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Information and Communications Technology

## Strengthening Measures for Enforcement of the Law on Telecommunications

To implement the regulations in the telecommunications sector more effectively, the Telecommunication Regulator of Cambodia (“**TRC**”) issued guideline No. 1606 dated 12 August 2020 on Strengthening Measures for Enforcement of the Law on Telecommunications (“**Guideline**”). The Guideline requires the telecommunication operators (“**Telecom Operators**”) to comply as follows:

1. Timely self-declare and pay the licence fees (allocated revenue), and contribute two percent of the Telecom Operators’ gross annual revenue to the Universal Service Obligation Fund and one percent to the Capacity Building, Research and Development Fund, and other relevant profits to the Ministry of Posts and Telecommunications (“**MPTC**”) in accordance with the Law on Telecommunications (“**LoT**”) and relevant regulations.

The Telecom Operators shall further self-declare and pay the regulatory fees and/or provide a monthly report on telecommunication service figures to TRC no later than the tenth day of the immediately following month.

2. Immediately interconnect with and provide relevant figures to the Telecom and Information Technology Data Management Center by the end of December 2020 for any Telecom Operator who has failed to comply with such obligations to interconnect and provide relevant figures in accordance with Article 6 of the LoT and Sub-Decree on the Establishment of Data Management on Telecommunication Services and Information Technology.
3. Telecom Operators who have unlawfully relaxed or are relaxing the flow of traffic and the size of their revenue, resulting in differences between the figures that they have self-declared for payment of allocated revenue and regulatory fees and the figures received by the Telecom and Information Technology Data Management Center must come forward to resolve the issue with MPTC accordingly. In the event that the Telecom Operator fails to rectify the problems, Articles 85 to 88 of the LoT on evasion of cash settlement obligation and exploitation over quantity of telecommunications services may be enforced.
4. Immediately cease the sale or distribution of SIM cards without requiring user’s identity and comply with Circular No. 001 dated 8 July 2009 of the Ministry of Interior and the MPTC on management of telecommunications businesses and usage of telecommunications services, and other guidelines issued by TRC.

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5. Immediately cease any unlawful competition and provision of telecommunication services without quality or integrity through different promotion packages that confuse users. Disconnections or blockage of the flow of traffic of other Telecom Operators are also prohibited.

All promotions or network disconnection of Telecom Operators shall first be approved by the TRC pursuant to applicable regulations.

6. Strictly comply with Guideline No. 1252 dated 30 June 2020 of the TRC for any amendment of the memorandum and articles of association, address, shareholder of the company, merger of the company, acquisition of the company or share, succession, pledge as security over rights conferred by relevant approvals. For more details, please refer to our Update titled "[TRC Issues Guidelines Requiring Telecommunication Operators to Seek Approval Prior to Certain Activities](#)".
7. Signing of agreement on interconnection or lease of networks or services must first be approved by TRC in accordance with Article 31 of the LoT and Article 5 of Prakas No. 206 dated 5 October 2009. Moreover, Telecom Operators shall provide any agreement on interconnection, lease of networks or services, and the basic agreements<sup>1</sup> that have been executed previously to TRC after the Guideline takes effect.
8. Immediately cease or remove any fraudulent installation, usage, or alteration of the telecommunications infrastructure network and equipment that illegally deliver or expand the telecommunications services in cities/provinces and along the border of the Kingdom of Cambodia.

Telecom Operators who have obtained applicable licences or permits for cross-border interconnection must affix identifiable logos and provide details on location, design, and technical data in relation to their network to TRC and the Provincial Department of Posts and Telecommunications.

Telecom Operators must obtain prior approval from TRC before establishing any cross-border network operation.

9. All Telecom Operators shall submit report on the telecommunication service cost base, service quality, and service and quality expansion master plan to TRC according to the below schedule:
  - First Semester Report: before the 15<sup>th</sup> day of July of each year; and
  - Second Semester Report: before the 15<sup>th</sup> day of January of each year.

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<sup>1</sup> Basic agreement refers to the legal documents or regulations which determine content and conditions on interconnection and the possibility of using the infrastructure and telecommunication network.

# Client Update: Cambodia

2020 SEPTEMBER

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From the effective date of this Guideline, 12 August 2020, Telecom Operators shall be held strictly responsible for any non-compliance with the Guideline.

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