

ព្រះរាជាណាចក្រកម្ពុជា
Kingdom of Cambodia

រាជរដ្ឋាភិបាល
Royal Government

ជាតិ សាសនា ព្រះមហាក្សត្រ
Nation Religion King
[Unofficial Translation]

SUB-DECREE

On

Establishment of National Internet Gateway

The Royal Government

- Having considered the Constitution of the Kingdom of Cambodia;
- Having considered the Royal Decree No. NS/RKT/0918/925 dated 6 September 2018 on the Appointment of the Royal Government of Cambodia;
- Having considered the Royal Decree No. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Modification of the composition of the Royal Government of the Kingdom of Cambodia;
- Having considered the Royal Kram No. NS/RKM/0618/12 dated 28 June 2018 on the promulgating Law of Organizing and Functioning of the Council of Ministers;
- Having considered the Royal Kram No. NS/RKM/0196/20 dated 24 January 1996 promulgating the Law on Establishment of the Ministry of Post and Telecommunications;
- Having considered the Royal Kram Decree No. NS/RSD/1215/017 dated 17 December 2015 promulgating the Law on Telecommunications;
- Having considered the Sub-Decree No. 64 ANK/BK dated 10 May 2019 on the Organization and Functioning of the Ministry of Post and Telecommunications; and
- With reference to the requirements of the Royal Government.

HEREBY DECIDES

CHAPTER 1
GENERAL PROVISIONS

Article 1

This Sub-Decree is intended to establish the National Internet Gateway (hereinafter referred to as “NIG”) for the purpose of facilitating and managing Internet connections in order to strengthen the effectiveness and efficiency of the national revenue collection, protection of national security, and preservation of social order, culture, and national tradition.

Article 2

This Sub-Decree shall be applicable for all infrastructure, network operations and Internet service operations in the Kingdom of Cambodia.

Article 3

The key terminologies used in this Sub-Decree are defined in the glossary attached as the Annex 1 of this Sub-Decree.

CHAPTER 2
THE ESTABLISHMENT OF NATIONAL INTERNET GATEWAY

PART 1
NATIONAL INTERNET GATEWAY

Article 4

NIG is established to facilitate and manage domestic and international Internet connections.

NIG shall consist of Domestic Internet Exchange (hereinafter referred to as “DIX”), which is used for the exchange of domestic Internet data, and International Internet Gateway (hereinafter referred to as “IIG”), which is used for the exchange of Internet data domestically and internationally.

The DIX and IIG of the NIG shall be operated in Phnom Penh, Preah Sihanouk Province, Poipet Municipality of Banteay Meanchey Province, Bavet Municipality of Svay Rieng Province, and other locations according to the actual need with the approval from the Ministry of Post and Telecommunications (hereinafter referred to as “MPTC”).

PART 2
NATIONAL INTERNET GATEWAY OPERATORS

Article 5

The NIG shall be operated by NIG Operators, who shall be determined by the decision of the Royal Government in accordance with the request by the MPTC.

Any person wishing to operate NIG shall submit an application for a license from the Telecommunication Regulator of Cambodia (hereinafter referred to as “TRC”). Requirements and procedure for application, grant, suspension and revocation of the license shall be determined by the *Prakas* of the Minister of Post and Telecommunications (MPTC).

Article 6

NIG operators shall have the following functions and duties:

- Manage and facilitate the access of connection and utilization of infrastructure, networks, and Internet services at all NIG as well as Internet infrastructure across the land borders;
- Equip routers, switches and related technical equipment to ensure the quality and security of the network connections;
- Connect and/or set up peering with operators of the DIX and IIG;
- Provide reports on status, quality, and traffic of network connectivity to the MPTC and TRC;
- Collaborate with the MPTC, TRC and relevant authorities to promote government revenue collection through e-commerce and other online services concerned;
- Collaborate with the MPTC, TRC and relevant authorities to take action in blocking and disconnecting all network connections that adversely affect national revenue, safety, social order, dignity, culture, traditions, and customs; and
- Perform other roles and duties as directed by the MPTC Minister.

CHAPTER 3
NATIONAL INTERNET GATEWAY CONNECTION OBLIGATIONS

PART 1
DOMESTIC INTERNET NETWORK

Article 7

Aside from the obligations stated in the Telecommunications Law, Internet Service Providers (hereinafter referred to as “ISP”) and Concerning Persons shall establish connection and/or set up peering of their networks with the DIX, which is managed and operated by NIG operators.

Connection and/or peering among ISPs and Concerning Persons shall be implemented for domestic traffic exchange through the DIX and may accept International Private Leased Circuit (IPLC) connection from abroad through the IIG.

The Topology of domestic Internet network connection of NIG is attached in the Annex 2 of this Sub-Decree.

PART 2 INTERNATIONAL INTERNET NETWORK

Article 8

Operators who are licensed to operate International Telecommunications Gateway, Submarine Cable Landing Stations, or Satellite Ground Stations providing services in the Kingdom of Cambodia shall route their connections to the NIG.

The Topology of International Internet network connection is attached in the Annex 2 of this Sub-Decree.

PART 3 USE OF AUTONOMOUS SYSTEM NUMBER AND INTERNET PROTOCOL ADDRESSES

Article 9

Telecommunications operators and Concerning Persons shall use Autonomous System Number (hereinafter referred to as "ASN") to peer Internet connections within the Kingdom of Cambodia.

Conditions and procedures for the application of the ASN and Internet Protocol Address (hereinafter referred to as "IP Address") shall be determined by the *Prakas* of the MPTC Minister.

CHAPTER 4 QUALITY OF SERVICE

Article 10

NIG operators and all telecommunications service operators shall comply with conditions and technical standards for Internet network connections and Internet traffic exchange in accordance with the *Prakas* of the MPTC Minister.

NIG operators shall equip core and backup equipment for Internet network connections and Internet traffic exchange to ensure safety, accuracy and quality as follows:

- Smooth operation without any interruption or disruption;
- Utilization rate of equipment and network does not exceed 80% of the total capacity of the equipment and network;
- Have the maintenance workplans for the equipment and network.

CHAPTER 5 CONNECTIONS FEES

Article 11

Interface fees and other costs for the Internet connections in a form of transiting or peering through NIG shall be charged based on the number, type, and bandwidth of the interface, being determined by the joint *Prakas* between the MPTC Minister and the Minister of Economy and Finance (MEF).

CHAPTER 6 REVENUE COLLECTION, SAFETY, AND PUBLIC ORDER PROTECTION

Article 12

NIG operators shall cooperate with relevant authorities in collecting national revenue, assuring safety, public order, dignity, culture, tradition and custom of the society, as well as preventing and cracking down on crimes. The mechanism for cooperation between ministries/institutions shall be determined by joint *Prakas* between MPTC and the ministries and institutions concerned.

All telecommunications operators making connection with the NIG operators shall set requirements for their users to fill applications and provide clear identification in accordance with the applicable regulations.

The MPTC and relevant competent ministries and institutions shall cooperate to prevent, investigate and prosecute crimes concerning illegal connections and utilization of cross-border Internet.

CHAPTER 7 REPORTING AND MONITORING

Article 13

NIG operators shall submit traffic monthly, quarterly, semester, third-quarter, and annual report to the MPTC and TRC within 7 (seven) days after the end of each month, each quarter, each half year, each third- quarter, and each year.

In the event that there is any Internet traffic congestion, NIG operators shall report to the MPTC and TRC about the connection status for the congested route or point by elaborating the causes and solutions in a timely manner.

Article 14

The MPTC and TRC, if necessary, are mandated to monitor the infrastructure, connections, and equipment of the NIG.

NIG operators shall:

- Prepare and maintain technical records, IP Address allocation table, and route identification of traffic transiting through NIG;
- Compile and maintain reports and relevant documents concerning the connections and all Internet traffic;
- Provide other information as required by the MPTC and TRC.

NIG operators shall maintain technical records, IP Address allocation table, and route identification of traffic transiting through NIG for the latest 12 (twelve) months.

CHAPTER 8 APPEAL

Article 15

Any persons who are dissatisfied with any measures of the penalties under this Sub-Decree may appeal to the MPTC within 30 (thirty) days upon receipt of the decision. The MPTC Minister shall decide on the appeal within 45 (forty-five) days upon receipt of the complaint.

In the event that the appellant is dissatisfied with the decision of the MPTC Minister, such person may file a complaint to the competent court within 30 (thirty) days upon receipt of such a decision.

The complaints submitted to the court by the persons affected by any measures of the penalties under this Sub-Decree do not have the effect of frustrating the decision of the MPTC Minister.

CHAPTER 9 PENALTIES

Article 16

In the event that NIG operators fails to comply with article 6 and 12 under this Sub- Decree, the TRC may direct the operators to make correction. If the operators fail to comply with the TRC's direction, TRC may take one or more measures as follows:

- a. Restrict the license
- b. Suspend the license
- c. Recruit and authorize capable persons to oversee the business activities or related activities of NIG operators. Such persons shall report to the TRC in accordance with the term and conditions in the contract with the TRC.
- d. Revoke the license
- e. Freeze the account in accordance with the laws and regulations in force
- a. Impose fines pursuant to the Sub-Decree on Fines in Telecommunications sector in addition to any measures as stipulated in items a, b, c, d, and f of this Article
- f. Take other necessary measures in accordance with the relevant laws and regulations.

Article 17

In the event that ISPs, telecommunications operators, and Concerning Persons fail to comply with any obligations as stated in article 7, 8, and 9 under this Sub-Decree, the TRC may direct them to make correction. If they fail to comply with the TRC's direction, the TRC may take one or more measures as follows:

- a. Restrict the license
- b. Suspend the license
- c. Revoke the license
- d. Freeze the account in accordance with the laws and regulations in force
- e. Impose fines pursuant to the Sub-Decree on Fines in Telecommunications sector in addition to any measures as stipulated in items a, b, c, d, and f of this Article
- f. Take other necessary measures in accordance with the relevant laws and regulations.

CHAPTER 10

TRANSITIONAL PROVISIONS

Article 18

All approvals of cross-border physical network connections before this Sub-Decree comes into force shall be repealed within 12 (twelve) months after this Sub-Decree takes effect, except the rights granted under the International telecommunications gateway licenses and submarine cable landing station licenses.

Operators with the international telecommunications gateway licenses, submarine cable landing station licenses and ISP licenses with direct connectivity and wholesale services shall reroute their networks to the NIG within 12 (twelve) months after this Sub-decree comes into effect.

ISPs and Concerning Persons shall establish and/or set up peering connection to the NIG within 12 (twelve) months after this Sub-decree comes into effect.

CHAPTER 11

FINAL PROVISIONS

Article 19

Any provisions contrary to this Sub-decree shall be repealed.

Article 20

The Minister in Charge of the Office of the Council of Ministers, the Minister of Economy and Finance, the Minister of Post and Telecommunications, all ministers and heads of the relevant Institutions shall take responsibility to implement this Sub-decree respectively from the date of signature.

Phnom Penh, February 16, 2021

[Signed and Stamp]

Samdech Akka Moha Sena Padei Techo Hun Sen

Recipients:

- Ministry of the Royal Palace
- Secretariat General of the Constitutional Council
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Office of Samdech Akka Moha Sena Padei Techo Prime Minister
- Offices of Samdech and Excellencies Deputy Prime Ministers
- As stated in article 20
- Royal Gazette
- Documents-Archives

**Annex 1 of Sub-Decree No.23 ANK/BK dated 16 February 2021
on the Establishment of National Internet Gateway**

Glossary used in this Sub-Decree

Domestic Internet Exchange -DIX	refers to Internet gateway where local service providers can exchange data without having to go through networks in other countries.
International Internet Gateway-IIG	refers to an international Internet gateway that exchanges data between the local Internet networks of one country and another.
National Internet Gateway -NIG	refers to the gateway where all Internet services must be connected nationally and internationally. National Internet Gateway includes Domestic Internet Exchange (DIX) and International Internet Gateway (IIG).
Traffic	refers to the amount of data that passes through a network in 1 (one) second of a certain time.
Concerning Persons	refer to telecommunications services operators, content service providers, data centers, associations and other relevant institutions that connect and exchange data with each other through Internet gateway, either directly or indirectly.
Internet Service Provider-ISP	refers to an operator providing Internet services to customers.
Switch	refers to a network device that allows the final devices of the same or different network to exchange data through layer 2 protocol (Data Link Layer).
Peering	refers to the exchange of data directly between Internet service providers and relevant persons, rather than via the Internet.
Data Center	refers to the location provided data storage, data analysis, data protection, and related services.
Content	refers to a collection of content stored, processed or distributed in digital form via a computer, tablet, smartphone or other technological devices.
Autonomous System Number - ASN	refers to an IP prefix group whose ID is unique to one autonomous system and is globally available so that its autonomous system can exchange routing information with other systems. To allow autonomous systems communicate over the Internet, the system requires the public ASN.
Router	refers to a network device that allows information between two or more packet- switched computer networks through layer 3 protocol (Network Layer).
Internet	refers to global computer networks enabling people to share information and communicate among each other.

IP Transit

refers to a type of whole-sale services where Internet service providers allow other traffic to pass through their networks with conditions and bandwidth to final destinations.

**International
Private Leased
Circuit -IPLC**

refers to services that allow private network leasing from one point to another point in worldwide.

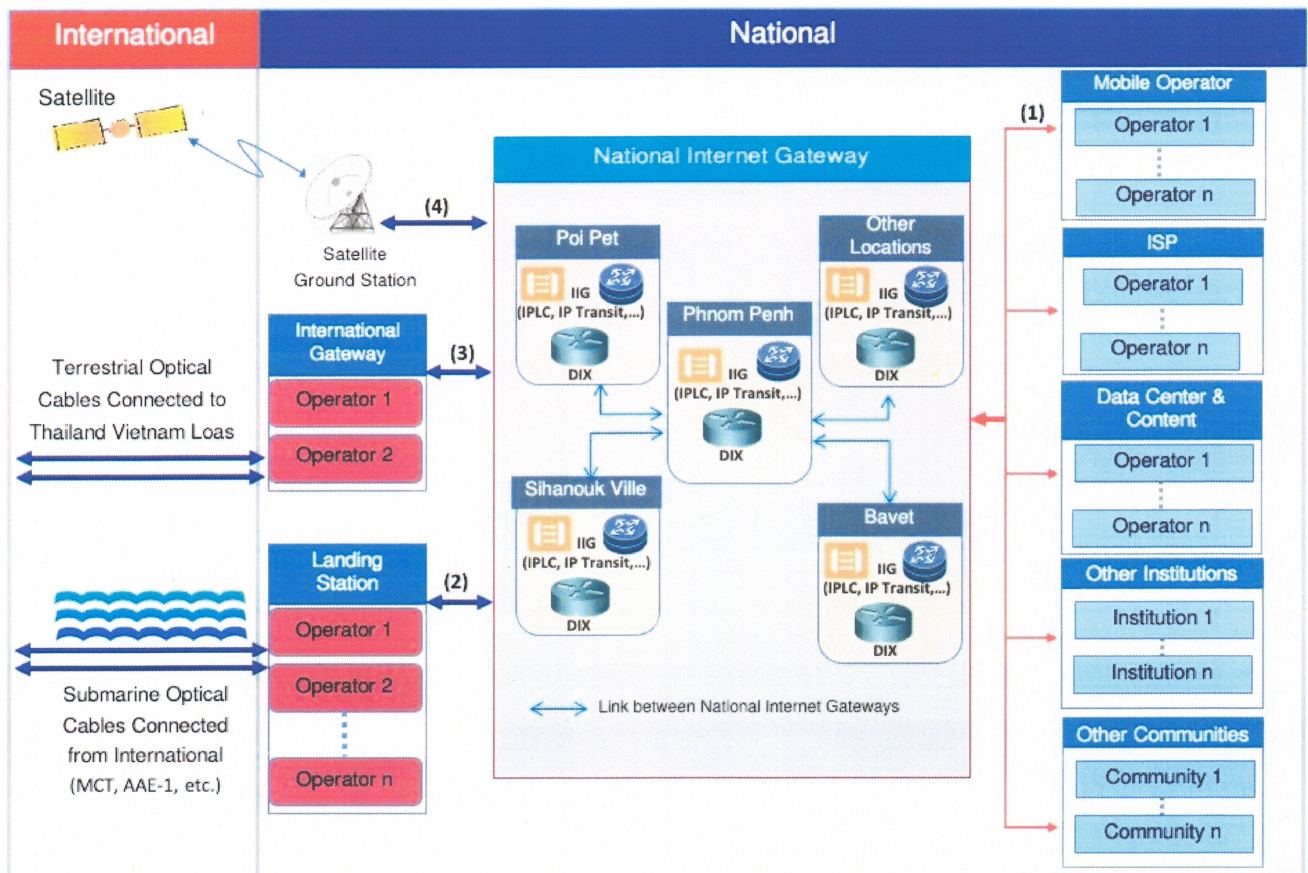
IP Address

refers to a numerical address to identify a computer or device in a network or Internet.

**Annex 2 of Sub-Decree No. 23 ANK/BK dated 16 February 2021
on the Establishment of National Internet Gateway**

Topology of Network Connections of National Internet Gateway

Topology of National Internet Gateway



- 1) Cellular Mobile Service Provider, Internet Service Provider, Data Center, Content Provider, Institutions, and other communities must connect and/or set up peering of their networks to Domestic Internet Exchange (DIX) controlled and operated by National Internet Gateway.
- 2) Licensed operators for submarine optical cable landing stations must connect their networks through International Internet Gateway (IIG) controlled and operated by National Internet Gateway.
- 3) Licensed operators for International Telecommunications Gateway must connect their networks through International Internet Gateway (IIG) controlled and operated by National Internet Gateway.
- 4) Licensed operators for Satellite Ground Station operated in Kingdom of Cambodia must connect their networks through International Internet Gateway (IIG) controlled and operated by National Internet Gateway.