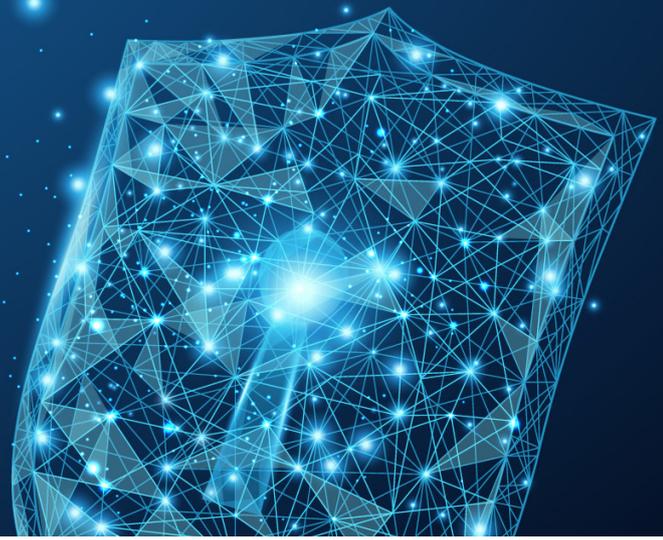


# Technical Update

June 2020



## State of Emergency Law

Royal Code (Kram) No. 0420/018

The law on the management of the nation in a state of emergency was promulgated on 29 April 2020.

The law refers to a state of emergency as being a response to an immediate risk to the nation. The law provides for management of the nation under a state of emergency in order to protect national security, public order, the lives and health of citizens as well as property and the environment.

The declaration of a state of emergency is conditioned on the existence of a great risk facing the nation, such as an invasion by foreign forces; imminent danger to public health caused by a pandemic; grave disruption to national security and public order; or grave natural disasters that present a risk or could cause widespread danger across the nation.

A state of emergency may not exist for more than three months, however, it may be extended.

During a state of emergency, the government may take the following measures:

- Prohibition or restriction of freedom of movement;
- Prohibition or restriction of the right to freedom of association or meetings of people;
- Prohibition or restriction of work activities or occupations;
- Prohibition or limitation of individuals from leaving their dwellings or any place of residence;
- Putting in place measures concerning quarantine or isolation in the event of imminent danger to public health caused by a pandemic;
- Putting in place measures concerning the mobilization or relocation of people in response to the state of emergency;
- Putting in place measures concerning the mobilization, revocation, management, and assignment of assets and services that are necessary in response to the state of emergency;
- Putting in place measures concerning the fixing of prices of necessary goods and services in response to the state of emergency;
- Putting in place measures concerning the closure of any public or private spaces that are necessary in response to the state of emergency;
- Putting in place measures to monitor, observe and gather information from all telecommunication mediums, using any means necessary, in response to the state of emergency;
- Banning or restricting the distribution of information that could scare the public, cause unrest, or that can negatively impact national security, or that may cause confusion in response to the state of emergency;

Any measures taken must be appropriate and necessary in response to the state of emergency.

Measures may be implemented throughout the entire country or only in certain demarcated areas.

If necessary, the government can set up mechanisms, delegate rights to certain government authorities or make use of the armed forces, in order to ensure that the aforementioned measures are implemented.

In the event of war, or in any other circumstances in which there is a serious risk to national security, the management of the nation while under a state of emergency can be done under martial law.

Obstruction to the execution of the state of emergency or disobedience to its implementation are punishable with fines and imprisonment. Legal entities may be held criminally responsible for such obstructions or disobedience.

**Commentary:** The state of emergency law does not declare a state of emergency for Cambodia. It sets out the conditions for the declaration of a state of emergency and the powers of the government during a state of emergency.

The powers of the government during a state of emergency are broad and can potentially impact business activities in various ways such as restrictions on movement and individuals that may prevent workers from going to their workplaces; restrictions on association that may impact on trade unions; imposition of price controls; the state taking control of private assets; restrictions on communications; and restrictions that may temporarily restrict specific business activities (such as the closure of businesses during the current Covid-19 pandemic).

Corporations that fail to abide by the state of emergency law may be held criminally responsible and fined and may be subject to additional penalties such as dissolution or closure of establishments; judicial supervision; restrictions on trade; confiscation of property or other measures as set out in the Penal Code.

## Health – Translation into the Khmer language of all packages and labels of food products

### Ministry of Health (“MoH”) – Notification No. 2772 dated 22 May 2020 on translation into the Khmer language of all packages and labels of food products

To strengthen food hygiene and safety and to effectively implement the contents of Prakas No. 649 dated 4 August 2017 on the issuance of Free Sales Certificates (FSC) and Health Certificates of Food Products (HCFP), the MoH issued Notification No. 2772 to require all companies, handicrafts and factories to translate the packages and labels of food products into the Khmer language in order to apply for the FSC and HCFP with the MoH.

This notification shall be effective from 01 July 2020 onwards.

## Contact us

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