

**KINGDOM OF CAMBODIA**  
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**MINISTRY OF POSTS AND TELECOMMUNICATIONS (MOPT)**

No.: .....PC.....

**DRAFT LAW ON TELECOMMUNICATIONS**

**19 June 2014**

**(Internal Document)**

## CHAPTER I

### GENERAL PROVISIONS

- Article 1:** This law is aimed at:
- Ensuring the use of infrastructure and network as well as provision of telecommunication services with effectiveness, safety, security, quality, credibility and reasonable fee which responds to demand of social and economic development; and
  - Guaranteeing the development of telecommunication sector, governance, control of telecommunication operator, and legal, honest, and transparent competition to boost accumulation of national income and protect users.
- Article 2:** This law is aimed to identify:
- Authority of the Ministry of Posts and Telecommunications;
  - Establishment and functions and duties of Telecommunication Regulator of Cambodia;
  - Classifications and types of permit, certificate and license;
  - Control and use of telecommunication infrastructure, network, and services;
  - National telecommunication numbering plan and electronic address;
  - Standard, service quality and telecommunication equipment, telecommunication service fee, and legal and honest competition;
  - Universal service obligation and capacity building, and research and development;
  - Rights of telecommunication operators and users; and
  - Transitional fine and criminal penalty in telecommunication sector.
- Article 3:** This law is applied to all telecommunication operators in the Kingdom of Cambodia.
- Article 4:** Meaning of terms used in this law is defined in the glossary attached in annex of the law.

## CHAPTER II

### AUTHORITY OF THE MINISTRY OF POSTS AND TELECOMMUNICATIONS

- Article 5:** The Ministry of Posts and Telecommunications is hereafter referred to as **MOPT**. **MOPT** holds the following authorities:
- A. Control, supervise and monitor telecommunication operation in the Kingdom of Cambodia;
  - B. Control, supervise and monitor the use and development of telecommunication infrastructure and network;
  - C. Heighten and promote compliance with terms and conditions of this law;
  - D. Boost investment in telecommunication sector;
  - E. Control, supervise and monitor telecommunication service fee;
  - F. Promote establishment and use of universal service obligation program;
  - G. Give instruction and facilitate work related to telecommunication sector to individual or relevant stakeholders in telecommunication sector;
  - H. Impose transitional fine and suspend the provision and use of telecommunication services for any breach of law or any other applicable provisions;
  - I. Prepare any relevant provisions or judicial legislations as follow:
    - 1) Issuing permit, certificate or license for telecommunication operators, individual or relevant stakeholders in telecommunication sector;
    - 2) Revising, transferring, suspending and revoking permit, certificate or license;
    - 3) Building network among licensees;
    - 4) Setting standards for the use of infrastructure and network, and service provision in telecommunication sector as well as standards of telecommunication equipment;
    - 5) National telecommunication numbering plan and electronic address;
    - 6) National radio frequency plan including allocating, providing, revising, suspending and revoking frequency license;
    - 7) Legal competition and illegal competition among telecommunication operators, individual or relevant stakeholders in telecommunication sector;
    - 8) Control of internet system and services;
    - 9) Monitoring and resolution of any disputes related to telecommunication operation;
    - 10) Preparation of any relevant provisions or judicial legislations stipulated in this law or as necessary;
  - J. Fulfilling any other tasks as stated in this law or other provisions.
- Article 6:** Telecommunication service data or communication technology and information shall be under authority of **MOPT**. All telecommunication operators, individual or relevant stakeholders in telecommunication sector shall give telecommunication service data or communication technology and information to **MOPT**. Control of telecommunication service data or communication technology and information shall be determined by separate provisions of **MOPT**.
- Article 7:** To maintain national interest, security and stability and public order, the minister

of **MOPT** is entitled to command any relevant telecommunication operators, transfer control of telecommunication system to **MOPT** or install any necessary telecommunication equipment to ensure good control of telecommunication operation, both inside and outside the country, in accordance with decision made by the Royal government.

## CHAPTER III

### TELECOMMUNICATION REGULATOR OF CAMBODIA

#### PART I

#### ESTABLISHMENT OF TELECOMMUNICATION REGULATOR OF CAMBODIA

**Article 8:** Telecommunication regulator of Cambodia shall be established by this law. Telecommunication regulator of Cambodia is hereafter referred to as **TRC**.

**Article 9:** **TRC** is chaired by 01 (one) chairman and some members as necessary. **TRC** has a mandate of 03 (three) years.

Candidacy of chairman of **TRC** shall be selected and proposed by the minister of **MOPT** to the Prime Minister. Chairman of **TRC** shall hold a degree of tertiary education, be capable and have adequate and appropriate qualification to perform his/her obligations, and be at least 15-year experienced in one or several skills including telecommunication, information technology, law, public administration, economics and business as well as other expertise as required.

#### PART II

#### ROLES AND DUTIES OF TELECOMMUNICATION REGULATOR OF CAMBODIA

**Article 10:** **TRC** shall perform roles and duties with autonomy in fields of administration, regularization, and finance, and independence of operators in telecommunication sector.

**Article 11:** **TRC** has roles and duties as follow:

- A. Make regularization in compliance with policies on telecommunication sector;
- B. Report and give recommendations to the Minister of **MOPT** regarding any issued related to control, development and monitoring of telecommunication sector in the Kingdom of Cambodia including proposing amendment to law and other provisions;
- C. Grant, revise, suspend or revoke permit, certificate or license;
- D. Check application document for permit, certificate or license, and grant permission for any application which complies with terms and conditions of this law and other provisions;
- E. Examine any information document related to application for permit, certificate or license submitted to **TRC** to ensure compliance with terms and conditions of this law and other provisions by providing permission and file registration which meet defined terms and conditions;
- F. Supervise law enforcement by telecommunication operators, individual or relevant stakeholders in telecommunication sector based on the terms and conditions set in the law and take appropriate measures for any breach of this law or other provisions;
- G. Examine any information documents on cost control, financial reports and

financial information recognized by independent auditors as well as non-financial information submitted by operators, individual, or relevant stakeholders in telecommunication sector every fiscal year to ensure compliance with terms and conditions of competition set in this law and other provisions, except any further determination set by **MOPT**;

- H. Play a role as an institution to monitor and solve any disputes related to telecommunication operation in accordance with determination of this law and other provisions;
- I. For telecommunication operators, **TRC** shall:
  - 1) Examine and review any application for permit, certificate or license, and grant permission when applicants meet terms and conditions stipulated in this law and other terms and conditions;
  - 2) Examine and review, and grant permission for revising telecommunication operation rules which are granted with such permission;
  - 3) Monitor performance of telecommunication operators to ensure compliance with terms and conditions of permission granting as well as terms and conditions required by this law and other provisions
  - 4) Conduct investigation into any suspect in the offense of individual who is granted permission according to terms and conditions of permission granting or any terms and conditions required by law and other provisions, and take appropriate measures including suspension or revocation of permit, certificate or license;
- J. For individual or relevant stakeholders in telecommunication sector, **TRC** shall:
  - 1) Examine application for permit, certificate or license and grant permit, certificate or license if applicants have met terms and conditions set in this law and other terms and conditions;
  - 2) Examine performance of holder of permit, certificate or license as well as terms and conditions of technical and standard, service quality and telecommunication equipment which are all set in this law and other provisions;
  - 3) Examine compliance with terms and conditions of business set in this law and the Law on Commercial Enterprises as well as other provisions;
  - 4) Conduct investigation into any suspect in violation against terms and conditions of permit, certificate or license or breach of terms and conditions of this law by holder of permit, certificate or license, and take any appropriate measures such as suspension or revocation of permit, certificate or license;
- K. Take any appropriate measures permitted in this law to observe, seek and suppress illegal business which is against code of ethics, technical and standard terms and conditions, service quality and telecommunication equipment determined in this law and other provisions.

**Article 12:** In order to perform roles and duties as set in this law, Chairman of **TRC** bears authorities as follow:

- A. Manage staff and expert officials in charge of facilitating daily work in the

fields of administration and finance of **TRC**;

- B. Delegate authority to officers of **TRC** or grant authority to other people;
- C. In case chairman of **TRC** bases on proper reasons, and believes that there is violation as stipulated in this law or other provisions, chairman of **TRC** can assign his/her officers to conduct investigation into:
  - 1) Individual who is granted with permit, certificate or license;
  - 2) Relevant stakeholders in telecommunication sector;
  - 3) Other people as required.
- D. Gather evidence from individual or relevant stakeholders under investigation;
- E. Make immediate report on investigation result with recommendations to the Minister of **MOPT** to examine and make decision on taking any appropriate measures;
- F. Send the case to court to charge such breach;
- G. Conduct investigation into any performance of telecommunication operators, individual or relevant stakeholders in the use of infrastructure and shared network;
- H. Disseminate names and activities of individual or stakeholders who are guilty of offense as stated in this law and other laws;
- I. Suspend or revoke permit, certificate or license; and
- J. Some other authorities as stated in Chapter 12 of this law.

**Article 13:** The organization and functioning of **TRC** shall be determined by Sub-decree. **TRC** shall be provided with separate budget for personal expense.

## CHAPTER IV

### PERMIT, CERTIFICATE AND LICENSE

- Article 14:** No one can perform telecommunication operation, assign themselves individual or relevant stakeholders in telecommunication sector, except those who are granted with permit, certificate or license by **TRC** or Provincial Departments of Posts and Telecommunications in compliance with terms and conditions set in this law and other provisions.
- Provincial Departments of Posts and Telecommunications are authorized to grant, revise, suspend and revoke permit, certificate or license in compliance with what determined by **MOPT**.

### PART I

#### REQUIREMENTS OF APPLICATION FOR PERMIT, CERTIFICATE OR LICENSE

- Article 15:** Anyone who performs the following tasks shall apply for permission from **TRC** or Provincial Departments of Posts and Telecommunications:
- A. Running a business that provides internet services;
  - B. Sale and/or repairing of telecommunication equipment; and
  - C. Other operations to be determined by **MOPT**.
- Article 16:** Anyone who performs the following operations shall apply for certificate from **TRC** or Provincial Departments of Posts and Telecommunications:
- A. Production, supply, allocation and import of telecommunication equipment;
  - B. Being recognized and qualified as an agency to import telecommunication equipment;
  - C. Recognition of specific types of telecommunication equipment;
  - D. Publication of agenda book; and
  - E. Other operations to be determined by **MOPT**.
- Article 17:** Anyone who performs the following operations shall apply for license from **TRC**:
- A. Provision of telecommunication infrastructure and network services , and supporting infrastructure services to telecommunication sector;
  - B. Provision of voice, data and picture services as well as value added services through use of radio wave resources, national telecommunication numbering plan and electronic address, etc;
  - C. Provision of any services as stated in point (A) and (B) of this article with a view to serve interest of individual operators only; and
  - D. Other operations to be determined by **MOPT**.
- Article 18:** Anyone who receives instruction from **TRC** in accordance with point (A) of Article 25 of this law to comply with set terms and conditions or extra terms and conditions of license shall follow the instructions for a specific period determined by **MOPT**.
- Article 19:** Service fee of permit, certificate, license, telecommunication numbering, and other fees set in this law and other provisions shall be under the control of **MOPT**, except the fees to be transferred to **TRC** and Provincial Departments of Posts and Telecommunications.



## PART II

### PROCEDURE FOR APPLICATION FOR PERMIT, CERTIFICATE OR LICENSE

- Article 20:** An application for permit or certificate shall be in line with the following procedures:
- A. An individual can apply for permit or certificate so as to perform operation as stated in Article 15 and 16 of this law in compliance with the form, and terms and conditions determined by this law and other provisions.
  - B. **TRC** or Directors of Provincial Departments of Posts and Telecommunications may ask the applicants for additional information and may refuse to check that application until the applicants provide all necessary information.
- Article 21:** An application for license shall be made as following:
- A. An individual can apply for license to carry out operation as stated in Article 17 of the law in compliance with the forms, and terms and conditions determined by this law and other provisions; and
  - B. **TRC** may ask the applicant for additional information and may refuse to check that application until the applicants provide all necessary information.
- Article 22:** The granting, and terms and conditions of a permit or certificate shall be applied as following:
- A. **TRC** or Provincial Departments of Posts and Telecommunications can issue a permit or certificate for an applicant to carry out the operation as stated in Article 15 and 16 of the law if the applicant has already met with the terms and conditions determined by **MOPT**. Within the valid period of a permit or certificate, if the terms and conditions determined by **MOPT** are revised, the applicant who has already received a permit or certificate shall comply with the revised terms and conditions.
  - B. **TRC** or Provincial Departments of Posts and Telecommunications shall not refuse to issue a permit or certificate for the applicant without giving prior written notification and opportunity for applicant to explain.
  - C. In case **TRC** or Provincial Departments of Posts and Telecommunications issue a permit or certificate in line with above paragraph (A):
    - 1) A permit or certificate issued shall be under provisions and terms and conditions determined by the law and other provisions;
    - 2) A permit or certificate issued shall be under terms and conditions or any limitation as necessary together with terms and conditions limiting any kind of operation determined in a permit or certificate; and
    - 3) Within a valid period of a permit or certificate, **TRC** or Provincial Departments of Posts and Telecommunications can determine additional terms and conditions on a permit or certificate, and revise or revoke any terms and conditions after being approved by **MOPT**.
- Article 23:** The granting, and terms and conditions of a license shall be applied as following:
- A. **TRC** can issue a license for an applicant to carry out operation as stated in Article 17 of the law if the applicant has already met with terms and conditions determined by **MOPT**. Within valid period of a license, if the

terms and conditions determined by **MOPT** are revised, the applicant who has already received a license shall comply with the revised terms and conditions.

- B. **TRC** shall not refuse to issue a license for the applicant without giving prior written notification and opportunity to applicant to explain.
- C. In case **TRC** issues a license in line with above paragraph (A):
  - 1) The license issued shall be under provisions, and terms and conditions determined by this law or other provisions;
  - 2) The license issued shall be under terms and conditions or any limitation as necessary together with terms and conditions limiting any kind of operation determined in the license; and
  - 3) Within a valid period of a license, **TRC** can determine additional terms and conditions on a license or revise or revoke any terms and conditions after being approved by **MOPT**.

**Article 24:** **TRC** and Provincial Departments of Posts and Telecommunication shall make and keep a list of all permits, certificates or licenses which they issued in line with appropriate forms where specific information is listed. The form shall be determined in Sub-decree on the Organization and Functioning of **TRC** and in the provisions of **MOPT**.

### **PART III**

#### **SUSPENSION AND CONTRACT TRANSFER, SUCCESSION OR MERGING COMPANIES**

**Article 25:** Measures toward licensee are taken as follows:

- A. If **TRC** finds out that after being provided with a license under this Chapter, a licensee violates any terms and conditions of the license or those which are determined by this law and other provisions, **TRC** shall take the following measures:
  - 1) Orient the licensee to comply with the terms and condition or additional terms and conditions;
  - 2) Put a limitation on a license; and
  - 3) Suspend that license until the licensee fully complies with the terms and condition or additional terms and conditions.
- B. **TRC** shall not take measure as stated in above paragraph (A) without giving prior written notification on reason for such measure implementation and opportunity to a licensee to explain.

**Article 26:** A contract transfer, succession, or merging companies of all rights stated in permit, certificate, or license in Chapter 4 of this law shall be in line with procedures stated in the following provisions:

- A. Civil Code;
- B. Law on Insolvency;
- C. Law on Commercial Enterprises;
- D. Law on the Amendment to the Law on Investment in the Kingdom of Cambodia;
- E. Law on Taxation; and

F. Other provisions

A contract transfer, succession, or merging companies of all rights stated in permit, certificate, or license shall be in line with the same procedures of granting permit, certificate or license.

## CHAPTER V

### TELECOMMUNICATION INFRASTRUCTURE AND NETWORK

- Article 27:** Telecommunication infrastructure and network, and telecommunication sector supporting infrastructure shall be under control of **MOPT** based on applicable provisions.
- Article 28:** Telecommunication infrastructure and network shall be primarily used in space, on land, underground, and river and sea bed.  
The design for establishment of telecommunication system, urban center, housing center, industrialized zone, special economic zone and information and communication technology zone shall include a plan for establishment of telecommunication infrastructure and network as well.
- Article 29:** Location for serving public telecommunication services can be selected in train stations, public transport stations, ports, airports, border gateway, hospitals and other public places as determined by **MOPT**.

### PART I

#### LAND USE FOR TELECOMMUNICATION SERVICE PROVISION

- Article 30:** The marking of land, construction or building for installing, setting up, or using telecommunication infrastructure and network, or equipment shall be in line with provisions of civil code and other provisions.

### PART II

#### INTERCONNECTING AND USING JOINT NETWORK AND INFRASTRUCTURE

- Article 31** To ensure effectiveness of interconnection, network management and competition in telecommunication sector as stated in point (B) and (C) of Article 17 of this law, a licensee shall:
- A. Interconnect their telecommunication network with that of other operators;
  - B. Allow other licensees to use their telecommunication services as stated in point (A) of this article based on request with appropriate content, and terms and conditions without any discrimination and in line with standard, technology, service quality, transparency principle and reasonable fee.
  - C. Ensure the use of telecommunication services for other licensees by avoiding prevention, obstruction, or use of any means which implies what is stated in point (B) of this article.
  - D. Develop an agreement on interconnection in line with provisions on network connection among licensees.
  - E. Propose a request on the use of telecommunication services as determined in point (A) of this article to **TRC** in case both licensees do not agree. **TRC** is entitled to finalize decision on content, and other terms and conditions on which both licensees do not agree in line with provisions on definition of content, and terms and conditions of agreement determined by **MOPT**.

- F. Give written notification to **TRC** on permission or agreement within 15 (fifteen) days after agreement among relevant licensees is made.
- G. Provide written information related to point (A) of this article to **TRC** as requested by **TRC** as well as other information considered necessary by **TRC**.

**Article 32:** To ensure effectiveness of interconnection, network management, physical infrastructure and competition in telecommunication sector as stated in point (A) of Article 17 of this law, a licensee shall:

- A. Provide telecommunication infrastructure services and network and telecommunication sector supporting infrastructure services to a licensee as determined in point (B) and (C) of Article 17 of this law;
- B. Provide joint telecommunication infrastructure and network or equipment to licensees as stated in point (B) and (C) of Article 17 of this law; and
- C. Comply with provisions as stated in point (B) to (G) of Article 31 of this law.

**Article 33:** **TRC** shall make and keep a list of agreement on interconnection and **basic agreement** which licensees have issued in line with appropriate forms determined by this law or other provisions.

**Article 34:** **MOPT** shall take a leadership and facilitation role with the Ministry of Land Management and Urban Planning and Construction, the Ministry of Public Works and Transport, the Ministry of Environment, the Ministry of Industry and Handicrafts and the Ministry of Mines and Energy concerning a plan for physical infrastructure and joint network on telecommunication sector which need to be consistent with a plan for telecommunication infrastructure, energy supply, public lighting, drinking water supply, discharge of solid and liquid waste and other infrastructure plans.

**MOPT** shall disseminate a provision on use of physical infrastructure and joint network to telecommunication operators, individual or relevant stakeholders in telecommunication sector.

The Provincial Departments of Posts and Telecommunications shall develop a plan for physical infrastructure and joint network in telecommunication sector in line with instruction of **MOPT**.

**Article 35:** The use of infrastructure and joint network related to communication sector, telecommunication, energy supply, public lighting, drinking water supply, discharge of solid and liquid waste and other infrastructures shall be made effectively ensuring environmental protection, and public well-being and in line with urbanization plan.

The use of infrastructure and joint network related to communication sector, telecommunication, energy supply, public lighting, drinking water supply, discharge of solid and liquid waste and other infrastructures shall be determined by Sub-decree.

**Article 36:** **MOPT** shall develop additional provisions on interconnection and use of national and international networks and joint infrastructure.

### **PART III**

#### **STANDARD, SERVICE QUALITY AND TELECOMMUNICATION EQUIPMENT**

**Article 37:** MOPT shall develop a provision on **national telecommunication standard** and regulation on privatization between national and international standards related to **signal transmission system** and mutually complementary network and service quality and telecommunication equipment. **MOPT** shall issue a provision defining types of telecommunication equipment under national telecommunication standard.

## CHAPTER VI

### UNIVERSAL SERVICE OBLIGATION

- Article 38:** The Universal Service Obligation program is aimed at:
- A. Encouraging establishment and development of telecommunication network in Cambodia;
  - B. Promoting comprehensive provision of basic telecommunication services, value added communication service and emergency service to rural and remote areas; and
  - C. Promoting reduction of digital gaps so as to involve in social and economic development.
- Article 39:** **MOPT** shall make a provision on mechanism development toward achieving universal service obligation program. A mechanism defining universal service obligation include:
- A. Establishment of universal service obligation fund;
  - B. Obligation or terms and conditions stated in a license for licensee as determined in Article 17 of this law; and
  - C. Management, monitoring, supervision and evaluation of universal service obligation implementation.
- Article 40:** The universal service obligation fund can be obtained from inside or outside the countries.
- The telecommunication operators, individual, or relevant stakeholders in telecommunication sector shall jointly promote universal service obligation program through annual contribution of at least 01 (one) percent and 05 (five) percent at most of their gross income to universal service obligation fund.

## CHAPTER VII

### CAPACITY BUILDING, AND RESEARCH AND DEVELOPMENT

- Article 41:** The telecommunication operators, individual or relevant stakeholders in telecommunication sector shall have their own plan for capacity building, and research and development in line with advancement of regional and global technology.  
A provision on planning for capacity building, and research and development shall be additionally determined by **MOPT**.
- Article 42:** The telecommunication operators, individual or relevant stakeholders in telecommunication sector shall jointly promote capacity building, and research and development through annual contribution of 01 (one) percent of their gross income to the fund for capacity building, and research and development. **MOPT** is entitled to revise the amount of this contribution based on advancement of regional and global technology as necessary.
- Article 43:** Management of the fund for capacity building, and research and development shall be determined by **MOPT**.



## **CHAPTER VIII**

### **MANAGEMENT OF RADIO SPECTRUM RESOURCE**

**Article 44:** The radio spectrum resource shall be under the control of **MOPT**. The organization, management and allocation of radio spectrum resource shall be determined by separate laws.

## CHAPTER IX

### ARRANGMENT OF NATIONAL TELECOMMUNICATION NUMBERING PLAN AND ELECTRONIC ADDRESS

- Article 45:** **MOPT** is competent in controlling national telecommunication numbering plan and electronic address in the Kingdom of Cambodia. The management and determination of national telecommunication numbering plan, allocation of telecommunication numbering and provision of telecommunication numbers including telecommunication number for emergency unit and management of electronic address shall be made in line with this law and other provisions. **MOPT** can revise national telecommunication numbering plan where required.
- Article 46:** **TRC** shall guide and disseminate national telecommunication numbering plan and electronic address to telecommunication operators, individual, or relevant stakeholders in telecommunication sector concerning the following points:
- A. An allocation of telecommunication numbering and telecommunication numbers as well as electronic address;
  - B. The transfer, returning or revocation of telecommunication numbering and telecommunication number as well as electronic address;
  - C. The fee on telecommunication numbering and telecommunication number as well as electronic address; and
  - D. Other additional points to be determined by **MOPT**.
- Article 47:** **TRC** shall guide and disseminate telecommunication number and electronic address to users related to the following points:
- A. Use of telecommunication number and electronic address;
  - B. Maintenance of telecommunication number and electronic address in case there is a change to electronic address;
  - C. The transfer of telecommunication number and electronic address; and
  - D. Other additional points to be determined by **MOPT**.
- Article 48:** **MOPT** shall determine the allocation of and approve of transferring telecommunication numbering and telecommunication number as well as electronic address among licensees as stated in point (B) and (C) of Article 17 of this law. The allocation and approval shall be in line with transparent and non-discriminatory principle.
- Article 49:** **MOPT** shall establish and maintain national telecommunication numbering plan and telecommunication numbering as well as electronic address and a list of licensees as stated in point (B) and (C) of Article 17 of this law. This form shall be determined by **MOPT**.  
**TRC** shall publicly disseminate national telecommunication numbering plan and a list as stated in Paragraph 1 of this article.

## CHAPTER X

### TELECOMMUNICATION SERVICE FEE AND COMPETITION

- Article 50:** MOPT is competent in controlling, monitoring and evaluating telecommunication service fee to ensure legal and honest competition.
- Article 51:** To control, monitor and evaluate telecommunication service fee, MOPT shall develop juridical legislations based on the following points:
- A. Policy and provision on competition as well as other provisions;
  - B. Cost, financial report and financial information recognized by independent auditors and non-financial information submitted by operators, individual or relevant stakeholders in telecommunication sector; and
  - C. Other points to be determined by MOPT.
- Article 52:** TRC shall disseminate judicial legislation on telecommunication service fee with the following contents:
- A. Telecommunication service fee and other fees among licensees;
  - B. Telecommunication service fee and other fees between licensees and users;
  - C. Formula to calculate telecommunication service fee and form of cost delivery of such service; and
  - D. Form of telecommunication service discount which needs to be in line with transparent, fair and appropriate principle.
- Article 53:** MOPT is entitled to revise judicial legislation on telecommunication service fee where required.
- Article 54:** A licensee shall not determine telecommunication service fee which is lower than its cost as stated in point (C) of Article 52 of this law. In case there is any contradiction, a licensee shall be convicted in line with Article 85 of this law. A licensee shall provide emergency services without any charge. TRC shall take additional measures as stated in Article 63 of this law in order to ensure legal and honest competition.
- Article 55:** A licensee shall:
- A. Publicly disseminate a list of telecommunication service fee as determined in point (C) of Article 52 of this law; and
  - B. Publicly announce other telecommunication service fee including a change or revision to the fee as stated in point (B) of Article 52 of this law.
- Article 56:** MOPT is competent in controlling, monitoring, supervising and evaluating legal competition in telecommunication market. To ensure legal and honest competition, MOPT shall guarantee compliance with the following terms and conditions:
- A. Help users to get reasonable service fee with good quality and many choices;
  - B. Support a transparent and equal relation among permit, certificate, or license holders;
  - C. Prevent permit, certificate, or license holders from losing any interest from illegal and dishonest competition; and
  - D. Other terms and conditions for competition determined by MOPT.
- Article 57:** The illegal competition in this law refers to any activities described as following:
- A. Merging company among licensees which implies illegal competition based

on monitoring and evaluation by **MOPT**.

- B. Agreement on providing exclusive rights to one or more licensees or any operation which aims at obtaining exclusive rights;
- C. All kinds and forms of offering subsidy except only when it is approved by other provisions based on monitoring and evaluation by **MOPT**;
- D. The use of commercial, technical, financial or non-financial confidential information of one or more licensees by one or more licensees or any individual of interest;
- E. A licensee does not provide technical information related to important equipment and commercial information to other licensees or any individual of interest;
- F. A licensee shows discrimination or refuses to provide service to one or more licensees, individual or relevant stakeholders in telecommunication sector or commercial partners or users excluding a gap from service provision quantity, size of network, service location, service period and other components determined by **MOPT**;
- G. Any prevention from integrating into telecommunication market by one or more licensees;
- H. Agreement among licensees so as to allocate telecommunication market or arrange irregular telecommunication services based on monitoring and evaluation by **MOPT**;
- I. The provision of service package and/or product or term-sale with illegal competition determined by **MOPT**; and
- J. Any activities determined in the provision on competition and other provisions.

**Article 58:** **TRC** shall give prior consent in line with what is determined by **MOPT** concerning company merging, company or shares buy-in of licensees after their request based on terms and conditions determined in this law and other provisions. In case one or more licensees experience financial crisis, **MOPT** is entitled to make a decision on company merging, company or shares buy-in of licensees as requested by **TRC**.

## CHAPTER XI

### RIGHTS OF OPERATOR AND USER

- Article 59:** To protect their benefits, operators have the following fundamental rights:
- A. Right to legal and honest competition in line with provision of this law and other provisions;
  - B. Right to involve in consultation concerning policy development and provisions for telecommunication sector development;
  - C. Right to determine the fee and settlement of telecommunication service from users in line with provision of this law and other provisions;
  - D. Right to take measures including service disconnection and/or suspension in case the invoice has not been paid or there is any violation against contract binding in line with provision of this law and other provisions;
  - E. Right to receive any compensation for any damage caused by users in case there is any violation against contract binding;
  - F. Right to association based on the Constitutional Law and other provisions; and
  - G. Any rights determined by other provisions.
- Article 60:** To protect their benefits, users have the following fundamental rights:
- A. Right to access quality telecommunication service and related information;
  - B. Right to protection concerning private information, security and safety of using telecommunication service;
  - C. Right to involve in consultation concerning policy development and other provisions related to telecommunication sector development;
  - D. Right to access settlement mechanism between users and holders of license, permit or certificate determined by this law and other provisions;
  - E. Right to receive compensation for any damage caused by operators, individual or relevant stakeholders in telecommunication sector in case there is any violation against contract binding;
  - F. Right to association based on the Constitutional Law and other provisions; and
  - G. Any rights determined by other provisions.

## CHAPTER XII

### DISPUTE SETTLEMENT

**Article 61:** Any parties of dispute in telecommunication sector shall submit the case to **TRC** for reconciliation before filing a complaint to the court except it is a criminal offense.

**Article 62:** After receiving a complaint, **TRC** shall inquire both parties concerning the objective and reason of dispute. **TRC** shall try to reconcile both parties in line with provisions of this law and other provisions.

The result of reconciliation shall be recorded by **TRC** with or without approval from both parties. The record shall be signed by **TRC** and all parties, and shall be copied for both parties.

Any agreement made before **TRC** is immediately leveraged.

In case reconciliation cannot be sought, both parties can suggest submitting such **incomplete record** to competent arbitration or filing a complaint to competent court. The statute of limitations for the case shall be submitted to competent arbitration or sued to competent court within 30 (thirty) days from the date of receiving such **incomplete record**. The right to file a complaint shall, otherwise, be abolished. The organization and functioning of arbitration in this law shall be complemented by **MOPT**.

The provision of this article shall not be applied to point (E) of Article 31 of this law.

**Article 63:** In addition to measures applied by **MOPT** under provision of this law, **TRC** can take the following measures:

A. In case there is violation against provision of this law or other provisions, **TRC** shall:

- 1) Issue a warning letter to an individual after being found committing violation against provision of this law or other provisions;
- 2) Command an individual to compensate any damage in line with provision of this law and other provisions based on offense committed by offender at a specific date after being found committing violation against provision of this law or other provisions;
- 3) Request to competent court to issue an order requiring an individual to implement the applicable provisions and compensate any damage defined by the court with discretion in making decision after being found committing violation against provision of this law or other provisions;
- 4) Impose transitional fine or administrative measures on individual after being found committing violation against terms and conditions stated in the law. Administrative punishment shall be additionally imposed by **MOPT**;
- 5) Temporarily suspend or terminate the work of general director, chief executive, management member or senior staff of legal entities that hold permit, certificate or license;
- 6) Select and empower individual with appropriate competence to

- supervise commercial activities or related activities of legal entities that hold permit, certificate or license. The individual shall report to **TRC** based on terms and conditions stated in contract with **TRC**; or
- 7) Restrict or stop specific or general activities conducted by legal entities that hold permit, certificate, or license even though those activities are conducted in compliance or non-compliance with terms and conditions of permit, certificate or license provided by **TRC**.
- B. In case **TRC** finds that permit, certificate or license holders become insolvent or have financial problem in line with evaluation by independent auditors, with prior consent from **MOPT**, **TRC** can exercise its power to appoint or suggest the court on appointing competent individual a temporary governor for controlling and re-organizing or going into liquidation with that legal entity in compliance with the Law on Insolvency of the Kingdom of Cambodia or other provisions. In case there is any contradiction between provisions of this law and those of the Law on Insolvency, the provision of this law shall be applied.

**Article 64:** In case **MOPT** delegates authority to Provincial Departments of Posts and Telecommunications to issue a permit or certificate, dispute settlement stated in this Chapter shall also be referred to Provincial Departments of Posts and Telecommunications.

**Article 65:** Procedures stated in Article 61, 62 and 63 of this law and service fee for dispute settlement shall be additionally imposed by **MOPT**.

**Article 66:** Any individual disproportionately affected by measures or any decision of **TRC** can file a complaint to competent court to revise that measure or decision. The procedure for filing a complaint shall be additionally imposed by **MOPT**.

## CHAPTER XIII

### PENALTY

**Article 67:** Officers of **MOPT** and **TRC** who are rehabilitated to be judicial police officers perform functions as stated in criminal procedure code on functions of judicial police officers.

**Article 68:** Any penalty related to offenses which are not stated in this law shall be under the implementation of criminal code.

Initiator, accessory, mitigating circumstance and aggravating circumstance shall be punished in the same form to criminal code.

**Article 69:** Determination of and imposing transitional fine is the competence of **MOPT**.

**Article 70:** There shall be a transitional fine from 50,000,000 (fifty million) Riels to 100,000,000 (one hundred million) Riels for the following actions:

- A. Publication of agenda books without certificate;
- B. Sale of telecommunication number without user's identification card;
- C. Tardiness in providing information about telecommunication service cost, financial reports, financial information recognized by independent auditors or non-financial information according to determination of **MOPT**; or
- D. Any other offenses determined by **MOPT**.

In case offender fails to pay transitional fine, **TRC** shall send the case to court upon consent from **MOPT** so that it can be solved by applicable procedures and provisions.

**Article 71:** Establishing, installing or revising telecommunication infrastructure and network, or establishing, installing, importing, and allocating telecommunication sector supporting equipment which affect public order or national safety and security shall be sentenced to imprisonment from 10 (ten) to 15 (fifteen) years and fined from 1,000,000,000 (one thousand million) Riels to 5,000,000,000 (five thousand million) Riels.

This offense shall not be applied to any institution or organization which is permitted by other laws.

**Article 72:** The use of telecommunication infrastructure and network or equipment which affects public order or national safety and security shall be sentenced to imprisonment from 05 (five) to 10 (ten) years and fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.

This offense shall not be applied to any institution or organization which is permitted by other laws.

**Article 73:** Establishing, installing, using or revising telecommunication infrastructure and network or equipment which cause cease, interrupt or interfere with telecommunication infrastructure and network, and system shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 74:** Any intentional destruction or damage to telecommunication infrastructure and network shall be sentenced to imprisonment from 05 (five) to 10 (ten) years and fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.



- Article 75:** Any unintentional destruction or damage to telecommunication infrastructure and network shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.
- Article 76:** Any use or allowing the other to use telecommunication services to avoid payment or to earn profit from the quantity of telecommunication service provision shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.
- Article 77:** Establishment of telecommunication technology system and information which are processed with telecommunication network in order to avoid payment or to earn profit from quantity of telecommunication service provision shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.
- Article 78:** Any violation against terms and conditions in article 15 and article 16 of this law shall be sentenced to imprisonment from 01 (one) week to 01 (one) month and/or fined from 10,000,000 (ten million) Riels to 20,000,000 (twenty million) Riels.
- Article 79:** Any violation against terms and conditions in article 17 of this law shall be sentenced to imprisonment from 05 (five) to 10 (ten) years and/or fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.
- Article 80:** Any interruption or threat to commit misdemeanor directly or indirectly through means of telecommunication even revealing or without revealing his/her identity shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.
- Article 81:** Any threat to commit crime directly or indirectly through means of telecommunication even revealing or without revealing his/her identity shall be sentenced to imprisonment from 05 (five) to 10 (ten) years and/or fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.
- Article 82:** Any eavesdropping, attempt to eavesdrop, or initiating someone to eavesdrop conversation, use of telecommunication network or system where he/she is not interlocutor or without eligible authority from **MOPT** shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels. This offense shall not be applied to any institution or organization which is permitted by other provisions.
- Article 83:** Producing, installing or allocating eavesdropping device through telecommunication network or system without permission shall be sentenced to imprisonment from 03 (three) to 05 (five) years and/or fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.
- Article 84:** Dissemination or acceptance to advertise in any form about telecommunication device and equipment which affect public order or national safety and security or cause a cease, interruption or interference with telecommunication network and

system determined by **MOPT** shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 85:** Dissemination of content or source of information without eligible authority from interlocutors or **MOPT** shall be sentenced to imprisonment from 05 (five) to 10 (ten) years and/or fined from 500,000,000 (five hundred million) Riels to 1,000,000,000 (one thousand million) Riels.

**Article 86:** Transfer of ownership or economic interest which is set in permit or certificate as stated in article 15 and 16 of this law without prior written consent from **MOPT** shall be sentenced to imprisonment from 06 (six) months to 01 (one) year and/or fined from 50,000,000 (fifty million) Riels to 100,000,000 (one hundred million) Riels.

Transfer of ownership or economic interest which is set in license as stated in article 17 of this law without prior written consent from **MOPT** shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 87:** Any violation against terms and conditions in certificate of telecommunication standard or equipment shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 88:** Any act as stated in article 54 and 57 of this law shall be deemed offense of illegal competition, and sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 89:** Any act against article 58 of this law shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 90:** Any violation against telecommunication technology standard or professional code of ethics in telecommunication sector as determined by **MOPT** shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 91:** Any refusal to provide information about cost, financial report and financial information recognized by independent auditors as well as non-financial information to **TRC** shall be sentenced to imprisonment from 01 (one) to 03 (three) years and/or fined from 100,000,000 (one hundred million) Riels to 300,000,000 (three hundred million) Riels.

**Article 92:** Any forgery of information about cost, financial reports, financial information and non-financial information to **TRC** shall be sentenced to imprisonment from 03 (three) to 05 (five) years and/or fined from 300,000,000 (three hundred million) Riels to 500,000,000 (five hundred million) Riels.

**Article 93:** For any offenses as stated in this law and other provisions, one or several penalties shall be imposed:

A. Prohibition against business transaction definitively or for a period of no longer than 05 (five) years if such offense is committed during the period of

- business transaction or occasion of business transaction;
- B. Prohibition against residence for a period of no longer than 10 (ten) years for crime and a period of no longer than 5 (five) years for misdemeanor;
- C. Prohibition against expatriate convict to come to and reside in territory of the Kingdom of Cambodia definitively or for a period of no longer than 05 (five) years;
- D. Seizure of device, equipment or any things which are used to commit offense or aimed for offense;
- E. Seizure of things or fund which are the aim of offense;
- F. Seizure of revenue or property earned from offense;
- G. Seizure of instrument, equipment and furniture in location where the offense is committed;
- H. Seizure of vehicle of convict;
- I. Closure of establishment which is used to plan offense or commit offense definitively or for a period of no longer than 05 (five) year;
- J. Prohibition against business transaction in public establishment or which is used by the public definitively or for a period of no longer than 05 (five) years;
- K. Expulsion from telecommunication market;
- L. Display of conviction decision for a period of no longer than 01 (one) month
- M. Display of conviction decision in press or any means of audio-visual communication for a period of no longer than 06 (six) months.

**Article 94:** For any offense as stated in this law and other provisions, legal entity shall be responsible for criminal proceedings committed by company or its representative for the interest of the legal entity. Such responsibility is no exception for the same offense.

**Article 95:** Any legal entity who committed offense as stated in this law and other provisions shall be charged with one or several penalties as follow:

- A. Winding up;
- B. Being put under investigation of the court;
- C. Being prohibited to do one or many activities;
- D. Expulsion from telecommunication market;
- E. Prohibition against public appealing for cost effectiveness;
- F. Seizure of things or fund which are the aim of the offense;
- G. Seizure of revenue or property earned from the offense;
- H. Dissemination of conviction decision in press or any means of audio-visual communication.

**Article 96:** Any attempt to commit misdemeanor as stated in this law shall be sentenced in the same form to above-mentioned misdemeanor.

## CHAPTER XIV

### TRANSITIONAL PROVISIONS

- Article 97:** Telecommunication operators, individual or relevant stakeholders in telecommunication sector shall comply with terms and conditions and fill out new application forms in accordance with this law and other provisions in order to receive permit, certificate or license within a period of 01 (one) year at **TRC** or Provincial Department of Posts and Telecommunications from the date this law comes into effect.
- Article 98: Telecommunication Regulator of Cambodia**  
**The Telecommunication Regulatory Unit of Cambodia** will become telecommunication Regulator of Cambodia after this law comes into effect. Such unit shall continue performing its roles and duties until Sub-decree on the Organization and Functioning of Telecommunication Regulator of Cambodia comes into effect.
- Article 99: Radio Frequency**  
For a period of 01 (one) year after this law comes into effect, radio frequency which has been controlled and used by telecommunication operators, individual, or relevant stakeholders in telecommunication sector and audio-visual sector and has been being controlled and used in aviation sector, navigation sector and coastal radios shall be given to **MOPT** in compliance with decision made by the Royal Government in order to arrange, control, and allocate it according to competent authority.  
Provisions set in above paragraph of this article shall not be applied to radio frequency which is set in separate laws.  
Before the law on radio communication comes into effect, the control and profit earned from radio frequency shall be determined by **MOPT**.
- Article 100: Telecommunication Numbering**  
For a period of 02 (two) years after this law comes into effect, telecommunication numbering shall be given to **MOPT** for new arrangement, control and allocation based on terms and conditions and procedures set in this law and other provisions.

## CHAPTER XV

### FINAL PROVISIONS

**Article 101:** Any provisions that contradict this law shall be considered null and void.

**Article 102:** After this law comes into effect, the following provisions shall be abrogated:

- Royal Decree No. NS/RKT/0312/175, dated 01 March 2012, on the Establishment of Telecommunication Regulator of Cambodia; and
- Sub-decree No. 140 OrNKR.BK, dated 06 September 2012, on the Organization and Functioning of the Secretariat of Telecommunication Regulator of Cambodia.

**Article 103:** This law shall be proclaimed as urgent.