

## 2024 AVIA Regulating for Growth – OCC TV Matrix for Cambodia

Questions	OCC TV	Foreshadowed changes?
1. How regulated? <i>Details of regulator/s</i>	<ul style="list-style-type: none"> <li>There is currently no regulation of OCC TV services.</li> <li>The operator of OCC TV services in/into Cambodia could become an “electronic-commerce service provider” for using electronic means to supply the services into Cambodia. Electronic-commerce service providers are regulated by the E-Commerce Law under the authorities of the Ministry of Commerce (MOC) and Ministry of Posts and Telecommunications (MPTC).</li> <li>A non-resident entity who supplies services into Cambodia, including the provision of streamed or real time web-based broadcasting services, is required to register at the General Department of Taxation (GDT) as a self-assessed taxpayer if the actual or estimated revenues for Cambodia meet the threshold for determining who qualifies as a small taxpayer in Cambodia. The threshold for revenues is currently set at US\$ 62,500 per year.</li> </ul>	
2. Copyright protection?	<ul style="list-style-type: none"> <li>The Copyright Law does not provide any specific clauses regarding online content protection. In practice, the Copyright Law also applies to online contents where it is deemed relevant.</li> </ul>	
3. Convergence and new technologies	<ul style="list-style-type: none"> <li>New technologies regarding internet content are governed by MPTC. It remains unclear whether a licence or permit would be required to provide OCC TV services in Cambodia.</li> </ul>	
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> <li>No regulations exist.</li> </ul>	
5. Licence fees and taxation	<ul style="list-style-type: none"> <li>Since there is no specific broadcasting service licence for OCC TV, there is no industry-specific licensing fees.</li> <li>For non-resident entities who qualify for registration at the GDT, they would need to collect and pay VAT (10%) as a non-resident taxpayer.</li> </ul>	

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6. Rate regulation <i>Including wholesale and retail rate regulation and whether there are any price controls on e.g. basic tier</i>	<ul style="list-style-type: none"> <li>No regulations exist.</li> </ul>	
7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> <li>No regulations exist.</li> </ul>	
8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i>	<ul style="list-style-type: none"> <li>No regulations/restrictions exist on revenue and minutage.</li> <li>Regarding the localisation rules, certain regulations stipulate that advertisements must be in the Khmer language. These requirements are outlined in the following regulations: <ul style="list-style-type: none"> <li>The Law on Consumer Protection dated November 2, 2019 (Consumer Protection Law) requires information provided to consumers to be in Khmer (though this requirement is subject to future regulations).</li> <li>Sub-Decree No. 232 on the Management of the Advertisement of Goods and Services, dated November 4, 2022 (Sub-Decree 232) further provided that Advertisements for products and services must be in the Khmer language, except for (1) trademarks or tradenames that are in a foreign language and cannot be replaced by the Khmer language, (2) books, websites, and products published in print that have been approved for publishing in Khmer and English, and (3) radio and television broadcasts in Khmer and foreign languages. For advertising that includes both Khmer script and that of English (or another language), the Khmer script must be twice the size of the foreign script and should always be placed above the foreign script.</li> <li>Prakas No. 095 on Dishonest Practices in Business on Advertising and Sale Promotion, dated April 12, 2024 (Prakas 095) also requires displaying brands or advertising signs that contains Khmer letters or fonts that are at least twice as large as foreign fonts.</li> </ul> </li> </ul>	

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<p>9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i></p>	<ul style="list-style-type: none"> <li>Existing regulations are unlikely to apply to OCC TV services.</li> <li>Under the existing regulations, Cambodia's film industry, including broadcasts of movie and TV content over the Internet, is regulated under Sub-decree No. 234 on Management of Film Industry (Sub-decree 234). Under Sub-decree 234, local and foreign film works must be submitted to the Ministry of Culture and Fine Arts (MCFA) for prior review and approval (Visa-registration). Sub-decree 234 is complemented by Prakas No. 166 on Classifications and Visa-Registration of Films and Videos ("Prakas 166"), which aims to restrict the productions and distributions of local and foreign videos/films in Cambodia in order to prevent negative effects on minors. Under Prakas 166, it is required to obtain approval (visa registration) on film and video content and there are three categories of ratings applicable to both film and video content: <ul style="list-style-type: none"> <li>"G" for general audience;</li> <li>"NC15" only for audience of at least 15 years old; and</li> <li>"R18" only for audience of at least 18 years old.</li> </ul> </li> <li>Further, age ratings must be shown on the movie and video content while broadcasting, on posters, and on product packaging.</li> <li>However, as set out in Prakas 170 on Control of Publication on Websites and Social Media Processed via the Internet in Cambodia, dated May 18, 2018 (Prakas 170), relevant ministries have the authority to block any content on the internet by an offshore company if the government finds the content to cause any chaos in society that threatens national defence, national security, relations with other counties, national economy, public order, discrimination, culture, or Cambodian traditions; or provokes any enmity, breaking national solidarity, discrimination, intentionally creates unrest that threatens national security, public interests, and social orders, etc.</li> </ul>	
<p>9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i></p>	<ul style="list-style-type: none"> <li>No regulation/requirement exists.</li> </ul>	

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10. Programme supply restrictions <i>Including must provide rules and other restrictions on exclusivity and anti-siphoning rules</i>	<ul style="list-style-type: none"> <li>No regulation/requirement exists.</li> <li>The Ministry of Information (MOI) issued Letter No. 1701, dated November 30, 2017, informing TV broadcasters who have purchased exclusive right from different sources to broadcast movies, videos or other programmes to apply to the MOI for recognition of or to reserve exclusive right immediately after they have been legally imported, so that the MOI can promptly inform all broadcasters of any exclusive right to broadcast and to prevent the broadcasters from violating each other's rights. This Letter does not apply to OCC TV, but the letter suggests that there is no restriction on exclusivity.</li> </ul>	
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and Cross-media ownership restrictions</i>	<ul style="list-style-type: none"> <li>No industry-specific regulations or restrictions.</li> <li>General foreign investment rules apply. The approval of the Council for the Development of Cambodia (CDC) and Council Minister is required for foreign investment in projects involving capital investment of US\$50 million and above and sensitive investment projects (political concerns, environmental issues e.g. mining industry, infrastructure project). Media activities are specifically excluded from investment projects which may be eligible for certain government incentives.</li> <li>No cross-media ownership restrictions.</li> </ul>	
12. Retransmission arrangements <i>Including must carry and remuneration</i>	<ul style="list-style-type: none"> <li>No regulation exists.</li> </ul>	
13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i>	<ul style="list-style-type: none"> <li>Under the Law on Consumer Protection issued on 2 November 2019, all persons engaged in business must refrain from committing unfair acts in business (Chapter IV) and unfair practices (Chapter V).  Pursuant to Prakas 0113 on Cooling-Off Period dated 11 April 2022, the customers are entitled to the following rights:</li> <li><b>Right to withdrawal during the cooling-off period.</b> Within seven days from the date of entering into the contract or subscription, customers have the right to withdraw or cancel their order by providing a written notice to the service provider. In addition, they are not</li> </ul>	

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	<p>required to be liable for any expenses, except service charges that customers have used until:</p> <ul style="list-style-type: none"> <li>○ written notice is sent to the service provider; and</li> <li>○ the end of any time stated in the contract, but not exceeding one month, with an appropriate reason determined by the service providers for the termination.</li> </ul> <ul style="list-style-type: none"> <li>● <b>Right to receive a full refund.</b> Regarding the withdrawal during the cooling-off period, service providers must provide a full refund, without including the service charges mentioned above, to the customer within seven days from the date of receiving the notice.</li> </ul> <p>There are no specific restrictions regarding the payment mechanism. However, service providers who offer their services electronically must explicitly state the terms and conditions on the service fees and payment methods as well as details about the order cancellation, termination, change, and refund for the customers to consider according to the Prakas on Information Standard for Consumer dated August 31, 2021.</p>	
14. Entering a new market: FAST TV	As provided in our answer to Question 1, the current regulatory framework for broadcasting services mostly concerns traditional forms of broadcasts only, not those accessible only via the Internet. That means FAST TV would be treated in the same way as OCC TV, which could make its operator qualify as an electronic-commerce service provider and a non-resident taxpayer.	
15. Data handling	<ul style="list-style-type: none"> <li>● There is no comprehensive data protection legislation in Cambodia. Under current practice, matters pertaining to data protection and privacy generally fall under the right to privacy that is protected in broad terms under the Cambodia's Constitution, specific legal provisions under the Civil Code, the Criminal Code, and other specific laws such as the Banking Law and the E-Commerce Law.</li> <li>● None of those regulations contain data localisation requirements.</li> </ul>	
Other country-specific information not already covered	N/A	