

SUB-DECREE

ON

THE ORGANIZATION AND FUNCTIONING OF THE NATIONAL COMMITTEE ON TRADE REMEDIES

ROYAL GOVERNMENT

- _ _ 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 the Kingdom of Cambodia,
- _ _ Having seen the Royal Decree No. NS/RKT/0224/205 dated 21 February 2024, on the Appointment and Adjustment to the Composition of the Royal Government of the Kingdom 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 of the Ministry of Commerce,
- _ _ Having seen the Royal Kram No. NS/RKM/0904/002 dated 9 September 2004, promulgating the Law on Approval on Protocol for Cambodia to the World Trade Organization,
- _ _ Having seen the Royal Kram No. NS/RKM/1117/014 dated 17 November 2017, promulgating the Law on Trade Remedies,
- _ _ Having seen the Sub-Decree No. 38 ANKR.BK dated 16 March 2020, on the Organization and Functioning of the Ministry of Commerce,
- _ _ Referring to the request of the Minister of Commerce.

HEREBY DECIDES

CHAPTER I

GENERAL PROVISIONS

Article 1.-

This Sub-Decree defines the Organization and Functioning of the National Committee on Trade Remedies (hereinafter "NCTR") with the purpose to encourage and promote effective implementation of the Law on Trade Remedies.

CHAPTER II

DUTIES AND TASKS OF THE NCTR

Article 2.-

The NCTR shall have the following duties and tasks:

- _ Conduct trade remedy proceedings under the Law on Trade Remedies and relevant international agreements;
- _ Define confidentiality procedures for information submitted to the NCTR and for which the information provider has requested confidentiality, and prepare official documents for clarification to the competent court in the event of an appeal against the NCTR's decision;
- _ Review and advise on legal aspects related to the implementation of the trade remedies law;
- _ Examine and find solutions in cases where regulations prepared by a competent regulator conflict with regulations prepared by other regulators;
- _ Request the Royal Government to review or amend laws or other legal documents related to trade remedies, if necessary;
- _ Cooperate with countries involved in trade remedies cases and law enforcement;
- _ Participate in providing advice, monitoring, and support to all relevant parties in gathering information and other coordination in cases where the Kingdom of Cambodia is the subject of a trade remedy complaint filed by a partner country;
- _ Act in any way otherwise necessary to implement these duties and tasks.

CHAPTER III

COMPOSITIONS OF THE NCTR

Article 3.–

The NCTR has the following compositions:

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|---|-------------------------|
| –_ The Minister of Commerce | Chairman |
| –_ Secretary of State of the Ministry of Commerce | Permanent Vice-Chairman |
| –_ Secretary of State of the Office of the Council of Ministers | Vice-Chairman |
| –_ Secretary of State of the Ministry of Economy and Finance | Vice-Chairman |
| –_ Secretary of State of the Ministry of Industry, Science,
Technology and Innovation | Member |
| –_ Secretary of State of the Ministry of Justice | Member |
| –_ Representative of the Council for the Development of
Cambodia | Member |
| –_ Representative of the General Department of Customs and
Excise of Cambodia | Member |
| –_ Representative of the General Department of Taxation | Member |
| –_ Director General of the General Department of Domestic
Trade of the Ministry of Commerce | Member |
| –_ Director General of the General Department of International
Trade of the Ministry of Commerce | Member |

- | | | |
|----|---|--------|
| –_ | Director General of the General Department of Trade Services
of the Ministry of Commerce | Member |
| –_ | Head of the NCTR Secretariat | Member |

The actual composition of the NCTR shall be determined by the Decision of the Royal Government of Cambodia.

The NCTR may have additional composition as vice-chairmen or members acted as representatives of relevant line ministries and institutions as necessary. The additional composition shall be determined by the Decision of the Royal Government of Cambodia.

CHAPTER IV FUNCTIONING OF THE NCTR

Article 4.–

The NCTR shall hold plenary meetings at least 2 (two) times a year. In necessary case, the NCTR can hold extraordinary meetings. The Permanent Vice-Chairman, Vice-Chairmen and members shall attend plenary and extraordinary meetings upon the invitation of the Chairman of the NCTR.

In case the Chairman of NCTR is absent, or where necessary, the Chairman may delegate the right to the Permanent Vice-Chairman or any one of the Vice-Chairmen to chair the meeting on his/her behalf.

Article 5.–

The NCTR has the right to invite representatives from relevant ministries and institutions or expert officers to attend the meeting as necessary.

The NCTR can invite developing partners, private sectors, technical advisors, or national and international experts for consultative meetings as necessary.

Article 6.–

The NCTR can create committees, sub-committees, or technical working groups as necessary, which shall be determined by the decision of the Chairman of the NCTR.

Article 7.–

The compositions of the NCTR may be terminated or changed based on one of the following conditions:

- a._ At the request from the Minister or Head of relevant institutions;
- b._ Convicted of any misdemeanour or felonies; or
- c._ Physically or mentally incapacitated or deceased.

Article 8.–

The NCTR members who have the conflict of interest must voluntarily withdraw from the NCTR meetings. In case the members who have the conflict of interest refuse to withdraw from the meetings, the NCTR shall vote for decision after the member has defended himself/herself in front of the meeting. The conditions of the withdrawal as NCTR members shall be defined in the internal rules.

Article 9.–

The NCTR shall have the Department of Notifications and Legal Compliance of the Ministry of Commerce as Secretariat.

Functions and duties of NCTR Secretariat shall be determined by the decision of the Chairman of NCTR.

Article 10.–

Working procedures of the NCTR shall be determined by the internal rules.

Article 11.–

The NCTR shall have the right to use the Logo and Seal of the Ministry of Commerce.

CHAPTER V

FINANCIAL RESOURCES OF THE NCTR

Article 12.-

The NCTR has the resource supported by the national budget which is a separate budget within the annual budget of the Ministry of Commerce.

The NCTR has the right to receive and manage various legal financial resources as determined by laws and applicable regulations for the performance of its work.

Besides the resources and budget prescribed in the paragraph 1 and 2, the NCTR may have other resources from the pecuniary fines and other services that have been determined by a Joint Prakas between the Minister of Economy and Finance and the Minister of Commerce.

CHAPTER VI

FINAL PROVISIONS

Article 13.–

Any provisions that are contrary to this Sub-Decree shall be abrogated.

Article 14.–

Minister in charge of the Council of Ministers, Minister of Economy and Finance, Minister of Commerce, and Ministers of all relevant ministries and institutions shall implement this Sub-Decree accordance with their respective duties as of the date of signature.

Prime Minister

[Seal and Signature]

Samdech Moha Borvor Thipadei Hun Manet

Having informed Samdech Moha Borvor Thipadei Hun Manet the Prime Minister

For Signature

Minister of Commerce [Signature]

Cham Nimul

Recipients:

- _ Ministry of the Royal Palace
- _ General Secretariat of the Constitutional Council
- _ General Secretariat of the Senate
- _ General Secretariat of the National Assembly
- _ Cabinet of Samdech Moha Borvor Thipadei Prime Minister
- _ Cabinet of His Excellency the Deputy Prime Ministers
- _ As stated in Article 14
- _ Royal Gazettes
- _ Documentation and Archive