



**Kingdom of Cambodia
Nation Religion King**

Unofficial Translation



**Ministry of Justice
No.: 041 KY.PN. BRK/23**

Ministry of Commerce

**Inter-Ministerial Prakas
on
Procedures for Imposition of Pecuniary Penalties on Violations
under Law on Competition**

Minister of Justice

Minister of Commerce

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RKT/0918/925 dated 06 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/0196/16 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Commerce;
- Having seen Royal Kram No. NS/RKM/0196/04 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Justice;
- 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. 38 ANKR.BK dated 16 March 2020 on the Organization and Functioning of the Ministry of Commerce;
- Having seen Sub-Decree No. 130 ANKR.BK dated 02 July 2022 on the Organization and Functioning of the Ministry of Justice;
- Having seen Sub-Decree No. 37 ANKR.BK dated 17 February 2022 on the Organization and Functioning of the Cambodia Competition Commission;
- According to the necessity of the Ministry of Commerce and Ministry of Justice.

Hereby Decides**Article 1.-**

This Inter-Ministerial Prakas sets out procedures for the imposition of pecuniary penalties to enhance the effective implementation of the Law on Competition.

Article 2.-

This Inter-Ministerial Prakas applies to all imposition of pecuniary penalties on violations stipulated in Article 35 of the Law on Competition.

Article 3.-

Cambodia Competition Commission (CCC) has the authority to impose pecuniary penalties on any Person that commits a violation under the Law on Competition.

Consumer Protection Competition and Fraud Repression (CCF), the implementing body of the CCC, is responsible for carrying out the procedures of imposition of pecuniary penalties on any Person that commits a violation under the Law on Competition.

Article 4.-

The investigative officers of CCF Directorate-General who are rehabilitated as judicial police have duties as follows:

- Take minutes of the offenses that have been penalized;
- Issue a record on the pecuniary penalties certificate;
- Issue an invoice for the pecuniary penalty in accordance with the CCC's decision on the imposition of pecuniary penalties;
- Receive the pecuniary penalty and issue a receipt to the Person that commits a violation if the payment is made in cash, cheque, or other means;
- Send a letter of reminder to the Person that commits a violation, notifying that the penalty shall be paid by the last due date;
- Make a report to the CCC on the payment of the pecuniary penalty;

- File a case with the competent court in accordance with the applicable procedures, in the event that the Person that commits a violation fails to pay the pecuniary penalty as stated in Article 6 of this Prakas.

Article 5.-

After receiving all relevant documents relating to the imposition of the pecuniary penalty from the investigating officer of CCF Directorate-General, the Person that commits a violation shall make a payment for the pecuniary penalty to the investigating officer of the CCF Directorate-General immediately or within 30 (thirty) days or in accordance with any decision of the CCC.

In the event that the Person that commits a violation fails to pay the pecuniary penalty and there is no appeal filed within the time frame specified in paragraph 1 of Article 7 of this Prakas, the investigating officer of the CCF shall notify the CCC and request that the CCC file a case with the competent court.

Article 6.-

Investigating officers of the CCF Directorate-General shall submit a notification letter and relevant documents relating to the imposition of the pecuniary penalty to the Person that commits a violation's home, head office, or place of conducting business in person or by mail, with a signature of the handover of the documents.

In the event that the Person that commits a violation refuses to receive the notification letter and relevant documents, or there is no owner or no representative, the investigating officer of the CCF Directorate-General shall stick the notice at their home, head office, or the place of conducting business and commune and district hall. All documents are acknowledged to be officially received by the Person that commits a violation once they are stucked.

Article 7.-

Any Person dissatisfied with the decision made by the CCC shall be entitled to submit an appeal to the CCC within 15 (fifteen) days from the date on which the Person was notified of the decision of the CCC. The CCC shall conclude the appeal no later than 30 (thirty) days from the date of receiving the appeal.

Any Person dissatisfied with the decision on the appeal against the decision issued by the CCC shall be entitled to file a grievance with the competent court within 30 (thirty) days from the date of receiving the decision on the appeal by the CCC.

Article 8.-

Ministry of Commerce shall issue a widespread public notice on the substance of this Inter-Ministerial Prakas and set up a site for receiving appeals or complaints against the imposition of a pecuniary penalty by the CCC.

Article 9.-

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

Article 10.-

Members of the CCC, Chief of Cabinet, Delegate of the Royal Government in charge as the Director General of the Consumer Protection, Competition and Fraud Repression Directorate-General, and the Head of relevant institutions shall implement this Inter-Ministerial Prakas from the date of this signature.

[Buddisht Date ...]

Phnom Penh, 25 January 2023

Minister of Justice

Minister of Commerce

[seal and signature]

KOEUT RITH

[seal and signature]

PAN SORASAK

Recipients:

- Council of Ministers
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, His Excellency and Her Excellency Deputy Prime Ministers
- National Audit Authority
- Anti-Corruption Unit
- Municipal and Provincial Administrations
- As stated in Article 10
- Royal Gazette
- Documentation and Archive