

## CURRENT STATUS

At present the ministry of Posts and Telecommunications uses sub-decree 05 which was promulgated in 1987 as the basis for its conduct. The sub-decree is quite vast in scope but quite vague in details. There is a need to prepare and issue a new telecom act which at this point in time is being finalised. It is expected that the new act will be ready for submission to the Council of Ministers within two months from now.

The telecommunication network and services in Cambodia at present are characterised by the fact that the government fixed network is very small, the privately owned mobile networks are 10 times larger, the national long distance links are mainly by satellite, i.e. there are very few fibre optic links across the country. The domestic call charges are relatively low but the international call charges are relatively high compared to many other countries.

Despite the fast growth of telecom services in the country there are still a lot of challenges that the ministry has to overcome, namely disparity between the services in urban and rural areas, the new technology issues, the convergence issues, the need to promote atmosphere for fair competition and the everlasting need to bring the price of the telecom services down and down.

The MPTC has drafted a new telecom act by looking at a number of telecom acts in the region, by taking the advice from experts like the ITU, the World Bank and KfW of Germany. The draft act is now being finalised by an ITU expert and as mentioned above should be ready for submission to the Council of ministers within 2 months.

## THE NEW ACT

In the new act we state that we have embraced the following policy.

### Objectives

The objectives are :

- To make available the most cost effective telecommunications services in Cambodia and
- To make the telecommunication services as widely available as possible in the country.

### Implementation Steps

In order to achieve the above objectives we adopt a policy to promote Open, fair and competitive market. The immediate steps that the MPTC needs to do are :

1. To separate the functions and responsibilities in (i) policy making, (ii) regulation, (iii) ownership and shareholding and (iv) network operations.
2. To Establish Telecom Cambodia, the national telecom state enterprise. Make it a principal telecom company where there is need to provide coordinating functions like transit points for the different operators.

3. To introduce a regulation to compel telecom companies to share the use of infrastructure, of course with the appropriate payment.
4. To liberalise more of the enhanced services including Internet access, electronic mail, data transmission, trunked mobile radio services.
5. To liberalise more of the local and domestic network and services from 2003.
6. To keep the international services a duopoly for about two to three years.
7. To introduce a Universal Access Scheme from which the funds will be used to provide services in the remote rural areas.
8. Internet telephony will be offered by the licensed international gateways now and will be allowed freely in 5 years' time.
9. Human Resources Development to be intensified.

#### ACT CONTENTS

The following are salient points extracted from the draft act.

- 1 The division of responsibilities in Telecommunication area shall be as follows :
  - (a) The Minister is responsible for setting telecommunication policies in accordance with the policy objectives of the Government.
  - (b) The Telecom Authority is responsible for setting the rules and regulations in accordance with the policies set by the Minister and ensure that they are adhered to.
  - (c) The operators provide the telecommunication network and services to the public under the rules and regulations set by the Telecom Authority.
- 2 In the field of broadcasting the Telecom Authority has jurisdiction over the telecommunication network between one station and another or, if cable is used, between a station and the television set or radio sets. The broadcasting and the contents are under the jurisdiction of another authority or ministry.
- 3 In the field of Information technology the Telecom Authority has jurisdiction over the network including the systems that administer electronic addresses etc necessary for the functioning of the information technology systems. The contents shall be under the jurisdiction of another authority or ministry.
- 4 No person or legal entity shall -
  - (a) own any telecommunication network;
  - (b) provide any telecommunication services;without having a licence issued by MPTC.
- 5 In the long term future the operation of networks shall be separated from that of services. This is to facilitate ease of competition which occurs mainly in service provisioning.

- 6 A licensee shall not engage in any conduct which has the purpose of substantially lessening competition in a communications market.
- 7 No person shall intentionally transmit electromagnetic signals in any part of the frequency spectrum unless -  
(a) the person holds a licence to use such frequencies.  
(b) the apparatus used has a type approval issued by the Telecom Authority.  
(c) the use of the spectrum complies with this Act.
- 8 (1) A Universal Access Obligation Fund (“UAO Fund”) shall be established, controlled and managed by the Telecom Authority in a transparent manner.  
  
(2) The UAO fund shall be kept in a bank account independent from the account of the Telecom Authority.  
  
(1) The Minister may make policies regarding contributions by licensees to the UAO Fund.
- 9 The Telecom Authority shall take measures to have the following services established :  
a Services during emergency situations  
b Publication of telephone directories including Cambodia Yellow Pages.
- 10 (1) The Telecom Authority shall prepare regulations to protect the interest of customers including :  
(a) compliance with customer requirements;  
(b) the handling of customers’ dispute with the operators.  
(c) the protection of consumer information.  
(d) the provision of information to customers regarding services, rates and performance;  
(e) the provisioning and fault repair of services;  
(f) the advertising or representation of services;  
(g) customer charging, billing, collection and credit practices; and  
(h) any other matter of concern to consumers.
- 11 No person may use any equipment that renders a public network inoperative.
- 12 No person may use any equipment that compromises the national security.
- 13 No person may use install or alter any part of a telecommunication network that compromises the public safety.
- 14 (1) No person may use or allow others to use communication facilities with intent to avoid payment or pay less than the amount required.  
(2) No person may create or possess system or computer program to work with a network for the purpose to avoid payment or to pay less than what is required.
- 15 (1) No person may by telecommunication means with or without disclosing his identity annoy, abuse, threaten or harass any person.

(2) No person may permit another person to do an activity described in paragraph (1), over which situation he may have control.

- 16 (1) No person may
- (a) intercept, attempt to intercept, or procures any other person to intercept or attempt to intercept, any communications;
  - (b) disclose, or attempt to disclose, to any other person the contents of any communications;
- without lawful authority from the higher authority.
- 17 (1) No person may distribute any broadcast signal without paying an appropriate licence fee to the signal owner.
- 18 No person may or order others to :
- (a) Enter ID codes of others directly or through communication device to deactivate or to change the functioning of specific computers.
  - (b) Enter information or instruction directly or through communication device to lift the normally imposed control hence rendering such computer without control.

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