

Prakas on Formalities of Investigation and Inspection under the Law on Competition

This Prakas is adopted in 04th November 2022 in order to set out the investigation procedures on the competition offenses (“**Offenses**”) that prevent, restrict, or distort competition, in forms of 1) **Horizontal Agreement**, which is an agreement between the business operators at the same level in production and distribution chains; 2) **Vertical Agreement**, which is made between the business operators at the different level in production and distribution chains; 3) **Abuses of dominant position** refers to any person using its dominant market position to significantly prevent, restrict or distort competition in a Market; and 4) **Business Combination** that has the effect of significantly preventing, restricting or distorting competition.

Matter	Description
Investigation Process	<ol style="list-style-type: none"> 1. Filing of a written complaint: Any person may file a written complaint to the Cambodia Competition Commission (“CCC”) or the complaint may be initiated by the CCC 2. Preliminary Examination: <ol style="list-style-type: none"> a. Upon receipt of a complaint, the Consumer Protection, Competition and Fraud Repression Directorate-General (“CCF”) shall appoint the investigating officers to commence the preliminary examination to determine whether or not the reported agreement or activity has reasonable grounds of suspicious for any Offense. b. Upon completion of the preliminary examination, the investigating officers shall provide a written report for the CCC to issue a preliminary decision on the opening of the full investigation. 3. Commencement and completion of the investigation: <ol style="list-style-type: none"> a. After the issuance of the decision to conduct the full investigation, the CCC shall establish a committee to examine and investigate on the case through deliberating, interrogating, and hearing. b. Upon the completion of investigation, the investigating officers shall provide a written report to the responsible committee to formulate a final report with recommendations to the CCC for issuing the decision.
Rights and Obligations of Investigating Officer	<ol style="list-style-type: none"> 1. The investigating officer as the judicial police shall have the rights to request for information, to summon, to enter into the premise for search, to seal on exhibits, and to request for cooperation from any competent authority. 2. The investigating officer shall have the obligations to keep all confidential information, maintain seized exhibits, return the seized exhibits, disclose his or her identity and the purpose of the investigation.
Rights of Person under Investigation	The person under investigation has rights to submit statement of defence and cooperate with the investigating officers for performing the investigation by not destroying any document or refusing to address the questions or avoiding of doing any actions. Otherwise, the person under investigation shall be responsible for any criminal liability.