

**Kingdom of Cambodia  
Nation Religion King**

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**The Constitutional Council**

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**CASE**

N°: 359/001/2020  
Of March 23, 2020

**Decision**

N°: 201/001/2020 CC.D  
Of March 25, 2020

**The Constitutional Council**

- Seen the Constitution of the Kingdom of Cambodia;
- Seen Preah Reach Kram N° CS/RKM/0498/06 of April 08, 1998 promulgating the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0107/005 of January 31, 2007 promulgating the Law on the Amendment of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0318/005 of March 01, 2018 promulgating the Law on Amendment of Article 26, Article 27 (New), Article 28, Article 31, and Article 32 of the Law on the Organization and the Functioning of the Constitutional Council;
- Seen Preah Reach Kram N° NS/RKM/0618/012 of June 28, 2018 promulgating the Law on the Organization and the Functioning of the Council of Ministers;
- Seen the letter N° 078 N.A of March 23, 2020 from Samdech Akka Moha Ponhea Chakrei **HENG Samrin**, President of the National Assembly, requesting the Constitutional Council to examine the Constitutionality of the Law on the Establishment of the Ministry of Industry, Science, Technology, and Innovation, adopted by the National Assembly on March 13, 2020 in the extraordinary session of its 6<sup>th</sup> legislature and reviewed and entirely approved by the Senate on the legal form and substance, and declared as urgent in the extraordinary session of its 4<sup>th</sup> legislature on March 23, 2020, the letter received by the Secretariat General of the Constitutional Council on March 23, 2020 at 15:35;

**Having heard the rapporteur,  
Having deliberated in compliance with the law,**

- Whereas the National Assembly and the Senate have duly implemented the procedure stipulated in Article 113 (New) of the Constitution for reviewing and adopting the Law on the Establishment of the Ministry of Industry, Science, Technology, and Innovation;
- Whereas the request of Samdech Akka Moha Ponhea Chakrei **HENG Samrin**, President of the National Assembly, made in accordance with Article 140 (New) of the Constitution and Article 16 (New) of the Law on Amendment of the Law on the Organization and the Functioning of the Constitution Council, is therefore admissible;
- Whereas the form in drafting and adopting the Law on the Establishment of the Ministry of Industry, Science, Technology, and Innovation is in conformity with the Constitution;
- Whereas Article 1, stipulating “*the Establishment of the Ministry of Industry, Science, Technology, and Innovation under the Royal Government of the Kingdom of Cambodia*”, is in conformity with the Constitution;
- Whereas Article 2, stipulating “*the competence of the Ministry of Industry, Science, Technology, and Innovation for leading and managing the Industry, Science, Technology, and Innovation fields including the Handicraft and Clean Water of the Kingdom of Cambodia*”, is in conformity with the Constitution;
- Whereas Article 3, stipulating “*the Ministry of Industry, Science, Technology, and Innovation led by a Minister (one), Secretaries of State and Under Secretaries of State as necessary*”, is in conformity with the Constitution;
- Whereas Article 4, stipulating “*the organization and the functioning of the Ministry of Industry, Science, Technology, and Innovation determined by sub-decree*”, is in conformity with the Constitution;
- Whereas Article 5, stipulating “*the existing Laws and other legal acts concerning the industry and handicraft shall remain in force until the new acts are passed in accordance with the provisions of this law*”, is in conformity with the Constitution;
- Whereas Article 6, stipulating “*the existing legal acts concerning the implementation of the Law on the establishment of the Ministry of Industry and Handicraft and sub-decree on the organization and the functioning of the Ministry of Industry and Handicraft shall remain in force until the new acts are passed in accordance with the provisions of this law*”, is in conformity with the Constitution;
- Whereas Article 7, stipulating “*the law on the establishment of the Ministry of Industry and Handicraft promulgated by Preah Reach Kram N° NS/RKM/1213/018*”

*of December 09, 2013, and any provision contrary to this law shall be abrogated*", is in conformity with the Constitution;

- Whereas Article 8, stipulating "*this law is declared as urgent*", is in conformity with the Constitution;
- Whereas the entire essence of the 8 Articles of the Law on the Establishment of the Ministry of Industry, Science, Technology, and Innovation are in conformity with the Constitution;

**Decides:**

**Article 1:** The Law on the Establishment of the Ministry of Industry, Science, Technology, and Innovation adopted by the National Assembly on March 13, 2020 at the Extraordinary Session of its 6<sup>th</sup> legislature and entirely reviewed and approved by the Senate on the legal form and substance and considered as urgent at the Extraordinary Session of its 4<sup>th</sup> legislature on March 23, 2020, is declared to be in conformity with the Constitution.

**Article 2:** This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on March 25, 2020, shall be final, without recourse, shall have authority over all instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, March 25, 2020

**On Behalf of the Constitutional Council  
The President,**

Signed and Sealed: **Kittinitekorsalbandit IM Chhun Lim**