

**Kingdom of Cambodia  
Nation Religion King**

**Cambodia Competition Commission  
No. 087 P.N.A.KBB.SSR**

**Decision  
On  
Requirements and Procedures of Exemptions  
under the Law on Competition  
Minister of Commerce**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0823/1981 dated 22 August 2023 on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Decree No. NS/RKT/0224/205 dated 21 February 2024 on the Additional Appointment of the Composition of the Royal Government 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 Ministry of Commerce;
- Having seen the Royal Decree No. NS/RKT/1021/013 dated 05 October 2021 promulgating of the Law on Competition;
- Having seen Sub-Decree No. 38 dated 16 March 2020 on the Organization and Functioning of the Ministry of Commerce;
- Having seen the Sub-Decree No. 37 ANKR.BK dated 17 February 2022 on the Organization and Functioning of the Cambodia Competition Commission;
- Having seen the Sub-Decree No. 60 ANKR.BK dated 6 March 2023 on the Requirements and Procedures for Business Combinations; and
- According to the necessity of the Ministry of Commerce.

**Hereby Decides**  
**Chapter I**  
**General Provisions**

**Article 1.- Purpose**

This Decision sets out the requirements and procedures for requesting exemption under the Law on Competition by the Cambodia Competition Commission (CCC) for agreements or activities that may prevent, restrict, or distort competition.

**Article 2.- Scope**

This Decision applies to any agreement or activity that may prevent, restrict, or distort competition in a market in the Kingdom of Cambodia but fulfills the requirements stipulated under Article 12 of the Law on Competition, regardless of whether the agreements or activities take place inside or outside the country.

**Article 3.- Definitions**

Key terms used in this Decision shall have the following meaning:

1. **Exemption Applicant** refers to legal or natural Person who requests an Exemption from the CCC for any agreement or activity that may prevent, restrict, or distort competition.
2. **Authorized Person** refers to the legal or natural Person who receives an Exemption from the CCC for any agreement or activity that may prevent, restrict, or distort competition.
3. **Exemption** refers to an Exemption granted by the CCC, as stipulated under Article 13 of the Law on Competition, to Exemption Applicants for engagement in any agreement or activity that may prevent, restrict, or distort competition.

**Chapter II**  
**Eligibility for Exemption**

**Article 4.- Request for Exemption**

Any Person, contemplating that any agreement or activity may violate Article 7, Article 8, Article 9, and Article 11 of the Law on Competition, is entitled to submit an Exemption Application to the CCC prior to engaging in such agreements or activities.

The Exemption Application for any agreement or activity stipulated under the above paragraph shall be determined by the CCC, with the Consumer Protection Competition and Fraud Repression Directorate-General (CCF) of the Ministry of Commerce, serving as the Implementing Body and Secretariat of the CCC, responsible for receiving and reviewing the Exemption Application, along with related documents and information, to report to the CCC and carrying out other roles and duties in accordance with applicable laws and regulations.

## **Article 5.- Requirements for Exemption**

Pursuant to Article 12 of the Law on Competition, the CCC may grant an Exemption if the agreement or activity fulfills the 4 (four) requirements as follows:

1. Provide significant and identifiable technological, social or economic benefits resulting from the any proposed agreement or activity. These benefits refer to economic efficiencies, specifically cost-related efficiencies (economics of scale) and qualitative efficiencies (improvement in quality, range or service, or the initiations of new technologies, technical advancements, or environmental and sustainable benefits).
2. The aforementioned advantages will not materialize in the absence of the proposed agreement or activity. To fulfill this condition, the Exemption Applicant shall demonstrate that the prevention, restriction, or distortion of the competition resulting from the proposed agreement or activity is reasonable and essential for realizing the identified benefits. In this case, the Exemption Applicant is obligated to verify that no alternative methods or means exist to attain the same benefits without imposing competition constraints.
3. The identified benefits shall significantly outweigh the effects caused by the prevention, restriction, or distortion of competition, and shall be highly likely to materialize within a time period of up to 1 (one) year. In this case, the Exemption Applicant shall also demonstrate that the consumers will receive a fair share of the identified benefits resulting from the proposed agreement or activity. These benefits shall at least compensate consumers for any actual or possible negative impact caused to consumers by the prevention, restriction, or distortion of competition.
4. There shall be no elimination of competition in any important aspect of goods or services.

The Exemption Applicant shall provide documents and information substantiating that the proposed agreement or activity fulfills the aforementioned conditions for an Exemption.

## **Chapter III**

### **Procedures of Exemption Requests**

## **Article 6.- Consultations**

An Exemption Applicant, seeking to request an Exemption from the CCC, may seek a consultation meeting with the CCF Directorate-General of the Ministry of Commerce, the Implementing Body and the Secretariat of the CCC, for guidance on the requirements and procedures to receive an Exemption before submitting the application to the CCC.

In this case, the CCF Directorate-General of the Ministry of Commerce, the Implementing Body and Secretariat of the CCC, may indicate the likelihood of an Exemption being granted to the Exemption

Applicant upon fulfilling the requirements stipulated under Article 5 of this Decision, without prejudice to any final decision of the CCC.

The request for consultation shall pay a fee that is determined by Inter-Ministerial Prakas between the Minister of Economy and Finance and the Minister of Commerce.

#### **Article 7.- Documents and Information for Exemption Application**

An Exemption Applicant shall submit the documents, information, and evidence to the CCC, demonstrating the ability to fulfill the requirements required for obtaining the Exemption, as stipulated under Article 5 of this Decision.

The request for an Exemption shall pay a fee that is determined by Inter-Ministerial Prakas between the Minister of Economy and Finance and the Minister of Commerce.

#### **Article 8.- Confirmation of Completeness or Incompleteness of Exemption Application**

Upon the receipt of the Exemption Application, the CCC has 15 (fifteen) working days to issue a notice to the Exemption Applicant regarding the completeness or incompleteness of the documents and information provided to the CCC.

In case of the incompleteness of the documents and information, the Exemption Applicant must provide any additional required documents and information within the prescribed deadline by the CCC. If the Exemption Applicant fails to submit the additional required documents and information within the prescribed deadline, the Exemption request shall be deemed null. In this case, Exemption Applicant can reapply for the Exemption.

#### **Article 9.- Collection of Documents and Information**

Upon confirmation of the completeness of documents and information submitted with the Exemption Application, the CCF Directorate-General of the Ministry of Commerce, the Implementing Body and Secretariat of the CCC, shall request approval from the CCC to publish a summary of the Exemption request on its official website and social media channels or other means determined by the CCC, specifying a deadline for third parties interested to provide additional comments.

The CCF Directorate-General of the Ministry of Commerce, the Implementing Body and Secretariat of the CCC, may consult with the Exemption Applicant's key competitors, customers, suppliers, or related Person for comments on the Exemption request.

#### **Article 10.- Preliminary Decision and Final Decision**

When the CCC intends to reject the Exemption request following the public consultation and preliminary examination, the CCC shall issue a preliminary decision to the Exemption Applicant by indicating the grounds underlying the rejection of the Exemption Application for the proposed agreement or activity.

In this event, the Exemption Applicant may submit a statement of defense in response to the preliminary decision within a deadline prescribed by the CCC.

Upon the receipt of the statement of defense from the Exemption Applicant, the CCC shall issue a notice to the Exemption Applicant to present their key counterarguments and substantiate their position in accordance with the designated location and date determined by the CCC.

The CCC may request additional documents and information before the issuance of a final decision.

The CCC shall issue the final decision within 30 (thirty) working days, subject to an extension of up to 10 (ten) working days, with a reasonable ground, either confirming the issuance of an Exemption or rejecting the Exemption request on the proposed agreement or activity after completing the aforementioned procedures.

## **Chapter IV**

### **Conditions of Granting Exemptions**

#### **Article 11.- General Conditions**

An Exemption granted by the CCC shall be subject to the general conditions as follows:

1. The Exemption is granted only to the Authorized Person for agreement or activity specified in the Exemption;
2. The Exemption is granted for a specified duration, which may be subject to renewal;
3. The Authorized Person shall surrender its Exemption when the authorized agreement or activity ceases or when the Exemption is no longer necessary;
4. Throughout the duration of the Exemption, any changes to the Authorized Person's name and contact details shall be reported promptly to the CCC.

#### **Article 12.- Specific Conditions**

The CCC may incorporate specific conditions in its final decision on the Exemption, including limiting the nature and the scope of the authorized agreement or activity and safeguarding mitigation of its anti-competitive impact.

An Authorized Person shall submit periodic reports as specified by the CCC, including an evaluation of its necessity, nature, scope, and safeguarding the mitigation of its anti-competitive impact, and the continuation of benefits to technology, social, or economic.

## **Chapter V**

### **Renewals and Changes of Exemption**

#### **Article 13.- Renewals of Exemption**

An Authorized Person may submit an application to the CCC for the renewal of an existing Exemption no later than 30 (thirty) working days before the expiration of the existing Exemption.

For the renewal of the Exemption, the Authorized Person shall submit the Renewal application, attached with the documents and information as follows:

1. A statement outlining objectives for the renewal;
2. Any changes to the situation and conditions from the existing Exemption;
3. A payment of service fee for the renewal request.

The Renewal of Exemption application for the agreement or activity stipulated under the above paragraph shall be determined by the CCC, with CCF Directorate-General of the Ministry of Commerce, the Implementing Body and Secretariat of the CCC, responsible for receiving and reviewing the Renewal of Exemption application, along with related documents and information, to report to the CCC and carrying out other roles and duties in accordance with applicable laws and regulations.

Upon receiving a complete Renewal application, the CCC shall evaluate the efficiency and necessity for renewing the existing Exemption and issue a decision within 30 (thirty) working days, subject to an extension of up to 15 (fifteen) working days with reasonable grounds.

If the CCC does not issue any decision on the Renewal of Exemption before the expiration, the existing Exemption will continue to be effective for an additional 180 (one hundred eighty) calendar days.

If the CCC intends to reject the Renewal request, the CCC shall notify the Exemption Applicant to provide a written ground to the CCC.

The CCC shall publicly announce its decision on the official website and communication channels or through other means determined by the CCC, subject to confidentiality considerations.

#### **Article 14.- Addition of Authorized Persons**

In cases where the Authorized Person intends to modify the scope of the existing Exemption by altering the composition of the natural or legal persons, such Person shall submit a new Exemption application to the CCC in accordance with the procedures stipulated under this Decision.

The CCC shall publicly announce its decision on the official website and social media channels or through other means determined by the CCC, subject to confidentiality considerations.

#### **Article 15.- Renewal and Modification of Its Scope**

An existing Exemption can be renewable or modifiable in its scope if the Authorized Person can demonstrate that the proposed Exemption operates in accordance with the purpose outlined in the existing Exemption, attached with the supporting documents and information.

### **Chapter VI**

#### **Modification or Revocation of Exemption**

#### **Article 16.- Grounds for Modification or Revocation of Exemption**

The CCC may modify or revoke an existing Exemption in the events as follows:

1. The Authorized Person has provided false, incorrect, or misleading documents and information to the CCC to receive the Exemption, renewal, or modification of the scope of the Exemption or in its periodic reports to the CCC;

2. The Authorized Person fails to comply with the conditions set by the CCC in the existing Exemption; or
3. The Authorized Person fails to fulfill the requirements stipulated under Article 5 of this Decision.

An existing Exemption will remain effective until a final decision on the modification or revocation has been made by the CCC.

#### **Article 17.- Proceedings for Modification or Revocation of Exemption**

Where the CCC has reasonable grounds for modifying or revoking an Exemption, the CCC shall issue a notice to the Authorized Person.

A final decision on the modification or revocation of the Exemption will be made in accordance with the procedure stipulated under Article 10 of this Decision.

### **Chapter VII**

#### **Enforcement and Treatment of Confidentiality**

##### **Article 18.- Enforcement**

The CCC shall commence enforcement proceedings against an Authorized Person in the event as follows:

1. That Person does not comply with the conditions as stipulated in the Exemption by the CCC;
2. That Person engages in any agreement or activity exceeding the scope of the Exemption, including prohibited and unexempted agreements or activities; or
3. Other reasons meriting revocation or modification of the Exemption determined by the CCC.

The aforementioned measures may include the requirement of the Authorized Person to discontinue all unlawful conducts or other measures stipulated under Article 37 of the Law on Competition. These measures will not interfere the CCC's ability to enforce the Law on Competition and other applicable provisions.

##### **Article 19.- Treatment of Confidential Information**

The CCC shall not disclose confidential information unless the disclosure complies with Article 23 of the Law on Competition.

The CCC shall publicly announce its decision on the official website and social media channels or through other means determined by the CCC, subject to confidentiality considerations. Exemption Applicants shall identify documents and information requiring confidentiality to the CCC when submitting the Exemption Application by:

1. Clearly identify any confidential documents and information;
2. Provide justification for the confidentiality request for the documents and information; and

3. Provide a separate non-confidential version of the documents and information.

## **Chapter VIII**

### **Final Provisions**

#### **Article 20.- Abrogation**

Any provisions contrary to this Decision shall be abrogated.

#### **Article 21.- Implementation**

Members of the Cambodia Competition Commission, Director of the Cabinet, Delegate of the Royal Government of Cambodia in charge as Director-General of the Consumer Protection Competition and Fraud Repression Directorate-General, and Heads of all relevant authorities shall be responsible for the implementation of this Decision in accordance with their respective duties from the date of signature.

*[Buddhist Date]*

*Done in Phnom Penh, 2 April 2024*

*Minister of Commerce*

*And Chair of the Cambodia Competition Commission*

*[seal and signature]*

**CHAM NIMUL**

#### **Recipients:**

- Council of Ministers
- Cabinet of Samdech Moha Borvor Thipadei Prime Minister
- Cabinet of Samdech, His Excellency Deputy Prime Ministers
- Municipal and Provincial Administrations
- As stated in Article 21
- Royal Gazette
- Documentation and Archive