

Sub-Decree on the Establishment of National Internet Gateway

On February 16th, 2021, the Royal Government of Cambodia (“**RGC**”) enacted a Sub-Decree on the Establishment of National Internet Gateway (“**Sub-decree**”). National revenue collection from the e-commerce activity and national security and cultural protection are essentially the purview of this regulation.

I. Purpose and Scope

This Sub-decree is intended to establish a concrete and reliable National Internet Gateway (“**NIG**”) infrastructure, which allows data to be exchanged without unnecessary passthrough, or processed by foreign countries. Per this sub-decree, the RGC has the authority to oversee the network, infrastructure and the operation of all Internet service operation in Cambodia.

II. The Establishment of NIG

For those who wish to become an NIG operator, he/she must apply for a license from Cambodia Telecommunication Regulator (“**CTR**”). The NIG can be stationed in designated location such as Phnom Penh City, Sihanoukville, Poipet City of Banteay Meanchey Province, Bavet city of Svay Rieng Province, and other locations depend on an actual demand in the market with an approval from the Ministry of Post and Telecommunication (“**MPTC**”). The procedure, and criteria for applying, granting, suspending or revoking the license shall be regulated under the Prakas of MPTC.

III. NIG Operator Obligations

The following are the duties and obligations of NIG operators:

- Managing and facilitating on the connection and usage of network infrastructure of both Domestic Internet Exchange and International Internet Exchange;
- Preparing routers and switches for safe and quality network connection;
- Connecting or/and peering with other NIG operator(s) and IIG operator(s);
- Providing monthly, quarterly, semi-annually and annually traffic report to CTR and MPTC;
- Cooperating with CTR and MPTC to collect government revenue from E-commerce and other online service activities;
- Cooperating with CTR and MPTC to tackle illegal, unethical and other activity against Cambodia’s tradition, culture, or stability of the Kingdom; and
- Performing the role or other duties imposed by the Minister of MPTC.

IV. NIG Operator Obligations

The licensed international telecommunication gateway operators, direct-connectivity and wholesale Internet providers, cable submarine landing station operators currently operated in Cambodia shall completely reroute their cable or network to the NIG within 12 (Twelve) months from the effective date of this Sub-decree.

The Internet service providers and the concerned stakeholders shall establish and/or set up peer connection to the NIG within 12 (Twelve) months from the effective date of this Sub-decree.

V. Sanction

In case the NIG operators, Internet service providers, telecommunications operators, and the concerned stakeholders fail to comply with term(s) under the Sub-decree, TRC may impose following measures:

- Restrict the license;
- Suspend the license
- Revoke the license;
- Freeze the account in accordance with laws and regulations in force;
- Impose transactional fine pursuant to the Sub-decree on Fines in Telecommunications sector; and
- Take other necessary measures in accordance with the relevant laws and regulations. In addition, TRC may recruit and authorize capable persons to oversee the business activities or related activities of NIG operators.

If any operator(s) does/do not satisfy with TRC's decision, the operator(s) may appeal/file an objection against the decision to the MPTC Minister within 30 (thirty) days from the receipt date of the decision. The Minister shall decide on the matter within 45 (forty-five) days from the receipt date of the objection filing.

Subsequently, the operator(s) may file to the competent court within 30 (thirty) days from the receipt date of the Minister's decision.

Should any additional information be required regarding this legal alert or if you have any further inquiry, please contact our team at info@anlor.legal or reach out to our professionals below:



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