



KINGDOM OF CAMBODIA
Nation Religion King

The Constitutional Council

CASE N° 243/047/2013

Of November 25, 2013

Decision N° 146/021/2013 CC.D

Of December 03, 2013

The Constitutional Council

- Seen the Constitution of the Kingdom of Cambodia;
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- Seen the letter N° 508 N.A of November 22, 2013 of 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 Mines and Energy, adopted by the National Assembly on November 12, 2013 in the 1st session of its 5th 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 3rd legislature on November 21, 2013, letter received by the Secretariat General of the Constitutional Council on November 25, 2013 at 8:00 am;

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 Mines and Energy;
- 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 the Amendment of the Organization and the Functioning of the Constitutional Council, is therefore admissible;

- Whereas the form in drafting and adopting the Law on the Establishment of the Ministry of Mines and Energy has nothing contrary to the Constitution;
- Whereas Article 1, stipulating *"the Establishment of the Ministry of Mines and Energy under the Royal Government of the Kingdom of Cambodia"*, has nothing contrary to the Constitution;
- Whereas Article 2, stipulating *"the competence of the Ministry of Mines and Energy for leading and managing the mine and energy fields including petroleum, gas and electricity of the Kingdom of Cambodia"*, has nothing contrary to the Constitution;
- Whereas Article 3, stipulating *"the Ministry of Mines and Energy led by a Minister, Secretaries of State and Under Secretaries of State as necessary"*, has nothing contrary to the Constitution;
- Whereas Article 4, stipulating *"the structure and the functioning of the Ministry of Mines and Energy determined by Anukret"*, has nothing contrary to the Constitution;
- Whereas Article 5, stipulating *"the Electricity Authority of Cambodia determined by the Law on the Electricity of the Kingdom of Cambodia and promulgated by Preah Reach Kram N^o NS/RKM/0201/03 dated February 02, 2001, is now under the leadership and strategic policy management and planning of the Ministry of Mines and Energy, and shall have its financial accountability to the Ministry of Economy and Finance in accordance with the Law on the Public Financial System promulgated by Preah Reach Kram N^o NS/RKM/0508/016 dated May 13, 2008"*, has nothing contrary to the Constitution;
- Whereas Article 6 stipulating *"the mines and energy fields, which were the competence of the Ministry of Industry, Mines and Energy, shall be under the Ministry of Mines and Energy."*

The existing Laws and other legal acts concerning the industry, mines and energy fields shall remain in force until the new acts are passed in accordance with the provisions of this law.

The Minister and the Secretaries of State of the Ministry of Industry, Mines and Energy appointed by Preah Reach Kret N^o NS/RKT/0913/903 dated September 24, 2013 shall continue to lead and manage the Ministry of Mines and Energy until the appointment of the Minister and Secretaries of State of the Ministry of Mines and Energy".

This Article has nothing contrary to the Constitution;

- Whereas Article 7, stipulating *"any provision contrary to this law shall be abrogated"*, has nothing contrary to the Constitution;

- Whereas Article 8, stipulating "*this law is declared as urgent*", has nothing contrary to the Constitution;
- Whereas the entire essence of the 8 Articles of the Law on the Establishment of the Ministry of Mines and Energy has nothing contrary to the Constitution;

Decides:

Article 1: The Law on the Establishment of the Ministry of Mines and Energy, adopted by the National Assembly on November 12, 2013 in the 1st session of its 5th legislature and reviewed and entirely approved by the Senate on the legal form and substance in the extraordinary session of its 3rd legislature on November 21, 2013, is declared in conformity with the Constitution.

Article 2: This decision made in the Plenary Session of the Constitutional Council in Phnom Penh on December 03, 2013, shall be final, without recourse, shall have authority over all the instituted powers as stipulated in the Constitution, and shall be published in the Royal Gazette.

Phnom Penh, December 03, 2013

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

Signed and Sealed: **EK SAM OL**

Glossary

- CC.D Decision of the Constitutional Council
- N.A National Assembly
- Anukret Sub-decree (the Legal act signed by the Prime Minister)
- Preah Reach Kram Royal Kram (the legal act signed by His Majesty the King for promulgating the Constitution or Law)