



## LEGAL UPDATE

### FORMALITIES AND PROCEDURES FOR THE ISSUANCE OF INTERIM MEASURES AND/OR DECISIONS OF THE COMPETITION COMMISSION OF CAMBODIA

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#### OVERVIEW

On 22 February 2023, the Ministry of Commerce (MOC) issued Prakas No. 079 on Formalities and Procedures for the issuance of Interim Measures and/or Decisions of Competition Commission of Cambodia (CCC). This Prakas contains 13 Clauses with the clarification on the form and procedures when CCC issue interim measures and/or decision of the CCC under Cambodia Law on Competition.

#### PURPOSE

This Prakas aims to ensure fair competition and to promote economic growth by facilitating the implementation of the Law on Competition.

#### COMPETENT AUTHORITY

The CCC has the authority to issue interim measures against any alleged offenses under the Law on Competition. Whereas the Consumer Protection Competition and Fraud Repression Directorate-General (CCF) is responsible for implementation of the interim measures and/or decisions of CCC to the against alleged offenses.

#### PROCEDURES FOR INTERIM MEASURES

The CCC may issue the interim measure at the request of an investigating officer with reasonable grounds that a violation of the Law has occurred or will soon occur regarding to the agreement prohibits restrictions or distorts competition, arbitrary actions using market superiority and business integration (Article 7,8,9, and 11 of Law on Competition). The CCC deems it necessary to issue interim measures as stated in Article 24 of the Competition Law to resolve urgent issuance to prevent serious and irreparable damage to the economy or any individual or to protect the public interest in cases of emergency. In addition, The CCC can be ruled out from the interim measures as stated in the abovementioned at any time for reasonable grounds. On the other hand, all these interim measures shall expire upon the issuance of a decision on that case or within 01 (one) year from the date of issuance of the interim measures and may be re-issued with reasonable reasons.

## PROCEDURE FOR THE DECISION

After receiving a request from the Investigating officer of the CCF, once the investigation is completed, the CCC may issue a decision against the alleged offender. The decision will also include the period for fulfilling the obligations, penalties, and the date on which the decision expires. The decision will be made public.

## APPEAL

Any relevant Person(s) who is subject to the decision may, if he/she has any objection to the decision shall submit the appeal to CCC within 15 (fifteen) days upon the date received of the notice. Following that, the CCC shall decide to accept or reject within 30 (thirty) days from the date received of the appeal. The interim measure and/or decisions of the CCC can also be subject to the court within 30 (thirty) days upon the date received of the notice.

## INTERIM MEASURE APPLICATION

The Interim measures take effect immediately, despite the appealing. The decision can no longer be the subject of an appeal, if the period for which the petition has expired, and the final court has rejected the appeal.



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