

**Kingdom of Cambodia**

**Nation Religion King**

**Ministry of Commerce**

**No. 227 P.N.A.KBB.PRK**

Unofficial Translation

**Prakas**

**On**

**Formalities and Procedures of Negotiated Settlement**

**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/0918/925 dated 06 September 2018 on the Appointment of the Royal Government of Cambodia,
- Having seen the 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 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 on the Promulgation 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; and
- According to the necessity of the Ministry of Commerce.

**Hereby Decides**  
**Chapter I**  
**General Provision**

**Article 1: Purpose**

This Prakas sets out the formalities and procedures of negotiated settlement for offenses under the Law on Competition with the purpose of encouraging a quick and appropriate settlement procedure, ensuring flexibility with effective outcomes and can reduce the burden of expenses in an investigation.

**Article 2: Scope of Application**

This Prakas applies to the negotiated settlement on the offenses under the Law on Competition conducted between the Person under Investigation, Investigating Officer of the Consumer Protection Competition and Fraud Repression Directorate-General “CCF” and the Cambodia Competition Commission “CCC”.

**Article 3: Definition**

Key terms stated in this Prakas shall have the meaning as follows:

1. **CCF Directorate-General** refers to the Consumer Protection Competition and Fraud Repression Directorate-General.
2. **Incentive** refers to a deduction of the amount of financial penalty imposed on the Person under Investigation who has involved in cooperating and achieving the settlement through the negotiated settlement procedure.
3. **Investigating Officer** refers to the investigating officer of CCF Directorate-General who has been assigned to investigate offense under the Law on Competition.
4. **Commencement of the Investigation Procedure** refers to the commencement of the investigation procedure as set forth in Article 11 of the Prakas on Formalities and Procedure of Inspection and Investigation under Law on Competition.
5. **Investigation Report** refers to a written report prepared by the Investigating Officer at the completion of the Investigation as set forth in Article 15 of the Prakas on Formalities and Procedures for Inspection and Investigation under Law on Competition.
6. **Report on Negotiated Settlement** refers to the written report prepared by the Investigating Officer as a result of a negotiated settlement procedure.
7. **Person under Investigation** refers to any person suspected of violating the Law on Competition.
8. **Settlement Agreement** refers to an agreement established or signed by the Person under Investigation and any person affected by any agreement or activities that prevent, restrict

or distort competition conducted by the Person under Investigation, in which this settlement agreement will also include clauses concerning the amount of compensation that the Person under Investigation agrees to compensate to the affected person.

9. **Undertaking** refers to the document stipulated about the obligations, warranty, undertakings, and commitments of the Person under Investigation to the Investigating Officer as stipulated in Article 14 of this Prakas.

## **Chapter II**

### **Competent Authority**

#### **Article 4: Competent Authority to Conduct the Negotiated Settlement**

The Investigating Officer of the CCF Directorate-General, has authority to:

1. Receive an application for a negotiated settlement
2. Review, monitor, make concluding statement and evaluate the application for a negotiated settlement
3. Study the request and make recommendation on the application for a negotiated settlement and conduct the negotiated settlement procedures.

#### **Article 5: Incentive**

The CCC may decide to provide a deduction on the financial penalty to the Person under Investigation, who has cooperated and achieved settlement through the negotiated settlement. The incentives may be done by deducting the financial penalty in the amount or size as below:

- a. up to 25% of the pecuniary penalty if the Person under Investigation has voluntarily confessed the violation prior to or during the preliminary examination or prior to the submission of the investigation report to the Competition Case Committee by the investigating officer; or
- b. up to 15% of the pecuniary penalty if the Person Under Investigation has voluntarily confessed the violation prior to the submission of the review and research report to the CCC by the Competition Case Committee.

## **Chapter III**

### **Request and Decision on Negotiated Settlement**

#### **Article 6: Information on the Option to File a Request for a Negotiated Settlement**

During the preliminary examination or the investigation procedure, the Investigating Officer may inform the Person under Investigation of the option to file a request for a negotiated settlement procedure as provided under Article 25 of the Law on Competition.

## **Article 7: Application for a Negotiated Settlement**

Although there is no notification, the Person under Investigation may file a request for a negotiated settlement to the CCF Directorate-General before the Investigating Officer submits an Investigation Report or the review and research report is submitted to the CCC for a decision making.

The Application for a Negotiated Settlement shall be in the format attached in Annex I of this Prakas or otherwise determined by the CCC and shall be signed by the Person under Investigation or by a legal representative.

The submission of application requesting for a negotiated settlement procedure does not create a prejudice that the Person under Investigation is admitting his or her offences as suspected. Such submission also does not waive the liability or responsibility of the Person under Investigation that may be admitted or found during the negotiation or investigation procedure.

## **Article 8: Conditions for Approval or Disapproval of the Negotiated Settlement Request**

The request for negotiated settlement may be denied based on any of the following grounds:

- a. the suspected offense concerns a violation of Article 7 of the Law on Competition
- b. the Person under Investigation has a past history of violating Article 7, 8, 9 and 11 of the Law on Competition within the last 3 (three) years until the date of the request for negotiated settlement
- c. the Person under Investigation has a history of not acting in compliance with the previous decision(s) of the CCC
- d. the case under investigation could result into a criminal case; or
- e. any other provisions that may be determined by the CCF with reasonable grounds for disapproval.

## **Article 9: Decision on the Negotiated Settlement Application**

At the receipt of the Application for a negotiated settlement, the Investigating Officer shall study the matter and make a concluding statement to the CCF Directorate-General on whether or not to accept the application and permit a negotiated settlement in accordance with the Article 8 of this Prakas. The Concluding Statement on the Application for Negotiated Settlement shall be made in accordance with the format as attached in Annex II of this Prakas.

The CCF Directorate-General has full discretion to decide whether or not to permit a negotiated settlement by taking into consideration the concluding statement made by the Investigating Officer.

The decision on the Application for a Negotiated Settlement shall be notified to the Person under Investigation, other relevant parties, and published in the website of the CCF or any other means as determined by the CCC. The decision on the Application for a Negotiated Settlement which publicly

published shall exclude any relevant information that may be considered as confidential in accordance with the Law on Competition.

## **Chapter IV**

### **Negotiated Settlement Procedure**

#### **Article 10: Conduct of Negotiated Settlement Procedures**

In addition to the information to be disclosed to the Person under Investigation as stated in Article 11 of this Prakas, during the negotiated settlement procedure, the Investigating Officer may discuss with the Person under Investigation on the following matters:

1. Agreement or Anti-Competition Behavior that prevents, restrict or distort the competition which breach of the Law on Competition and other regulations
2. The specific details of the corrective action that will and needs to be taken by the Person under Investigation and/or his or her company or business to remedy the harm caused by the conduct;
3. Details of redress which is the payment of compensation or reimbursement to consumers and any affected person where appropriate including but not limited to a mechanism to determine and audit the outcome; and
4. Firm future actions aimed at preventing a recurrence or any other breach of the Law on Competition including timeframes and other details.

At all times, the Investigating Officer shall ensure that the conduct of the negotiated settlement procedure is transparent, accountable, and fair.

#### **Article 11: Information Disclosed to Person Under Investigation**

During the negotiated settlement procedure, the Investigating Officer shall disclose information to the Person under Investigation as the following:

1. The facts alleged against the Person under Investigation
2. The gravity and duration of alleged infringement
3. The attribution of liabilities
4. The evidence and non-confidential case files, as requested by the Person under Investigation
5. The estimation of the possible fines that may be subject to the decision of the CCC.

#### **Article 12: Reporting and Submission of Settlement Agreement**

At any time during the negotiated settlement procedure, in the event that the Person under Investigation has entered into any Settlement Agreement with any person, who is or may be affected

by the Suspected Anti-Competition Agreement or Behavior of the Person under Investigation, the Person under Investigation shall disclose such information and agreement to the Investigating Officer.

Such Settlement Agreement may be used by the CCC to determine the amount of fine and compensation appropriate to be provided to the other person affected by the Suspected Anti-Competition Agreement or Behavior of the Person under Investigation.

### **Article 13: Negotiation Meetings and Communications**

The negotiated settlement may be conducted through meetings or written communication between the Investigating Officer, the Person under Investigation, any person affected by the Suspected Anti-Competition Agreement or Behavior.

The written communication shall be made through electronic communication or written letter to the electronic addresses, or any addresses as agreed preliminary by the Investigating Officer, the Person under Investigation, any person affected by the Suspected Anti-Competition Agreement which prevent, restrict or distort the Competition.

The invitation for meeting shall be initiated either by the Investigating Officer or the Person under Investigation. The notice of meeting shall be accompanied by the agenda and supporting documents to all parties at least 7 (seven) working days prior to the date of the meeting. The Investigating Officer shall make minutes of meeting to be signed by the participants in the meeting.

In circumstance that the participants in the meeting do not agree to sign on the minutes of meeting as required under this Article, the Investigating Officer shall make a note such circumstance and reason on such minutes of meeting.

The invitation for meeting may be deferred to another date for not later than 7(seven) working days upon the pre-determined date if there is any request made by the Investigating Officer or the Person under Investigation.

In case the Person under Investigation is absent from any meeting for two times consecutively without proper justification, the negotiated settlement procedure shall be closed and shall be determine as an unsuccessful negotiated settlement procedure as stated in Article 17 of this Prakas. The Investigating Officer shall prepare a report on unsuccessful negotiated settlement procedure in accordance to the format as attached in Annex VI of this Prakas to submit to the CCC and the investigation procedure will kick start or resume.

The meetings or communications for negotiation shall come to an end within 120 (one-hundred and twenty) working days upon the date of the first meeting or the first written communication on the negotiation.

### **Article 14: Submission of Undertaking**

At the end of the negotiation meetings and communications, the Person under Investigation has a period of 15 (fifteen) working days to submit his or her undertaking.

The Undertaking shall be made in a written form in accordance with the template attached in Annex III of this Prakas or otherwise determined by the CCC, signed by the Person under Investigation or its representative, and shall include the following information:

1. An acknowledgment or admission from the Person under Investigation that is Suspected Anti-Competition Agreement or Behavior which prevent, restrict or distort the Competition.
2. A positive commitment to cease the Suspected Anti-Competition Agreement or Behavior which prevent, restrict or distort the Competition and not to recommit it;
3. The specific details of the corrective action that will be taken by the Person under Investigation and/or his/her business to remedy the harm caused by the Suspected Anti-Competition Agreement or Behavior which prevent, restrict or distort the Competition;
4. Details of redress in the form of payment of compensation or reimbursement to the affected person and other related person where appropriate including but not limited to a mechanism to determine and audit the outcome;
5. Other measures as appropriate in accordance with Article 37 of the Law on Competition;
6. The future actions of the Person under Investigation aimed at preventing a recurrence or any other breach of the Law on Competition (such as an internal compliance and/or training program) including but not limited to timeframes and other details;
7. The positive reporting requirements from the Person under Investigation to the CCC that may include:
  - a. A report as to when the Person under Investigation and/or his/her business has satisfied its undertaking obligations; and
  - b. The provision of information and documentation by the Person under Investigation to the CCC to verify that it has in fact satisfied its undertaking obligations; and
8. The acceptance and acknowledgement that the Undertaking can be made publicly available.

The undertaking shall not include any of the following content:

- a. A denial that the Suspected Anti-Competitive Agreement or Behavior which prevent, restrict or distort the Competition;
- b. Any terms that impose obligations on third parties;
- c. Any terms that has the intention for possible non-compliance; or
- d. A requirement for the Investigating Officer or the CCC not to initiate any proceeding against the Person under Investigation in the future.

The Undertaking submitted by the Person under Investigation shall not be used as evidence or shall not be relied on by an Investigating Officer in an investigation procedure in the event of an Unsuccessful Negotiated Settlement Procedure.

#### **Article 15: Investigating Officer's Preliminary Review on the Undertaking**

Within 15 (fifteen) working days after the receipt of the Undertaking submitted by the Person under Investigation, the Investigating Officer shall conduct a preliminary review on the Undertaking to verify the following:

1. whether the content of the Undertaking complies with the format and substantive requirement set out under Article 14 of this Prakas; and
2. whether the Undertaking reflects the terms and conditions discussed and the agreement during the negotiated settlement procedure.

The investigating Officer shall make a Report on the Preliminary Review on the Undertaking in the format as attached in Annex IV of this Prakas.

If the Investigating Officer finds that the Undertaking is not made in compliance with Article 14 and 15 of this Prakas, the Investigating Officer may inform the Person under Investigation of those issues, and its recommendation on the amendment of the Undertaking.

The Person under Investigation has 07 (seven) working days from the date when the Person under Investigation was informed by the Investigating Officer of the issues in the Undertaking, to amend and re-submit the Undertaking. This duration may be extended for the period of no further than 07 (seven) working days subject to the decision of the Investigating Officer per the request from the Person under Investigation with justifiable reasons.

If the Investigating Officer does not receive an amendment of the undertaking within the above time-limit, the negotiated settlement procedure shall be deemed an unsuccessful negotiated settlement procedure as stated in Article 17 of this Prakas. The Investigating Officer shall prepare a report on unsuccessful negotiated settlement procedure in accordance to the format as attached in Annex VI of this Prakas, to submit to CCC and the Investigating Procedure will kick start or resume.

#### **Article 16: Completion of Negotiated Settlement Procedure**

A negotiated settlement procedure is deemed to come to an end when the negotiated settlement procedure is deemed a Successful or an Unsuccessful Negotiated Settlement Procedure.

At the completion of a negotiated settlement procedure, the Investigating Officer shall:

1. provide a written notice to the Person under Investigation of the Closure of the Negotiated Settlement Procedure in the format as attached in Annex V of this Prakas; and
2. prepare a Report on Unsuccessful Negotiated Settlement as attached in Annex VI of this Prakas



3. Prepare a Report on Successful Negotiated Settlement as attached in Annex VII of this Prakas.

#### **Article 17: Unsuccessful Negotiated Settlement**

The negotiated settlement procedure shall be deemed to be unsuccessful, if any of the following occurs:

1. The Person under Investigation and the Investigating Officer could not reach a conclusion on the case during the negotiation meetings and communications within the timeline as set forth in Article 13 of the Prakas;
2. The Investigating Officer does not receive any submission of the Undertaking or amendment of the Undertaking by the expiration of the set time-limit as provided under Article 15 and Article 14 of this Prakas; or
3. Other reasons which are determined by the discretion of the CCC.

#### **Article 18: Submission of a Report on an Unsuccessful Negotiated Settlement to the CCC**

A Report on Unsuccessful Negotiated Settlement shall contain the following information:

1. A summary of facts;
2. The alleged violation and Suspected Anti-Competition Agreement or Behavior which prevent, restrict or distort the Competition;
3. A summary of the negotiated settlement procedure;
4. The reasons for the unsuccessful negotiated settlement; and
5. The information in relations to the procedure forward including the preliminary review and the investigation.

#### **Article 19: Successful Negotiated Settlement Procedure**

A negotiated settlement procedure is determined to be successful when the Person under Investigation submits the Undertaking in compliance with Article 15 and Article 14 of this Prakas for the Investigating Officer to review and preliminary approve to further submit to the CCC with a Report on that Negotiated Settlement.

#### **Article 20: Submission of Report on Successful Negotiated Settlement**

A Report on Successful Negotiated Settlement shall contain the following information:

1. An attachment of the Undertaking submitted by the Person under Investigation and the recommendations of the Investigating Officer on the Undertaking;
2. The concluding statements of the Investigating Officer on the amount of penalty and other measures in line with Article 35 and Article 37 of the Law on Competition to be imposed

- to the Person under Investigation based on the nature of the alleged Suspected Anti-Competition Agreement or Behavior which prevent, restrict or distort the Competition;
3. The concluding statements of the Investigating Officer on the Incentive to be provided to the Person under Investigation along with a justification on such recommendations;
  4. Request from the Investigating Officer for the CCC to decide on the matter; and
  5. Other significant information in relations to the negotiated settlement procedure and in support of the above recommendation and request.

In providing a recommendation to the CCC on the Incentive to be provided to the Person under Investigation, the Investigating Officer may take into consideration and justify the following points:

1. The nature of the alleged violation;
2. The ability to offer redress to affected persons;
3. The good faith and the previous good historical performance of the Person under Investigation; and
4. The cooperation and collaboration of the Person under Investigation during the negotiated settlement procedure.

## **Chapter V**

### **Decision on the Negotiated Settlement Result**

#### **Article 21: Discretion of the CCC**

The CCC has a full discretion to decide the case by taking into consideration the Report on Successful Negotiated Settlement. The Decision on the Negotiated Settlement of the CCC shall be made in a format as attached in Annex VIII of this Prakas and is legally enforceable and binding.

The CCC may decide to accept or deny the request in whole or in part within the Report on Successful Negotiated Settlement. The CCC may also require the Investigating Officer to re-conduct the negotiated settlement procedure with the Person under Investigation concerning terms of the CCC.

The procedure for the CCC to hold the meeting to discuss and make decision shall be made in accordance with the Prakas on the Formalities and Procedure for the Issuance of the Interim Measure and Decision of the CCC and the internal rule of the CCC.

#### **Article 22: Re-Conduct of the Negotiated Settlement**

During the re-conduct of the negotiated settlement procedure, the Investigating Officer shall inform the Person under Investigation of the terms set out by the CCC in relation to the Undertaking.

The Person under Investigation has 15 (fifteen) working days to consider the terms set out by the CCC, make amendment, and re-submit his or her Undertaking. This period may be extended to

another 15 (fifteen) working days subject to the decision of the Investigating Officer per the request from the Person under Investigation with justifiable reasons.

If the Person under Investigation chooses to accept the terms set out by the CCC, the Person under Investigation shall amend its Undertaking and re-submit the Undertaking to the Investigating Officer within the set time-limit. At the receipt of the amended Undertaking, the Investigating Officer shall submit another Report on Successful Negotiated Settlement to the CCC for decision making.

If the Person under Investigation does not accept the terms set out by the CCC or fails to re-submit its Undertaking within the set time-limit, the negotiated settlement shall be deemed as unsuccessful negotiated settlement. In such case, the Investigating Officer shall submit the report as required under Article 18 of the Prakas and the Investigating Procedure shall kick start or resume.

### **Article 23: Petition to Revisit and Recourse Against the Decision of the CCC**

Any person can requested for a review or appealed the decision of the CCC or may file a complaint to the competent court as stipulated in Articles 30 and Article 31 of the Law on Competition.

The procedure of the appeal shall be made in accordance with the Prakas on the Formalities and Procedure for the Issuance of the Interim Measure and Decision of the CCC and the internal rule of the CCC.

### **Article 24: Implementation of the CCC's Decision**

The CCF Directorate-General shall review and monitor compliance for the fulfilment of conditions set out in the decision of the CCC.

During the implementation period, the CCF Directorate General has the right to request additional information, investigate or research the Person under Investigation based on the activities stated under the conditions of the settlement.

### **Article 25: Non-Compliance by the Person under Investigation**

In case the Person under Investigation does not fulfill the obligations stated in the decision for the Settlement by negotiation, the CCC may issue written warning to the Person under Investigation to request for rectification of the default.

If the Person under Investigation does not rectify the default within 15 (fifteen) working days upon receiving the notification on default, the CCC may:

1. Issue interim measure, if necessary, in accordance with Article 27 of the Law on Competition; and/or
2. file a motion seeking for execution to competent court of the Decision in accordance to Article 33 of the Law on Competition and the applicable law.

## **Chapter VI**

### **Final Provision**

#### **Article 26: Abrogation**

Any provisions that are in contradiction to this Prakas shall be abrogated.

#### **Article 27: Implementation**

Members of the Cambodia Competition Commission, Chief 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 Prakas in accordance with their respective duties from the date of signature.

*[Buddhist Date ...]*

*Done in Phnom Penh, 04<sup>th</sup> November, 2022*

*Minister of Commerce*

*And Chairman of the Cambodia Competition Commission*

*[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
- Municipal and Provincial Administrations
- As stated in Article 27
- Royal Gazette
- Documentation and Archive

**Kingdom of Cambodia**

**Nation Religion King**

**Annex I**



**Application for Negotiated Settlement**

**Legal Person**

- a. Company Name:.....
- b. Information of Company's Registration: .....  
Certificate of Registration No.: ..... Dated:.....
- c. Company Address: .....
- d. Information of Company Representative:  
Full Name:..... Gender: ..... Age: ..... Race: ..... Nationality:.....  
Passport/ID Card No.: ..... Telephone: .....
- Email: ..... Position in the Company: .....

**Natural Person**

Full Name:..... Gender: ..... Age: ..... Race: ..... Nationality: .....

Passport/ID Card No.: ..... Occupation:..... Actual residence  
No:..... Street: ..... Sangkat/Commune: ..... Khan/District/City:..... Province/Capital:  
..... Telephone:..... Email: .....

**Respectfully submit to**  
**Delegate of the Royal Government of Cambodia**  
**In Charge as Director General of CCF**

**Subject:** Request for negotiated settlement on the Case No.: .....

Dated:.....

**Reference:** .....

As mentioned in the above subject and references, I, hereby, would like to request for settlement through negotiation under the reasons as follow:

- 1.....
- 2.....
- 3.....

I, hereby acknowledged and guarantee that I have read and understood my obligations as well as other rights and obliged under the Law on Competition and other relevant regulations.

Therefore, I will accept all obligations for cooperating with the CCC, the CCF and the Investigating Officer upon my application is approved.

As that has been submitted above, **H.E Delegate of the Royal Government**, please review the aforesaid case and allow me to participate in the settlement by negotiation.

Please Accept, **H.E Delegate of the Royal Government**, the assurance of my high appreciation.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Signature/Fingerprint**

.....

**[Name of Person Submitting Application]**

**Kingdom of Cambodia**

**Nation Religion King**

**Annex II**



Case No.: .....

**Concluding Statement on the  
Application for Negotiated Settlement**

[Investigating Officer]

Name and ID number

**Respectfully submit to**

**His Excellency Delegate of the Royal Government of Cambodia**

**In Charge as Director General of CCF**

**Subject:** To provide a concluding statement on the application for negotiated settlement No.:.....  
on the Case No.: ..... dated: ..... of Company: .....  
. Company Name:..... Gender:..... Age: ..... Race: ..... Nationality: .....  
. Position in Company:..... Current Residence House No.:..... Street: .....  
. Sangkat/Commune: ..... Khan/District/City:..... Province/Capital:.....

**Ref:** - Royal Proclamation No. NS/RKM/1021/013 dated 05 October 2021 hereby promulgate the  
Law on Competition  
- Prakas No.: .....on Formalities and Procedure for Negotiated Settlement Dated: .....  
- Application for Negotiated Settlement No: ..... Dated .....  
- Case No.: ..... Dated .....

**Facts**

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**Opinion**

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**Concluding Statement and Recommendation**

1.....  
2.....  
3.....

As that has been submitted above, **H.E Delegate of the Royal Government**, please review and make decision on the Application for Negotiated Settlement for the aforesaid case.

Please Accept, **H.E Delegate of the Royal Government**, the assurance of my high appreciation.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Signature**

.....

**[Investigating Officer]**



**Kingdom of Cambodia**

**Nation Religion King**

**Annex III**



**Submission of Undertaking**

**Respectfully submit to**

**His Excellency Chairman of the Cambodia Competition Commission**

**Ref:** - Case No: ..... Dated: .....  
- .....

**1. Purpose**

[This Undertaking is submitted to the Competition Commission of Cambodia (the “CCC”) via the Investigating Officer by the person with the identity as stated below for the purpose of a settlement by negotiation in accordance with Article 25 of the Law on Competition of the Kingdom of Cambodia.]

**2. Person Giving the Undertaking**

**Legal Person**

**a.** Company Name:.....

**b.** Registration Information:

Certificate of Registration No.: ..... Dated: .....

**c.** Company Address: .....

**d.** Information of Company Representative:

Full Name:..... Gender ..... Age: ..... Race: ..... Nationality: .....

Passport/ID Card No.: ..... Telephone: .....

Email: ..... Position in Company: .....

**Natural Person**

Full Name:..... Gender:..... Age: .... Race:..... Nationality:.....

Passport/ID Card No.: ..... Occupation: .....

Current residence No.: ..... Street: ..... Sangkat/Commune: ..... Khan/District/City:.....

Province/Capital:..... Telephone:.....Email:.....

**3. Background**

3.1. [Description of the Business and agreement or activities relevant to the business related to the Investigation]

3.2. [Description of the agreement or conduct that is subject to the investigation of the CCC]

- 3.3. [Explanation of why the agreement or conduct is considered as infringement under the Law on Competition by the CCC]
- 3.4. [Response from the Business/ Person under Investigation — for example: In response to the CCC’s investigation, [Business/Person under Investigation] shall: (a) [admitted] / [acknowledged] that the agreement or conduct has infringed the Law on Competition, and (b) offered this Undertaking to the CCC.]

**4. Commencement of this Undertaking**

This Undertaking comes into effect when:

- (a) this Undertaking is executed by [Business/Person Under Investigation], and
- (b) this Undertaking is accepted by the CCC [the Commencement Date].

**5. Requirement and Obligations:**

[Person under Investigation] wishes to settle for Case No.: .....

Dated: ..... with the Competition Commission of Cambodia as the following provisions:

**Provision 1:**

- [Person Under Investigation] will not commit or continue to commit any agreement/activities which prevent restrict or distort Competition as set forth in Section 3 above.

**Provision 2:**

- [The specific details of the Agreement or Corrective Actions that the Person under Investigation commits to undertake]

**Provision 3:**

- [The specific details of redress that the Person under Investigation is responsible for]

**Provision 4:**

- [Future Agreement or Action of the Person under Investigation in compliance to the Law on Competition]

**Provision 5:**

- [Report on the acceptance of the negotiated settlement’s application]
- [Record on the information and documents to be submitted and disclosed by the Person under Investigation to the CCC]

**6. Acknowledgments:**

[Person under Investigation] agrees upon:

- Making this Undertaking public including statement through media
- Information requested not to be published: .....

I hereby represent and guarantee that all of the above information is accurate, true, and complete. I further represent and guarantee that I will comply with all the above obligations upon the final decision of the CCC in line with the above Undertakings.

As that has been submitted above, **His Excellency Chairman**, please review and accept my Undertaking on the aforesaid case.

Please Accept, **His Excellency Chairman**, the assurance of my high appreciation.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Signature/Fingerprint**

.....

[Name of Person Giving Undertaking]



Case No.: .....

**Preliminary Review on the Undertaking**

**Ref:** . - Prakas No.: ..... on Formalities and Procedures of Negotiated Settlement

- Undertaking dated: ..... of Name: .....

- Case No.: ..... Dated: .....

- .....

- .....

**Compliance with Requirements of the Undertaking:**

- a. Acknowledgement of Person Under Investigation
- b. Commitment to cease and not to re-commence any agreement or activities which prevent restrict or distort Competition
- c. Details of the corrective actions
- d. Details of the redress
- e. Future actions of the Business on preventing infringement of the Law on Competition
- f. Reports or Submission of the Report
- g. Acknowledgement on the publication of the Undertaking
- h. Others: .....

**Decision and Recommendation**

- a. Acceptance of the Undertaking
- b. Recommend the Person under Investigation to amend the Undertaking on the following points:
  1. ....
  2. ....
  3. ....
  4. ....

**Note:** The Person under Investigation has a period of 7 (seven) working days from the date of this Letter to amend the submitted Undertaking.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Signature**

.....

**[Investigating Officer]**

**Kingdom of Cambodia**

**Nation Religion King**

**Annex V**



Case No.: .....

**Notice on the  
Closure of Negotiated Settlement Procedure**

**Ref:** - Case No.: ..... Dated: .....  
- .....  
- .....

I, ....., the Investigating Officer of the Consumer Protection Competition and Fraud Repression Directorate-General “CCF”.

**Would like to notify:**

**Legal Person**

- a. Company Name:.....
- b. Information of Company’s Registration: .....  
Certificate of Registration No.: ..... Dated:.....
- c. Company Address: .....
- d. Information of Company Representative:  
Full Name:..... Gender: ..... Age: ..... Race: ..... Nationality:.....  
Passport/ID Card No.: .....  
Position in the Company: .....

**Natural Person**

Full Name:..... Gender: ..... Age: ..... Race:..... Nationality: .....  
Passport/ID Card No.: ..... Occupation:.....  
Actual residence house No:..... Street: ..... Sangkat/Commune: .....  
Khan/District/City:..... Province/Capital: ..... Telephone:.....

**Reason for Closure**

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.....  
.....

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Signature**

.....

**[Investigation Officer]**



Case No.: .....

**Report on  
Unsuccessful Negotiated Settlement  
The Consumer Protection Competition and Fraud Repression Directorate-General  
Respectfully submit to  
His Excellency Chairman of the Cambodia Competition Commission**

**Subject:** Report on Unsuccessful Negotiated Settlement No.: .....  
On Case No.: ..... Dated: ..... of Company .....  
Person Subjected to Undertaking Name: ..... Gender: ..... Age .....  
Nationality: ..... Race: ..... Position in the Company: ..... Current Residence:  
No.: ..... Street: ..... Sangkat/Commune: ..... Khan/District/City: .....  
Province/Capital: .....

**Ref:** - Case No.: ..... Dated: .....  
- Submitted Undertaking dated: ..... of [name]: .....

- a) A summary of facts;
- b) Alleged violation;
- c) A summary of negotiated settlement procedure;
- d) Reasons for Unsuccessful Negotiated Settlement;
- e) Information on the procedure forward.

**Summary of Facts**

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**Alleged Violation**

- 1. ....
- 2. ....
- 3. ....



**Summary of Negotiated Settlement Procedure**

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**Reasons for an Unsuccessful Negotiated Settlement**

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**Information on the Procedure Forward**

Based on the above mentioned, the Investigating Officer has decided to Start or proceed the preliminary inspection or investigation in accordance to the Law on Competition and the Prakas on Formalities and Procedures for Inspection and Investigation No.: ..... Dated: .....

Please Accept, **His Excellency Chairman**, the assurance of my high appreciation.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Delegate of the Royal Government of Cambodia  
in charge as Director-General of CCF**



Case No.: .....

**Report on  
Successful Negotiated Settlement  
The Consumer Protection Competition and Fraud Repression Directorate-General  
Respectfully submit to  
His Excellency Chairman of the Cambodia Competition Commission**

**Subject:** Report on Unsuccessful Negotiated Settlement No.: .....  
On Case No.: ..... Dated: ..... of Company .....  
Person Subjected to Undertaking Name: ..... Gender: ..... Age .....  
Nationality: ..... Race: ..... Position in the Company: ..... Current Residence:  
No.: ..... Street: ..... Sangkat/Commune: ..... Khan/District/City: .....  
Province/Capital: .....

**Ref:** - Case No.: ..... Dated: .....  
- Submitted Undertaking dated: ..... of [name]: .....

**Summary of Negotiated Settlement Procedure**

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**Conclusion of the Negotiated Settlement**

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**Recommendation**

1. Amount of penalty to be imposed:
- Recommendation: .....
  - Jurisdiction: .....

2. Percentage of incentive to be provided:

- Recommendation: .....

- Jurisdiction: .....

3.....

4.....

5.....

As that has been submitted above, **His Excellency Chairman**, please review and make decision on the Application for Negotiated Settlement for the aforesaid case.

Please Accept, **His Excellency Chairman**, the assurance of my high appreciation.

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**Delegate of the Royal Government of Cambodia**

**in charge as Director-General of CCF**



**Facts**

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**Opinion**

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**Decision**

- 1.....
- 2.....
- 3.....
- 4.....

Date ..... Month ..... Year B.E. 25....

Made in..... Date ..... Month ..... Year 20....

**F. The Cambodia Competition Commission**

**Chairman**