



# **REGULATORY GAP ANALYSIS OF SELECTED TRADE AGREEMENT CHAPTERS TO SUPPORT CAMBODIA'S LEAST DEVELOPED COUNTRY AND TRADE TRANSITION**

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## **H.E. Dominic Williams, British Ambassador to Cambodia**

I am delighted that the United Kingdom has supported this report, which helps assess Cambodia's regulatory gaps in trade, using elements of one of the most ambitious and exciting trade agreements in the world, the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP).



We have supported this work as part of our efforts to support Cambodia's continued development. Trade has played a key role in Cambodia's economic growth over recent years, with the garment, footwear and travel goods industry generating significant export earnings and supporting good quality jobs for hundreds of thousands of Cambodians. We see potential for Cambodia to expand its export trade further, bringing even more economic benefit to Cambodians. This report will help Cambodia identify reforms that will be needed to meet the highest international regulatory standards. This will support Cambodia to enhance its competitiveness and, in turn, access even more overseas markets with an even wider range of goods.

The United Kingdom and Cambodia already have a warm and constructive trading relationship, which reflects our shared commitment to open, predictable, and sustainable economic growth. Our trading relationship is underpinned by our annual UK–Cambodia Joint Trade and Investment Forum, which brings together policymakers and business leaders to build lasting connections and identify practical steps to enhance bilateral trade. It also benefits from the UK's Developing Countries Trading Scheme, one of the most generous systems of trade preferences in the world, which grants Cambodia tariff-free, quota-free access to the UK market for 99% of product lines.

As our engagement through ASEAN continues to deepen, I am encouraged by the strong interest from both UK and Cambodian businesses in strengthening commercial links and exploring new opportunities. Across the Indo-Pacific, the UK is working to support resilient supply chains, green and inclusive growth, and the conditions that enable businesses to thrive. These priorities align closely with Cambodia's long-term economic development ambitions.

At the Embassy, we are committed to bringing our development work alongside our commercial work to support Cambodia's preparations to graduate officially from Least Developed Country status in December 2029. This milestone is a testament to Cambodia's incredible progress but will also present challenges, as Cambodia will need new tools and approaches to compete internationally without the support it current receives as an LDC. I am proud that we are deploying UK Official Development Assistance to support the Cambodian government to develop these new approaches. This report is an excellent example, where we are using ODA-funded expertise, through the UK Trade Policy Observatory, to highlight areas where continued legal and regulatory development can aid Cambodia in its development journey, particularly in aligning with high standard trade agreements.

I hope this report makes a useful contribution to the dialogue between our governments, experts, and private sectors, and that it supports our shared ambition for high-standard, open and sustainable trade in the years ahead.

**H.E. PROF. Dr. SOK Siphana, Senior Minister in charge of Special Missions (Multilateral Trade and Economic Affairs), Chairman of the Trade Policy Advisory Board, and Chairman of the CP-TPP Study Working Group**



It gives me great pride to present this report titled “Regulatory Gap Analysis of Selected Trade Agreement Chapters to Support Cambodia’s LDC and Trade Transition”. This work is a partial contribution of a broader journey towards a more modern, diversified, and high-standard economy. As our country prepares for graduation from the Least Developed Country (LDC) status in 2029, we are also having the ambition to accede to the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CP-TPP). This report will serve as an evidence-based assessment of our regulatory framework and our expected reforms to meet the high-level CP-TPP trade frameworks.

I am deeply grateful to the UK Trade Policy Observatory (UKTPO) and the United Kingdom for their partnership and technical contribution to this analysis, as well as the Cambodian CP-TPP Working Group and all participating institutions for their steady guidance and constructive inputs. This in-depth research reflects the shared responsibility of our various institutions with the aim of improving regulatory predictability to enable our businesses to position and compete in a rapidly changing global economy.

Cambodia stands at an important juncture and the institutional choices we now make will shape our competitiveness for years to come. We are experiencing rapid economic transformation and accelerating digitalization, while climate and sustainability requirements are becoming central to trade and investment decisions worldwide. With this in mind, the two areas that our report focuses on (i) e-commerce and the broader digital trade ecosystem, and (ii) environmental governance, are especially critical to our modernization agenda and its alignment with Pentagonal Strategy Phase-I.

I encourage policy makers, regulators, the private sector, and our development partners to use the findings of this report as a practical guide for action to help prioritize reforms, strengthen institutional capacity, and sequence implementation in a realistic and coordinated way. Throughout this process, we must safeguard our legitimate public policy objectives, such as national security, consumer protection, data privacy, and sustainable development, while steadily improving the quality, transparency, and consistency of our regulatory environment.

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## Executive Summary

This report assesses Cambodia's regulatory gaps in trade, using an analysis of gaps between Cambodia's domestic legal framework and the e-commerce and environment chapters from the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP). The CPTPP has been used as a helpful example with which to make a wider assessment of Cambodia, noting Cambodia's application to the CPTPP in December 2025.

In preparation for its 2029 Least Developed Country (LDC) graduation and the higher obligations it will assume under advanced trade agreements, Cambodia is strengthening its trade regime by diversifying its international economic partnerships, digitising and automating customs systems, and reforming public service delivery, specifically for traders and investors. This demonstrates the Cambodian Government's commitment to aligning with other high-standards agreements and regulations, an ambition which is further illustrated by its application to the CPTPP, a high-standards trading bloc.

The study aims to identify key legal misalignments, highlight compliance risks, and inform reform priorities to support Cambodia's trade and development transition using the CPTPP as a benchmark.

### **Regulatory gaps in the CPTPP E-commerce Chapter**

Cambodia's digital economy is expanding rapidly, contributing approximately 4–5% of GDP and projected to grow steadily. However, structural challenges persist, including limited rural connectivity, low digital literacy, and weak consumer trust in digital systems. While the government has introduced important policy frameworks and foundational legislation, its regulatory ecosystem remains in an early stage of development. Draft laws on cybersecurity and personal data protection signal progress but are not yet fully operational.

The CPTPP e-commerce chapter represents a high-standard, market-oriented framework that emphasises digital trade liberalisation and innovation, including provisions on cross-border data flows, prohibition of data localisation, and restrictions on source code disclosure. These rules aim to facilitate digital trade but may constrain domestic policy space. In contrast, Cambodia's current approach to digital governance is more state-centric and aligned with regional frameworks such as the Association of Southeast Asian Nations (ASEAN) and the Regional Comprehensive Economic Partnership (RCEP), which prioritise flexibility and developmental considerations.

The analysis identifies several key regulatory gaps. The most significant gaps relate to cross-border data flows and data localisation. Cambodia's existing laws grant broad government authority over data control and may enable restrictions on cross-border transfers, which could conflict with CPTPP obligations requiring free data movement. Similarly, provisions that may result in de facto data localisation raise potential inconsistencies with CPTPP rules prohibiting such practices. Concerns also arise regarding source code protection, where domestic intellectual property exceptions could create tensions with CPTPP commitments.

Cambodia shows a relatively low level of regulatory gap in “trust-building” areas, including consumer protection, cybersecurity, and personal data protection. This is mainly because the CPTPP provisions in this area do not pose strict requirements. Existing laws and draft

legislation broadly meet CPTPP requirements, although improvements are needed to enhance interoperability, transparency, and enforcement mechanisms, particularly regarding remedies and compliance systems.

Regulations that facilitate e-commerce, such as electronic transactions and digital signatures, are generally consistent with CPTPP standards. However, certain requirements, such as approval processes for foreign digital signatures, may limit flexibility and create potential compliance issues.

Overall, compliance risks are highest in areas related to cross-border data governance, where Cambodia's regulatory model diverges from the CPTPP market-driven principles. Risks are lower in trust-building and e-commerce facilitation provisions, reflecting recent legislative progress. However, institutional capacity constraints may affect effective implementation and enforcement. Aligning with CPTPP standards will require careful sequencing of reforms, balancing openness with domestic policy objectives, and strengthening institutional capacity. Addressing infrastructure gaps, improving digital inclusivity, and building public trust will be critical to ensuring a sustainable and competitive digital economy.

### **Regulatory gaps on the CPTPP Environment Chapter**

Cambodia's environmental regulatory framework is broad but still evolving. It is built on a layered system of framework legislation, sector-specific laws, and sub-decrees. Recent reforms, particularly the 2023 Code on Environment and Natural Resources and updated climate policy instruments, indicate a move toward a more coherent and modernised system. At the same time, the framework remains fragmented and implementation capacity may be uneven across sectors.

The CPTPP Environment Chapter represents one of the most comprehensive environmental frameworks in a plurilateral trade agreement. It contains substantive obligations across multiple environmental domains, including ozone protection, marine pollution, biodiversity, fisheries, and wildlife trade, and subjects many of these obligations to dispute settlement. However, the chapter also has notable limitations. It relies heavily on cooperative and aspirational language in several areas and lacks strong provisions directly addressing climate change mitigation and adaptation. As such, the compliance gaps identified reflect not only Cambodia's domestic regulatory deficits, but also the CPTPP's own mixed structure, combining relatively hard obligations with softer and more prospective commitments.

The analysis shows that Cambodia's most significant regulatory gap lies in fisheries management. CPTPP imposes detailed requirements on science-based fisheries management, subsidy disciplines, reduction of bycatch, stock recovery, and conservation of vulnerable marine species. Cambodia's current framework provides general sustainability principles and emergency powers, but does not yet clearly prohibit subsidies to Illegal, Unreported, and Unregulated (IUU) fishing or overfished stocks, nor does it contain sufficiently developed species-specific conservation measures. Therefore, fisheries management represents the highest compliance risk and would likely require substantive legal reform.

By contrast, Cambodia is comparatively better positioned in areas such as trade in wild animals and plants, ozone protection, biodiversity, and marine pollution. In these clusters, domestic law already provides core legal mechanisms, including permit systems, prohibitions, institutional mandates, and enforcement powers. The main gaps are procedural and

institutional, especially with respect to transparency, public availability of information, inter-agency coordination, and the operationalisation of cooperation commitments after accession.

Other CPTPP provisions, including those on invasive alien species, environmental goods and services, and transition to a low-emissions economy, are largely cooperation-based and prospective in nature. These create relatively low compliance risk because they do not require immediate domestic legislative change. Similarly, the corporate social responsibility provision is soft and flexible. Although Cambodia currently lacks a specific CSR law, it has already promoted CSR principles through policy framework such as (i) National Strategic Plan on Green Growth 2013-2030 (ii) Cambodia's Roadmap for Sustainable Consumption and Production 2022-2035, (iii) the Circular Strategy on Environment (2023-2030), green investment incentives under Cambodia's Law on Investment in 2021, and ESG-related initiatives by private sector.

Overall, Cambodia's compliance profile under the CPTPP Chapter on Environment reflects targeted gaps rather than systemic incompatibility. The principal challenge lies in fisheries, while most other areas require incremental procedural strengthening, institutional alignment, and post-accession cooperation rather than wholesale regulatory overhaul.

### **Recommendations**

For Cambodia, a phased and targeted reform strategy is recommended to support its alignment with high-standard trade frameworks. This includes strengthening digital and sustainable ecosystems through investments in infrastructure, human capital, and technology.

Priority should be given to developing clear and interoperable data governance frameworks, limiting unnecessary data localisation, and enhancing consumer trust through effective data protection and consumer policies.

Fisheries reform should also be prioritised, particularly by introducing disciplines on harmful subsidies, improving science-based management, and aligning with international standards.

In parallel, Cambodia should enhance regulatory clarity in both digital and environmental domains, strengthen institutional capacity, and improve transparency, stakeholder engagement, and inter-agency coordination to ensure coherent and predictable implementation.

The UK is well placed to support Cambodia's transition by leveraging its expertise in digital and environmental governance. Targeted technical assistance, such as inclusive data governance, cybersecurity, and sustainable fisheries management, can help build capacity, while regulatory partnerships, such as institutional dialogues, training, and secondments, can facilitate knowledge transfer and strengthen implementation capabilities.

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## 1. Introduction

Cambodia is entering a critical phase in its economic transition as it prepares to graduate from Least Developed Country (LDC) status in 2029. This transition, set out in Cambodia’s Pentagonal Strategy – Phase I and Vision 2030, places strong emphasis on open and rules-based trade, institutional strengthening, and deeper integration into regional and global markets. Cambodia’s formal application to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) on 1 December 2025 signals its clear commitment to such an approach.

The objective of this report is to contribute to Cambodia’s LDC and trade transition by analysing the country’s regulatory development using the CPTPP as a benchmark. CPTPP has been chosen as the benchmark for this analysis, noting the UK’s accession in 2024 and Cambodia’s recent application in December 2025. The project serves as a mapping exercise to identify regulatory gaps between Cambodia’s existing regulations and the commitments required under the CPTPP. More broadly, the report seeks to improve understanding of the opportunities and challenges that developing countries face when undertaking accession to high-standard international trade agreements such as the CPTPP.

Given that regulatory compliance with the e-commerce and environment chapters is likely to pose two of the most significant challenges for Cambodia, the report focuses on major regulatory gaps in these areas and identifies compliance risks that may affect Cambodia’s readiness for CPTPP-aligned reforms. The report then provides practical recommendations for sequencing reforms and strengthening institutional capacity.

We note that the scope of this study is to identify the “legal alignment gap”. Although regulatory “gaps” comprise three dimensions—legal alignment, institutional/administrative implementation capacity, and enforcement/compliance systems—the scope of this report is limited to identifying legal alignment gaps (Annex 1: Methodology). The analysis is based on desk-based textual research, supplemented by a meeting with Cambodia’s regulatory authorities responsible for the environment and for digital trade.

## 2. Regulatory gap analysis on the CPTPP E-commerce Chapter

### 2.1. Overview of Cambodia's regulatory environment for digital governance

#### Digital governance landscape

Cambodia's e-commerce sector currently accounts for approximately 4–5% of GDP. However, the nation is experiencing rapid digitisation, with the sector projected to achieve a compound annual growth rate (CAGR) of 9.98% between 2024 and 2029, driven by a youth-led digital economy.<sup>1</sup>

Despite this momentum, Cambodia faces a significant digital divide. For instance, 74% of the rural population suffers from poor internet connectivity,<sup>2</sup> while the digital literacy gap stands at roughly 72%.<sup>3</sup> Consequently, enhancing digital connectivity, ICT infrastructure, and digital skills is essential.

A further challenge is the lack of public trust in technology. Surveys indicate that 52.9% of Cambodians are deeply concerned about personal data security when using digital services, while 50.4% have experienced data breaches or cyberattacks.<sup>4</sup> A UNCTAD report specifically highlighted the absence of robust consumer trust and effective dispute resolution mechanisms.<sup>5</sup>

Therefore, refining the regulatory environment is critical to fostering a more secure digital ecosystem. Addressing nationwide inclusivity -through infrastructure investment, strengthened regulations, enhanced consumer education, and localised strategies - remains the primary priority.

#### Policy developments

Since 2020, the Government of Cambodia has strategically promoted digital transformation through the Digital Economy and Society Policy Framework 2021–2035, the Digital Government Policy 2022–2035, the Pentagonal Strategy Phase I 2023–2028, and Strategy for the Development of E-services for Business 2025-2028. Furthermore, the Cambodia Digital Trade Strategy (2025–2030) outlines the development of a regulatory framework for data management.

At the domestic level, Cambodia is establishing the legal foundations for digital governance, including the Law on Electronic Commerce (2019) and the Law on

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<sup>1</sup> UNCTAD (2025) Fast-tracking implementation of reforms enabling e-commerce and digital trade. At: [Fast-tracking implementation of reforms enabling e-commerce and digital trade | UN Trade and Development \(UNCTAD\)](#) and PROFITENCE (2024). [E-commerce in Cambodia](#)

<sup>2</sup> UNCTAD (2025).

<sup>3</sup> World Bank (2021), Figure 5.5

<sup>4</sup> [Cambodia's Digital Economy: A New Engine of Growth](#), Standard Insights, July 18, 2023.

<sup>5</sup> UNCTAD (2025).

Consumer Protection (2019). To address privacy and cybercrime, specific cybersecurity and data protection laws are currently being drafted.<sup>6</sup>

At the multilateral level, Cambodia adheres to the WTO Moratorium on Customs Duties for Electronic Transmissions. Although Cambodia was an initial participant in the WTO Joint Statement Initiative (JSI) on E-commerce, the government later withdrew. Consequently, Cambodia is not a party to the WTO Agreement on E-commerce (interim), which broadly covers digital trade rules, including digital trade facilitation, cross-border data flows, and privacy (Table 1).

Instead, Cambodia has focused on regional digital integration through the Regional Comprehensive Economic Partnership (RCEP), the ASEAN Digital Data Governance framework, ASEAN-Australia-New Zealand FTA and bilateral FTAs with e-commerce chapters (including agreements with China and the UAE) (Table 1). These regional frameworks are generally more development-oriented, offering gradual obligations and capacity-building that align with Cambodia’s current domestic strategy—unlike the more stringent requirements of the CPTPP.

Table 1: Cambodia’s international engagements on e-commerce

Multilateral level	WTO <ul style="list-style-type: none"> <li>• WTO moratorium on customs duties on electronic transmissions</li> <li>• WTO Agreement on E-commerce (interim)</li> </ul>
Regional level	ASEAN <ul style="list-style-type: none"> <li>• ASEAN Agreement on Ecommerce</li> <li>• ASEAN Digital Economy Framework Agreement</li> <li>• AANZFTA</li> <li>• ASEAN-China FTA 3.0</li> </ul>
	RCEP
Bilateral level	Cambodia-China FTA
	Cambodia-UAE CEPA

Cambodia is still in the foundational stages of developing its e-commerce and digital trade regulations. Its readiness for high-standard agreements, such as the CPTPP, requires careful examination, particularly regarding the capacity of its regulatory institutions to implement and enforce such obligations. To achieve its long-term goals of inclusivity and trust, Cambodia must establish a robust domestic framework for data

<sup>6</sup> [MoC reviews Kingdom’s Digital Trade Policy 2025-2030 - Khmer Times](#)

protection and cybersecurity while engaging strategically with international trade partners.

## 2.2. Understanding the CPTPP E-commerce Chapter

As a basis for assessing the gaps between the CPTPP e-commerce provisions and Cambodia's domestic regulations, it is important to clarify the nature of the regulatory framework represented by the CPTPP e-commerce chapter (Chapter 14).

The CPTPP e-commerce chapter is widely recognised as a high-standard digital trade text that has set a template for contemporary digital trade governance frameworks. It provides regulatory certainty and promotes convergence around key digital trade norms to facilitate digital commerce. These rules can encourage the harmonisation of e-commerce laws and infrastructure requirements, thereby helping to reduce trade costs for businesses.

At the same time, the chapter is known as the US-style market-oriented digital trade rules that tend to lock in a liberalisation-focused regulatory approach. The rules were strongly influenced by major US technology firms' lobbying in the early 2010s.<sup>7</sup>

One of the strong features in this aspect is that it goes beyond trade facilitation and focuses on digital trade liberalisation. For example, it includes provisions that require cross-border data flows, prohibition of data localisation and source code protection with narrow domestic regulatory space. This indicates that CPTPP digital trade rules may restrict policy space and thus complicate the development of governance regimes tailored to local priorities like privacy protections, algorithmic accountability, or digital industrial strategy.

Another feature is that the rules prioritise free digital trade over privacy rights. Although CPTPP members are required to adopt or maintain a legal framework for personal data protection, no standards or benchmarks for the legal framework are specified.<sup>8</sup> Consequently, EU GDPR style high-standard data privacy protection could potentially be regarded as trade barriers.

These features indicate potential trade-offs between enabling digital economic integration and imposing constraints on domestic regulatory autonomy—particularly in relation to trust-building, accountability, and future digital industrial strategies, as some academic analyses highlight.<sup>9</sup>

For Cambodia, five issues require particular attention from the development aspect:

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<sup>7</sup> Azmeh, Shamel; Foster, Christopher (2016) The TPP and the digital trade agenda: Digital industrial policy and Silicon Valley's influence on new trade agreements, Working Paper Series, No. 16-175, London School of Economics and Political Science (LSE), Department of International Development, London

<sup>8</sup> CPTPP Chapter 14. Art. 14.8, Footnote 6.

<sup>9</sup> For example, see Burri, Mira (Ed.). (2021). *Big data and global trade law*. Cambridge University Press. <https://doi.org/10.1017/9781108919234>

- Mandatory openness to cross-border data flows
- Prohibition of data localisation except under narrowly framed necessity tests
- Constraints on future digital industrial policy
- Limits on regulatory tools, such as source-code access or platform conditions
- Exposure to state-to-state dispute settlement

Comparison of CPTPP with RCEP, ASEAN e-commerce framework and the WTO Joint Statement on e-commerce (JSI)

Since Cambodia is a member of RCEP and participates in ASEAN e-commerce-related frameworks, we compare them with the CPTPP (see summary in Table 2). We also compare the WTO Joint Statement Initiative on E-commerce (JSI) as Cambodia may become a member in the future.

Table 2: Comparison of the key features: CPTPP, RCEP and ASEAN E-commerce Agreement

	CPTPP	RCEP	ASEAN E-commerce Agreement
Data governance model	Liberalisation-first	Sovereignty-first	National discretion
Legal intensity	Rules-intensive	Consensus-based	Flexibility
Bindingness	High	Low	Low-Medium
Dispute settlement	Yes	No	No

RCEP (Chapter 12: E-Commerce) presents a different model of digital trade rules. It was designed to accommodate the diverse regulatory systems of its members—particularly those prioritising regulatory autonomy and developmental flexibility. Its scope is narrower than the CPTPP’s, but it contains many similar categories formulated using softer and more flexible language (“may”, “endeavour to”). The chapter is explicitly excluded from dispute settlement, whereas the CPTPP includes dispute settlement provisions with limited transitional exceptions. RCEP therefore functions as a platform for gradual convergence.

A major difference from the CPTPP is that RCEP allows wide regulatory discretion, including broad public policy and security exceptions, and explicitly retains member states’ latitude regarding data localisation. For example, RCEP uses permissive language that does not preclude data localisation and allows members to determine necessity tests for regulatory measures. Its approach to personal data protection and digital governance is based on light-touch encouragement, and issues of interoperability and adequacy are not addressed.

The ASEAN Agreement on Electronic Commerce (2019) is widely regarded as a foundational and relatively basic framework compared to modern digital trade texts in

high-standard FTAs such as the CPTPP. The Agreement places greater emphasis on cooperation and facilitation rather than enforceable digital trade disciplines. The ASEAN Digital Economy Framework Agreement (DEFA), which is expected to be signed later in 2026, aims to be a more integrated and detailed digital treaty with wider coverage—including cross-border data flows and cybersecurity—to promote ASEAN digital integration. Nonetheless, DEFA is expected to follow ASEAN’s bottom-up integration philosophy, reflecting consensus and flexibility, unlike the CPTPP’s top-down approach.

The WTO Interim Agreement on E-Commerce takes an intermediate position. It aspires to global rulemaking but remains constrained by deep divisions among members over data flows, privacy, development considerations, and national security concerns. Unlike CPTPP, the WTO JSI places explicit emphasis on development, capacity-building, and trust, making it more adaptable for developing countries- albeit at the cost of legal certainty.

### 2.3. Key areas of regulatory gaps

We examine the regulatory gaps of Cambodia’s domestic regulatory laws and decrees relating to e-commerce (listed below) with CPTPP Chapter 14.

#### Laws

- i. Law on E-Commerce
- ii. Law on Consumer Protection
- iii. Law on Personal Data Protection (Draft)
- iv. Law on Telecommunication
- v. Law on Cyber Security (Draft)
- vi. Law on Copyrights and Related Rights
- vii. Law on Postal
- viii. Law on Marks, Trade Names
- ix. Law on Patents, Utility Model Certificates, and Industrial Designs

#### Sub-Decrees

- x. No.134 The Classifications, Formalities, and Procedures on Issurance of Permits or Licenses to Intermediaries and E-Commerce Service Providers and Exemption
- xi. No. 287 Management and Use of National Domains on the Internet

- xii. No.246 Digital Signature
- xiii. No.110 ICT Licensing Regime
- xiv. No. 52 Use of Verify.gov.kh

Applying our methodology (see Annex 1), we mapped the major gaps by focusing on three types of provisions: A. provisions regarding cross-border data in the digital networked environment; B. trust-building provisions<sup>10</sup>, and C. provisions that aim to facilitate or promote e-commerce.

#### A. Provisions regarding cross-border data in the digital networked environment

Table 3 provides an overview of the regulatory gap analysis of provisions concerning cross-border data in the digital networked environment. It highlights three clusters: cross-border data transfers, data localisation, and source code.

Table 3: Overview of the regulatory gap analysis on the CPTPP E-commerce Chapter Provisions regarding cross-border data in the digital networked environment<sup>11</sup>

Cluster	CPTPP provisions	Relevant provisions in Cambodia's laws and decrees
Cross-border data transfers	Art.14.11 and 14.13	Law on Telecommunications: Article 6 Draft Law on Cybersecurity: Articles 24, 25 and 26
Data localisation	Art. 14.13	Law on Telecommunications: Article 6 Sub-Decree Management and Use of National Domain: Article 6 Draft Law on Cybersecurity: Articles 24, 25 and 26
Source code	Art. 14.17	Law on Copyrights and Related Rights: Articles 7.I, 25, and 67 Law on Patents/Utility: Article 47

Note 1: We categorise into three types of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but

<sup>10</sup> We take into account the global policy framework, ‘Data Free Flow with Trust (DFFT)’ that is designed to balance the economic benefits of moving data across borders with the need for high standards of privacy, security, and intellectual property protection. See detail at: [Data free flow with trust | OECD](#).

<sup>11</sup> See the table in Annex 2.

not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress

## **Cross-border data transfers**

The CPTPP provision on cross-border data transfers (Article 14.11) is a strong obligation requiring Parties to permit cross-border data transfers, subject to clearly defined conditions. By contrast, Cambodia has no enabling provision on cross-border data transfers. Article 6 of the Law on Telecommunication empowers the Ministry of Posts and Telecommunications (MPTC) to control all types of telecommunications and IT data.<sup>12</sup> This does not explicitly mandate localisation but grants sweeping authority that would allow the Government to require local storage or access.

Article 14.11.1 of the CPTPP provides regulatory space by recognising that each Party may maintain its own regulatory requirements. It also preserves flexibility through an exceptions clause, permitting a Party to adopt or maintain measures that would otherwise be inconsistent with this obligation, provided they are necessary to achieve a legitimate public policy objective, are not applied in a manner constituting arbitrary or unjustifiable discrimination or a disguised restriction on trade, and do not impose restrictions greater than necessary to achieve the stated objective (Art. 14.11.3).

A potential conflict is Article 23 of Cambodia's Draft Law on Personal Data Protection, which establishes a permission-based, government-controlled cross-border transfer system.<sup>13</sup> Depending on CPTPP members' interpretation of the WTO-type necessity test, Cybersecurity Draft Law (Art. 24, 25 and 26), which enables broad state access to data and potential restrictions on cross-border data transfers, could be viewed as more restrictive than necessary for cybersecurity purposes.<sup>14</sup>

## **Data Localisation**

Article 14.13 of the CPTPP sets out data localisation prohibition as it states, "no Party shall require a business (service supplier or investor) to use or locate computing facilities in the Party's territory as a condition of conducting business in that territory". This aims to prevent forced localisation of servers and data.

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<sup>12</sup> Art. 6 states that "MPT has the authority to control all types of telecommunications services and information technology data and new services according to technological advancement in this sector. All telecommunications operators and stakeholders in the telecommunications sector shall provide MPT with telecommunications services and information technology data."

<sup>13</sup> Unlike the UK GDPR system, Cambodia's Draft Law on Personal Data Protection establishes a default prohibition on transferring personal data outside Cambodia unless one of the following applies: (a) MPTC grants permission; (b) The controller assesses and proves "appropriate safeguards" and (c) A list of specific exceptions applies (e.g., consent, contractual necessity, public interest, protection of life, legal claims, etc.).

<sup>14</sup> In comparison, the UK's cybersecurity laws are not considered "more restrictive than necessary" for cybersecurity under CPTPP Art. 14.11 as they are structured, proportionate, and interoperable and do not impose onerous or excessive transfer restrictions.

Cambodia's domestic regulation potentially conflicts with this obligation. Article 6 of the Law on Telecommunication allows MPT to control all information technology data and new services.

Also, Article 6 of the Sub-Decree on the Management and Use of the National Domain requires ministries and governmental institutions using national domain names to apply to the TRC and store their data in Cambodia, unless otherwise provided by a separate provision or government decision. MPTC must host and store the data of all ministries and governmental institutions using national domain names in the national data centre or another government data centre, and provide support to ensure efficient and sustainable use of national domain names.

Although the CPTPP provision targets private data service providers, and the Cambodian provision applies to government websites, conflict could arise if the Government outsources or stores data using non-Cambodian data centre providers.<sup>15</sup>

As with Article 14.11, Article 14.13.1 of CPTPP provides regulatory space. However, a compliance issue may emerge if the Government stores data through non-Cambodian providers while domestic law requires such data to be located within Cambodian territory.

Although Draft Cybersecurity Law does not explicitly require data localisation, several provisions (Art. 24-26) may collectively create a functional data localisation effect without necessity, proportionality or non-discrimination tests. Thus, this could potentially be considered as incompatible with the CPTPP Article 14.13.3.

## Source Code

The CPTPP provision on source code states that “No Party shall require the transfer of, or access to, the source code of software owned by a person of another Party” (Art. 14.17). This means regulations compelling private entities to disclose proprietary source code would be inconsistent with the Agreement. However, transfer or modification of source code is permitted where commercially negotiated or required for compliance with laws or regulations consistent with the CPTPP. This does not interfere with patent litigation—for example, courts may order disclosure of source code in patent disputes, provided safeguards prevent unauthorised disclosure.

The Cambodian Law on Copyrights is relevant here, as its scope expressly covers “computer programme and the design encyclopaedia documentation relevant to those programmes” (Art. 7.1). However, certain provisions appear to raise tensions with CPTPP obligations. Notably, Article 25 allows the author's work to be used for

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<sup>15</sup> This is not uncommon in many developed countries. For example, the UK Ministry of Defence has awarded Google Cloud to establish a cloud capability, designed to process highly sensitive defence data. See: <https://www.googlecloudpresscorner.com/2025-09-11-Google-Cloud-Awarded-Landmark-Sovereign-Cloud-Contract-with-UK-Ministry-of-Defence>

educational purposes or translated between Khmer and minority languages. This exception could create friction with CPTPP intellectual property protection requirements.

Additionally, the Law on Patents/Utility Models (Art. 47) permits the Government to authorise the use of a patented invention without the owner’s consent for reasons of public interest, such as national security or public health, or to remedy anti-competitive practices. The exploitation is limited to the authorised purpose and must include remuneration based on the economic value of the authorisation.<sup>16</sup> Where software or source code is protected by patent, this provision may raise further concerns about consistency with CPTPP obligations, although it may also fall under national security exceptions.

Article 67 of the Law on Copyrights raises a broader issue regarding the hierarchy between international treaties and domestic legislation. It provides that international treaties to which Cambodia is a party “shall apply to matters dealt with by this Law” and shall prevail in case of conflict. While approaches to treaty–domestic law hierarchy vary across jurisdictions, this provision merits further consideration, particularly where trade agreements to which Cambodia is a signatory diverge from domestic rules on source code.

## B. Trust-building provisions

Table 4 represents an overview of the regulatory gap analysis on trust-building provisions. We highlight four clusters: personal data protection, online consumer protection, cybersecurity and unsolicited commercial message.

Table 4: Overview of the regulatory gap analysis on the CPTPP E-commerce Chapter Provisions regarding trust-building provisions<sup>17</sup>

Cluster	CPTPP provisions	Relevant provisions in Cambodia’s laws and decrees
Personal data protection	Art.14.8	Law on Electronic Commerce: Article 32 Sub-Decree 110 on Licensing: Article 27 Generally, Draft Law on Personal Data Protection in general, but specifically: Articles 4,5, 14, 19, 20, and 21

<sup>16</sup> The Law on Patents/Utility (Art. 47) provides that 'The Minister may decide that even without the agreement of the patent, a Government agency or a third person designated by the Minister may exploit an invention where: the public interest, in particular national security, nutrition, health or the development of other vital sectors of the national economy so requires; a competent judicial body has determined that the manner of exploitation by the owner of the patent is anti-competitive; the exploitation of the invention shall be limited to the purpose for which it was authorised and shall be subject to the payment to the said owner of an adequate remuneration therefore, taking into account the economic value of the Minister's authorization as determined in the said authorisation.

<sup>17</sup> See the table in detail in Annex 2.

Online consumer protection	Art. 14.7	Law on Electronic Commerce (2019): Chapter 6 (Consumer Protection) Law on Consumer Protection: Article 4 Sub-Decree 134 Licenses Intermediaries and E-Commerce Service: Articles 9 and 71
Cybersecurity	Art. 14.17	Generally, Draft Law on Cyber Security, but specifically: Articles 4, 9, 10 and 12
Unsolicited Commercial Message	Art. 14.14	Law on Electronic Commerce: Articles 29 and 30 Draft Law on Personal Information Protection: Article 8

Note 1: We categorise into three types of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress

## Personal Data Protection

Article 14.8 of the CPTPP establishes five requirements, each of which reflects a relatively low level of obligation. It mandates each Party to adopt and maintain a legal framework that provides for the protection' of personal information and to “take into account' the principles and guidelines of relevant international bodies, rather than requiring full compliance with them. Also, a Party “should publish information on the personal information” on remedies and compliance of the businesses. Additionally, the weak obligatory language of “shall endeavour to adopt” non-discriminatory practices signals that these are aspirational goals rather than enforceable commitments. The provision further encourages the promotion of interoperability.

In this regard, Article 27 of Sub-Decree 110 on Licensing mandates ICT operators to “safeguard private information, security and safety on the usages of ICT services”. Additionally, the Draft Law on Personal Data Protection generally satisfies the CPTPP requirement, as it constitutes a legal framework that provides for the protection of personal information.<sup>18</sup> However, a lack of interoperability mechanisms due to its

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<sup>18</sup> For example, Art. 5 of the Cambodian Draft Law on Personal Data Protection aims to set up a Personal Data Protection Unit; Art. 14, 19, 20 and 21 establish the legal framework on sensitive, high-risk personal data, implementation of the technical measures for personal data protection, and the notification in the event of a breach, respectively.

permission-based, government-controlled model (Art. 4(b) and (c)) creates partial incompatibilities with the spirit of the CPTPP Article 15.8.5 (interoperability).<sup>19</sup>

To ensure a more concrete compliance, the Cambodian Government may consider two further steps. First, specifying that the Draft Law incorporates basic elements recognised by relevant international bodies and promotes interoperability. Secondly, publishing specific guidance on available remedies and compliance obligations for businesses once the Draft Law enters into force.

### **Online Consumer Protection**

Online Consumer protection requirements in the CPTPP are light-touch in nature. It establishes that “the Parties recognise the importance of adopting and maintaining transparent and effective measures.” Additionally, it states that a Party “shall adopt or maintain” consumer protection laws to proscribe fraudulent and deceptive commercial activities that cause harm or potential harm to consumers engaged in online commercial activities.

Although Cambodian local legislation does not have a dedicated separate legislation on online consumer protection, the matter is briefly addressed in Chapter 6 (Consumer Protection) of the Law on Electronic Commerce (2019). Article 29 sets out minimum information requirements for persons selling goods or services through electronic communications, obliging them to provide accurate, clear and intelligible information to consumers, including the seller’s name, registered business address and contact details, terms and conditions of the transaction, methods of payment, and details relating to withdrawal, cancellation, return, exchange and refund. The provision further requires that such information be sufficient to enable consumers to make an informed decision and to retain a record of it. Article 31 complements these protections by prohibiting the creation of counterfeit electronic systems designed to cause confusion or injury, as well as the distribution of malicious code through electronic means. Article 32 further reinforces consumer data protection by requiring any person holding personal information in electronic form to implement reasonable security safeguards against loss, unauthorised access, modification, or disclosure, and by prohibiting unauthorised interference with or access to another person’s electronic data. Thus, domestic legislation is considered to match CPTPP standards on online consumer protection.

Additionally, the national Law on Consumer Protection Article 4 recognises consumer rights “to demand compensation under the Law or other laws”, which might include the consumer rights to receive remedies under E-Commerce activities.

Articles 9 and 71 of the Sub-Decree 134 Licenses Intermediaries and E-Commerce Service also complement the consumer protection by requiring businesses of foreign

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<sup>19</sup> As a comparison, the UK GDPR uses a flexible, standards-based, internationally interoperable system including Adequacy Regulations, Standard Contractual Clauses (SCCs), Appropriate Safeguards, Certification Mechanisms and Codes of Conduct (Data Protection Act 2018).

nationals to comply with international norms relating to digital rights and consumer protection and providing information on identity and contact information of sellers, prices and conditions of goods and services, refund and return policies and dispute resolution procedures.

The above shows that Cambodian domestic regulations satisfy the requirement of CPTPP Article 14.8.

### **Cyber Security**

In Article 14.16, the CPTPP provides members to recognise the importance of building the capabilities of their national entities responsible for computer security incidents and using existing collaboration mechanisms to cooperate to identify and mitigate cybersecurity incidents. The level of obligation is weak and flexible.

The Draft Law on Cyber Security establishes the Digital Security Committee and the Cambodia Cybersecurity Unit, which complement the 'national entities' that are responsible for cyber security incidents, and inter-coordinating mechanisms as set out in Articles 4, 9, 10 and 12 of the Law. Thus, the Draft Law aligns with the CPTPP requirements.

### **Unsolicited Commercial Message**

The CPTPP (Art. 14.14) requires each Party to adopt or maintain measures regarding unsolicited commercial electronic messages, including three core obligations: (1) requiring suppliers to facilitate recipients' ability to prevent ongoing receipt of such messages; (2) requiring recipient consent in accordance with domestic laws and regulations; and (3) otherwise providing for the minimisation of unsolicited commercial electronic messages. Crucially, the CPTPP also mandates that Parties provide recourse against suppliers who fail to comply with these measures.

Cambodia's regulatory framework demonstrates partial alignment with these obligations. Articles 29 and 30 of the Law on Electronic Commerce require any person sending unsolicited commercial communications to have minimum information and to provide consumers with a clearly specified and easily activated option to reject such communications, which corresponds to the CPTPP's opt-out requirement.<sup>20</sup> Additionally, Article 8 of the Personal Data Protection Law establishes a consent-based framework for the processing of personal data, requiring explicit consent from data subjects prior to processing, and providing for the right to withdraw consent at any time. Together, these provisions reflect an approach broadly consistent with the CPTPP's requirements on recipient consent and minimisation of unsolicited communications.

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<sup>20</sup> The minimum information includes name; terms, conditions and costs of goods or services, or actual goods and services offered for sale, according to Art.29 of the Law on E-commerce

However, while the national legislation contains relevant provisions addressing unsolicited commercial communications, neither the Law on Electronic Commerce nor the Personal Data Protection Law explicitly provide recourse against suppliers who fail to comply with these measures. This absence may be insufficient to fully satisfy Cambodia's obligations under the CPTPP and might be set out after implementation of the Draft Law on Personal Information Protection.

### C. Provisions that aim to facilitate or promote e-commerce

Table 5 represents an overview of the regulatory gap analysis on provisions that aim to facilitate or promote e-commerce. We highlight the three clusters: electronic authentication and signatures, electronic transactions framework and internet access.

Table 5: Overview of the regulatory gap analysis on the CPTPP E-commerce Chapter Provisions regarding provisions that aim to facilitate or promote e-commerce<sup>21</sup>

Cluster	CPTPP provisions	Relevant provisions in Cambodia's laws and decrees
Electronic authentication and signatures	Art.14.6	Law on Electronic Commerce : Articles 4, 7, 17, 35, 41, 44 and 45 Sub-Decree on Digital Signature : Articles 10,13,14 and 31
Electronic transactions framework	Art. 14.5	Chapter 9 (Electronic Payments and/or Electronic Fund Transfers) of Law on Electronic Commerce (2019) Sub-Decree on Digital Signature : Article 4
Internet access	Art. 14.10 and 14.12	Law on Telecommunications : Articles 17, 32,64 and 65

Note 1: We categorise into three types of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related

<sup>21</sup> See the table in detail in Annex 2.

to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress

## **Electronic Authentication and Signatures**

The CPTPP adopts an open approach to the legal validity of digital signatures, providing that no Party shall deny the legal validity of a signature solely on the basis that it is in electronic form. Further, no Party shall adopt or maintain measures for electronic authentication that would prohibit parties to an electronic transaction from mutually determining appropriate authentication methods, or prevent them from establishing before judicial or administrative authorities that their transaction complies with applicable legal requirements.

Cambodia's regulatory framework is broadly consistent with these obligations. The Law on Electronic Commerce adopts a non-discriminatory approach to the form of signatures and recognises electronic communications more generally (Art. 7 and 17). Chapter 4 of the Law governs electronic records and electronic signatures. Article 20 sets out the conditions for a secure electronic signature, providing that it must: uniquely identify the signatory; be created using means under the signatory's control; confirm the date and time of signing; and confirm the integrity of the linked electronic record. Notably, Article 20(2) preserves the ability of parties to establish additional conditions regarding the reliability of an electronic signature or to adduce evidence of its non-reliability. Article 21(2) further provides that, absent evidence to the contrary, a secure electronic signature is presumed to be the signature of the relevant person and to have been affixed with the intention of signing or approving the electronic record.

Additionally, Articles 39 – 45 of the Law on E-Commerce, which detail electronic records, evidence and information from foreign countries, also do not discriminate against digitally signed documents. Article 10 of the Sub-Decree on Digital Signature also acknowledges the legal effect of a digital signature when it is issued by a Certified Authority. Taken together, these provisions reflect an approach that is largely aligned with the CPTPP's obligations on electronic authentication.

However, there is one concern regarding the Sub-Decree on Digital Signature, as it further specifies the relevant legal requirements of electronic signatures in Cambodia. Article 13 sets out that any digital signature certificate issued by a foreign Certificate Authority shall be accredited by the requirements of this Sub-decree and other related provisions. The requirement for prior approval by MPTC and the imposition of penalties for non-compliance under Articles 14 and 31 of the Sub-Decree on Digital Signature may raise concerns regarding compatibility with the CPTPP's open approach to electronic authentication, insofar as they could restrict the freedom of transacting parties to mutually determine appropriate authentication methods.

## Electronic Transactions Framework

The CPTPP (Art. 14.5) requires each Party to maintain a legal framework governing electronic transactions consistent with the principles of the UNCITRAL Model Law on Electronic Commerce 1996 or the UN Convention on the Use of Electronic Communications in International Contracts. A further requirement obliges Parties to avoid unnecessary burdens on electronic transactions and to facilitate input by interested persons in the development of their legal framework for electronic transactions. It is worth noting, however, that the latter obligation is flexible as it uses the language "shall endeavour to," which considerably softens the binding force of this requirement in its implementation.

Cambodia is partly adopting the UNCITRAL Model Law on Electronic Commerce 1996 and has not formally adopted the UN Convention.<sup>22</sup> According to the UNCITRAL, Cambodia has adopted the UNCITRAL Model Law, except for the provisions on certification and electronic signatures, with the inclusion of the UN Convention.<sup>23</sup>

## Internet Access

Cambodia's Law on Telecommunications is broadly aligned with the CPTPP obligations under Articles 14.10 and 14.12, as both frameworks treat internet connectivity as subject to competitive principles. Articles 17, 32, and 64 of the Law collectively establish a regime that promotes fair competition among telecommunications operators, ensures infrastructure sharing, and recognises operators' rights to commercially negotiate service terms. Similarly, Article 65 safeguards users' rights to quality services and dispute resolution mechanisms, which is consistent with the consumer-oriented protections envisaged under Article 14.10 of the CPTPP.

However, a notable area of ambiguity persists regarding the scope of Article 14.12. While the provision recognises that suppliers seeking international internet connection should be able to negotiate on a commercial basis, it remains unclear whether this extends to service and content providers, such as over-the-top platforms like Netflix, or is limited to end-users and traditional telecommunications operators. This distinction is of increasing practical relevance given the growing role of content providers in international internet traffic. For future reference, it would be beneficial to clarify the scope of this provision, particularly as Cambodia's telecommunications regulatory framework does not appear to explicitly address the status of such providers.

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<sup>22</sup> UNCITRAL Model Law on Electronic Commerce (1996) is a framework of internationally accepted rules designed to facilitate e-commerce by removing legal barriers. The United Nations Convention on the Use of Electronic Communications in International Contracts is an international treaty promoting paperless trade.

<sup>23</sup> [https://uncitral.un.org/en/texts/ecommerce/conventions/electronic\\_communications](https://uncitral.un.org/en/texts/ecommerce/conventions/electronic_communications) ;  
[https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=X-18&chapter=10&clang=en&gl=1\\*1564cux\\* ga\\*MjEyMDMINDkuMTc0NjYyOTIzOA.\\* ga\\_TK9BQL5X7Z\\*cZ3NzMXNjAyNzYkZzEkdDE3NzMXNjAzNjQkajYwJGwwJGgw](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=X-18&chapter=10&clang=en&gl=1*1564cux* ga*MjEyMDMINDkuMTc0NjYyOTIzOA.* ga_TK9BQL5X7Z*cZ3NzMXNjAyNzYkZzEkdDE3NzMXNjAzNjQkajYwJGwwJGgw)

## 2.4. Compliance risks

From our textual analysis of the three types of e-commerce rules under CPTPP Chapter 14, we identified three key features (Table 6).

First, Cambodia faces relatively high compliance risks in relation to provisions on cross-border data flows in the digital networked environment. This is because Cambodia’s regulatory model adopts a state-oriented approach to digital governance, whereas the CPTPP follows a market-oriented model with strong requirements to maintain a free and open digital network among CPTPP members.

Second, regarding trust-building regulations, Cambodia is currently making progress in enacting domestic laws on data privacy and cybersecurity. Cambodia largely meets the CPTPP requirements in this area. However, it should be noted that the CPTPP adopts a ‘trust-light’ approach, with relatively light-touch obligations.

Third, the compliance risk relating to Cambodia’s regulations that aim to facilitate or promote e-commerce is relatively low except for one concern regarding the Sub-Decree on Digital Signature that specifies the relevant legal requirements of electronic signatures in Cambodia. While Cambodia has made significant progress in strengthening its regulatory frameworks to promote e-commerce over recent years, the remaining compliance issues are likely to arise from ongoing constraints in institutional capacity for implementation and enforcement.

As the scope of this regulatory gap analysis does not cover implementation and enforcement capacity in Cambodia, further examination is required to identify regulatory gaps and to support Cambodia’s regulatory reforms in building a sustainable digital ecosystem.

Table 6: Compliance risks in e-commerce

	CPTPP	Cambodia’s domestic laws	Compliance risks
Regulations regarding cross-border data in the digital networked environment	Market-oriented model with the strong obligations to maintain free and open digital network	Relatively strong state powers for digital governance	Relatively high risk
Trust-building regulations	‘Trust-light’ approach with light-touch obligations	Relatively strong state powers for digital governance	Low
Regulations that aim to facilitate or promote e-commerce	Market-oriented model to promote e-commerce and interoperability	Business friendly model to promote e-commerce	Relatively Low

## 2.5. Key findings

For Cambodia, addressing nationwide inclusivity—through infrastructure investment, strengthened regulations, enhanced consumer education, and localised strategies—is regarded as the foremost priority for building a robust and sustainable digital ecosystem. Our findings indicate that Cambodia is making steady progress in improving its domestic regulatory environment.

At the international level, Cambodia is promoting regional digital integration in Asia primarily through ASEAN and RCEP, while remaining absent from multilateral digital trade initiatives at the WTO.

The CPTPP provides a window of opportunity for Cambodia to engage in broader digital trade cooperation beyond Asia. However, our findings suggest that Cambodia would face several major challenges. First, there are potential frictions between Cambodia’s regulatory philosophy—characterised by strong state sovereignty—and the CPTPP’s market-oriented model of digital trade governance. Second, although Cambodia’s compliance with the CPTPP’s trust building provisions appears relatively strong, this does not necessarily mean that its domestic legal framework sufficiently ensures a trustworthy environment for businesses, individuals, and communities. Further efforts will be required to incorporate international best practices. Third, the CPTPP’s narrowly defined policy space regarding cross-border data flows in the digital networked environment may create future tensions with the development of governance regimes tailored to Cambodia’s domestic industrial and technological development, as well as the evolution of its digital society.

### 3. Regulatory gap analysis on the CPTPP Environment Chapter

#### 3.1. Overview of Cambodia's regulatory environment for environmental governance

##### **Environmental governance landscape**

Cambodia's environmental regulatory landscape is characterised by a layered and evolving legal framework, combining foundational legislation from the 1990s with more recent reforms aimed at modernising environmental governance and aligning it with sustainable development objectives.

In Cambodia, environmental governance is primarily led by the Ministry of Environment (MoE), which is responsible for biodiversity conservation, protected areas management, environmental impact assessment, and climate change policy implementation. Particular attention is given to biodiversity conservation and protected areas management, which are key mandates of the Ministry of Environment and central to Cambodia's sustainable development priorities.

Cambodia's framework is built on the Law on Environmental Protection and Natural Resource Management (1996), which established the core principles of environmental protection, environmental pollution prevention, environmental impact assessment, and sustainable natural resource management.<sup>24</sup> This was updated by the 2023 Code on Environment and Natural Resources, which provides a comprehensive and updated legal framework for environmental management in Cambodia. That framework was later supplemented by implementing regulations on solid waste, water pollution, and air pollution, creating the baseline architecture for environmental control. The 1996 law was followed by the Sub-Decree on Management of Solid Waste (1999), the Sub-Decree on Water Pollution Control (1999), and the Sub-Decree on Air Pollution and Noise Disturbance (2000).

Cambodia's environmental governance is also closely tied to sector-specific natural resource laws. The Forestry Law (2002) provides the framework for the management, use, development, and conservation of forests, with sustainable management and biodiversity conservation as express objectives.<sup>25</sup> The Fisheries Law (2006) aims to ensure fisheries and fishery resource management and sustainable use of aquatic resources. The Protected Areas Law (2008) establishes the framework for managing protected areas and introduces zoning rules for conservation and sustainable use.<sup>26</sup> Together, these laws show that Cambodia's environmental regime is not contained in

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<sup>24</sup> Kong, Phallack and others (eds), *Contemporary Environmental Law in Cambodia and Future Perspectives* (Konrad-Adenauer-Stiftung 2020)

<sup>25</sup> Heng, Naret and Kong, Sopheak, 'A Review of PES Implementation in Cambodia' (EEPSEA SRG Report No. 2016-SRG5, Economy and Environment Program for Southeast Asia 2016).

<sup>26</sup> Kong, Phallack and others (eds), *Contemporary Environmental Law in Cambodia and Future Perspectives* (Konrad-Adenauer-Stiftung 2020)

a single statute, but spread across multiple sectoral instruments governing forests, fisheries, biodiversity, and protected areas.

Institutionally, the Ministry of Environment plays the central coordinating role, particularly in environmental protection, EIA review, pollution control, and the management of protected areas, while other ministries retain competence over sectors such as forestry and fisheries.<sup>27</sup> Cambodia also has one of the region's more extensive protected-area systems: official planning documents state that protected areas and biodiversity corridors cover more than 7.4 million hectares, or around 41 per cent of national territory. This reflects a strong conservation orientation on paper, even though implementation challenges remain a recurring issue in practice.<sup>28</sup>

### Policy developments

Since the late 2010s, Cambodia has moved toward a more consolidated and modernised environmental framework. The most important recent development is the Code on Environment and Natural Resources, adopted in 2023 by Royal Kram. The Code is intended to strengthen, modernise, and harmonise the management of environmental protection, conservation, restoration of natural resources, biodiversity, and ecosystem functions.<sup>29</sup> It also expands the regulatory framework across areas such as environmental planning, pollution control, biodiversity, natural resource management, climate change, and enforcement. In effect, the Code is designed to bring together previously fragmented environmental rules into a more comprehensive legal structure.<sup>30</sup>

Cambodia has also strengthened its climate policy architecture. The Cambodia Climate Change Strategic Plan 2024–2033 is intended to align domestic climate governance with the country's updated nationally determined contribution and long-term carbon neutrality strategy. It frames climate policy in broader terms than mitigation alone, linking adaptation, resilience, natural resource management, and institutional coordination. This indicates that Cambodia's regulatory trajectory is moving toward greater integration of environmental protection with climate and development planning, rather than treating these as separate policy areas.

Overall, Cambodia's environmental regulatory environment can be described as foundational but evolving. It already contains a substantial body of legislation on pollution control, environmental assessment, forestry, fisheries, biodiversity, and protected areas. At the same time, the legal landscape remains layered and historically fragmented, with recent reforms, especially the 2023 Environmental Code and updated

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<sup>27</sup> Chan, Puthearath, 'Cambodian Green Economy Transition: Background, Progress, and SWOT Analysis' (2024) 5 World 413.0108

<sup>28</sup> Ministry of Environment (Cambodia), *National Protected Area Strategic Management Plan 2017-2031* (2017).

<sup>29</sup> Kwon, Yena and Sath, Kanyara *Legal Analysis: An Examination of Cambodia's Environment and Natural Resources Code (2023): Changes to Governance of Protected Area and Community Protected Area Management and Remaining Challenges* (ClientEarth August 2024).

<sup>30</sup> Code on Environment and Natural Resources 2023 (Cambodia).

climate strategy, aimed at improving coherence, enforcement, and alignment with contemporary environmental governance priorities.

### 3.2. Understanding the CPTPP Environment Chapter

As a basis for assessing the gaps between the CPTPP environmental provisions and Cambodia's domestic regulations, it is important to clarify the nature of the regulatory framework represented by the CPTPP Environment Chapter (Chapter 20).

The CPTPP Environment Chapter is widely recognised as one of the most comprehensive environmental frameworks in plurilateral trade agreements, setting a benchmark for integrating environmental commitments within trade architecture.<sup>31</sup> The agreement is recognised for positioning its Environment chapter as comparable in importance to those found in agreements such as the US-Mexico-Canada (USMCA) and newer EU FTAs signalling a shift toward treating environmental considerations as core rather than peripheral elements of trade policy.<sup>32</sup> Compared to ASEAN+ agreements, which lack concrete enforcement mechanisms and exhibit weak environmental aspects overall, the CPTPP establishes substantive obligations across multiple environmental domains, accompanied by dedicated dispute settlement procedures.<sup>33</sup> This comprehensive approach reflects a broader shift in trade policy where environmental sustainability is positioned not as an exception to trade rules but as an integral component of economic integration.

At its core, the CPTPP Environment Chapter is structured around a set of general obligations that seek to reconcile trade liberalisation with environmental protection, reflecting the principle that both objectives should be mutually supportive rather than conflicting. These obligations build on earlier developments in agreements such as the North American Free Trade Agreement (NAFTA) but are further consolidated and expanded within a single chapter. In practice, Parties commit to maintaining high levels of environmental protection, effectively enforcing domestic environmental laws, and refraining from weakening those laws in order to attract trade or investment.<sup>34</sup> This “non-derogation” principle is particularly significant, as it addresses concerns that trade agreements may incentivise a lowering of environmental standards.<sup>35</sup> At the same time, the chapter preserves regulatory autonomy by affirming each Party's right to determine its own environmental policies and levels of protection, while encouraging continuous improvement.

In addition to these substantive obligations, the chapter emphasises environmental governance and procedural accountability. It requires Parties to ensure access to

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<sup>31</sup> Fong, Kristina and Basu Das, Sanchita 'A Review of Environmental Provisions in Free Trade Agreements (FTAs) in ASEAN' (ISEAS Perspective 2024/101, ISEAS – Yusof Ishak Institute, 11 December 2024)

<sup>32</sup> Velut, JB et al, 'Comparative Analysis of Trade and Sustainable Development Provisions in Free Trade Agreements' (LSE Consulting, February 2022).

<sup>33</sup> Fong, Kristina and Basu Das, Sanchita 'A Review of Environmental Provisions in Free Trade Agreements (FTAs) in ASEAN' (ISEAS Perspective 2024/101, ISEAS – Yusof Ishak Institute, 11 December 2024)

<sup>34</sup> Article 20.3, CPTPP.

<sup>35</sup> Article 20.3.6, CPTPP.

remedies, transparency in regulatory processes, and opportunities for public participation in the development and implementation of environmental laws.<sup>36</sup> Mechanisms such as public submissions, advisory committees, and open enforcement proceedings are designed to strengthen domestic accountability and ensure that environmental laws are not only adopted but effectively implemented. These provisions also promote regulatory certainty and good governance, thereby supporting both environmental protection and stable trade relations.<sup>37</sup>

A further defining feature of the CPTPP Environment Chapter is its expanded substantive scope, particularly in relation to conservation and resource management. The chapter incorporates and supports the objectives of several multilateral environmental agreements (MEAs), including through obligations relating to the Convention on International Trade in Endangered Species (CITES).<sup>38</sup> It also addresses key environmental challenges through provisions on marine fisheries and wildlife conservation, including disciplines on harmful fisheries subsidies and commitments to combat Illegal, Unreported, and Unregulated (IUU) fishing.<sup>39</sup> In addition, Parties are required to take measures to address illegal wildlife trade, including, in certain cases, actions linked to violations occurring outside their jurisdiction.

Finally, the CPTPP distinguishes itself through the legal enforceability of its environmental commitments. Unlike earlier agreements where environmental provisions were often subject only to cooperation or consultation mechanisms, the CPTPP subjects its Environment Chapter to the agreement's general dispute settlement procedures.<sup>40</sup> However, the agreement adopts a staged and cooperative approach to dispute resolution, requiring Parties to engage in consultations, potentially including technical and ministerial discussions, before proceeding to formal adjudication.<sup>41</sup> This structure reflects a hybrid model that combines enforceability with flexibility, prioritising cooperative resolution while maintaining the possibility of binding outcomes. In this respect, the CPTPP Environment Chapter represents a significant development in the evolution of trade and environment provisions, embedding enforceable environmental obligations within the broader framework of international economic integration.

### 3.3. Key areas of regulatory gaps

We examine regulatory gaps of the Cambodia's domestic regulatory laws and decrees relating to the environment (listed below) with CPTPP Chapter 20.

#### Laws

- i. Code on Environment and Natural Resources.

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<sup>36</sup> Article 20.7 and 20.8, CPTPP.

<sup>37</sup> Christopher O'Toole, 'TPP Trade and Environment Chapter' in Jorge A. Huerta-Goldman and David A. Gantz (eds), *The Comprehensive and Progressive Trans-Pacific Partnership* (Cambridge University Press 2021) 636.

<sup>38</sup> Article 20.4 and 20.17, CPTPP.

<sup>39</sup> Article 20.16, CPTPP.

<sup>40</sup> Article 20.23, CPTPP.

<sup>41</sup> O'Toole (n 37) 646-647.

- ii. Law on Environmental Protection and Natural Resource Management
- iii. Forestry Law
- iv. Fisheries Law
- v. Protected Areas Law

Sub-decrees

- i. Sub-Decree No. 72 on Environmental Impact Assessment Process
- ii. Sub-Decree No. 27 on Water Pollution Control
- iii. Sub-Decree on Solid Waste Management
- iv. Sub-Decree No.16 Management on Electrical Equipment and Electronic Waste
- v. Sub-Decree on Air Pollution & Noise Disturbance Control
- vi. Sub-Decree No. 47 on Ozone Depleting Substances (ODS) Management.
- vii. Sub-Decree No. 104 on Access to and Sharing of Benefits Arising from Utilization of Genetic Resources.

Other relevant documents

- i. Cambodia: Long-Term Strategy for Carbon Neutrality (LTS4CN).
- ii. National Climate Change Strategic Plan 2024–2033.
- iii. Circular Strategy on Environment 2023–2028.
- iv. Cambodia’s Third Nationally Determined Contribution (NDC 3.0).

Applying our methodology (Annex 1), we mapped the major gaps (Table 8). As stated earlier in Section 3.2, the obligations in the CPTPP Environment Chapter are not created equal. The provisions on Fisheries Management, Conservation and Trade (CITES), Conservation and Sustainable Use of Biological Diversity, and Protection of the Ozone Layer contain relatively ‘harder’ obligations as opposed to the other obligations. The analysis will follow a descending order in terms of the strength of obligations observed in the provisions of the CPTPP Environment Chapter and is based on a comparison with only the above-mentioned laws and regulations. Table 8 provides an overview.

Table 8: Overview of the regulatory gap analysis on the CPTPP Environment Chapter<sup>42</sup>

Cluster	CPTPP Provisions	Domestic sources
Protection of the Ozone Layer	Art. 20.5	Code of Environment and Natural Resources: Article 339 (1), Article 342.  Sub-decree on Management of Ozone-Depleting Substances: Article 8, Article 23.

<sup>42</sup> See the table in detail in Annex 3.

Cluster	CPTPP Provisions	Domestic sources
Protection of the Marine Environment from Ship Pollution	Art. 20.6	Code of Environment and Natural Resources: Article 296, Article 298, Article 299 (1).  Sub-decree on Water Pollution Control: Article 7, Article 8,  Sub-decree on Air Pollution: Article 12.
Corporate Social Responsibility (CSR)	Art. 20.10	No specific law.
Trade and Biodiversity	Art. 20.13	Code of Environment and Natural Resources: Article 27, Article 28, Article 31  Climate Change Strategic Plan (CCCSP) 2024-2033: Strategic Outcome 2.3.
Invasive Alien Species	Art. 20.14	N/A.
Transition to a Low-emission and Resilient Economy	Art. 20.15	N/A.
Marine Capture Fisheries	Art. 20.16	Article 597-606, Code of Environment and Natural Resources  Fisheries Law: Article 14, Article 48
Conservation (CITES)	Art. 20.17	Code of Environment and Natural Resources: Article 542, Article 543, Article 574, Article 577, Article 578, Article 519, Article 687, Article 824, Article 825  Climate Change Strategic Plan (CCCSP) 2024-2033: Strategic Outcome 2.3.
Environmental Goods and Services	Art. 20.18	N/A.

Note 1: We categorise into three types of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related

to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress

## **Fisheries Management**

Article 20.16 is arguably the most significant and comprehensive substantive obligation in the CPTPP Chapter on Environment. Article 20.16 requires Parties to “operate a fisheries management system that regulates marine wild capture fishing” designed to prevent overfishing and overcapacity, reduce bycatch of non-target species and juveniles, and promote recovery of overfished stocks. The system must be “based on the best scientific evidence available and on internationally recognised best practices”. Critically, Parties must “promote the long-term conservation of sharks, marine turtles, seabirds, and marine mammals” through conservation and management measures, including for sharks, data collection, bycatch mitigation, catch limits, and finning prohibitions. Additionally, Article 20.16 prohibits Parties from granting or maintaining specific subsidies that negatively affect fish stocks or that are provided to vessels engaged in IUU fishing.

The subsidy disciplines are particularly significant, as they require Parties to bring any inconsistent subsidies into conformity within three years of the agreement’s entry into force. Furthermore, Parties are encouraged to refrain from introducing new subsidies, or enhancing existing subsidies, that contribute to overfishing or overcapacity, taking into account social and developmental priorities. The CPTPP also requires regular reviews of subsidy disciplines and notifications of specific subsidies granted or maintained.

Cambodia’s domestic regulatory framework for fisheries management includes the Fisheries Law and related regulations that address sustainable fisheries practices, licensing, and conservation measures. Article 14 of the Fisheries Law mandates sustainable fishery management according to the National Fishery Policy, with a National Fishery Policy Formulation Committee headed by the Minister of Agriculture, Forestry and Fisheries establishing policy parameters. Article 48 grants the Fisheries Administration emergency powers to “immediately and temporarily suspend fishing activities” when practices cause serious damage to fish stocks, proposing re-examination of fishing agreements for ministerial decision. However, the analysis of Cambodia’s domestic regulatory framework indicates that there are significant gaps in the regulations to ensure compliance with Article 20.16.

Fisheries management falls primarily under the Ministry of Agriculture, Forestry and Fisheries (MAFF), while the Ministry of Environment of contributes to marine conservation through protected areas and biodiversity protection.

While Cambodia has established foundational sustainability commitments, significant regulatory deficits exist across three critical areas: IUU fishing frameworks, subsidy prohibitions, and species-specific conservation measures. The current framework’s emergency response mechanism addresses acute stock damage but does not contain the requirement to be based on “best available science,” the CPTPP envisions. Article

48's suspension powers are reactive rather than preventive, intervening only after "serious damage" occurs rather than implementing gear regulations, spatial closures, or seasonal restrictions to systematically reduce bycatch before stocks are compromised.

The subsidy prohibition gap is equally important. Without explicit prohibitions on subsidies to IUU-listed vessels or subsidies affecting overfished stocks, Cambodia's framework cannot satisfy the CPTPP's alignment with SCM Agreement standards. However, Cambodia has joined the WTO Agreement on Fisheries Subsidies (AFS), which does prohibit subsidies for IUU fishing.<sup>43</sup> Despite the ratification, an explicit prohibition of subsidies for IUU fishing was not observed in the domestic regulations.<sup>44</sup> Once Cambodia brings its domestic regulations into compliance with its commitments under the WTO AFS, it automatically also increases Cambodian regulatory compliance with Article 20.16 of CPTPP. However, it is also important to note that the obligations of the WTO AFS are still not to the level of Article 20.16 of the CPTPP as it does not address *inter alia* overfishing and overcapacity. Therefore, Cambodia might still need to undertake measures to comply with the obligations in the CPTPP that are additional to the WTO AFS.

Cambodia has recently ratified the United Nations Convention on the Law of the Sea on the Conservation and Sustainable Use of Marine Biological Diversity of Areas Beyond National Jurisdiction (BBNJ Agreement) in 2025; and the United Nations Convention on the Law of the Sea (UNCLOS) in 2026. These legally binding instruments establish substantive obligations directly relevant to CPTPP Article 20.16, including sustainable fisheries management, conservation of marine biodiversity, disciplines on illegal, unreported and unregulated (IUU) fishing, and fisheries subsidy regulation and will shape domestic marine fishery management and governance in the future.

Further, Cambodia lacks targeted conservation protocols for sharks, marine turtles, seabirds, and marine mammals. The CPTPP requires species-specific interventions such as shark finning bans, turtle excluder devices, and seabird mortality mitigation, none of which appear in Cambodia's existing provisions. This indicates a substantial regulatory gap in the domestic law: managing fisheries through species-level conservation measures rather than general sustainability principles.

Thus, the National Fishery Policy development mechanism provides institutional infrastructure for addressing these deficits, but translating policy commitments into specific regulatory measures remains an outstanding compliance requirement.

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<sup>43</sup> Cambodia formally accepts Agreement on Fisheries Subsidies' (WTO, 6 May 2024) [https://www.wto.org/english/news\\_e/news24\\_e/fish\\_06may24\\_e.htm](https://www.wto.org/english/news_e/news24_e/fish_06may24_e.htm) .

<sup>44</sup> It may be noted that Cambodia has a draft bill on fisheries that was passed by the Senate that is stated to include prohibitions of subsidies for IUU fishing. But it is unclear whether the law has come into force.

## **Conservation and Trade (CITES)**

Article 20.17 of the CPTPP obligates Parties to implement domestic laws and regulations fulfilling their CITES obligations, including future amendments and applicable reservations. The core conservation commitment requires Parties to “promote conservation and combat the illegal take of, and illegal trade in, wild fauna and flora”. Parties are required to strengthen conservation efforts by exchanging information on illegal wildlife trade and logging, engaging in joint conservation initiatives, and implementing CITES resolutions to protect threatened species. They must also adopt measures to protect at-risk fauna and flora, maintain institutional capacity, and enhance public participation and cooperation with non-governmental actors. In addition, Parties are expected to enforce laws against illegal wildlife trade, including transhipped goods, and promote greater law enforcement cooperation and information sharing.

Cambodia has ratified CITES and established an implementation framework through the Code of Environment and Natural Resources. Article 542 assigns the Ministry of Environment and subnational administrations responsibility for protecting and managing wildlife in natural protected areas, with forestry authorities managing species outside these areas. Article 543 mandates the Ministry to develop legal instruments for wildlife management, track and investigate wildlife crimes, and issue hunting permits for local communities. Article 574 comprehensively prohibits trading, transporting, importing, exporting, possessing, and using wildlife parts or products for commercial purposes without permission, including prohibitions on advertising such sales. Articles 577 and 578 specifically prohibit importation, exportation, re-exportation, transfer, or transit of CITES-listed species without permission from Cambodia’s CITES governing body. Article 578 also commits the Ministry to protect at-risk wild fauna and flora and conserve specially protected natural areas. For public engagement, Article 687 establishes public participation as a primary purpose in environmental protection and biodiversity conservation, though procedures are determined by ministerial legal instruments. Enforcement mechanisms include administrative penalties (warnings, license suspension or revocation) under Article 824 and criminal penalties (fines and imprisonment) under Article 825.

Cambodia has established a legal framework that broadly aligns with its CITES obligations, including permit systems, implementing legislation, and designated authorities. The domestic framework generally addresses the substantive requirements for implementing CITES and combating illegal wildlife trade. However, as with other clusters, certain cooperation clauses related to information sharing and capacity building with other CPTPP Parties are prospective in nature and will require formalisation of inter-agency coordination mechanisms after ratification. The primary task for Cambodia is administrative operationalisation of these cooperative frameworks rather than the creation of new substantive wildlife trade laws, as the core legal architecture for CITES implementation is established in Cambodian law.

## Protection of the Ozone Layer

Article 20.5 of the CPTPP establishes obligations for the protection of the ozone layer by requiring Parties to control the “production, consumption of, and trade in” substances that can significantly deplete it. The provision recognises the link between such emissions and harm to human health and the environment and aligns Parties’ commitments with the Montreal Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol). The provision also emphasises transparency and public participation in developing ozone protection measures, while encouraging cooperation between Parties in areas such as environmentally friendly alternatives, refrigerant management, ozone monitoring, and combating illegal trade in ozone-depleting substances.

Cambodia ratified the Montreal Protocol in 2001 and the Kigali Amendment in 2021, formally committing to the phased reduction of hydrofluorocarbons (HFCs). The relevant domestic legislation in this regard comprises the Code of Environment and Natural Resources and the Sub-decree on Management of Ozone-Depleting Substances. Under Article 339(1) of the Code of Environment and Natural Resources, any person “intending to import, export, conduct cross-border transport, or destroy ozone-depleting substances (ODS), coolants, and related products” must register with and apply for an annual quota permit from the relevant ministry. This permit system ensures that the production, consumption, and trade of ODS are subject to stringent government oversight, thereby directly addressing the core control measures mandated by Article 20.5. Additionally, Article 342 of the Code requires individuals selling, distributing, or transferring containers for ODS or coolants to obtain a permit from the ministry responsible for environmental resources or subnational administration. This provision extends regulatory control beyond import and export activities to encompass the entire domestic supply chain of ODS-related products.

The Sub-decree on Management of Ozone-Depleting Substances further reinforces these controls by imposing categorical import prohibitions. Specifically, the Sub-decree prohibits the import of products containing or using ODS stipulated in Annex 2 from January 1, 2006, and the import of ODS stipulated in Annex 1 from January 1, 2010. These import bans ensure that Cambodia’s domestic market is progressively phased out of ODS in alignment with international phase-down schedules. To support monitoring and enforcement, Article 23 of the Sub-decree mandates that legal entities or natural persons engaged in ODS business submit annual records and reports to the Ministry of Environment. This reporting requirement provides the government with the necessary data to track compliance and identify potential violations, thereby enhancing the transparency and accountability of the ozone protection framework.

While the regulatory framework addresses the substantive obligations regarding the control of ozone-depleting substances, there remains some lack of clarity regarding the public availability of information on programs and activities for ozone layer protection. The CPTPP requires transparency in developing and implementing ozone protection measures, including making information about relevant programs publicly available. However, if such information is already publicly available as a matter of practice, this

concern is mitigated. The cooperation requirement within Article 20.5, which encourages Parties to work together on alternatives, refrigerant management, and combating illegal trade, can be considered a prospective obligation following ratification.

### **Conservation and Sustainable Use of Biological Diversity**

Article 20.13 of the CPTPP requires Parties to “promote” and “encourage” the conservation and sustainable use of biological diversity in accordance with their laws and policies. The provision emphasises the importance of conserving ecosystems and species, preventing biodiversity loss, and ensuring that biological resources are used sustainably. Parties must also make publicly available information about their programs and activities related to biodiversity conservation and cooperate on matters of mutual interest.

Cambodia has established a comprehensive domestic framework for biodiversity conservation through the Code of Environment and Natural Resources. Article 27 of the Code designates the Ministry of Environment as responsible for biodiversity resources management and conservation. Article 28 outlines the specific roles and duties of the ministry, including implementing international environmental and biodiversity instruments, and developing policies, legal instruments, and strategic plans for conservation efforts such as creating botanical gardens, genetic banks, and conservation sites. These provisions establish the institutional architecture for biodiversity governance in Cambodia and provide the legal basis for implementing international biodiversity commitments.

Further reinforcing this framework, Article 31 of the Code mandates cooperation with other ministries and administrations to develop programs for implementing international biodiversity conventions, including the UN Convention on Biological Diversity and its protocols. This inter-ministerial coordination requirement ensures that biodiversity conservation is integrated across different government sectors and that implementation efforts are coherent and comprehensive.

Cambodia has ratified the UN Convention on Biological Diversity and the Kunming-Montreal Global Biodiversity Framework, with implementation supported by the Code of Environment and Natural Resources. The domestic legal framework addresses the substantive requirement to “promote and encourage” biodiversity conservation, with this obligation qualified by the phrase “in accordance with its law or policy,” providing Cambodia with flexibility in how it implements conservation measures.

However, while the framework includes requirements for disseminating information about biodiversity programs, there is a lack of regulatory clarity regarding the systematic public availability of information about specific programs and activities related to biodiversity conservation. The CPTPP requires that Parties make such information publicly available to facilitate transparency and public engagement in biodiversity governance. This gap may be resolved if information disclosure occurs as a matter of established practice rather than explicit regulatory mandate. The

cooperation requirement with other Parties is prospective in nature, with compliance obligations arising after ratification.

### **Protection of the Marine Environment from Ship Pollution**

Article 20.6 of the CPTPP requires Parties “shall take measures” to prevent pollution of the marine environment from ships and to make information about their pollution prevention programs publicly available. The provision recognises the importance of the International Convention for the Prevention of Pollution from Ships (MARPOL) and calls for cooperation on matters of mutual interest related to preventing, reducing, and controlling pollution of the marine environment from ships.

Cambodia has ratified MARPOL Annexes I through V, thereby committing to implement the technical standards and operational requirements established by the Convention. The domestic regulatory framework addressing marine pollution includes the Code of Environment and Natural Resources and the Sub-decree on Water Pollution Control. Under Article 296 of the Code of Environment and Natural Resources, the relevant ministry is tasked with “managing and coordinating marine pollution control” in collaboration with other institutions. This provision establishes the institutional framework for implementing Cambodia’s obligations under MARPOL and the CPTPP.

Article 299(1) holds watercraft owners responsible for managing and disposing of waste ashore in compliance with “applicable legal instruments and international conventions”. This provision ensures that ship operators bear responsibility for proper waste management and that waste generated during maritime operations is disposed of in accordance with international standards. More broadly, Article 298 of the Code of Environment and Natural Resources prohibits the release of various wastes, including solid waste, wastewater, and oil waste, into the sea “without prior treatment or permission”. This prohibition directly addresses the broad objective of preventing marine pollution.

The Sub-Decree No. 103 on the Amendment of Article 4 Article 9 Article 11 Article 12 Article 17 and Annex 2 Annex 3 Annex 4 and Annex 5 of Sub-Decree No. 27 on Water Pollution Control prescribes the standards for the pollution load in wastewater discharged into public water areas. Article 8 of Sub-Decree No. 27 on Water Pollution Control prohibits the disposal of solid waste or garbage into public water areas or drainage systems. These provisions create a comprehensive framework for controlling both liquid and solid waste discharges into marine environments, thereby supporting Cambodia’s MARPOL commitments.

Compliance with the CPTPP obligations is considered achieved when the MARPOL obligations are implemented and the relevant measures are listed in Annex 20-B of the CPTPP. Cambodia’s ratification of MARPOL Annexes I-V and the establishment of domestic regulations implementing these annexes satisfy the substantive requirements of Article 20.6. However, similar to the ozone cluster, there is a regulatory gap regarding clarity on the public availability of information about programs and activities related to marine pollution prevention. While the CPTPP requires that

information about pollution prevention programs be publicly available, the domestic framework does not explicitly mandate such publication, though this concern is addressed if information disclosure occurs as a matter of practice. The cooperation requirement is also prospective, with compliance obligations arising after ratification.

### **Corporate Social Responsibility**

Article 20.10 of the CPTPP addresses corporate social responsibility (CSR) by encouraging Parties to promote enterprises within their territory to voluntarily adopt environmental principles of CSR consistent with internationally recognised standards. The provision recognises that voluntary corporate environmental stewardship can complement government regulation and contribute to improved environmental outcomes. However, the obligation is intentionally flexible, as the term “encourage” is not precisely defined, allowing Parties discretion in how they promote voluntary CSR practices.

Cambodia currently faces a regulatory gap in this area, as there is no specific law addressing environmental corporate social responsibility. The existing environmental legal framework, including the Code of Environment and Natural Resources, establishes mandatory compliance obligations for environmental impact assessments, permitting, and pollution control, but does not provide a framework for encouraging or incentivising voluntary environmental actions by businesses beyond legal requirements. This represents a notable divergence from the CPTPP’s vision of promoting voluntary CSR practices.

To close this regulatory gap and ensure alignment with Article 20.10, Cambodia may need to implement specific obligations, laws, or policies that actively promote and incentivise businesses to voluntarily adopt environmental CSR policies. The CPTPP obligation is less specific and provides policy space as such acts to “encourage” need not be through specific laws or regulations but still specific enough to constitute encouraging enterprises.

### **Invasive Alien Species**

Article 20.14 of the CPTPP addresses invasive alien species primarily through cooperative mechanisms rather than substantive regulatory requirements. The provision states that the Committee on Environment should coordinate with the Committee on Sanitary and Phytosanitary Measures to identify cooperative opportunities for information sharing on the movement, prevention, detection, control, and eradication of invasive alien species, with the aim of assessing and addressing associated risks.

Unlike other clusters in Chapter 20, Article 20.14 does not impose specific domestic regulatory obligations or require Parties to adopt particular laws or measures to control invasive alien species. Instead, the provision focuses on inter-committee coordination and information exchange to facilitate collaborative approaches to managing invasive

species risks. This cooperative framework recognises that invasive alien species issues often intersect with trade, agriculture, and biosecurity concerns that fall within the mandate of the Sanitary and Phytosanitary (SPS) Committee.

Because the obligation is framed as prospective cooperation rather than current regulatory action, compliance questions arise only after CPTPP ratification, when the relevant committees become operational, and coordination mechanisms are established. Cambodia does not face immediate regulatory gaps in this cluster, as the CPTPP does not require specific domestic legislation on invasive alien species for compliance with Article 20.14. However, Cambodia may consider reviewing its existing biosecurity and quarantine frameworks to ensure they provide an adequate foundation for participating in the cooperative information-sharing activities envisioned by the provision.

### **Environmental Goods and Services**

Article 20.18 of the CPTPP establishes a procedural mechanism whereby the Committee must “consider issues identified by a Party or Parties related to trade in environmental goods and services, including issues identified as potential non-tariff barriers to that trade”. The Parties commit to “endeavour to address any potential barriers to trade in environmental goods and services that may be identified by a Party”, working through the Committee and coordinating with other relevant committees.

Cambodia currently does not have any legislation directly addressing environmental goods and services. However, to the extent of this provision in the CPTPP, any new legislation may not be necessary to comply. The obligation is only to address any non-tariff barriers to the trade of environmental goods and services. The barriers are not identified or known until it is raised by a party and as such it is not possible to predict how such barriers may be addressed.

This provision presents a fundamentally different compliance challenge than other CPTPP environmental obligations. Unlike substantive requirements demanding immediate domestic regulatory alignment, Article 20.18 creates what is essentially a procedural cooperation framework that becomes operational only after ratification. The obligation’s language, “consider” and “endeavour to address”, indicates hortatory rather than mandatory duties. Cambodia faces no pre-ratification regulatory gap because compliance hinges entirely on future participation in Committee deliberations and good-faith engagement when other Parties raise specific barriers. The absence of domestic EGS regulations thus represents neither non-compliance nor a gap requiring remediation prior to accession.

### **Transition to a Low-Emission and Resilient Economy**

Article 20.15 of the CPTPP recognises that transitioning to a low-emission economy requires approaches that reflect each Party’s domestic circumstances and capabilities. The provision does not impose mandatory regulatory requirements but instead

emphasises cooperation and capacity-building activities. Parties are encouraged to cooperate on matters of joint interest and engage in cooperative activities related to transitioning to a low-emission and climate-resilient economy, including sharing information, experiences, and best practices.

There is no specific legislation to address the transition to a low-emission economy. However, this does not necessarily represent a compliance gap, as the provision is framed as an aspirational cooperation clause rather than a binding regulatory obligation. The CPTPP recognises that Parties are at different stages of economic development and have varying capacities to transition to low-emission economies, and Article 20.15 accommodates this diversity by focusing on voluntary cooperation rather than mandatory measures. Moreover, the Third Nationally Determined Contribution (NDC 3.0), supported by the Climate Change Strategic Plan 2024-2033 and the Long-Term Strategy for Carbon Neutrality, addresses the principles envisaged in the provision. The NDC 3.0 already puts Cambodia on the path for collective action and cooperation through the Climate Change Technical Working Group (CC-TWG) for stakeholder engagement, international cooperation prioritisation, and mobilisation of the private sector. This is in addition to a two-tiered commitment structure for emissions reduction.

The cooperation requirement is prospective, with compliance obligations arising after ratification when cooperative frameworks are established, and Parties begin engaging in capacity-building activities. Cambodia may benefit from participating in these cooperative mechanisms to access technical assistance, share experiences with other Parties, and build domestic capacity for climate mitigation and adaptation. While specific domestic legislation is not required for compliance with Article 20.15, Cambodia’s broader climate policy framework, including the Cambodia Climate Change Strategic Plan (CCCSP) 2024-2033, provides a foundation for engaging with the cooperative opportunities envisioned by this provision.

### 3-4 Compliance Risks

The compliance risks arising from Cambodia’s potential accession to CPTPP Chapter 20 are differentiated in nature and can be grouped according to the type of regulatory adjustment required, ranging from substantive legal reform to procedural alignment and prospective cooperation obligations (See the summary in Table 9).

Table 9: Summary of compliance risks

<b>Risk category</b>	<b>Cluster</b>	<b>Cambodia’s domestic framework</b>	<b>Risk level</b>
<b>Substantive legal reform</b>	Fisheries management	General fisheries regulation with sustainability principles and emergency powers	High
<b>Procedural / institutional alignment</b>	Ozone layer protection	Permit systems, import controls, and reporting mechanisms for ozone-depleting substances	Moderate

	Marine pollution	Pollution control framework aligned with MARPOL obligations	Moderate
	Biodiversity	Institutional and legal framework for biodiversity conservation	Moderate
	CITES / wildlife trade	Established permit systems, prohibitions, and enforcement mechanisms	Moderate
<b>Soft policy alignment</b>	Corporate social responsibility	No specific CSR-related framework identified	Low–Moderate
<b>Prospective cooperation</b>	Invasive alien species	No specific CPTPP-related framework required	Low
	Environmental goods and services	No specific legislation identified	Low
	Low-emissions transition	Climate policies (NDC, CCCSP) exist	Low

The most significant compliance risk arises in relation to fisheries management under Article 20.16, which contains the most detailed and operational obligations in the chapter. Cambodia’s current legal framework does not yet fully incorporate several core requirements of this provision. There is no clear domestic prohibition on subsidies to vessels engaged in IUU fishing or on subsidies that negatively affect overfished stocks, nor are there sufficiently developed regulatory measures addressing overfishing and overcapacity in a systematic manner. In addition, while Cambodia’s framework provides for general sustainability and emergency intervention, it does not clearly establish a fisheries management system based on the “best scientific evidence available” or “internationally recognised best practices” as required by Article 20.16. The absence of species-specific conservation measures for sharks, marine turtles, seabirds, and marine mammals further underscores this gap. Taken together, these elements indicate that fisheries management is the only cluster where substantive legislative or regulatory reform would likely be required for compliance.

A second category of compliance risk relates to procedural and institutional alignment in areas where Cambodia already maintains a substantive regulatory framework. This applies to Article 20.5 (ozone layer protection), Article 20.6 (marine pollution from ships), Article 20.13 (biodiversity), and Article 20.17 (CITES). In these clusters, Cambodia has established core legal mechanisms, including permitting systems, prohibitions on unlawful activities, institutional mandates, and enforcement provisions. However, CPTPP obligations in these areas extend beyond substantive controls to include requirements relating to transparency, public participation, and inter-party cooperation. In particular, the obligation to make information on environmental programs and activities publicly available is not always explicitly reflected in domestic legislation, and coordination mechanisms for implementing cooperation with other Parties are not yet formalised. These gaps are therefore not

indicative of an absence of regulation, but rather of incomplete procedural and institutional alignment, suggesting a moderate level of compliance risk.

A third category consists of provisions that are primarily prospective and cooperation-based, including Article 20.14 (invasive alien species), Article 20.18 (environmental goods and services), and Article 20.15 (transition to a low-emissions and resilient economy). These provisions do not impose detailed or immediate domestic regulatory obligations, but instead require Parties to engage in committee-based cooperation, information sharing, and capacity-building activities following accession. As such, Cambodia does not face immediate legal gaps in these areas. Compliance will depend largely on the ability to participate in institutional mechanisms established under the CPTPP and to engage in good-faith cooperation with other Parties. The compliance risk in this category is therefore relatively low and relates more to institutional readiness than legislative reform.

Finally, Article 20.10 on CSR presents a limited compliance issue of a different nature. The provision requires Parties to encourage enterprises to voluntarily adopt environmentally responsible practices consistent with internationally recognised standards. While the obligation is framed in flexible terms, Cambodia does not currently have a clearly articulated policy or regulatory framework promoting environmental CSR. This does not constitute a direct legal inconsistency, but it does indicate a policy-level gap, where Cambodia may need to adopt soft instruments, such as guidelines, incentives, or awareness initiatives, to demonstrate alignment with the expectations of the CPTPP.

Overall, Cambodia's compliance risks are concentrated in a limited number of areas. The principal challenge lies in fisheries management under Article 20.16, which requires substantive regulatory development. In contrast, most other clusters involve incremental procedural improvements and institutional strengthening, while several provisions impose only forward-looking cooperation obligations that do not necessitate immediate legislative change.

### 3.5. Key findings

The analysis indicates that Cambodia's readiness for CPTPP Chapter 20 is uneven but not structurally deficient, with compliance gaps concentrated in specific areas rather than across the entire environmental framework. Cambodia already maintains a substantive legal and institutional base in most domains covered by the CPTPP, including biodiversity, wildlife trade, ozone protection, and marine pollution. As such, the majority of obligations do not require entirely new legislation, but rather refinement and strengthening of existing frameworks.

The most significant compliance challenge arises in fisheries management under Article 20.16. This provision imposes detailed and operational obligations, including science-based management, subsidy disciplines, and species-specific conservation measures. Cambodia's current framework does not yet fully address these requirements, particularly in relation to subsidy prohibitions linked to IUU fishing and

overfished stocks, as well as systematic measures to manage overcapacity and bycatch. Fisheries management, therefore, represents the only area where substantive regulatory reform is likely necessary.

In contrast, obligations under Articles 20.5 (ozone layer protection), 20.6 (marine pollution from ships), 20.13 (biodiversity), and 20.17 (CITES) are largely supported by existing domestic legislation. The remaining gaps relate primarily to procedural and institutional aspects, including transparency, public availability of information, and coordination mechanisms. These are incremental adjustments rather than fundamental deficiencies.

A further observation is that several CPTPP provisions, including Articles 20.14 (invasive alien species), 20.18 (environmental goods and services), and 20.15 (low-emissions transition), are cooperation-based and prospective in nature. Compliance in these areas depends on post-accession participation rather than immediate legislative change, resulting in relatively low compliance risk.

Finally, Article 20.10 on CSR highlights a limited policy gap, as Cambodia does not currently have a clear framework encouraging voluntary environmental practices by enterprises. However, this remains a soft obligation and does not constitute a significant legal barrier.

Overall, Cambodia's compliance profile reflects targeted gaps rather than systemic incompatibility, with fisheries requiring priority reform and most other areas requiring procedural strengthening and institutional alignment.

## 4. Conclusions and Recommendations

This report has assessed the regulatory gap between Cambodian laws and the CPTPP e-commerce and environment chapters, focusing on legal alignment. It finds that Cambodia has made important progress in establishing its legal framework for the digital economy and environment. However, significant gaps remain in both regulatory alignment and institutional capacity. These gaps are particularly evident in areas where CPTPP rules reflect high-standard commitments not originally designed with developing countries/Least Developed Countries (LDCs) in mind.

### Key Challenges and Recommendations

#### E-commerce

- Data governance presents the most significant compliance risk. Cambodia's current regulation allows for governmental control over data flows and localisation, which may not be consistent with CPTPP obligations. Reform in this area will require balancing openness with legitimate public policy objectives, including economic growth and resilience, national security and inclusive digital society.
- Institutional capacity constraints remain substantial. The effective implementation and enforcement of complex digital trade rules will require enhanced technical expertise, stronger regulatory institutions, and improved coordination across government.
- Structural limitations in the digital economy, including gaps in infrastructure, digital skills, and cybersecurity, may constrain the benefits of liberalisation in the short term. These factors highlight the importance of sequencing reforms in line with domestic readiness.

#### Environment

- Fisheries management presents the most significant compliance risk. Cambodia's current framework does not yet fully incorporate the detailed and operational requirements of Article 20.16, particularly in relation to prohibitions on subsidies linked to IUU fishing and overfished stocks, science-based fisheries management, and species-specific conservation measures. Addressing these gaps will require targeted regulatory reform and alignment with evolving international disciplines, including those under the WTO Agreement on Fisheries Subsidies.
- Institutional and procedural capacity constraints remain a cross-cutting issue. While Cambodia has established a broad legal framework across environmental domains, gaps persist in transparency, public participation, inter-agency coordination, and the operationalisation of cooperation mechanisms required under the CPTPP. Effective implementation will therefore depend not only on legal alignment, but also on strengthening administrative systems and governance processes. Strengthening public participation mechanisms,

including community engagement in environmental decision-making, is particularly important in protected areas and natural resource management.

- Structural and resource constraints may limit effective implementation. Environmental governance in Cambodia is closely linked to broader development challenges, including limited technical capacity, enforcement constraints, and competing economic priorities. As with digital trade, many CPTPP environmental obligations reflect higher-standard approaches that may not have been originally designed with least developed countries in mind. This underscores the importance of sequencing reforms in line with domestic capacity and development priorities, particularly as Cambodia transitions out of LDC status.

### **Recommendations for Cambodia**

A phased and targeted reform strategy is recommended.

- Support the development of a digital ecosystem and a sustainable ecosystem: Regulatory reform should be complemented by investments in infrastructure, human resource development, and technology development.
- Strengthen data governance frameworks: Cambodia should clarify and progressively align its approach to cross-border data flows with international standards. This includes limiting data localisation measures to clearly defined and proportionate cases and advancing comprehensive and interoperable data protection legislation. At the domestic level, strengthening consumer trust through effective enforcement of data privacy protection and consumer protection frameworks should be strengthened.
- Prioritise fisheries reform: Cambodia should focus on strengthening its fisheries management framework to align with CPTPP. This includes introducing clear disciplines on subsidies related to IUU fishing and overfished stocks, enhancing science-based management approaches, and developing species-specific conservation measures. Alignment with international fisheries subsidy rules should be treated as a priority area for reform. Reforms should also align with Cambodia's commitments under multilateral environment agreements and the WTO Agreement on Fisheries Subsidies.
- Enhance regulatory clarity and predictability: Legal provisions relating to source code protection, electronic authentication, and intermediary liability in the case of digital trade and provisions on fisheries management, transparency of environmental information, and corporate social responsibility on the environment, should be refined to reduce ambiguity and improve consistency with CPTPP disciplines.
- Build institutional capacity: Targeted investment is needed in regulatory authorities, technical agencies, and the judiciary. Establishing stronger cross-ministerial coordination mechanisms will be critical to ensure coherent implementation.

- Strengthen procedural and transparency frameworks: Cambodia should improve mechanisms for public access to information, stakeholder participation, and inter-agency coordination across sectors. Clarifying and formalising these processes will support compliance with CPTPP requirements on transparency and cooperation.

### **Recommendations for UK Engagement**

The UK is well-positioned to support Cambodia's transition, drawing on its experience in digital and environmental governance, as well as regulatory best practices in these areas.

- Provide technical assistance: The UK could support capacity building in areas such as data protection, cross-border data governance, and cybersecurity regulation, helping to develop frameworks that are both internationally interoperable and tailored to Cambodia's context. The UK can support Cambodia in developing fisheries management systems, subsidy disciplines, and monitoring frameworks, drawing on its experience in sustainable fisheries and marine governance.
- Facilitate regulatory partnerships: Structured engagement between UK and Cambodian institutions, including regulator-to-regulator dialogue, training programmes, and secondments, would support knowledge transfer and institutional strengthening. This support could be valuable in areas such as biodiversity conservation, marine pollution control, and development of regulatory frameworks for emerging environmental challenges in the case of environment and data privacy, cybersecurity and competition policy in the case of digital trade.
- Support inclusive digital development: UK development cooperation could focus on digital infrastructure, skills, and innovation ecosystems, ensuring that regulatory reforms translate into long-term socio-economic gains.
- Promote integrated sustainable trade approaches: The UK can support Cambodia in linking trade and environmental policy, including through support for green growth strategies and sustainable resource management.

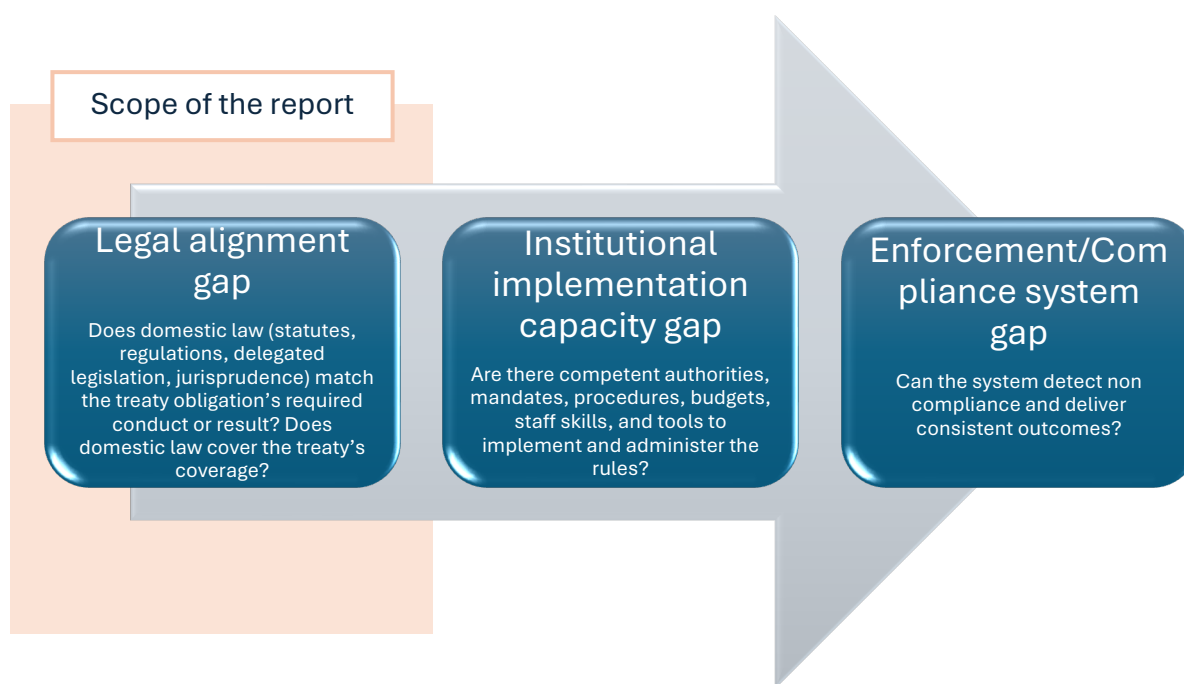
## Annex 1: Regulatory gap analysis methodology

### 1. Definition of the regulatory “gap”

We define that the regulatory “gap” consists of three dimensions: legal alignment gap, institutional/administrative implementation gap and enforcement/compliance system gap.<sup>45</sup> At each level, the following questions can be posed to identify gaps:

- (1) Legal (normative) alignment gap: Does domestic law (statutes, regulations, delegated legislation, jurisprudence) match the treaty obligation’s required conduct or result? Does domestic law cover the treaty’s coverage?
- (2) Institutional/administrative implementation capacity gap: Are there competent authorities, mandates, procedures, budgets, staff skills, and tools to implement and administer the rules?
- (3) Enforcement/compliance system gap: Can the system detect non-compliance and deliver consistent outcomes?

Figure 1: Definition of the regulatory “gap”



The scope of this report is to assess “Legal alignment gap” (Figure 1). The “Implementation capacity gap” and “Enforcement system gap” are partially addressed in the section of “Compliance Risks” in our report. Our assessment of “Compliance Risks” is based solely on the desk-based analysis. Although “implementation and

<sup>45</sup> Our definition is based on studies done by OECD (2014, 2018, and 2025) and UNCTAD (2018).

enforcement determine whether rules work”,<sup>46</sup> the project does not cover those dimensions.

## 2. Methodological structure

### 2-1. Research questions

To analyse regulatory gaps, we address the three research questions outlined in Table 1. Given that the focus of this project is to identify legal alignment with the CPTPP to analyse Cambodia’s trade regulatory gaps (see category A in Table 1), we examine whether Cambodian laws formally meet the obligations in Chapter 14: e-commerce and those in Chapter 20: Environment.

It should be noted that the implementation and enforcement of the CPTPP among current members are not well-documented in the public domain. As this research project does not cover Category B: Institutional capacity or C. Enforcement effectiveness, we simply identify whether gaps exist in these areas.

Table 1: Types of regulatory gaps

Type of “gap”	Questions
A. Legal alignment	Does Cambodian law formally meet the CPTPP obligations?
B. Institutional capacity	Can Cambodian institutions administer the rule?
C. Enforcement effectiveness	Can the rule be enforced consistently and credibly?

### 2-2. Criteria by type of “gap”

Scope: We select key clusters from each chapter (e.g. electronic transmission, personal data protection, cross-border data transfers, and paperless trade in the case of e-commerce), rather than assessing every provision.

Level of obligation under CPTPP provisions: We classify CPTPP obligations into three types:

- (ii) strong requirements (“Shall”),
- (iii) medium level of requirement (“Should”), and
- (iv) low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

The objective is to understand the CPTPP’s approach to each cluster. As legal requirements become stronger, the level of obligation become increases, and therefore

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<sup>46</sup> [OECD Regulatory Enforcement and Inspections Toolkit](#)

potential compliance risks also increase. We use three colours to reflect levels of obligation in the tables representing regulatory gaps: dark grey for strong requirements, medium grey for medium-level requirements, and light grey for low-level requirements.

Gap benchmark: Our mapping exercise uses five categories represented by colours:

- Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) based solely on the legal text,
- Category2 (Yellow): Relevant provision, but is not fully compliant;
- Category3 (Light Orange): Relevant provision, but very weak/ issues related to implementation and compliance issues,
- Category4 (Dark Orange): No provision exist, but domestic progress is under way, and
- Category5 (Red): No provisions and no domestic progress is identified.

We colour Cambodian laws and decrees according to these categories based on our gap analysis.

#### References for Annex

OECD (2025), OECD Regulatory Policy Outlook 2025, OECD Publishing, Paris, <https://doi.org/10.1787/56b60e39-en>.

OECD (2018), OECD Regulatory Enforcement and Inspections Toolkit, OECD Publishing, Paris, <https://doi.org/10.1787/9789264303959-en>.OECD

OECD (2014), Regulatory Enforcement and Inspections, OECD Best Practice Principles for Regulatory Policy, OECD Publishing, Paris, <https://doi.org/10.1787/9789264208117-en>.

UNCTAD (2018), Trade Policy Frameworks for Developing Countries: A Manual of Best Practices, Geneva, [Trade Policy Frameworks for Developing Countries: A Manual of Best Practices](#)

## Annex 2

Table: Regulatory Gap Analysis – CPTPP E-commerce chapter and Cambodian Domestic Regulations

Cluster	Legal alignment	Required elements	Domestic sources	Notes
Cross-border data transfers	Art.14.11 and 14.13	<p>(Art 14.11) The Party should allow the cross-border transfer of information by electronic means</p> <p>(Art 14.13) No party shall require a covered person to use or locate computing facilities in the Party's territory as a condition of conducting business in that territory.</p>	<p>C3</p> <p>(Article 6 Law on Telecommunication) MPTC has the authority to control all types of telecommunications services and information technology data and new services according to technological advancement in this sector.</p> <p>All telecommunications operators and stakeholders [...] shall provide MPTC with telecommunications services and information technology data.</p>	<ul style="list-style-type: none"> <li>Article 6 of the Telecommunications Law may fall within the scope of CPTPP, as it governs telecommunications services, IT data, and new services while imposing data access obligations on operators and stakeholders.</li> </ul>
Data localisation prohibition	Art. 14.13	<p>(Art 14.13) No party shall require a covered person to use or locate computing facilities in the Party's territory as a condition of conducting business in that territory.</p> <p>LPPO provision</p>	<p>C3</p> <p>(Article 6 of Sub-Decree Management and Use of National Domain) Ministries and governmental institutions which intend to use the national domain name [...] shall [...] store the data in the Kingdom of Cambodia, [...] MPTC shall host and store the data of all ministries and governmental institutions that use national</p>	<ul style="list-style-type: none"> <li>This might be problematic if the Government outsources / stores data through non-Cambodian data centre providers.</li> <li>However, the practice could be different, not problematic, as it has explicit exceptions for legitimate public policy objectives (Article 14.13.3)</li> </ul>

			<p>domain names in the national data center or data center of the government [...]</p> <p>Article 6 of Law on Communications) MPT has the authority to control all types of telecommunications services and information technology data and new services according to technological advancement in this sector.</p>	
Personal data protection	Art. 14.8	<p>Party shall adopt and maintain a legal framework that provides for the protection of the personal information of the users of electronic commerce.</p> <p>In the development of its legal framework for the protection of personal information, each Party should take into account principles and guidelines of relevant international bodies</p> <p>Each Party shall endeavour to adopt non-discriminatory practices</p> <p>Each party should publish information on the personal information protections on 1) remedies and 2) compliance with legal requirements for businesses</p> <p>Ft.5 Brunei Darussalam and Viet Nam are not required to apply this Article before the date on which that Party implements its legal framework that provides for the protection of personal</p>	<p>C2</p> <p>(Article 32 Law on Electronic Commerce (2019)) Any person that holds personal information in electronic form shall use all means to ensure that the information is protected by such security safeguards [...];</p> <p>(Article 27 Sub-Decree 110 on Licensing) ICT operator and ICT related individual have the following duties: [...] f- Safeguard private information, security and safety on the usages of ICT services;</p> <p>(Article 23 Draft Law on Personal Data Protection) A data controller shall not transfer personal data outside the Kingdom of Cambodia [...]</p> <p>In General, Draft Law on Personal Data Protection, but specifically:</p>	<ul style="list-style-type: none"> <li>• Subject to the legal framework established under the draft law on Personal Data Protection, domestic regulations are expected to broadly align with the CPTPP requirements.</li> <li>• To ensure compliance, the Cambodian Government may consider specifying that it sets out some basic elements of the international bodies' standards.</li> </ul>

		<p>data of the users of electronic commerce.</p> <p>Ft. 6 For greater certainty, a Party may comply with the obligation in this paragraph by adopting or maintaining measures such as a comprehensive privacy, personal information or personal data protection laws, sector-specific laws covering privacy, or laws that provide for the enforcement of voluntary undertakings by enterprises relating to privacy.</p>	<p>(Article 4 Draft law on Personal Data Protection) (b) Have the power to instruct data controllers and data processors to provide personal data or information necessary to perform its functions and duties; (c) Have right to access all personal data and information necessary to perform its functions and duties; [...]</p> <p>(Article 5 Draft Law on Personal Data Protection) If necessity, the Minister of post and telecommunications may request a decision from the Royal Government to establish a Personal Data Protection Unit, which is a legal entity under public law.</p> <p>(Article 14 Draft Law on Personal Data Protection) The processing of sensitive personal data shall be prohibited. This shall not apply if the data controllers process personal data in compliance with legal bases as stipulated in Article 7 of this law and at least one of the following additional conditions: [...]</p> <p>(Article 19 Draft Law on Personal Data Protection): If the data controller determines that the processing of personal data may pose a high risk to the rights and</p>	
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			<p>freedoms of the data subject and/or other natural persons, the data controller is required to conduct a personal data impact assessment. [...]</p> <p>(Article 20 Draft Law on Personal Data Protection) Data controllers and data processors shall implement technical and organisational measures for ensuring the security of the personal data processing and to prevent the following activities: [...]</p> <p>(Article 21 Draft Law on Personal Data Protection) In the case of a personal data breach, where the breach may pose a risk to the data subject and/or other natural persons, the data controller shall notify the MPTC immediately. [...]</p>	
Online consumer protection	Art. 14.7	<p>The Parties recognise the importance of adopting and maintaining transparent and effective measures</p> <p>Each Party shall adopt or maintain consumer protection laws to proscribe fraudulent and deceptive commercial activities that cause harm or potential harm to consumers engaged in online commercial activities.</p>	<p>C1</p> <p>Chapter 6 (Consumer Protection) Law on Electronic Commerce (2019) Formation of Counterfeit Electronic System and Malicious Code 1. Any person shall not create an electronic system for the purpose of counterfeiting or causing a confusion in order to take advantage, or in the purpose of attracting to have a usage or an operation, and lead to have an injury/damage to the person who used it or to the third party. 2. Any</p>	<ul style="list-style-type: none"> <li>• The E-Commerce Law and Consumer Protection Law include provisions on consumer protection, and the Sub-Decree 134 also mandates service providers to comply with the international norms relating to consumer protection.</li> <li>• The regulatory framework lacks clarity on: 1) specific measures on online consumer protection; 2) transparent measures for online transactions. However, these are not a strong requirement.</li> </ul>

			<p>person shall not create, provide, enable, distribute, or send the virus-code in the bad-faith purpose through electronic means in to electronic instrument or system of other persons. Article 32: Data protection 1. Any person that holds personal information in electronic form shall use all means to ensure that the information is protected by such security safeguards as it is reasonable in every circumstances to avoid the loss, access, use, modification, leak or disclosure of those information, except with the permission of the owner of the information or any other party authorized by law. 2. Any person shall not interfere in the electronic system, access, retrieve, copy, extract, leak, delete or modify data, which is under the retention of any other person in bad-faith or without permission.; Article 33: Implementation of provisions related to consumer protection Any person using electronic communications for commercial activities with consumers shall comply with all other provisions and regulations related to consumer protection</p> <p>Article 4 of Law on Consumer Protection : Unfair practices in relation to consumer protection in general. It does not have specific</p>	
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			<p>information on Online Consumer Protection or other relevant areas specifically, but I assume this would apply to online service providers based on the definition of Business.</p> <p>(Article 7 of the Sub-Decree 134 Licenses Intermediaries and E-Commerce Service ) 1. Legal entities or branches of foreign companies that are intermediaries or e-commerce service providers must apply for a license for e-commerce from the Ministry of Commerce before commencing operations and must meet the following conditions: [...] F. The business models and consumer protection measures are in place. [...]</p>	
Location of computer facilities	Art. 14.13	<p>1. The Parties recognise that each Party may have its own regulatory requirements regarding the use of computing facilities, including requirements that seek to ensure the security and confidentiality of communications.</p> <p>2. No Party shall require a covered person to use or locate computing facilities in that Party's territory as a condition for conducting business in that territory.</p>	<p>C3 (Article 6 of Sub-Decree Management and Use of National Domain) Ministries and governmental institutions which intend to use the national domain name [...]shall [...] store the data in the Kingdom of Cambodia, [...] MPTC shall host and store the data of all ministries and governmental institutions that use national domain names in the national data</p>	<ul style="list-style-type: none"> <li>The Cambodian local provision may cause a potential compliance issue if the Government stores data through non-Cambodian data centre providers and the law requires them to locate within the Cambodian territory.</li> </ul>

		3. Nothing in this Article shall prevent a Party from adopting or maintaining measures inconsistent with paragraph 2 to achieve a legitimate public policy objective, provided that the measure: (a) is not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on trade; and (b) does not impose restrictions on the use or location of computing facilities greater than are required to achieve the objective.	center or data center of the government [...]	
Cyber security	Art. 14.16	The Parties recognise the importance of building the capabilities of their national entities responsible for computer security incident response and using existing collaboration mechanisms to cooperate to identify and mitigate malicious intrusions or dissemination of malicious code that affects the electronic networks of the Parties.	<p>C1</p> <p>Generally, the Draft Law on Cyber Security, but specifically:</p> <p>(Article 4 Draft Law on Cyber Security) The Digital Security Committee, hereinafter referred to as DSC, shall be established with the purpose of ensuring the efficiency and effectiveness of performing the roles of leading, facilitating [...];</p> <p>(Article 9 Draft Law on Cyber Security) [...] CCU is a public legal entity empowered by the Royal Government to perform its roles and duties with administrative and regulatory autonomy over cybersecurity affairs. [...]</p> <p>(Article 10 Draft Law on Cyber Security) CCU shall have roles and duties as follows: a. Lead,</p>	<ul style="list-style-type: none"> <li>The draft Law on Cyber Security and the role of the Cambodia Cybersecurity Unit are considered to comprehensively satisfy the CPTPP requirements.</li> </ul>

			<p>coordinate, implement and promote the management of cybersecurity affairs in accordance with policies, strategies, laws, and regulations.;</p> <p>b. Lead and coordinate at the technical level and take measures to prevent cybersecurity risks and respond to cybersecurity incidents in both the public and private sectors.</p> <p>[...]</p> <p>(Article 12 Draft Law on Cyber Security) Line ministries/institutions shall cooperate with MPTC</p>	
Source code	Art. 14.17	<p>1. No Party shall require the transfer or access to the source code of software owned by a person of another Party.</p> <p>2. For the purposes of this Article, software subject to paragraph 1 is limited to mass-market software or products containing such software and does not include software used for critical infrastructure.</p> <p>3. Nothing in this Article shall preclude:</p> <p>(a) the inclusion or implementation of terms and conditions related to the provision of source code in commercially negotiated contracts; or</p> <p>(b) a Party from requiring the modification of source code of software</p>	<p>C3</p> <p>(Article 7.1 Law on Copyrights and Related Rights) Subject to Computer Programme and the design encyclopaedia; documentation relevant to those programmes</p> <p>(Article 25 Law on Copyrights and Related Rights) The author cannot prohibit the following acts:</p> <p>a- Free and private representations made exclusively to a close circle of people such as family or friends.; b- The arrangement to preserve in a library the copy of work for the purpose of conservation or research.;</p>	<ul style="list-style-type: none"> <li>• The current national legislation may conflict with the CPTPP requirement as its copyright exceptions might allow third parties to use, analyse or reproduce computer programmes for non-commercial purposes, as seen in Article 25 of the Law on Copyrights and Article 47 of the Law on Patents.</li> <li>• Article 67 of the Law on Copyrights and Related Rights could indicate that CPTPP would prevail over the national law. The law needs to clarify what International Treaties mean exactly in Cambodia and what happens when international treaties conflict.</li> </ul>

		<p>necessary for that software to comply with laws or regulations which are not inconsistent with this Agreement.</p>	<p>c- The use of work for the purposes of education, which is not for financial gain.; d- The translation of works from Khmer language into the languages of the ethnic minorities or vice versa;          If there is a clear indication of the author's name and the source of work, the following acts are not subjected to any prohibitions by the author:          – The analyses and short quotations justified by the critical, polemical, pedagogical, scientific or informative nature of that work. [...]; The adaptation of comic, style or caricature, based on original work; The reproduction of graphic or plastic work which is situated in the public place, when this reproduction doesn't constitute the principle subject for subsequent reproduction.</p> <p>(Article 67 Law on Copyrights and Related Rights) [...] In case of conflict with the provisions of this Law, the provisions of those international treaties shall prevail.</p> <p>(Article 47 Law on Patents / Utility)          The Minister may decide that even without the agreement of the patent, a Government agency or a third person designated by the Minister may exploit in invention</p>	
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			where: the public interest in particular, national security, nutrition, health or the development of other vital sectors of the national economy[...].	
Electronic authentication & signatures	Art. 14.6	<p>Except in circumstances otherwise provided for under its law, a Party shall not deny the legal validity of a signature solely on the basis that the signature is an electronic form.</p> <p>No Party shall adopt or maintain measures for electronic authentication that would prohibit parties to an electronic transaction from mutually determining the appropriate authentication methods for that transaction, or prevent parties to an electronic transaction from having the opportunity to establish before judicial or administrative authorities that their transaction complies with any legal requirements with respect to authentication.</p> <p>The Parties shall encourage the use of interoperable electronic authentication.</p>	<p>C3</p> <p>(Chapter 4 Law on Electronic Commerce) Article 19: Secure electronic record An electronic record shall be considered as a secure electronic record, [...] Article 21: Presumptions relating to secure electronic records and signatures</p> <p>1. Unless there is evidence to the contrary, [...] the secure electronic record is presumed as an electronic record which has not been altered since a specific point in time. 2. Unless there is evidence to the contrary, in any proceedings involving a secure electronic signature, a secure electronic signature is presumed as follows:</p> <p>a. The electronic signature is the signature of the related person; and</p> <p>b. The electronic signature was affixed by a person with the intention of signing or approving the electronic record.</p> <p>(Article 7 Law on Electronic Commerce) 1. Where any provision requires a signature of a person, such requirement shall be deemed</p>	<ul style="list-style-type: none"> <li>• Largely, Cambodia's regulatory framework recognises electronic communications and adopts a non-discriminatory approach to the form of signatures, which is generally consistent with CPTPP obligations.</li> <li>• However, regulations on validity of digital signature issued by a foreign Certificate Authority might be a potential area of concern, as current regulations may restrict businesses' ability to mutually determine appropriate authentication methods, thereby limiting the range of technologies available for digital signature purposes.</li> </ul>

			<p>fulfilled by an electronic signature [...]</p> <p>(Article 17 Law on Electronic Commerce) A contract formed by the interaction of an automated system of a person with any natural person, or with the automated systems of another person, shall not be denied validity, legal effect, or enforceability of the contract on the ground that no natural person directly reviewed or intervened in the automated system or in forming the contract.</p> <p>(Article 35 Law on Electronic Commerce) Nothing in the provisions of rules on any evidence shall apply to deny the general admissibility of an electronic record as evidence on the sole ground that it is an electronic record [...]</p> <p>(Article 41 Law on Electronic Commerce) 1. Any person wishing to prove the authenticity of an electronic record as evidence, he/she can request for the evidence from the expert with respect to the authenticity of the electronic record in the form of a certificate. 2. The authenticity certificate [...] shall be issued by:  a. Competent ministries - institutions or a person responsible in relation to the operation or</p>	
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			<p>management of a specified security procedure provider or a security procedure provider recognized by the Court; or b. An expert appointed or recognized by the Court.; 3. A person who has the authority to issue the authenticity certificate[...].</p> <p>(Article 44 Law on Electronic Commerce) Electronic evidence confirmed by competent ministries or institutions of foreign states shall be admissible as evidence if the perfection/integrity of the electronic system which records or stores the electronic record comply with the accuracy standards provided for in Chapter 8 of the law.</p> <p>(Article 45 Law on Electronic Commerce) In order to determine as to whether or not the information in the electronic form is admissible or admissible to a certain degree, it is not necessary to determine the place where such information was produced or used or where the place of business was established overseas as long as such electronic record can accessible and retrievable in the jurisdiction of the Kingdom of Cambodia.</p> <p>(Article 10 Sub-Decree on Digital Signature) Any electronic message attached with a digital signature</p>	
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			<p>issued by a Certificate Authority shall have the legal effect to the written paper.</p> <p>(Article 13 Sub-Decree on Digital Signature) Any digital signature certificate issued by a foreign Certificate Authority shall be accredited according to the requirements of this Sub-Decree and other related provisions in the following cases: According to the approval of MPTC or According to the international accreditation agreements with the Kingdom of Cambodia</p> <p>(Article 14 Sub-Decree on Digital Signature) No one may claim themselves as Certified Authority [...]</p> <p>(Article 31 Sub-Decree on Digital Signature) The persons (Natural and Legal entity) shall be subject to transitional penalties applying to the transactions [...] without the PMTC's license</p>	
Electronic Transactions Framework	Article 14.5	Each Party shall maintain a legal framework governing electronic transactions consistent with the principles of UNCITRAL Model Law on Electronic Commerce 1996 or the UN Convention on the Use of Electronic	<p>C2</p> <p>Chapter 9 (Electronic Payments and/or Electronic Fund Transfers) of Law on Electronic Commerce (2019)</p>	<ul style="list-style-type: none"> <li>• Cambodia's E-commerce Law introduces the UNCITRAL Model Law on E-Commerce 1996</li> <li>• However, it does not include comprehensive provisions on matters related to the attribution of electronic communications and</li> </ul>

		<p>Communications in International Contracts, done at New York</p> <p>Each Party shall endeavour to avoid any unnecessary regulatory burden on electronic transactions and facilitate input by interested persons in the development of its legal framework for electronic transactions</p>	<p>UNCITRAL Model Law was adopted except for the provisions on certification and electronic signatures.</p> <p>(Article 4 Sub-Decree on Digital Signature ) Definition of Public Key Infrastructure aligns with UNCITRAL</p>	<p>acknowledgement of receipt, according to the UNCITRAL.</p>
Internet Access	Article 14.10 and 14.12	<p>Article 14.10: Subject to applicable policies, laws and regulations, the Parties recognise the benefits of consumers in their territories having the ability to: (a) access and use services and applications of a consumer's choice available on the Internet, subject to reasonable network management; (b) connect the end-user devices of a consumer's choice to the Internet, provided that such devices do not harm the network; and (c) access information on the network management practices of a consumer's Internet access service supplier.</p> <p>Article 14.12: The Parties recognise that a supplier seeking international Internet connection should be able to negotiate with suppliers of another Party on a commercial basis. These negotiations may include negotiations regarding compensation for the establishment, operation and maintenance of facilities of the respective suppliers.</p>	<p>C1</p> <p>(Article 17 Law on Telecommunication) Any person may apply for a license from TRC in order to carry out the following operations: a- Construction and/or providing services for utilization of infrastructures and networks and supporting telecommunications infrastructure [...]</p> <p>(Article 32 Law on Telecommunication) To ensure effective interconnection, management of network, physical infrastructure and legal and fair competition in the telecommunications sector, the telecommunications operators as determined in item (A) of Article 17 of this law shall: A- Provide infrastructure services and telecommunications network and infrastructure service supporting the telecommunications sector to other telecommunications</p>	<ul style="list-style-type: none"> <li>• The Cambodian Law on Telecommunications aligns with the CPTPP obligations as both treat internet connection as subject to competition.</li> <li>• It remains unclear whether this includes service/ content providers (ie. Netflix) or only consumers (end-users).</li> </ul>

			<p>operators as determined in Article 17 of this law; B- Provide access to infrastructure and network or equipment along with other telecommunications operators as determined in Article 17 of this law; and C- Comply with the regulations as specified in Article 31 of this law.</p> <p>(Article 64 Law on Telecommunication) Telecommunications operators shall have the following fundamental rights: A- Right to legal and fair competition based on the provisions of the said law and other regulations [...]</p> <p>(Article 65 Law on Telecommunication) Users shall have the following fundamental rights: A- Right to a quality telecommunications service and information related to this service; B- Right to protection of private information, security and safety of use of telecommunications service unless otherwise specified by a special law; C- Right to participation in consultation related to the arrangement of policy and regulations related to development of the telecommunications sector; [...] F- Right related to receipt of compensation for damage caused</p>	
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			by the breach of contractual obligations by telecommunications operators or stakeholders in the telecommunications sector; [...] H- Various rights to be determined by other regulations.	
Unsolicited Commercial Message	Article 14.14	<p>The Party shall adopt or maintain measures regarding unsolicited commercial electronic messages that 1) require suppliers of unsolicited commercial electronic messages to facilitate the ability of recipients to prevent ongoing reception of those messages. 2) require the consent as specified according to the laws and regulations of each Party, of recipients to receive commercial electronic messages 3) otherwise provide for the minimisation of unsolicited commercial electronic messages</p> <p>Provide recourse against suppliers of unsolicited commercial electronic messages that do not comply with the measures adopted or maintained</p>	<p>C2 (Article 29 of the Law on Electronic Commerce ) 1. A person using electronic communications to sell goods or services to consumer [...] must have at least the following information[...]</p> <p>(Article 30 of the Law on Electronic Commerce) Any person [...] who sends unsolicited commercial communications to consumers [...] shall provide the consumer with a clearly specified and easily activated option to reject the unsolicited commercial communication.</p> <p>Article 8 of Draft Law on Personal Information Protection: The processing of personal data based on point (a) of Article 7 of this law requires the notification of the purpose of the processing and shall receive the explicit consent of the data subject for that purpose. The data controller shall be required to demonstrate that the data subject has given consent to the processing of personal data in</p>	<ul style="list-style-type: none"> <li>The national regulations have the relevant legal provisions, but do not provide recourse against suppliers of unsolicited commercial electronic messages.</li> </ul>

			compliance with the provisions of this law. [...]	
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Note 1: We categorise into three type of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress

## Annex 3

Table: Regulatory Gap Analysis – CPTPP Environment chapter and Cambodian Domestic Regulations

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
Protection of the Ozone Layer	Art. 20.5	(Art. 20.5) Accordingly, each Party shall take measures to control the production and consumption of, and trade in, such substances. Each Party shall make publicly available appropriate information about its programmes and activities, including cooperative programmes, that are related to ozone layer protection. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest related to ozone-depleting substances.	C2 Article 339 (1), Code of Environment and Natural Resources Persons intending to import, export, cross-border transport, or destroy ozone-depleting substances, coolants, and products containing or for using ozone-depleting substances and coolants shall register and apply for an annual quota permit at the ministry responsible for environment and natural resources. Article 342, Code of Environment and Natural Resources Persons who sell, distribute, or transfer containers for ozone-depleting substances or coolants shall apply for a permit from the ministry responsible for environment and natural resources or subnational administration. Article 8, Sub-decree on Management of Ozone-Depleting Substances Products containing or using ozone-depleting substances stipulated in Annex 2 of this Sub-Decree shall be strictly prohibited from being imported from January 1, 2006. Ozone-depleting substances stipulated in Annex 1 of this Sub-Decree shall be strictly prohibited from being imported from January 1, 2010.	<ul style="list-style-type: none"> <li>• Cambodia has ratified the Montreal Convention and the Kigali Amendment.</li> <li>• The regulatory framework lacks clarity on the information available about programmes and activities related to ozone layer protection. However, this is resolved by publishing all activities. Furthermore, this is not a concern if all information is already public as a matter of practice.</li> <li>• The cooperation requirement is a prospective obligation rather than a current regulatory requirement. The question of compliance arises only post ratification.</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
			<p>Article 23, Sub-decree on Management of Ozone-Depleting Substances</p> <p>Legal entities or natural persons who have been conducting or intend to conduct business involving ozone-depleting substances must submit records and reports related to their business activities annually to the Ministry of Environment.</p>	
Protection of the Marine Environment from Ship Pollution	Art. 20.6	<p>(Art. 20.6)</p> <p>[E]ach Party shall take measures to prevent the pollution of the marine environment from ships</p> <p>Each Party shall make publicly available appropriate information about its programmes and activities, including cooperative programmes, that are related to the prevention of pollution of the marine environment from ships.</p> <p>Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest with respect to pollution of the marine environment from ships.</p>	<p>C2</p> <p>Article 296, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources in collaboration with competent ministries or institutions and subnational administration shall manage and coordinate marine pollution control [..].</p> <p>Article 298, Code of Environment and Natural Resources</p> <p>Release of solid waste, liquid waste, wastewater, oil waste, or chemical waste from lands, islands, oil extraction sites, and fishery tools into the sea without prior treatment or permission from the ministry responsible for environment and natural resources shall be strictly prohibited.</p> <p>Article 299 (1), Code of Environment and Natural Resources</p> <p>Watercraft owners shall be responsible for managing and taking waste to the shore by complying with applicable legal instruments and international legal tools to which the Kingdom of Cambodia is a state party.</p> <p>Article 7, Sub-decree on Water Pollution Control</p> <p>In order to ensure the human health protection and biodiversity conservation, the Ministry of Environment</p>	<ul style="list-style-type: none"> <li>• Cambodia has ratified International Convention for the Prevention of Pollution from Ships (MARPOL) Annexes I-V. Compliance with CPTPP obligation is achieved when a state implements its MARPOL obligations and lists such measure in Annex 20-B.</li> <li>• The regulatory framework lacks clarity on the information available about programmes and activities related to ozone layer protection. However, this is resolved by publishing all activities. Furthermore, this is not a concern if all information is already public as a matter of practice.</li> <li>• The cooperation requirement is a</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
			<p>shall establish the standard of pollution load contained in liquid waste that could be allowed to be released from any sources of pollution into designated protected public water areas. The pollution load standard as mentioned in the paragraph 1 of the article 7 of this sub-decree shall be stated by the Prakas of the Ministry of Environment.</p> <p>Article 8, Sub-decree on Water Pollution Control The disposal of solid waste or any garbage or hazardous substances into public water areas or into public drainage system shall be strictly prohibited.</p> <p>Article 12, Sub-decree on Air Pollution The discharge or leakage of various flammable substance, fuel-oil, radio-active or chemical substance into the atmosphere, water and oil shall be strictly prohibited.</p>	<p>prospective obligation rather than a current regulatory requirement. The question of compliance arises only post ratification.</p>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
Corporate Social Responsibility (CSR)	Art. 20.10	(Art. 20.10) Each Party should encourage enterprises operating within its territory or jurisdiction, to adopt voluntarily, into their policies and practices, principles of corporate social responsibility that are related to the environment, consistent with internationally recognised standards and guidelines that have been endorsed or are supported by that Party.	C2 No specific law.	<ul style="list-style-type: none"> <li>The obligation in the CPTPP is quite broad and unspecified as to what constitutes to “encourage”. However, to ensure compliance, Cambodia may consider implementing any specific obligation, law, regulation or policy that encourages or promotes businesses to voluntarily adopt CSR policies.</li> </ul>
Trade and Biodiversity	Art. 20.13	(Art. 20.13) Accordingly, each Party shall promote and encourage the conservation and sustainable use of biological diversity, in accordance with its law or policy. Each Party shall make publicly available information about its programmes and activities, including cooperative programmes, related to the conservation and	C2 Article 27, Code of Environment and Natural Resources The ministry responsible for environment and natural resources shall be responsible for biodiversity resources management and conservation, sustainable use of ecosystem services, and biosafety management. Article 28, Code of Environment and Natural Resources The ministry responsible for environment and natural resources shall have the following roles and duties: Implement international legal instruments concerning the environment, biodiversity resources, and biodiversity to which the Kingdom of Cambodia is a State Party.	<ul style="list-style-type: none"> <li>The CPTPP provision requires the parties to recognise multiple aspects related to biodiversity. However, the obligation in the provision for a party only relates to “promote and encourage” sustainable use and conservation of biodiversity. This obligation is further qualified by the phrase “in accordance with its law or policy” providing additional flexibility to a</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>sustainable use of biological diversity. Consistent with Article 20.12 (Cooperation Frameworks), the Parties shall cooperate to address matters of mutual interest.</p>	<p>[...] Develop draft policies, legal instruments, strategic plans, activity plans, and intervention programs to create herbarium, botanical garden, botanical collection, genetic bank, biodiversity conservation sites outside national sanctuaries to promote conservation, research, technology exchanges, and dissemination and raise awareness to the public.</p> <p>Article 31, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources shall cooperate with relevant ministries/institutions and sub-national administration to develop draft policies, strategic plans, action plans, legal instruments, and other programs to implement the UN Convention on Biodiversity, the Cartagena Protocol on Biosafety, the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization (ABS) and other international instruments concerning biodiversity and ecosystem services, to which the Kingdom of Cambodia is a State Party.</p> <p>Strategic Outcome 2.3, Climate Change Strategic Plan (CCCSP) 2024-2033</p> <p>Strengthen ecosystem conservation and sustainable natural resource management (including Mekong River, Tonle Sap Lake, forest, biodiversity, urban ecosystem and mainstreaming nature-based solutions and adaptation).</p>	<p>party to set their own levels of protection.</p> <ul style="list-style-type: none"> <li>• Cambodia has ratified the Convention on Biological Diversity Ratification and Kunming-Montreal Global Biodiversity Framework and has implementation framework through laws and regulation inter alia Code of Environment and Natural Resources.</li> <li>• There are some requirements for public dissemination of information that can comply with the requirements of the obligation. But the regulatory framework lacks clarity on the information available about programmes and activities related to biodiversity. However, this is resolved by publishing all activities. Furthermore, this is not a concern if all information is already public as a matter of practice.</li> <li>• The cooperation requirement is a</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
				prospective obligation rather than a current regulatory requirement. The question of compliance arises only post ratification.
Invasive Alien Species	Art. 20.14	(Art. 20.14) Accordingly, the Committee shall coordinate with the Committee on Sanitary and Phytosanitary Measures established under Article 7.5 (Committee on Sanitary and Phytosanitary Measures) to identify cooperative opportunities to share information and management experiences on the movement, prevention, detection, control and eradication of invasive alien species, with a view to enhancing efforts to assess and address the risks and adverse impacts of invasive alien species.	C1 Article 536. List of alien species 1. The Ministry of environment and natural resources and subnational administrations shall coordinate and collaborate with relevant ministries or institutions to record or manage a list of alien species within their jurisdiction. After receiving the list from the subnational administration, the ministry responsible for environmental and natural Resources shall verify the list before submission to the Royal government for review and approval. 2. Importing alien species without approval from the ministry responsible for environmental and natural resources and subnational administrations is prohibited. Article 537. Alien species management 1. The ministry responsible for environment and natural resources and subnational administrations shall develop alien species management activities by considering the adverse impacts and risks to wildlife, wild plants, ecosystems, environment, economy, and society. 2. The ministry responsible for environment and natural resources and subnational administration, in collaboration with relevant ministries or institutions	<ul style="list-style-type: none"> <li>The obligation does not require any domestic regulatory alignment or action for compliance.</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
			and technical experts, shall develop alien species management activities to determine: a. Pathways that alien wild plant species enter their jurisdiction. b. Methods to manage alien wild plant species existing in their jurisdiction. c. Method to eradicate alien and disastrous wild plant species.	
Transition to a Low-emission and Resilient Economy	Art. 20.15	(Art. 20.15) The Parties recognise that each Party's actions to transition to a low-emission economy should reflect domestic circumstances and capabilities and, consistent with Article 20.12 (Cooperation Frameworks), Parties shall cooperate to address matters of joint or common interest. Further, the Parties shall, as appropriate, engage in cooperative and capacity-building activities related to transitioning to a low-emission economy.	N/A.	<ul style="list-style-type: none"> <li>The cooperation requirement is a prospective obligation rather than a current regulatory requirement. The question of compliance arises only post ratification.</li> </ul>
Marine Capture Fisheries	Art. 20.16	(Art. 20.16) Accordingly, each Party shall seek to operate a fisheries management system that regulates marine wild	C4 Article 14, Fisheries Law Sustainable fishery management should be exercised according to the National Fishery Policy and the provisions of this law. To effectively study and determine the National	<ul style="list-style-type: none"> <li>Cambodia lacks the regulatory provisions to comply with several of these obligations particularly related to three broad categories: i) IUU</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>capture fishing and that is designed to:</p> <p>(a) prevent overfishing and overcapacity;</p> <p>(b) reduce bycatch of non-target species and juveniles, including through the regulation of fishing gear that results in bycatch and the regulation of fishing in areas where bycatch is likely to occur; and</p> <p>(c) promote the recovery of overfished stocks for all marine fisheries in which that Party's persons conduct fishing activities. Such a management system shall be based on the best scientific evidence available and on internationally recognised best practices for fisheries management and conservation as reflected in the relevant provisions of international instruments aimed at ensuring the sustainable use and conservation of marine species.</p>	<p>Fishery Policy, the Royal Government shall establish the National Fishery Policy Formulation Committee headed by the Minister of Agriculture, Forestry and Fisheries with members from relevant Ministries.</p> <p>Article 48, Fisheries Law</p> <p>Based on precise scientific information that the fishing practices have been or are being the cause of serious damage to fish stock, the Fisheries Administration has the rights to immediately and temporarily suspend fishing activities and propose for a re-examination of the fishing agreement in order to seek for the decision from the Minister of Agriculture, Forestry and Fisheries.</p>	<p>fishing, ii) prohibiting subsidies for IUU fishing and fuel, and iii) protection of sharks, marine turtles, seabirds, and marine mammals.</p> <ul style="list-style-type: none"> <li>Accepted WTO Agreement on Fisheries Subsidies (AFS) and Draft Fisheries Law approved by Senate indicates a level of progress.</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>Each Party shall promote the long-term conservation of sharks, marine turtles, seabirds, and marine mammals, through the implementation and effective enforcement of conservation and management measures. Such measures should include, as appropriate:</p> <p>(a) for sharks: the collection of species specific data, fisheries bycatch mitigation measures, catch limits, and finning prohibitions; and</p> <p>(b) for marine turtles, seabirds, and marine mammals: fisheries bycatch mitigation measures, conservation and relevant management measures, prohibitions, and other measures in accordance with relevant international agreements to which the Party is party.</p> <p>To that end, no Party shall grant or maintain any of the following subsidies within</p>		

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>the meaning of Article 1.1 of the SCM Agreement that are specific within the meaning of Article 2 of the SCM Agreement:</p> <p>(a) subsidies for fishing that negatively affect fish stocks that are in an overfished condition; and</p> <p>(b) subsidies provided to any fishing vessel while listed by the flag State or a relevant Regional Fisheries Management Organisation or Arrangement for IUU fishing in accordance with the rules and procedures of that organisation or arrangement and in conformity with international law.</p> <p>Subsidy programmes that are established by a Party before the date of entry into force of this Agreement for that Party and which are inconsistent with paragraph 5(a) shall be brought into conformity with that paragraph as soon as possible and no later than three years of the date of</p>		

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>entry into force of this Agreement for that Party. In relation to subsidies that are not prohibited by paragraph 5(a) or 5(b), and taking into consideration a Party's social and developmental priorities, including food security concerns, each Party shall make best efforts to refrain from introducing new, or extending or enhancing existing, subsidies within the meaning of Article 1.1 of the SCM Agreement, to the extent they are specific within the meaning of Article 2 of the SCM Agreement, that contribute to overfishing or overcapacity. With a view to achieving the objective of eliminating subsidies that contribute to overfishing and overcapacity, the Parties shall review the disciplines in paragraph 5 at regular meetings of the Committee. Each Party shall notify the other Parties, within one</p>		

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		<p>year of the date of entry into force of this Agreement for it and every two years thereafter, of any subsidy within the meaning of Article 1.1 of the SCM Agreement that is specific within the meaning of Article 2 of the SCM Agreement, that the Party grants or maintains to persons engaged in fishing or fishing related activities. Each Party shall also provide, to the extent possible, information in relation to other fisheries subsidies that the Party grants or maintains that are not covered by paragraph 5, in particular fuel subsidies. The Parties recognise the importance of concerted international action to address IUU fishing as reflected in regional and international instruments and shall endeavour to improve cooperation internationally in this regard, including with and</p>		

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		through competent international organisations.		
Conservation (CITES)	Art. 20.17	<p>(Art. 20.17) Accordingly, each Party shall adopt, maintain and implement laws, regulations and any other measures to fulfil its obligations under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).</p> <p>Ft. 22. For the purposes of this Article, a Party's CITES obligations include existing and future amendments to which it is a Party and any existing and future reservations, exemptions, and exceptions applicable to it.</p> <p>Ft. 23. To establish a violation of this paragraph, a Party must demonstrate that the other Party has failed to adopt, maintain or implement laws, regulations or other measures to fulfil its obligations under CITES in a manner affecting trade or investment between the Parties.</p>	<p>C2</p> <p>Article 542, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources and subnational administration shall protect, conserve, and manage wildlife species in natural protected areas.</p> <p>Wildlife species management outside natural protected areas should be under the authority of the ministries or institutions responsible for forestry.</p> <p>Article 543, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources and subnational administrations shall have the following roles and duties:</p> <p>Develop legal instruments and procedures for wildlife species management, protection, and conservation.</p> <p>[...] Track, investigate, and prevent wildlife crimes in natural protected areas, including importation, exportation, storage, circulation, commercial activities, wildlife use, and eating wild meat collected without a permit.</p> <p>[...] Develop legal instruments and management activities and issue wildlife hunting permits for local communities in or outside natural protected areas.</p> <p>Article 574, Code of Environment and Natural Resources</p> <p>Trading, transporting, importing, exporting, re-exporting, possessing, purchasing, selling,</p>	<ul style="list-style-type: none"> <li>Cambodia has ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and has implementation framework through laws and regulation inter alia Code of Environment and Natural Resources.</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>Ft. 24. If a Party considers that another Party is failing to comply with its obligations under this paragraph, it shall endeavour, in the first instance, to address the matter through a consultative or other procedure under CITES. The Parties commit to promote conservation and to combat the illegal take of, and illegal trade in, wild fauna and flora. To that end, the Parties shall:</p> <p>(a) exchange information and experiences on issues of mutual interest related to combating the illegal take of, and illegal trade in, wild fauna and flora, including combating illegal logging and associated illegal trade, and promoting the legal trade in associated products;</p> <p>(b) undertake, as appropriate, joint</p>	<p>transferring, storing, gifting, eating, farming, and using in all forms for commercial purposes of any part of wildlife organs and products of all types without the required permission is prohibited.</p> <p>Disseminating information or advertising the sale of wildlife, trophies or parts of wildlife organs, wildlife meat, or wildlife products without permission is prohibited.</p> <p>Article 577, Code of Environment and Natural Resources</p> <p>The following activities are prohibited:</p> <p>a. Importation, exportation of wildlife species from outside the Kingdom of Cambodia into the Kingdom of Cambodia or from the Kingdom of Cambodia to outside the Kingdom of Cambodia as stated in appendixes of CITES without permission from Cambodia's governing body of CITES.</p> <p>b. Re-export, transfer, or transit The Kingdom of Cambodia to a foreign country of wildlife species as stated in appendixes of CITES without permission from Cambodia's governing body of CITES.</p> <p>Article 578, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources and competent ministries or institutions shall collaborate and provide relevant information to law enforcement authorities of other or concerned States to prevent, identify, and combat offences under</p>	

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>activities on conservation issues of mutual interest, including through relevant regional and international fora; and</p> <p>(c) endeavour to implement, as appropriate, CITES resolutions that aim to protect and conserve species whose survival is threatened by international trade.</p> <p>Each Party further commits to:</p> <p>(a) take appropriate measures to protect and conserve wild fauna and flora that it has identified to be at risk within its territory, including measures to conserve the ecological integrity of specially protected natural areas, for example wetlands;</p> <p>(b) maintain or</p>	<p>its jurisdiction in compliance with the Criminal Procedure Code and other applicable laws.</p> <p>Article 519, Code of Environment and Natural Resources</p> <p>The ministry responsible for environment and natural resources and subnational administration shall coordinate and collaborate with relevant ministries or institutions to record and manage a list of wild plant categories, including threatened categories, for management and protection purposes. The list of wild plant categories shall be determined in a prakas of the minister responsible for environment and natural resources.</p> <p>Article 687, Code of Environment and Natural Resources</p> <p>The primary purpose of public participation shall be to ensure that all relevant stakeholders participate in environmental protection, biodiversity conservation, sustainable natural resource use, sustainable livelihood, and environmental impact assessment processes.</p> <p>The procedures for public participation shall be determined by legal instruments of the ministry responsible for environment and natural resources.</p> <p>Article 824, Code of Environment and Natural Resources</p> <p>Administrative penalties include:</p> <p>a. Warning.</p> <p>b. Work halting, temporary suspension, or withdrawal of license, permit, certificate,</p>	

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>strengthen government capacity and institutional frameworks to promote sustainable forest management and wild fauna and flora conservation, and endeavour to enhance public participation and transparency in these institutional frameworks; and</p> <p>(c) endeavour to develop and strengthen cooperation and consultation with interested non-governmental entities in order to enhance implementation of measures to combat the illegal take of, and illegal trade in, wild fauna and flora.</p> <p>In a further effort to address the illegal take of, and illegal trade in, wild fauna and flora, including parts and products</p>	<p>contract, agreement, or project.</p> <p>c. Revocation or withdrawal of license, permit, certificate, contract, or agreement.</p> <p>Article 825, Code of Environment and Natural Resources</p> <p>Criminal penalties shall include but not limited to:</p> <p>a. Transitional fines.</p> <p>b. Monetary fines.</p> <p>c. Imprisonment.</p> <p>Strategic Outcome 2.3, Climate Change Strategic Plan (CCCSP) 2024-2033</p> <p>Strengthen ecosystem conservation and sustainable natural resource management (including Mekong River, Tonle Sap Lake, forest, biodiversity, urban ecosystem and mainstreaming nature-based solutions and adaptation).</p>	

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		<p>thereof, each Party shall take measures to combat, and cooperate to prevent, the trade of wild fauna and flora that, based on credible evidence , were taken or traded in violation of that Party's law or another applicable law , the primary purpose of which is to conserve, protect, or manage wild fauna or flora. Such measures shall include sanctions, penalties, or other effective measures, including administrative measures, that can act as a deterrent to such trade. In addition, each Party shall endeavour to take measures to combat the trade of wild fauna and flora transhipped through its territory that, based on credible evidence, were illegally taken or traded.</p> <p>In order to promote the widest measure of law enforcement cooperation and information sharing between the Parties to combat the illegal take of,</p>		

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		and illegal trade in, wild fauna and flora, the Parties shall endeavour to identify opportunities, consistent with their respective law and in accordance with applicable international agreements, to enhance law enforcement cooperation and information sharing, for example by creating and participating in law enforcement networks.		
Environmental Goods and Services	Art. 20.18	(Art. 20.18) Accordingly, the Committee shall consider issues identified by a Party or Parties related to trade in environmental goods and services, including issues identified as potential non-tariff barriers to that trade. The Parties shall endeavour to address any potential barriers to trade in environmental goods and services that may be identified by a Party, including by working through the Committee and in conjunction with other	N/A.	<ul style="list-style-type: none"> <li>The obligation states a prospective requirement to “consider” issues raised and “endeavour to address” such potential barriers identified rather than a current regulatory requirement. The question of compliance arises only post ratification.</li> </ul>

Cluster	Legal alignment	Required Elements	Domestic sources	Notes
		relevant committees established under this Agreement, as appropriate.		

Note 1: We categorise into three types of CPTPP obligations: (i) Dark grey: Strong requirements (“Shall”), (ii) Medium grey: medium level of requirement (“Should”), and (iii) Light grey: Low level of requirement (“shall recognise”, “shall endeavour” or other non-compulsory language).

Note 2: We categorise gaps using five categories: Category1 (Green): Specific provision completely satisfied with the CPTPP provisions (100%) only for the text; Category2 (Yellow): Relevant provision but not 100% compliance level; Category3 (Light Orange): Relevant provisions but very weak/ issues related to implementation and compliance issues; Category4 (Dark Orange): No provisions, but domestic progress is going on; and Category5 (Red): No provisions or domestic progress