

2024 AVIA Regulating for Growth – Pay TV Matrix for Cambodia

Questions	Pay TV	Foreshadowed changes?
1. How regulated? <i>Details of regulator/s</i>	<ul style="list-style-type: none"> The Ministry of Information (MOI) is the regulator of TV and radio broadcasts, including pay-DTT and cable TV. All owners of radio and television stations, cable television stations, or commercial advertisement agents are required to file a new opening request with MOI. Mobile phones or other devices that may deliver content are regulated by the Ministry of Posts and Telecommunications (MPTC). 	
2. Copyright protection?	<ul style="list-style-type: none"> Using copyrighted works without authorisation constitutes copyright infringement. Copyright infringement is considered a criminal offence, with potential penalties including imprisonment and/or monetary fines. There are no explicit regulations regarding broadcasting protection/management. In practice, sending cease-and-desist letters and administrative proceedings through the Ministry of Culture and Fine Arts (MCFA) is the most recommended approach for copyright infringement. 	<ul style="list-style-type: none"> The government is in the process of updating the existing Copyright Law. At the time of writing, it is uncertain when the amendments will be finalised.
3. Convergence and new technologies	<ul style="list-style-type: none"> There is a pay DTT operator that is regulated according to the same rules as cable. No IPTV or mobile broadcast in Cambodia yet (although 3G/4G phones are used to watch television programming, often through proxy servers). 	
4. Licensing of foreign channels <i>Allowed, prohibited or unregulated?</i>	<ul style="list-style-type: none"> Operators have negotiated commercial contracts for retransmission of foreign channels. No regulations/restrictions with respect to uplinking/downlinking. 	
5. Licence fees and taxation	<ul style="list-style-type: none"> There is no licensing fees or taxes imposed for pay TV. 	
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"> No regulations exist. 	

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7. Programme packaging <i>Including tiering, bundling, any mandatory a la carte</i>	<ul style="list-style-type: none"> No regulations exist. 	
8. Restrictions on advertising <i>Including localisation rules, revenue and minutage restrictions</i>	<ul style="list-style-type: none"> No regulations/restrictions exist on revenue and minutage. 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"> 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). 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. 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 to contain Khmer letters or fonts that are at least twice as large as foreign fonts. 	
9. (a) Content regulation <i>Including local content quotas, content control and insertion of classification and other content labels into international feeds</i>	<ul style="list-style-type: none"> Existing regulations are unlikely to apply to pay TV 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) which was issued on 8 November 2016. 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). 	

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	<p>Sub-decree 234 is complemented by Prakas No. 166 on Classifications and Visa-Registration of Films and Videos (Prakas 166), issued on 25 August 2015, 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:</p> <ul style="list-style-type: none"> ○ “G” for general audience; ○ “NC15” only for audience of at least 15 years old; and ○ “R18” only for audience of at least 18 years old. <p>Further, age ratings must be shown on the movie and video content while broadcasting, on posters, and on product packaging.</p> <ul style="list-style-type: none"> • 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 countries, 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. • Given the broad scope of application and significant discretion practised by ministries in interpreting content standards, ministries may implement their authority against any content that is considered to undermine national security which may potentially include content on pay TV. 	
<p>9. (b) Content regulation <i>Including languages, dubbing/subtitling and captioning</i></p>	<ul style="list-style-type: none"> • No regulation/requirement exists. 	

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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"> No regulation/requirement exists. 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 rights. Although this Letter does not apply to pay TV, it suggests that there is no restriction on exclusivity. 	
11. Restrictions on FDI <i>Including platforms and wholesale supply of programming and cross-media ownership restrictions</i>	<ul style="list-style-type: none"> No industry-specific regulations or restrictions. 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 for 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. No cross-media ownership restrictions. 	
12. Retransmission arrangements <i>Including must carry and remuneration</i>	<ul style="list-style-type: none"> No regulation exists. 	
13. Consumer protection <i>Including cooling-off period, termination rights and payment mechanism</i>	<p>Pursuant to Prakas 0113 on Cooling-Off Period dated 11 April 2022, the customers are entitled to the following rights:</p> <ul style="list-style-type: none"> Right to withdrawal during the cooling-off period. 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 required to be liable for any expenses, except service charges that customers have used until: <ul style="list-style-type: none"> written notice is sent to the service provider; and 	

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	<ul style="list-style-type: none"> ○ 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. ● Right to receive a full refund. 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. <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	The current regulatory framework for broadcasting services mostly concerns traditional form of broadcasts only, not those accessible only via the internet. Things that trigger FAST TV entering a new market is that its operator could qualify as an electronic-commerce service provider and a non-resident taxpayer.	
15. Data handling	<ul style="list-style-type: none"> ● 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. ● None of those regulations contain data localisation requirements. 	
Other country-specific information not already covered	None	