

Royal Government of Cambodia
No. 234 S.E.

[National Coat-Of-Arms]
KINGDOM OF CAMBODIA
Nation Religion King



SUB-DECREE

ON

The Management of Film Industry
The Royal Government of Cambodia

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen Royal Decree No. NS/RD/0913/903, dated 24 September 2013 on the Appointment of the Royal Government of Cambodia;
- Having seen Royal Decree No. NS/RD/1213/1393, dated 21 December 2013, on the Modification and Expansion of the Composition of the Royal Government of Cambodia;
- Having seen Royal Decree No. NS/RD/0416/368, dated 4 April 2016, on the Modification and Expansion of the Composition of the Royal Government of Cambodia;
- Having seen the Royal Kram No. 02/NS/RK/94, dated 20 July 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RK/0196/02, dated 24 January 1996, on the Establishment of the Ministry of Culture and Fine Arts;
- Having seen the Royal Kram No. NS/RK/0303/08, dated 5 March, 2003, promulgating the Law on Copyright and Related Rights;
- Having seen Sub-decree No. 24 S.E, dated 19 June, 2007, on the Organization and Functioning of the Ministry of Culture and Fine Arts;
- Having seen Sub-decree No. 63 S.E, dated 4 September 2000, on the Management and Control of Cinematic Arts and Videos;
- With reference to the request of the Minister of Culture and Fine Arts;

HEREBY DECIDES
CHAPTER 1
GENERAL PROVISIONS

Article 1.-

This Sub-decree aims to ensure the control and development of the film industry to contribute to the socioeconomic growth as well as preserving, protecting, promoting and developing the national culture.

Article 2.-

This sub-decree aims to:

- Manage the local cinematographic works production;
- Manage the foreign cinematographic works production in the Kingdom of Cambodia;
- Manage the export and import of film products;
- Manage the exploitation of cinematographic works and related services;
- Manage the dissemination of cinematographic works;
- Manage the film vocational training schools;
- Encourage the creation of new cinematographic works;
- Control and crackdown the offenses related to film industry.

Article 3.-

This sub-decree applies to all activities of film industry in the Kingdom of Cambodia with the exception of production, distribution, promotion of cinematographic works and public dissemination by ministries, institutions on a non-profit-making basis.

Article 4.-

Terms used in this Sub-decree are defined in the glossary which is an annex to this the Sub-decree.

CHAPTER 2

Competency

Article 5.-

The management of film industry is the competency of the Ministry of Culture and Fine Arts.

CHAPTER 3

Authorization, Production, Business Operation and Film Service

Article 6.-

Individuals operating the cinematographic works production business, film business, film projecting business, film equipment supply service, image editing, sound editing and film reproduction service, film translating and dubbing service, film studio service, film vocational training schools, shall be authorized by the Ministry of Culture and Fine Arts.

Formalities and procedures for authorization shall be determined by the Prakas of the Minister of Culture and Fine Arts.

Article 7.-

Before producing cinematographic works, the producer shall submit the film scripts in Khmer to the Ministry of Culture and Fine Arts for prior examination and approval in order to obtain the authorization for cinematographic works production with the exception of the own production of TV series of the television stations for their broadcasting.

The Ministry of Culture and Fine Arts shall examine and give its response of approval or disapproval or it requires the modification of film scripts within 15 (fifteen) working days from the date of receipt of application. In the event that the ministry fails to response within 15 (fifteen) working days, it is deemed to be approved.

Article 8.-

- It is prohibited to produce cinematographic works whose content:
- Contradicts the constitution, laws or legal standards;
 - Jeopardizes the national confidentiality and security;
 - Jeopardizes the state institutions;

- Distorts the truth in national history;
- Jeopardizes national security, public order and social stability;
- Jeopardizes national tradition, national culture and social morality;
- Incites racial, ethnic, ethnic group or religious discrimination;

Article 9.-

Any production, distribution and public dissemination of pornographic films shall be prohibited.

Article 10.-

The relevant ministries, institutions shall cooperate with the Ministry of Culture and Fine Arts in order to facilitate the production of cinematographic works in the Kingdom of Cambodia.

The Ministry of Culture and Fine Arts may request the establishment of an inter-ministerial commission with the aim of facilitating the production of cinematographic works in the Kingdom of Cambodia, which is determined by the decision of the Royal Government.

CHAPTER 4

Examination of Content and Images, Classification and Issuance of Visa for cinematographic works

Article 11.-

Local or imported cinematographic works, before renting, selling, projecting, publicly disseminating by any means and exported cinematographic works shall be authorized by rights owner and obtain a visa from the Ministry of Culture and Fine Arts.

The examination of content, images, classification and issuance of visa for cinematographic works shall be the competency of the Ministry of Culture and Fine Arts.

Formalities, procedures and duration of examination of content and images, classification and issuance of visa for cinematographic works shall be determined by the Prakas of the Minister of Culture and Fine Arts.

Examination of content and images, classification and issuance of cinematographic works visa for the production of TV series of the television stations for their broadcasting shall be determined by the Inter-ministerial Prakas between the Minister of Culture and Fine Arts and the Minister of Information.

Article 12.-

The relevant ministries and institutions, if necessary, shall attend the meetings to examine and decide those cinematographic works at the request of the Ministry of Culture and Fine Arts.

Article 13.-

The authorization for operating business of the cinematographic works production, film business, film projecting business, filming equipment supply service, image editing,

sound editing and film reproduction service, film translating and dubbing service, film studio service, film vocational training school as specified in Article 6, the issuance of cinematographic works visa as specified in Article 11, shall be paid for public services determined by the inter-ministerial Prakas between the Minister of Culture and Fine Arts and the Minister of Economy and Finance.

CHAPTER 5

Control of Film Industry

Article 14.-

The Ministry of Culture and Fine Arts shall have the competency in controlling the operation of the film production business, film business, film projecting business, filming equipment supply service, image editing, sound editing and film reproduction service, film translating and dubbing service, film studio service, film vocational training school and cinematographic works dissemination.

Article 15.-

During the operation of law enforcement, the competent officials shall dress in uniform, wear their badge and identification card and have the authorization for mission. The uniform and badge of the competent officials shall be determined by a Sub-decree.

CHAPTER 6

Penalty

Article 16.-

The penalties specified in this Sub-decree include:

- Order to modify activities;
- Written warning;
- Suspension of the authorization for production, business operation, service operation and cinematographic works visa;
- Revocation of the authorization for production, business operation, service operation and cinematographic works visa; and
- Transitional fines.

Article 17.-

The order to modify activities, written warning, suspension of the authorization for production, business operation, service operation and cinematographic works visa, revocation of the authorization for production, business operation, service operation and cinematographic works visa, shall be the competency of the Ministry of Culture and Fine Arts.

Transitional fines shall be the competency of the expert officials from the Cinema Department and the Municipal/Provincial Department of Culture and Fine Arts, of the Ministry of Culture and Fine Arts.

The procedures for transitional fines, payment for penalty, management of penalty payment slip and management of money generated from the penalties for offenses

specified in this Sub-decree shall be determined by the by the inter-ministerial Prakas between the Minister of Culture and Fine Arts and the Minister of Economy and Finance.

The payment of transitional fines shall bring an end to criminal action.

In case the offender denies paying the transitional fines, the case file shall be submitted to the competent court according to the procedures.

Article 18.-

Transitional fines in cash of no more than 3,000,000 (three million) riels shall be imposed to any person who produces film, operates film business, film projecting business, filming equipment supply service, image editing, sound editing and film reproduction service, film translating and dubbing service, film studio service, film vocational training school, without authorization from the Ministry of Culture and Fine Arts.

In the event that the transitional fines have been imposed on the offender, but he/she repeats the action, the double transitional fines shall be imposed.

Article 19.-

Transitional fines in cash of no more than 3,000,000 (three million) riels shall be imposed to any person who, by any means, distributes, projects, publicly disseminates the films without any visa from the Ministry of Culture and Fine Arts.

In the event that the transitional fines have been imposed on the offender but he/she repeats the action, the double transitional fines shall be imposed.

Article 20.-

Any person who rents, sells or stocks for renting or selling films without any visa from the Ministry of Culture and Fine Arts, he/she shall be subject to a transitional fines of no more than 20,000 (twenty thousand) riels for each equipment of film.

In the event that the transitional fines have been imposed on the offender but he/she repeats the action, the double transitional fines shall be imposed.

Article 21.-

Exhibits of the offense specified in Article 19 and Article 20 of this Sub-decree shall be taken by the competent officials who control the film industry.

The decision on the management of exhibits shall be applied in accordance with the provisions specified in the Code of Criminal Procedure.

Article 22.-

All civil servants whose duty is to examine the content and images of cinematographic works, control or suppress the film offenses, engage in collusion or violate their duties in contradiction to provisions specified in this Sub-decree, shall be subject to administrative fines without prejudice to other criminal penalties.

CHAPTER 7

Transitional Provisions

Article 23.-

Film producers, operators of cinematographic works business or service who have not yet complied with the terms set forth in this Sub-decree shall seek authorization from the Ministry of Culture and Fine Arts within 6 (six) days after this Sub-decree comes into effect.

CHAPTER 8

Final Provisions

Article 24.-

Sub-decree No. 63 S.E, dated 4 September 2000, on the Management and Control of Film and Videos and all provisions contrary to this Sub-decree shall be abrogated.

Article 25.-

The Minister of the Office of the Council of Ministers, the Minister of Economy and Finance, the Minister of Culture and Fine Arts, ministers and directors of all relevant ministries and institutions shall undertake to implement this Sub-decree with their respective duties from the date of signature.

Phnom Penh, 8 November 2016

Prime Minister

[Signature and stamp]

Samdech Akka Moha Sena Padei Techo HUN SEN

Forwarded to Samdech Akka Monha Sena Padei Techo

Prime Minister for signature.

Minister of Culture and Fine Arts

[Signature]

PHOEUNG SAKONA

CC:

- Ministry of the Royal Palace
- General Secretariat of the Constitutional Council
- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Secretary General of the Royal Government
- Cabinet of Samdech Prime Minister
- Cabinets of Samdech, Excellencies Deputy Prime Ministers
- As stipulated in Article 25
- Royal Gazette
- Records-Archives

No. 113C

True copy to the original

Phnom Penh, 29 November 2016

By order of the Minister

Director General of Administration and Finance

[Signature and stamp]

LONG PONNASYRYWATH

Annex of Sub-decree No. 234 S.E, dated 8 November 2016

On

The Management of Film Industry

1. **Works** refer to artistic and cultural products established by the creativity, intelligence or sentiment.
2. **Film** refers to object with or without sound which has series of images contained on material, roll, cassette, disc, memory and other storing materials which are visible through projecting.
3. **Cinematographic works are a separate work** including:
 - Feature film or short film;
 - Television feature film or short film;
 - Film series;
 - Feature-length documentary film or documentary short film;
 - Animated or cartoon film;
 - Commercial film;
 - Song movie, action or Karaoke songs;
4. **Film industry** refers to work activities related to vocational training, production, service operation, business operation, distribution and dissemination of cinematographic works.
5. **Authorization** refers the authorization for film production license, service license, film business, the authorization for filmmaking, the issuance of film visa.
6. **Film production** refers to work activities including pre-shooting period, shooting period and post-shooting work until final products.
7. Film scripts refer to story summary, detailed story text in national language containing conversation, melody.
8. **Film projecting** refers to activities of appearing images and sound of film on the screen or white flat surface by other technical means.
9. **Dissemination of film** refers to activities of projecting film and/or sending picture and sound of film to the destination via airwave, television system, cable television, internet and other means.
10. **Public dissemination** refers to the dissemination of film outside the family circle that enables the public to receive pictures and sound of that film.
11. **Distribution of film** refers to activities to manage, circulate, export, import and distribution of film on film market.
12. **Film business** refers to individual economic activities with the aim of making profit in production of work, selling, renting, exporting and importing and distribution cinematographic works.
13. **Film service** refers to individual economic activities with the aim of making profit or any interest from supplying services to the production of cinematographic works such as supply of film material, film shooting studio, image editing, sound editing and recoding studio, dubbing studio etc.
14. **Service of supplying film shooting materials** refers to the act of providing service, renting equipment, materials serving the film shooting including:
 - Lighting equipment;
 - Camera and accessories;
 - Grip equipment;With the exception of materials, equipment serving the production of TV programs which are under the competency of the Ministry of Information.
15. **Cinema** refers to a room or a set of rooms, which is in the same building particularly and permanently arranged for projecting film regardless of the method for placing flat surface or film projecting equipment and a kind of equipment containing cinematographic works.