;
- Having seen Sub-Decree No. 72 ANKR.BK dated 7 February 2018 on the Management of Non-Tax Revenue;
- Having seen Sub-Decree No. 37 ANKR.BK dated 17 February 2022 on the Organization and Functioning of the Cambodia Competition Commission;
- Having seen Sub-Decree No. 041 KY.PN.BRK dated 25 January 2023 on the Procedures for Imposition of Pecuniary Penalties on Violations under Law on Competition;
- According to the necessity of the Ministry of Commerce and Ministry of Economy and Finance.

Hereby Decides

Article 1.-

Violations under the Law on Competition and the corresponding pecuniary penalties imposed on Persons who commit such violations are categorized and listed, providing a clear prescription of the type of violation and the amount of pecuniary penalty according to each specific violation as follows:

Enumeration of Violation	Type of Violation	Amount of Pecuniary Penalty (Riel)
1	<p>Person that violates Article 8 by engaging in any of the following actions:</p> <ol style="list-style-type: none"> 1. Requiring a purchaser to resell purchased goods or services only within a defined geographical area; 2. Requiring a purchaser to resell purchased goods and services 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. 	<p>3% to 10% of the Person's total turnover during the period in which the violation occurred, with the maximum period not exceeding 3 years.</p>

Enumeration of Violation	Type of Violation	Amount of Pecuniary Penalty (Riel)
2	<p>Person that violates Article 9 by engaging in any of the following actions:</p> <ol style="list-style-type: none"> 1. Requiring or inducing a supplier or customer not to deal with any Competitor; 2. Refusing to supply goods or services to any Competitor; 3. Selling goods or services on the condition that the purchaser needs to purchase other goods or services separately, which are unrelated to the object of the contract; 4. Selling goods or services below the cost of production; or 5. Refusing any Competitor to use Essential Facility. 	3% to 10% of the Person's total turnover during the period in which the violation occurred, with the maximum period not exceeding 3 years.
3	Person that violates Article 11: Any Business Combination which has or may have the effect of significantly preventing, restricting, or distorting competition in the market in the Kingdom of Cambodia.	3% to 10% of the Person's total turnover during the period in which the violation occurred, with the maximum period not exceeding 3 years.

Article 2.-

Income generated from penalties and other pecuniary penalties imposed on Persons that commit violations under Law on Competition shall be considered as income of the Ministry of Commerce.

Article 3.-

Any provisions contrary to this Inter-Ministrial Prakas shall be abrogated.

Article 4.-

Chief of Cabinet, Secretary, Director General, Secretary General, Director of Department, and the Head of relevant institutions of Ministry of Commerce and Ministry of Economy and Finance shall implement this Inter-Ministrial Prakas from the date of this signature.

[Buddisht Date ...]

Phnom Penh, 29 March 2023

Deputy Prime Minister
Minister of Economy and Finance

Minister of Commerce
and Chairman of Cambodia Competition Commission

[seal and signature]

His Excellency Academician General Aun Pornmoniroth

[seal and signature]

PAN SORASAK

Recipients:

- Council of Ministers
- National audit authority
- Anti-Corruption Unit
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, His Excellency and Her Excellency Deputy Prime Ministers
- Municipal and Provincial Administrations
- As stated in Article 4
- Royal Gazette
- Documentation and Archive