

ภาคผนวก

ភាគដំបូង ក.

**Law on the Management of Quality and Safety of Products and Services  
(Cambodia)**

**Law on the Management of Quality and Safety of Products and Services****PREAH REACH KRAM****No. NS/RKM/0600/001**

We

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- Referring to the 1993 Constitution of the Kingdom of Cambodia;
- Referring to Reach Kram No. NS/RKM/0399/01 of March 8, 1999 on the Amendment of the Articles 11, 12, 13, 18, 22, 24, 28, 30, 34, 51, 78, 90, 91, and 93 and Articles of Chapters VIII to XIV of the Constitution of the Kingdom of Cambodia,
- Referring to Reach Kret NS/RKT/1198/72 of November 30, 1998 on the formation of the Royal Government of Cambodia;
- Referring to Reach Kram 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram No. NS/RKM/0196/16 of January 24, 1996 promulgating the Law on the Establishment of Ministry of Commerce;
- Pursuant to the Proposal of the Prime Minister and the Minister of Commerce.

**HEREBY PROMULGATE**

The Law on the Management of Quality and Safety of Products and Services as ratified by the National Assembly on 29 May 2000 at the third plenary session of the second legislature and as ratified by the Senate as to its entire form and legality on 02 June 2000 at the second plenary session of the first legislature and whose meaning are as follow:

## **CHAPTER 1**

### **GENERAL PROVISIONS**

#### **Article 1:**

The scope of this law shall govern the following:

- all commercial enterprises;
- all manufacturers for commercial ends;
- importers, exporters, and merchants;
- service providers of products and goods;
- advertisers of products, goods and services; and
- civic associations and non governmental agencies engaged in manufacturing, commerce, or humanitarian relief.

#### **Article 2:**

“Production/manufacturing” within the meaning of this law shall be defined as including the following: animal husbandry, dairy production, agricultural crop harvesting, fruit collection, fisheries, animal slaughtering, and the production, processing, and packaging of products together with stocking during production and the first pre-commercialization services.

“Commercialization” within the meaning of this law shall be defined as including the following:

- all stocking operations, transport, custody for purpose of trade, sale display, and sales of products and goods;
- all gratuitous gifts of all products including importation and exportation as well as sales, provisions of services or the provisions of gratuitous services.

## **CHAPTER 2**

### **CONSUMERS’ RIGHTS AND ECONOMIC OPERATORS’ OBLIGATIONS**

#### **Article 3:**

Manufacturers and service providers shall be required to indicate on their products, goods, and services in Khmer language the ingredients, composition, users’ guidelines, manufacturing date, and expiration date along with other requirements which guarantee the safety and health of consumers prior to their commercialization.

Manufacturers and services providers shall be liable for strictly complying with the provisions in the above mentioned paragraph.

**Article 4:**

Manufacturers and services providers shall comply with the general requirements of providing accurate information of their composition or configuration of the products, goods, or services so as to prevent confusion by consumers or damage competition.

Manufacturers and traders shall comply with the provisions in the above mentioned paragraph for all commercialized products and services.

**Article 5:**

Merchants, traders and services providers responsible for products, goods, or services first placed in the stream of commerce in the Kingdom of Cambodia shall be required to ensure that their products or services are in compliance with the provisions of this law.

Upon request from the competent inspecting agents as stipulated under Article 27 of this law, local manufacturers, importers, and service providers responsible for the first commercialization of these products and services shall be required to provide proof of inspections or records of prior examinations.

**Article 6:**

When the products, goods, or services could harm the health or safety of consumers, their manufacturing and commercialization shall be subject to a prior submission of a declaration to the competent institutions and have a prior authorization by the competent institutions following an inspection and an indication of usage guidelines in Khmer language.

**Article 7:**

It shall be strictly prohibited to produce or place into the stream of commerce products, goods, or services above mentioned in Article 6 of this law when no prior disclosure has been made or no prior authorization has been issued by the competent institutions.

**Article 8:**

The following acts shall be strictly prohibited:

- evasion or attempt to evade inspections as stipulated under Article 6.
- commercialization of products, goods, or services which have not been inspected.

**Article 9:**

Importation of products or goods not found in compliance with this law can be authorized provided they are only transited for re-exportation.

**Article 10:**

Importation of products and goods which are of humanitarian status or non-commercialized purposes can be made provided there is a special prior authorization from the Ministry of Commerce subsequent to the approval of the Royal Government.

This special authorization can only be made provided that the products and goods concerned are in conformity with international trade fair practices or internationally recognized norms.

**Article 11:**

Manufacturing of products not in compliance with this law shall be allowed provided they are destined for export to other countries where their sales are legal and pursuant to a specific international contractual arrangement.

**Article 12:**

Presentation of proper compliance certificate, for exportation and importation, shall be required for certain products which:

- may be harmful to the health or safety of consumers;
- may affect fair commercial practices;
- may preserve and enhance the quality of locally manufactured products;
- are required by international trade or international conventions.

The inspection of the compliance certificate shall be the responsibility of the Ministry of Commerce and other concerned ministries.

**Article 13:**

The Ministry of Commerce shall be responsible for entering into international technical cooperation agreements governing inspections of exported and imported goods, except for gas and petroleum.

### **CHAPTER 3**

#### **QUALITY LABEL AND CREATION FORMALITIES**

**Article 14:**

A quality label is a separate mark to identify the quality of a product, good, or service that the manufacturers or service providers voluntarily affix to their products or services. The affixing of the quality label is done for the purpose of meeting the consumers' demand for information, to improve the manufacturer's and service provider's production performance, and to enhance the quality of domestic products.

Manufacturers and service providers shall affix the quality label in strict compliance with the conditions stipulated under Article 59 of this law.

The modalities for determining a quality label shall be determined by a sub-decree upon the proposal of the Ministry of Commerce and other concerned ministries.

**Article 15:**

A norm within the meaning of this law shall be defined as a technical specification accessible to the public which has been established with the cooperation and consensus of all parties concerned, based on scientific and technological outcomes and experiences, which is adopted by a national accrediting institution for repeated or permanent use and whose recognition is not compulsory.

A national standard system shall be established in order to provide norms and other reference documents to assist in the settlement of technical and commercial problems related to products, goods and services which can occur repeatedly in the relations between economic, scientific, technical, and social partners.

The organization and functioning of the National Standard Institute shall be defined in a sub-decree.

### **CHAPTER 4**

#### **COMMERCIAL FRAUD REPRESSION**

**Article 16:**

Whether the party is privy or not to a contract, or a third party, it shall be prohibited to falsify or attempt to falsify products, goods, or services by any means on:

- identity, type, nature, place of origin, physical or nutritional quality, contents, and quantity;
- past inspections, usage guidelines, non conforming usage, risks associated with usage, precautionary measures for all products, goods, and services;
- manufacturing methods and date of production, use, or consumption of products.

**Article 17:**

It shall be prohibited to falsify products for, or kept for, commercialization by modifying the products through treatment or tampering by adding, subtracting, or substituting any part or the whole component which is prohibited by regulations or in the absence of which by customs, or which is not in compliance with the regulations.

It shall be strictly prohibited to put in the stream of commerce products which are known to be falsified.

**Article 18:**

It shall be prohibited to put in the stream of commerce food products which are known to be contaminated or toxic or do not meet bacteriological or sanitary requirement as stipulated by regulations of the ministries concerned.

**Article 19:**

It shall be prohibited to keep at all production, processing, and commercialization sites the following:

- products known to be falsified.
- food products known to be contaminated or toxic, or do not meet bacteriological or sanitary requirement as stipulated by regulations.
- products and instruments used for falsifying or counterfeiting all types of goods.
- tampered scales and measurement instruments used for producing or commercializing products.

**Article 20:**

It shall be prohibited to put into the stream of commerce products and instruments used for falsifying and counterfeiting products.



**Article 21:**

All forms of commercial advertising shall be prohibited if they are deceitful, misleading, false, or likely to cause confusion on the quality and safety of products, goods, and services when they pertain to the following:

- product expectation;
- identity, type, nature, place of origin, physical or nutritional quality, contents, quantity, manufacturing methods and date of production;
- expiry date, usage guidelines and terms;
- methods of sales, product availability, price;
- other warranties.

Advertisers placing commercial advertisements for their own account shall be held principally accountable in their capacity as an initiator.

Advertisers are required to provide information attesting to the quality and safety and other warranties of the advertisement to the inspecting institutions as stipulated under Article 27 of this law. When the substance of the advertisement is contrary to the provisions of the above mentioned paragraphs 1 and 2, the provisions of Article 26 of this law shall be enforced.

## **CHAPTER 5**

### **ACTIONS AGAINST PRODUCTS OR SERVICES WHICH ARE LIKELY TO INDUCE GRAVE OR IMMINENT DANGERS**

**Article 22:**

For manufacturing, processing, and commercialization of products, goods, and services which can cause grave or imminent danger to consumers' health or safety, the competent ministries can take the following actions:

- temporarily or permanently banning from sale;
- temporarily or permanently closing down the manufacturing facilities; or
- if necessary, withholding, confiscating, or destroying the products.

The destruction shall be carried out unless there is a prior written agreement between the competent authority and the products' owners.

Without such agreement, the owners of the confiscated products can file a complaint to the municipal and provincial court within the period allowed.

Manufacturing, processing, commercialization facilities, and other establishments which have been temporarily or permanently closed can resume their business activities provided they have obtained authorization from the competent ministries.

**Article 23:**

The competent ministries can issue a Prakas ordering legal and physical entities stipulated under Article 1 of this law to make the necessary modification to meet the quality and safety requirements as stipulated under Article 3 of this law.

The expenses incurred in the publication of warning or precautionary usage measures as well as the recall of defective products for modification or the partial or total refund of the purchase price shall be borne by the entities in the above mentioned paragraph.

**Article 24:**

Similar measures to those stipulated under Articles 22 and 23 of this law can be taken to ensure safety of the provisions of services.

## **CHAPTER 6**

### **INSPECTION PROCEDURES FOR**

### **QUALITY AND SAFETY OF PRODUCTS, GOODS AND SERVICES**

**Article 25:**

Acts in violations of this law shall be thoroughly investigated and observed in accordance with the provisions stipulated under Articles 28 through 51 of this law. However, these provisions shall not prejudice other evidence obtained through other available means.

All safety measures shall be in compliance with, and implemented according to, the provisions stipulated under Articles 52 through 58 of this law.

**Article 26:**

The Ministry of Commerce and relevant ministries shall be responsible for the repression of commercial fraud in accordance with this law. These ministries shall establish a specialized institution to be in charge of fraud repression and inspections of exported and imported goods.

**Article 27:**

The inspection agents of the Ministry of Commerce shall be authorized to carry out inspection, investigation, and offenses recording activities, or to take other measures in cooperation with other relevant ministries.

**Article 28:**

Inspection agents specified under Article 27 of this law are authorized to conduct inspections, prepare official records, and audit relevant issues. Their official records shall remain valid until proven otherwise.

Individuals subject to inspections shall be required to cooperate with inspection agents so that they may carry out their tasks.

Inspection agents can request additional forces for protection and intervention.

**Article 29:**

Inspection agents specified under Article 27 are authorized to enter into and inspect the premises where the manufacturing, processing, commercialization, and services provisions take place, as well as inspect means of transportations, goods, warehouses, offices, and other related premises.

If these premises are used as residences, inspection agents can only enter during working hours. Outside working hours, permission from a prosecutor and the presence of local authority shall be required.

**Article 30:**

Inspection agents specified under Article 27 of this law can investigate, make a duplicate, or confiscate documents essential for their investigations.

In the event of confiscation, an official minutes shall be made immediately on the spot. All confiscated documents shall be sealed and stamped by the inspection agents. A receipt acknowledging the confiscation and a full list of inventory shall be provided by the inspection agents to the individuals whose goods are subject to the confiscation.

Official minutes which are made not in compliance with the above provisions shall be considered invalid.

All confiscated documents shall be joined with the legal procedures as stipulated under Article 51 of this law or returned to the individuals if no charge is made against them. Official minutes for the surrender of these documents shall adhere to the same process as for confiscation. When the confiscated documents are necessary for the functioning of the enterprise activities, the inspection agents can issue a duplicate upon request, the cost of which shall be borne by the requesting party.

**Article 31:**

Inspection agents specified under Article 27 of this law are authorized to confiscate all evidentiary documents, or product samples as evidence in accordance with the legal procedures to be specified under a sub-decree.

**Article 32:**

Inspection agents specified under Article 27 are authorized to collect testimony from individuals who can provide useful information for their investigation.

Records of these testimonies shall contain the following:

- sequential number provided by the recording agent;
- date, time, and place where testimony took place;
- identity, position, and address of the testimony provider;
- identity, position, and address of the recording agent;
- useful comments of the recording agent to ensure honest reporting of information given by the testimony provider; and
- signatures of the testimony provider and the recording agent.

If the testimony provider refuses or does not know how to sign or is illiterate, mention of the said fact shall be made in the records. Official (records) minutes which are made not in compliance with the above provisions shall be considered invalid.

**Article 33:**

Inspection agents specified under Article 27 of this law can conduct inspection of the products, goods, and services either by visual means, ordinary measurement instruments, or by documents verification aimed at determining the identities of the products, goods, and services, and detect their compliance with respect to their declaration, or to investigate whether or not the

conditions for the manufacturing, processing, commercialization, and service provisions have been respected.

The agent shall record their inspection in their official (records) which shall comprise the following:

- sequential number provided by the recording agent;
- date, time, and place where the inspection was made;
- identity, profession, and address of the individual subject to the inspection;
- all elements which can provide details on the value of the findings;
- registration number with the institution of the recording agent; and
- signature of the recording agent.

Official (records) minutes of the inspection which are made not in compliance with the above provisions shall be considered as invalid.

Photos of observed irregularities can be attached by the inspecting agent for further consideration.

**Article 34:**

Except for the case specified under Article 40 of this law, the taking of goods samples shall be made in at least three units.

The first sample shall be for laboratory testing, the other two samples shall be kept for use in eventual counter-tests as specified under Articles 47 through 50 of this law.

**Article 35:**

Owner of products which have been removed for samples by the agent shall sign the minutes. He can mention in the minutes any remarks that he deems useful about the sources or characteristics of the products. If the individuals do not want to sign or do not know how to sign, or are illiterate, records of the situation must be written in the minutes.

Pursuant to the requests of the product owners, the agent who removes the samples shall issue a receipt which identifies the type, quantity, and value of the product samples in the eventuality that there is a refund in the future.

**Article 36:**

The modalities for the removal of product samples shall be the responsibility of the competent agent that requires that all three removed samples are similar and representative of the batch of the products to be inspected.

**Article 37:**

Each product sample shall be kept under seal. The seal shall be attached with a label which includes the following:

- designation of the goods which are kept for sale, place for sale, or sold;
- date, time, and place where the samples were removed;
- identity and address of the individual at whose location the samples were removed;
- sequential number for the procedure provided by the sample remover;
- registration number of the samples provided by the public institutions whose agents have performed the samples removal, and accurate identification of that institution;
- useful remarks which enable the laboratories to know the purpose of the test to be made along with relevant documents attached to the label; and
- signatures of the sample removers and the owners of the sampled products.

**Article 38:**

One sample out of the three shall be kept by the holder or the owner of the products. The inspection agent shall provide guidance on the proper manner in which the sample shall be preserved in good condition to ensure that future testing is legitimate.

If the holder or the owner of the products refuses to do so, mention shall be made in the minutes and the inspection agent shall store the sample with the other two samples.

**Article 39:**

The other two samples shall be forwarded with the attached minutes to the public competent institutions whose agents performed the sample removal.

These public institutions shall keep the samples, register them, and provide entry numbers on the label and the minutes. One sample shall be sent to the competent laboratory and the other preserved in proper condition.

If special storage conditions of the samples are required, then the two samples or all three samples as may be the case specified in the second paragraph of Article 38 of this law can be sent to the laboratory for taking the necessary measures.

**Article 40:**

When a product whose conditions or value do not allow the removal of three samples, only one sample shall be removed from the whole product or a portion of it.

The implementation of the above paragraph 1 shall be done for products or goods which for technical and scientific reasons the testing can be done only within a limited time frame failure of which future testing results can be invalid.

A minutes of the taking of the sample shall be made and the product shall be sealed and attached with the label in the same conditions as specified under Articles 35 and 37 of this law. Samples shall be registered and forwarded or submitted to the laboratory according to the procedures stipulated under Article 39 of this law.

**Article 41:**

Samples identified for investigation can also be tested in laboratory, or for preliminary findings of the product characteristics by the inspection institutions within the scope of their competence. The removal of the sample shall be made in only one unit.

The results of the investigative sample can be used only for information purposes, and cannot be used as evidence, or for judicial proceedings as stipulated under Article 51 of this law, or for safety measures stipulated under Articles 52 through 58 of this law, except for temporary consignment as stipulated under Article 53 of this law.

**Article 42:**

Government laboratories shall test product samples. Other public or private laboratories recognized by the competent ministries can also conduct product samples testing. The recognition process of these public or private laboratories shall be done by Prakas of competent ministries. The Prakas shall clearly define the scope of competence of these laboratories.

**Article 43:**

To conduct product samples testing, laboratories shall use testing methods as prescribed by Prakas of competent ministries.

In the event there are no above-prescribed testing methods, laboratories shall use internationally recognized testing methods. The testing methods shall be published in a testing bulletin.

**Article 44:**

Upon completing their work, laboratories shall prepare a testing bulletin that records the testing results. If the testing results can provide clarifications to the inspection institutions, the laboratories can issue their findings on the product non-compliance against this law or other specific regulations.

**Article 45:**

If the laboratories' testing bulletins indicate that the product samples meet the requirements as prescribed by law, and provided that the institutions which made the samples removal have no other indications of fraud, that institution shall notify the product owners about the compliance of their products.

**Article 46:**

If the results of the laboratory testing indicate that the product samples do not meet the requirements as prescribed by law, procedures stipulated under Articles 47 through 50 of this law shall be applied.

**Article 47:**

If the results of the laboratory testing indicate that the product samples do not meet the requirements as prescribed by law, or pursuant to further necessary investigations, the inspecting institutions shall inform the offenders of the legal court proceedings against them by providing the justifications for such actions.

The offenders shall have 15 working days to conduct a counter-test and select their own experts.

If the offenders do not exercise their rights as defined above, the testing results stipulated under the above mentioned paragraph 1, shall be uncontested, except for reason of force majeure.

**Article 48:**

The cost for hiring the expert shall be borne by the party requesting the counter-testing. The selection of the expert shall be drawn from a list of experts prepared by the municipal and provincial court.



In the event there are no experts qualified in the above-mentioned list or in the event an expert list is non-existent, the party can select another expert. This selection shall require the consent of the municipal and provincial court. Such consent shall be provided within seven working days.

**Article 49:**

The product samples preserved by the registering institution shall be provided to the expert as stipulated under Article 48 of this law. The expert shall have one month to give the inspecting institution his conclusions with regards to technical or scientific aspects only.

When his conclusion differs from the one of the first testing as stipulated under Article 47, the expert and the chief of the laboratory which conducted the first test shall meet to discuss the matter within a timeframe set by the inspecting institutions. When deemed necessary, the two parties can jointly conduct another test on the third sample. A joint report shall be prepared and sent to the institutions no later than one month from the meeting date.

The expert shall use one or more methods similarly employed by the laboratories and proceed as the first test.

**Article 50:**

In the event the party requested a counter-testing for a product which has only one sample as stipulated under Article 40 of this law, the procedures stipulated under Articles 47 and 48 of this law shall be applied. This immediate counter-test shall be done based on documents from the first test.

The expert selected by the party and the chief of the laboratory which conducted the first test shall meet to discuss their conclusions within a timeframe set by the inspecting institutions. A joint report shall be prepared and sent to the institutions no later than two days from the meeting date.

**Article 51:**

In the event of a court action, the inspecting agent shall prepare documents, reports of the testing, expert reports, and other evidence pursuant to the provisions of this law.

**Article 52:**

Inspecting agents specified under Article 27 of this law can temporarily detain, take measures to ensure compliance, redirect, confiscate, and destroy products and goods as well as require compliance of services in accordance with the procedures of this law.

Measures to ensure compliance, redirection, confiscation, and destruction of products can be effectuated by the inspecting agents only after authorization from their head of institutions and consent from the provincial/municipal prosecutor. These provisions shall not be applicable if the measures fall under the scope of Articles 22 to 24 of this law.

**Article 53:**

Temporary detentions are measures aimed at preventing on a temporary basis any distribution by the holders of the products and goods concerned of the following:

- a) suspected batches of products and goods.
- b) batches of products and goods which, based on actual inspection, do not possess the proper requisite characteristics as defined by law or batches products and goods whose ordinary use can harm the safety or health of consumers.
- c) instruments used for the commission of fraud as specified under Articles 19 and 20 of this law.

Suspected batches of products and goods as stipulated under the above mentioned paragraph a) are those which, after actual inspection and or after the samples testing as stipulated under Articles 34 to 41 of this law, are required to undergo further test to determine whether these products are in compliance or not in compliance with the characteristics as defined by law or whether their ordinary use can harm the safety or health of consumers.

Provided the results of the additional inspection, which shall be carried out within 15 working days, do not confirm the suspension as raised during the first inspection, the temporary detention shall be immediately withdrawn. When necessary, and pursuant to the request of the head of the inspecting institution, only the provincial/municipal prosecutor shall be authorized to extend the temporary detention period.

On the contrary, if the products do not meet the requisite characteristics as defined by law then one or more safety measures as stipulated under Articles 54 to 57 shall be applied.

In the cases a), b), and c) above, the temporary detention shall not exceed 15 days and shall be accompanied by one or more safety measures as stipulated under Articles 54 to 57 of this law. When the temporary detention was initiated by the inspecting agents pursuant to paragraphs a), b), and c) above, product holders shall have three working days to appeal the measure to the chief of

the inspecting agent. The chief shall have three working days to make his final decision. This appeal does not have the effect of lifting the temporary detention.

In all cases, products which are subject to temporary detention shall be placed under the custody of the product holders.

**Article 54:**

Compliance measures are those measures which require the holders or owners of products, goods, and services to end the cause of no compliance.

Those measures include the modification of products, goods, and services, particularly product reclassification, if there is more than one classification, and the recategorization of these products into another category where the sale of these products are allowed by law.

**Article 55:**

Redirection of products and goods shall mean:

- the delivery of temporarily detained or confiscated products pursuant to Articles 53 and 56 of this law to enterprises that can directly utilize these products or modify them to meet the legal requirements at the cost of the product owners.
- the cost of the product returns to the enterprises which are responsible for packaging, manufacturing, or exporting these products shall be borne by the product owners.

**Article 56:**

Products and goods confiscation shall mean the complete removal of the ownership rights from the owners, and can be applied only in the following cases:

- for products and goods which are found to be in non-compliance with the laws and regulations after actual inspection and/or after the samples testing as stipulated under Articles 34 to 40 of this law.
- when the product managers or owners do not agree to modify or redirect or when these measures are not applicable.
- for instruments used for the commission of fraud as specified under Articles 19 and 20 of this law.
- for products and goods whose ordinary use can harm the safety or health of consumers.

Confiscated products are contained and sealed and kept under the custody of the holders, or in the event of refusal, the inspecting agents shall decide on the location of their storage.

**Article 57:**

Inspecting agents can destroy, modify, or cause to be destroyed or modified confiscated products under their supervision when no legitimate and economically beneficial use for the products can be found.

**Article 58:**

The measures as stipulated under Articles 53 to 57 of this law pertain only to products or goods that are unreasonably held at a place or places as specified under Article 29 of this law, or when these products are for sale, have been sold, or distributed gratis.

The inspecting agent shall make an official report on the spot. The report shall describe all the points mentioned in Article 33 of this law and an extract of the measures selected and their justifications. A copy of the report shall be provided to the product holders or owners.

**Article 59:**

The modalities that pertain to the manufacturing, processing, commercialization, servicing, and inspection of products, goods, and services as below mentioned shall be defined in sub-decrees or other implementation regulations:

1. For products, goods, and services

- definition, name, composition, criteria, and types of quality or hygiene, and quantity of products and goods.

- labeling, presentation, form of products sale and packaging, and quality label as affixed onto the products.

- use of language and description of commercial advertisement in order to avoid confusion, and if necessary, comparative commercial advertisements of all products and services.

- presentation mode, contents of receipts and delivery bills, and technical, commercial, and other advertisement documents.

- conditions regulating products and services not complying with general safety requirements as specified under Article 3 of this law.

- modalities for the issuance of authorizations and the submission of declarations for pre-production and commercialization of products and services, and modalities for professional self-inspection.

- regulations concerning measurement instruments and their certification.

- precautionary measures, treatments, and inspections and the use of materials in products and services to ensure environmental protection.

2. For food products

- processing of food in conformity with the law, criteria of food purity, ingredients used in the food

- production, food casing and materials used to clean them.

- hygienic, sanitary, and nutritional characteristics, microbiological norms under which food is produced; hygienic requirement related to food products transport, production, processing, and commercialization facilities, and employees;

- health certificates, health labels or seals.

- health status of individuals involved in the food preparation, if deemed necessary.

3. For inspection methods

- modalities for implementing the provisions stipulated under Articles 9 to 12 of this law and the procedures for sample removals and testing to identify the products' composition, and their hygienic, sanitary, and microbiological characteristics, products fraud, or to indicate the usage.

- When deemed necessary, the modalities for implementing the safety measures stipulated under Articles 52 to 58 of this law.

- books, registers, and documents of individuals involved in the manufacturing, processing, or commercialization of products and services which can be made mandatory.

**Article 60:**

National and international principles governing the guidelines for manufacturing products and goods and providing service shall be set in sub-decrees and regulations of the Royal Government of Cambodia.

## **CHAPTER 7**

### **OFFENCES**

**Article 61:**

Any manufacturer or service provider found in violation of the provisions of Article 14 of this law shall be fined by the inspecting agent an amount from R500,000 to R1,500,000.

**Article 62:**

Any violator of the provisions of Articles 7, 8, 19, or 20 of this law shall be subject to imprisonment from 6 (six) days to one month and/or a fine from R1,000,000 to R5,000,000.

**Article 63:**

Any violator of the provisions of Articles 16, 17, 18, or 21 of this law shall be subject to imprisonment from 1 (one) month to 1 (one) year and/or a fine from R5,000,000 to R10,000,000.

In the event any manufacturer or service provider refuses to pay the fines, the inspecting agent shall bring a legal action in the provincial/municipal court.

**Article 64:**

In the event of repeated offenses under Articles 16, 17, 18, 19, 20 and 21 of this law, the fines and criminal sanctions shall be doubled without prejudice to other serious crimes resulting from the loss of life, health, and safety of consumers.

**Article 65:**

All products, goods, and equipment which are the subject of the offenses committed under Articles 16, 17, 18, 19, 20 or 21 of this law shall be confiscated as state assets. The act of confiscation shall be within the jurisdiction of the court.

All other losses resulting from the offenses committed under Articles 16, 17, 18, 19, 20 or 21 of this law shall result in civil liabilities for the offenders.

**Article 66:**

The offenses stipulated under Article 63 shall be applied to those who have:

a. regardless of any circumstances, obstructed inspecting agents, as mentioned under Article 27 of this law, from fulfilling their duties;

b. refused to present, or concealed accounting, technical, or commercial documents in their possession as stipulated under Paragraph 1 of Article 30 of this law;

c. refused to present advertised commercial texts or information justifying those advertisements;

d. given, by any means, deliberately false, misleading or confusing written or verbal information in response to requests by inspecting agents as mentioned under Article 27 of this law;

e. disposed without approval products which have been temporarily detained or confiscated by inspecting agents;

f. refused to provide products which have been temporarily detained or confiscated by inspecting agents, to dispose the products and goods as instructed by the competent authorities, or to modify the products and goods to meet the compliance as required under Articles 53 to 56 of this law.

**Article 67:**

Inspecting agents as stipulated under Article 27 of this law shall be administratively accountable. They shall be held liable for negligence which resulted in wrongdoings and other consequences in violations of the provisions of this law and other regulations under this law.

**Article 68:**

Administrative sanctions under this law which shall be imposed on inspecting agents or competent officials shall include the following:

a. administrative sanction of the first degree shall comprise of a warning and a reprimand from the head of the institution.

b. administrative sanction of the second degree shall comprise of a suspension of salary and other benefits for 6 months or more.

c. Administrative sanction of the highest degree shall comprise of the removal of duties or position or removal from the civil service.

The above enumerated administrative sanctions shall not exclude other criminal sanctions.

**Article 69:**

Inspecting agents or competent officials who conspire with offenders or abuse their duties under Article 14 shall have administrative sanctions imposed upon them and shall be fined in accordance with the provisions stipulated under paragraph 2 of Article 61 of this law.

Inspecting agents or competent officials who conspire with offenders or abuse their position under Articles 7, 8, 19, or 20 shall have administrative sanctions of highest degree imposed upon them and other sanctions shall be imposed under Article 62 without prejudice to other criminal sanctions.

**Article 70:**

Inspecting agents or competent officials who conspire with offenders or abuse their duties under Articles 16, 17, 18, or 21 of this law shall have administrative sanctions of highest degree imposed upon them and other sanctions shall be imposed under Article 62 of this law.

**Article 71:**

Manufacturing and commercialization facilities as specified in Article 6 which do not comply with the regulations shall have their license's withdrawn by the competent institutions.

**Article 72:**

Experts working in laboratories and individuals performing sample products testing as defined under Article 42 to 50 of this law shall be held legally liable for their test bulletins.

Any expert who conspires with offenders or abuses his/her position shall have sanctions imposed in accordance with the provisions stipulated under paragraph 2 of Articles 61, 62, and 63 of this law.

**CHAPTER 8****FINAL PROVISION****Article 73:**

Any Provisions contrary to those stipulated under this law shall be considered as null and void.

**Article 74:**

This law shall be declared as urgent.

Phnom Penh, 21 June 2000

Royal Signature

Norodom Sihanouk

Has informed to

His Royal Highness for Signature

Prime Minister

Signature

Hun Sen



Has informed to the Prime Minister

Acting Minister of Commerce

Sok Siphana

No. 126 CL

for copy

Phnom Penh, 26 June 2000

Secretary General of the Royal Government

Nady Tan

ภาคผนวก ข.

**Law on Consumer Protection of Lao (Lao)**

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Lao People's Democratic Republic

Peace Independence Democracy Unity Prosperity

National Assembly

No. 02/NA

Vientiane Capital, Dated 30 June 2010

## **Law on Consumer Protection**

### **Part I**

#### **General Provisions**

##### **Article 1. Objectives**

The Law on Consumer Protection defines the principles and measures to organize, administrate and inspect and monitor the activities of consumer protection in order to strengthen these activities ensuring the legitimate interests, [and] the safety of the consumers from the negative impacts as result of consumptions of goods and services; to promote the domestic production, import [and] distribution of goods and services to produce quality goods and services, to meet the standards, [and] to conduct properly in accordance with regulations and laws; aiming at maintaining of the justice, peace and public orders of society to improve the standard of living of the people, contributing to the national socio-economic development.

##### **Article 2. Consumer Protection**

The consumer protection means the application of the principles and measures to protect the health, assets, legitimate rights and interests of consumer as result from the impacts of consumptions of goods and services such as foods, medicines, cosmetics, heath treatments, including the settlement of disputes between the consumers and supplier as provide for in regulations and laws.

##### **Article 3. Definitions**

The terms used in this law shall have the meanings ascribed below:

1. Consumer means an individual, legal entity or organization who buys or uses goods and service properly without profit-making purpose;
2. Supplier means an individual, legal entity or organization, which produces, sells, distributes, buys for re-selling, and renders service, imports for selling and transferring.
3. Label means a picture, design, paper or any mark showing the statement describing of goods to appear on the goods, or container or package of goods, or inserted in or put together with the goods or container or package or goods, and includes a document or user's manual, or tag attached to or displayed on the goods;

4. Service means the act of being served, permission of right to use or conferring benefit in any property for monetary consideration or other forms of interests.

5. [A Consumer] Contract means the agreement between the consumers and suppliers to purchase or sell the goods or use of services;

6. Billboard Advertising means the different types of billboard advertising in public areas and the advertising of new product and service.

**Article 4. State's Policy on Consumer Protection**

The State encourages the consumer protection by defining the regulations and laws, providing educations, recruiting the personnel, allocating the budget, providing the materials to an organization which is responsible for carrying out the consumer protection activities in order to create the conditions supporting the organization to perform its activities effectively, ensuring the safety of the life, health, property, legal rights and benefits of the consumers.

The State encourages all sectors in society, individuals, legal entities, and domestic and foreign organizations to contribute to the consumer protection activities.

**Article 5. Basic Principles of Consumer Protection**

The consumer protection shall be conducted based on the following principles:

1. The consumer protection [shall be] conducted in parallel with the promotion of the domestic production; ensured the quality, and the standards of the production, import, distribution of goods and services as regulated by the relevant organizations;

2. Ensuring of the safety of life, health, property, [protection of] legitimate rights and interests of the consumer, maintaining of the environment and promotion of the sustainable consumption;

3. Ensuring of the equality, transparency, fairness between the consumers and suppliers in performance of the contracts;

4. Ensuring of the people and society's participation in administration, monitoring, inspection of the prices, label and billboard advertising of goods and services;

5. Respect and implement the agreements, international conventions that the Lao PDR is a party to.



**Article 6. Duty to Perform the Consumer Protection**

Lao citizens, foreign residents, apatrids residing in the Lao PDR have duty to respect, implement this law and other relevant laws, including the facilitation, providing of the information and cooperation with the consumer protection officers while they are performing their functions and duties.

**Article 7. Scope of Application of Law**

This law applies to individuals, legal entities including the domestic and foreign organization that produce, import, sell, and distribute the goods and services which are licensed and registered their business entities; and the consumers in Lao PDR.

For those suppliers that not registered their business entities are applied by other law.

**Article 8. International Cooperation**

The State promotes the international relation and cooperation in relation to the protection of rights and benefits of consumer by exchanging lessons, information, sciences, technology and trainings, upgrading the technical capacity in order to perform those activities effectively and implement the international agreements and conventions which the Lao PDR is the party to.

**Part II****Consumer Protection****Chapter 1****Types of Consumer Protection****Article 9. Types of Consumer Protection**

Consumer Protection is categorized into two types as follows:

- The protection of consumption of goods;
- The protection of consumption of services.

**Article 10. The Protection of Consumption of Goods**

The protection of consumption of goods means use of the measures to enable the consumers to utilize the quality and standard goods as defined by the relevant organizations,

without negative impacts on life, health, property, legitimate rights and interests of the consumers and environment.

**Article 11. The Protection of Consumption of Services**

The protection of consumption of goods means use of the measures to enable the consumers to be rendered the quality and standard services as defined by the relevant organizations and sound fair.

### **Chapter 3**

#### **Advertising**

**Article 14. Advertising**

The advertising must be conducted in the following principles:

- ensuring that the context of advertisement is precisely, presenting the true on the category, type, characteristics, quality of the goods, trademarks and services;
- ensuring the providing of sufficient information about the goods and services;
- ensuring that the advertisement shall not satirize, look down the goods and services of others.

The advertisement can be conducted in all forms such as billboard advertising, through the media.

### **Chapter 2**

#### **Production, Import, Selling of Goods and Services**

**Article 12. Production of Goods**

Production of goods must be conducted in accordance with the criteria, standards and principles strictly as defined by the relevant sectors in order to avoid the contamination, danger of the improper production of goods, aims at ensuring the safety of the life, health, property, rights, benefits of the consumers and environment.

**Article 13. Import, Selling, Distribution of Goods and Services**

Import, selling, and distribution of goods and rendering of services must comply with the requirements, standards and approval by the relevant sectors in accordance with the laws

strictly in order to ensure the quality, safety, quick, reasonable price and without unfair treatment to consumers.

**Article 15. Permission for Advertisement**

An individual, entity and organization intending to advertise the goods and service must seek the approval from the committee for consumer protection in accordance with the laws. The contents and contexts of the advertisement on goods and service shall be in accordance with the regulations and laws as provides for by the relevant sectors.

**Article 16. Modification of Advertising**

Where it deems that any advertising is untrue bringing impact on the benefits of the consumers the relevant officers for consumer protection must notify the supplier who is conducting that advertisement to stop the advertising and modify the statement of advertising to be accurate prior continuation of such advertisement.

**Article 17. Access to Information**

In order to facilitate the consumers to access to information, acknowledge, and understand about the goods and services that are dangerous, the consumer protection organization or suppliers must inform such information in various forms through the media, billboard advertising as follows:

1. Inform about the risks that are harmful to life and health in consumption of the goods and services;
2. Inform the types of goods and services which are under testing or re-testing to certify the quality, standard of the goods and services, after receipt of the results of the testing and examination, the consumers must be informed about that results.
3. After the distributions of the goods and services, if the suppliers have information about the dangerous of the goods, the suppliers must inform the relevant consumer protection organizations promptly and also propose the appropriate measures to be taken.

Expenses on the examination, re-testing of the goods and services, the notification about the dangerous of the goods and services through media and billboard advertising are under responsibilities of the suppliers.

## Chapter 4

### Labels and Contracts

#### **Article 18. Label controlled goods**

The goods which are manufactured for sale in the country and imported for sell and consumption in the Lao PDR must be label controlled goods particularly the goods that have risks to life, health and safety of the consumers.

#### **Article 19. Descriptions of Label**

The label of a label controlled goods must be in Lao language. For the imported goods, the label in Lao Language must be also affixed.

The label controlled goods must contain of the following descriptions:

1. the type or kind of goods;
2. the name or trademark of the manufacturer or the importer for sale;
3. the place of manufacturing or place of operating import business; in case of imported goods, the name of the manufacturing country.
4. the price, quantity, volume, recommendation for use, warning, produced and expired date.

#### **Article 20. Modification of Label controlled goods**

If it is deemed that any goods is not labelled or its descriptions of label is incorrect and insufficient as its benefits and characteristic of that good the officers for consumer protection must inform the supplier to suspend its import, distribution and modify the label correctly and accordingly prior continuation of import and distribution.

#### **Article 21. Contract**

In the course of the business activities on any type of goods and services, the suppliers and consumers must conclude the contracts in accordance with the law on the contractual and non-contractual obligations and must perform the contracts fully, accordingly and timely.

### **Part III**

#### **Administrative Organizations for Consumer Protection**

##### **Chapter 1**

##### **Administrative Organizations for Consumer Protection**

##### **Article 22. Administrative Organizations for Consumer Protection**

The governmental administrative organizations for consumer protection from the central to the local levels comprise of the key sectors as follows:

1. The Ministry of Industry and Commerce;
2. The Ministry of Health;
3. The Ministry of Forestry and Agriculture;
4. The Science and Technology Administration.

The organization structures and the personnel of the organization for consumer protection are regulated in the special regulation separately.

##### **Article 23. Industry and Commerce Sector**

In the course of implementing the consumer protection activities, the industry and commerce sector has the centrally leading role to coordinate and cooperate with the relevant sectors and has responsibility focusing on the industrial and commercial fields related to the manufacturing, marketing, price and services including but not limited to other fields that are under responsibilities of other sectors.

##### **Article 24. Health Sector**

In the course of implementing the consumer protection activities, the health sector has responsibility focusing on the health care and treatment fields related to the foods and medicines, medical equipment and services in health care and treatment.

##### **Article 25. Forestry and Agriculture Sector**

In the course of implementing the consumer protection activities, the forestry and agriculture sector has responsibility to focus on the forestry and agriculture fields related to the fertilizers manufacturing, and using of the chemical substances in the agriculture, using of the chemical insecticide, animal medicines, foods, agricultural products, seeds, breeding, agricultural equipment and machinery.

**Article 26. Science and Technology Sector**

In the course of implementing the consumer protection activities, the science and technology sector has responsibility to focus on the scientific activities, technology, quality, standards, measures, weight, and intellectual property.

**Article 27. Rights and Duties of the Organizations for Consumer Protection**

The administrative organizations for consumer protection have the following rights and duties:

1. To implement the policies and regulations on the consumer protection accordingly and strictly;
2. To settle the disputes between the consumers and suppliers, provide the counselling on the legal matters related to the consumer protection;
3. To examine the contents and forms of the advertising, label, packaging, measures and prices on goods that manufacture, import, and distribute in the markets;
4. To examine the certificates on the quality, standards of goods and services, enterprise registrations, and other relevant documents on the goods and services;
5. To collect the samples of the products or goods or objects imported for manufacturing, trading, and services for examinations;
6. To seize or freeze goods, parcels, or packages of goods, label or other incorrect documents, and make the records as evidence for further legal proceeding;
7. To inspect the place, premises, buildings that are involved in production process, manufacturing or improvement of products and goods, sell places, shops, stores and services places;
8. To interview individuals, representatives, legal entities or organizations on quality, standards of goods and services, and environment;
9. To propose to withdraw the licenses, or certificates, enterprise registration or any relevant document related to the goods and services if it is deems that there is violation of laws as under the organization's responsibility;
10. To cooperate and coordinate with each other, with relevant organisations, local administrations at all levels in implementing of the consumer protection activities;

11. To cooperation, coordinate with foreign countries on the consumer protection activities as assigned by the their supreme bodies;

12. To summarize, evaluate and report the implementation of consumer protection to their supreme bodies regularly.

**Article 28. Other Sectors**

In the implementing the consumer protection activities, the other sectors have their responsibilities to implement the law in accordance with their functions, rights and duties.

**Article 29. Consumer Protection Officers**

Consumer protection officers are the governmental personnel which are appointed by the ministers of relevant organizations for consumer protection.

The function, rights and duties of the consumer protection officers are defined in special regulation separately.

## **Chapter 2**

### **Consumer Protection Association**

**Article 30. Functions and Roles of Consumer Protection Association**

The consumer protection association is the civil and non-profitable organization created by law, has the functions and roles to assist, provide the advices, and suggestions and protect the legitimate rights and interests of the consumers.

The organization and activities of the consumer protection association are defined separately.

**Article 31. Rights and Obligations of Consumer Protection Association**

The consumer protection association has the following rights and obligations:

1. To receive, study, consider the requests by the consumers and organize the settlement of disputes between the consumers and suppliers;

2. To be the representatives of the consumers in the settlement of disputes and file claims against the suppliers;

3. To request to the administrative organizations for consumer protection about the violations of laws by the suppliers;

4. To present about the inappropriate acts of the consumer protection officers to the responsible organizations for consumer protection;
5. To express the views to the organizations for consumer protection about the measures and the creation of the laws and regulations on the consumer protection;
6. To advice, assist the consumers where they have the issues on consumption of goods and services and ensure the transparency and fairness when it represents as representatives of consumer in the course of settlement of disputes;
7. To perform other rights and obligations in accordance with the laws and regulations and as assigned by the relevant governmental organizations.

#### **Part IV**

### **Rights and Responsibilities of Consumers and Suppliers**

#### **Chapter 1**

### **Rights and Responsibilities of Consumers**

#### **Article 32. Rights of Consumers**

The consumer shall have the following rights:

1. To choose goods and services at its own will, and make decision by itself to buy goods or obtain service;
2. To receive clear information and directions about the quality, price, location of manufacture, name of producer, usage, the special feature, content, manufactured and expired dates, dosage, certificate of approval of use, manual, service after sell or terms of service and other relevant costs in relating to the goods and services after sell or render of services;
3. To be guaranteed the safety to health, environment in consumption the goods and services;
4. To claim for compensation to relevant organizations about the goods and service those are under standard quality and incorrect in terms of standard and have impact on life, heath, and property.



5. To present to the organizations of consumer protection the suggestion about the prohibited goods and service, which is manufactured, prohibited business activities; counterfeit goods, services that are under-standard quality; incorrect quantity goods and the incorrect or unreal information about goods and services, the damage to environment;

**Article 33. Responsibilities of Consumers**

The consumer has the following responsibilities:

1. To pay for goods and services in Lao currency (LAK);
2. To use the goods and services in accordance with instructions or manuals properly;
3. To report on the goods and services that are under standards and quality to the relevant organizations.

## **Chapter 2**

### **Rights and Responsibilities of Suppliers**

**Article 34. Rights of Suppliers**

The suppliers have the following rights:

1. To conduct business activities, manufacture, conduct business and render services;
2. To determine and show the prices of goods and services in Lao currency;
3. To advertise the quality of goods and services precisely and accurately;
4. To request, propose on the consumer protection activities and the violation of their intellectual property and services to the relevant organizations for consumer protection.

**Article 35. Responsibilities of Suppliers**

The Suppliers have the following responsibilities:

1. To ensure the standard, quality of goods and services are correct in accordance with the regulations and laws;
2. To ensure that the manufacturing, import, distributions, and sell of goods and services do not over standard that will bring negative impact to environment;
3. To ensure that the provided the information about goods or services to the consumer are correct and clear;

4. To be responsibility for the damages causing by using of the products, goods, and services that are not qualified and unstandardized and supplied by them.

5. To perform the contracts with consumers strictly and label goods as provide for in the laws and regulations accordingly;

6. To provide the cooperation and information about the goods and services to relevant officers.

## **Part V**

### **Settlement of Disputes between the consumers and suppliers**

#### **Chapter 1**

#### **Settlement of Disputes**

##### **Article 36. Principles of Settlement of Disputes**

The settlement of consumer protection disputes must be applied the principles as follows:

- Correctly and in accordantly on the regulations and laws;
- Equality;
- Transparency and fairness;
- Speedy.

##### **Article 37. Means of Settlement of Disputes**

The disputes between the consumer and supplier can be settled through any of the following means:

1. Conciliation;
2. Mediation;
3. Administrative mean by the organizations for consumer protection ;
4. Settlement of disputes by the Organization of Economic Dispute Settlement or through the formal judicial process by people courts.

## **Chapter 2**

### **Conciliations**

#### **Article 38. Conciliations**

In case there is a dispute between the consumers and suppliers, the parties to dispute shall endeavour to resolve that dispute through the consultations and conciliations in accordance with the following steps:

1. If it is deemed that rights and interests have been violated, damaged due to the consumption of goods and service, the consumers have rights claim against or request the compensations directly from the suppliers, individuals or legal entities which received the goods and services from the suppliers;

2. The suppliers shall respond the claims or requests by the consumers at least no later than three days after receipt such claims or requests;

3. The supplier shall solve the disputes in appropriate time but not later than seven days after receipt the claims or requests;

4. The consumers have rights to use other means of settlement of disputes when the conciliation has fail.

#### **Article 39. Records of Conciliations**

The consumers and suppliers must make the records of the conciliation in writing, unless agreed otherwise.

A party to dispute has obligations to perform in accordance with the records or agreements in the course of such conciliation.

## **Chapter 3**

### **Mediations**

#### **Article 40. Mediations**

When there is a dispute between the consumers and suppliers, the party to dispute has right to purpose:

1. To choose an individual or organization which is accepted by both parties to disputes to conduct the mediation;

2. To mediate in accordance with the regulations and laws.

**Article 41. Principles of Mediations**

The mediations must undertake in accordance with the following principles:

1. ensuring that the equality, transparency, subjective, fairness without duress and deception;

2. ensuring that the confidentiality of the information of each party, unless agreed or the provisions of laws otherwise;

3. ensuring that no mediation on illegal matters.

**Article 42. Mediation Units**

The organizations for consumer protection shall establish the mediation units which comprise of three to five personnel and have duties to mediate the disputes between the consumers and suppliers under their responsibilities.

The consumer protection association can also conduct the mediation if agreed by the consumers and suppliers as the party to dispute.

**Article 43. Timelines of Mediations**

The mediation shall undertake the following timelines:

1. during seven days after receipt of the request to mediation, the mediation units must notify the parties to disputes to mediate;

2. duration of mediation is subject to agreement by the parties to disputes which must make such agreement within one month after receiving of the notice to mediation;

3. The party to disputes can withdraw from the mediation any time but must give the written notice to the mediation units.

**Article 44. The Contents of the Mediation Records/Agreement**

The records of the mediations must have the following substantive contents:

1. Names and Surnames of the parties to disputes;

2. The information of the disputes to mediate;

3. Name of Surname (s) of the mediator (s) and participants;

4. Date, and place of mediations;

5. Outcomes of mediations;
6. Terms to implement the agreements;
7. Signatures and fingerprints of the parties to disputes;
8. Signature (s) of the mediator (s).

**Article 45. Implementation of Mediation Agreements**

The mediation agreement must be implemented as follows:

1. The parties to dispute must voluntarily implement the mediation agreement, unless in case that there is an appeal against such agreement with sufficient grounds;
2. In case that a party to dispute does not implement the mediation agreement voluntarily without grounds, another party to dispute can have right to request to the organizations for consumer protection for consideration.

**Article 46. Procedure to Implement the Mediation Agreements**

The mediation agreement must be conducted as follows:

1. The mediation units must send the mediation records to the relevant organizations for consumer protection within three official working days;
2. Within five official working days from receiving of the mediation agreement, the organization for consumer protection must give notice and warn the parties to dispute must to implement such mediation agreement;
3. In case of a party to dispute who has obligations under the agreement, had not performed such obligations, the organization for consumer protection has right to request to the competent authority for any measure to be taken in accordance with the laws.

**Article 47. Cancellation of the Mediation Agreement**

When it is deemed that the mediation is violated the principles as provided for in Article 41 of this law and this makes a party to dispute lose its benefits, such party to dispute has right to request on cancellation of mediation agreement to relevant organizations for consumer protection.

Within five days from receiving of the request on cancellation of mediation agreement, the organization for consumer protection must make its decision to cancel or not cancel that mediation agreement and inform its reasons to the parties to dispute.

## Chapter 4

### Administrative Means by the Organizations for Consumer Protection

#### **Article 48. Administrative Means**

When there is a dispute between the consumers and suppliers, the party to dispute has right to request to the organizations for consumer protection or relevant sectors to consider the settlement of dispute through the administrative means in accordance with regulations and laws.

#### **Article 49. The Procedure for the Submissions of Requests**

The submissions of the requests for the settlement of disputes through the administration means must undertake in the following procedure:

1. The consumers can submit their requests to the organizations for consumer protection in their localities;

2. The consumers have duty to provide the documents, evidence as follows:

- Evidence on the selling-buying with suppliers;

- Evidence on act showing that suppliers have breached the contracts;

The damaged suppliers also have right to submit the requests.

#### **Article 50. Timelines of Address of Requests by Consumers**

The timelines for address of requests by the consumers are as follows:

1. within ten official working days from the receiving of the requests by the consumers the organization for consumer protection must invite the suppliers to respond the requests by consumers;

2. The suppliers must respond such requests not later than seven days of the receipt of the invitation from the organization for consumer protection.

3. Within no later than thirty days of receipt of the respond from the suppliers the organization for consumer protection must issue its decision to solve the requests;

4. In case if it deems necessary the organization for consumer protection may invite the parties to disputes to provide further explanations or invite the relevant sectors or experts to participate in the solving of the dispute.

**Article 51. Scope of Authority to Solve the Requests**

The organizations for consumer protection have the power to consider the following requests:

1. the organization for consumer protection at district level have the power to consider the requests on the goods and services with total values below one hundred million LAK;
2. the organization for consumer protection at provincial level have the power to consider the requests on the goods and services with total values above one hundred million LAK.

**Article 52. The Decisions**

The decisions on the requests in the case that the suppliers breach the contracts can be rendered as follows:

1. To order the suppliers to perform their obligations in accordance with contracts;
2. To order the suppliers to compensate to the consumers;
3. To order the suppliers to maintain the impacts on the consumers;

The decisions on the requests in the case that the suppliers have not breached the contracts shall be rendered to adopt such requests.

The decisions by the suppliers shall be rendered in the same principles as mention above.

**Chapter 5****Settlements of Disputes by the Organization of Economic Disputes Settlement or by the People's Courts****Article 53. Settlement of Disputes by the Organization of Economic Disputes Settlement**

When there is a dispute between the consumers and suppliers, the party to dispute has right to request to the organization of economic disputes settlement to resolve the dispute in accordance with the laws and mutual agreement by the parties to dispute.

**Article 54. Settlement of Disputes by the People's Courts**

When there is a dispute between the consumers and suppliers, the party to dispute has right to bring the legal action to the people's court for consideration and adjudication by laws.

**Article 55. Settlement of Disputes related to Private International Laws**

The disputes on the consumer protection that have the public international law's elements shall be settled in accordance with the laws of the Lao PDR or the agreements or the conventions which the Lao PDR is a Party to.

**Part VI****Prohibitions****Article 56. Prohibitions on Officers or Personnel**

The consumer protection officers or personnel are prohibited to act as follows:

1. To perform their duties for the consumers unfairly, bias, and illegally;
2. To abuse of their powers, positions, and of their position for their individual interests, take bribes related to the consumer protection activities;
3. To falsify or use falsified documents, disclose the confidential information, delay or destroy the concerning documents related to the goods and services;
4. Any other prohibited act as define in the laws related to the consumer protections.

**Article 57. Prohibitions on Consumers**

The consumers are prohibited to act as follows:

1. To promote the unqualified and non-standardized goods or services;
2. To discredit the reputations of suppliers on the goods and services or omit any act causing the damage to the suppliers;
3. To perform the contracts improperly and not fully;
4. To ignore the violations of laws by the officers, personnel or suppliers;
5. To utilized the goods and services that are harmful to the environment; violate the laws and regulations; bring impact on the fine traditions and customs; that are harmful to the life, heath, and property of others and society;
6. To use the foreign currencies to pay for goods and services without permission;
7. Any other prohibited act as define in the laws.



**Article 58. Prohibitions on suppliers**

The suppliers are prohibited to act as follows:

1. To manufacture, import, distribute the unqualified and non-standardized, counterfeit, and prohibited goods;
2. To render the unqualified and non-standardized goods and violate the laws and regulations and fine traditions;
3. To perform the contract with the consumers improperly and not full;
4. To supply the goods that increase the pollutions over the standard lines, cause the damage to the life, health, and property of the consumers;
5. To advertise or provide unreal or incorrect information on goods and services;
6. To falsify or use the falsified documents on the goods and services;
7. To invent falsehood, deceive, offer bribes due to illegal supplying of goods and services;
8. To place stickers, show the prices and receive the payments for goods and services in foreign currencies;
9. Any other prohibited act as define in the laws related to the consumer protections.

**Article 59. Prohibitions on Individuals and Organizations**

The individuals and organizations are prohibited to act as follows:

1. To create the obstacles, intervene the consumer protection activities by the suppliers;
2. To propaganda the incorrect information about the quality, standard of the goods and services causing misunderstanding or discrediting the suppliers;
3. To assist, protect the suppliers who violate the laws and regulations;
4. To abuse, frighten, create the obstacles the performing of duties of the consumer protection officers;
5. To be the intermediaries for offering and receiving of bribes related to the consumer protections;
6. Any other prohibited act as define in the laws.

## **Part VII**

### **Administration and Inspection on Consumer Protection Activities**

#### **Chapter 1**

##### **Administration of Consumer Protection Activities**

###### **Article 60. Organizations for Administration of Consumer Protection Activities**

The Government uniformly administrates the consumer protection activities throughout the country and delegates the Ministry of Industry and Commerce to be the central authority to coordinate and cooperate with the Ministry of Health, the Ministry of Agriculture and Forestry, the National Science and Technology Administration, and other relevant sectors and the local administrations.

The organizations for administration of consumer protection activities are the same organizations for consumer protection as provide for in Article 22 of this law.

###### **Article 61. Rights and Duties of the Organizations for Administration of Consumer Protection Activities**

The organizations for administration of the consumer protection activities have the following rights and duties:

1. To study and formulate the policies, laws and regulations, the strategic plans and programmes on consumer protection and submit to the Government for consideration and approval;
2. To disseminate, propaganda the policies, laws and regulations, the strategic plans and programmes on consumer protection to the society under their responsibilities;
3. To issue the regulations, decisions, instructions, recommendations and notices related to consumer protection;
4. To coordinate with other relevant organizations and the local administrations in order to supervise and follow up the implementation of the consumer protections in accordance with their responsibilities;

5. To suspend, change, and cancel the appointments, instructions, orders, guidelines, notices that are in conflict with laws and regulations on consumer protections in accordance with their responsibilities and duties;
6. To propose to establish or the dissolve and follow up and administrate the consumer protection association;
7. To create, provide the trainings, upgrade the knowledge and capacity of personnel; to appoint or dismiss the officers for consumer protection in their sectors;
8. To receive the complains by the consumers and to address such issues within its scope of responsibilities or refer them to other relevant authorities for settlement as stipulate in the relevant laws;
9. To provide the cooperation with the international organization and foreign countries in accordance with its rights and duties;
10. To report on the implementation of policies and laws on protection of consumer regularly to the Government.

## **Chapter 2**

### **Inspection on Consumer Protection**

#### **Article 62. Inspection Agencies for Consumer Protection**

The inspection agencies for consumer protection consist of:

1. Internal inspection agencies are the same organizations for administration of consumer protections as provide for in Article 60 of this law.
2. External inspection agencies are the National Assembly and the State Supervision and Inspection Administration which have rights and duties to inspect the consumer protection activities within their roles and responsibilities under the relevant laws.

#### **Article 63. The Substantive Inspection**

The substantive inspections on consumer protection are as follows:

1. Monitoring the implementation of policies and laws and regulations on the consumer protection;

2. Reviewing the structures and activities of the organizations for consumer protections;

3. Monitoring the activities, responsibilities, acts, and works of the officers for consumer protections.

**Article 64. Forms of Inspection**

Inspection on consumer protection is undertaken in compliance with the following forms:

1. Regular inspection;
2. Inspection by advance notice;
3. Emergency inspection.

Regular inspection refers to an inspection performed regularly according to plans and at pre-determined times and shall take at least two times per an annual;

Inspection by advance notice refers to an inspection which is not included in the plan, which is performed when deemed necessary and for which advance notice is given at least twenty four hours.

Emergency inspection refers to a sudden inspection without advance notice to the person to be inspected.

Inspection can be conducted to view and inspect the documents and performance and conduct in the field.

**Part VIII**

**Policies Forward Persons With Outstanding Achievement  
and Measures Against Violators**

**Article 65. Policies Forward Persons with Outstanding Achievement**

Persons or organizations that are role models of active and effective participation in the implementation of this law will receive rewards or be granted policies as determined in detail by the government.

**Article 66. Measures Against Violators**

Persons or organizations violating this law or regulations on consumer protection shall be re-educated, disciplines, fined, civil or penal according to the nature of the violation.

**Article 67. Re-education Measures**

Individuals or organizations intentionally violating this law or regulations on consumer protection particularly the minor prohibition provisions and at first will be subject to re-educated measure.

**Article 68. Disciplines Measure**

The civil servants or public officers, which have violated any of the provisions of the law and regulation on consumer protection and prohibitions [under this law] as minor offender, which is not the criminal offence; and cause the damage but had not reported, or attempted to escape of wrong doing; will be imposed any of following as determined on case by case basis:

1. Being warned about the violation in accordance with the regulations on civil servants and remark such offence in their biographic record;
2. Suspension of the promotion on position, salary grade, and praise;
3. Demotion or Reposition from current position to a position at lower level;
4. Dismissal from office without any incentive or benefit;

An individual who had been imposed the said disciplines must return any property that acquired offensively to the organization properly and completely.

**Article 69. Fines**

Individuals or organizations that are violated the law on consumer protection particularly violated non-criminal offence, and after had received warnings up to two times will be fined depending on the seriousness or natures of violation which are defined in separate regulation.

**Article 70. Civil Measures**

Individuals or organizations causing the damages to other people by supplied goods or services that are unqualified, under standard and other forms of civil matters must pay the compensation for damages caused.

**Article 71. Penal Measures**

An individual who had forced, abused of power, position, duties, and rights; received or offered bribes, adjusted the weight scales or measures equipment, falsify the documents,

used the falsified documents, disclosed the confidential information for the individual benefits, manufactured, sold and distributed the prohibited goods and services that create the pollutions harmful to the environment seriously, to lives, and health, and properties of people greatly, and other acts related to the consumer protection that are criminal offences shall be subject to punishments in accordance with the penal law.

**Article 72. Additional Measures**

In addition to the measures as provide for in Articles 71 of this law, the violator of law may be subject to additional measures including order to suspension or cease of license, enterprise registration, and other certificates, nationalization of property or the profits gaining from the offences.

**Part IX**

**Final Provisions**

**Article 73. Implementation**

The government of the Lao People's Democratic Republic is to implement this law.

**Article 74. Effectiveness**

This law shall become effective after ninety days from the date of the promulgating decree of the President of the Lao People's Democratic Republic.

Any provisions that contradict this law are repealed.

ภาคผนวก ค.

**The Consumer Protection Law**

**(Myanmar)**

**The Consumer Protection Law**  
**(The Pyidaungsu Hluttaw No.10, 2014)**  
**(The 14th Waxing of Taboung, 1375 M.E.)**  
**(14th , March, 2014)**

**The Pyidaungsu Hluttaw hereby enacts the following Law:**

**Chapter (I)**

**Title and Definition**

- 1.This Law shall be called as the Consumer Protection law.
- 2.The following expressions contained in this Law shall have the meanings given hereunder:
  - (a) “Consumer” means person who takes or uses goods or services not for trading.
  - (b) “Consumer Protection” means giving legal protection, giving guaranteeing in health and safety to the consumers in respect of goods or services.
  - (c) “Goods” means object tangible or insufficiently tangible, movable or immovable, consumable or inconsumable which is enable to trade for use and consume by general public.
  - (d) “Services” means an action which fulfills the need of consumer in the form of work or performance in the society.
  - (e) “Trade” means buying and selling goods or services determined the value and aiming to obtain interest.
  - (f) “Advertisement” means the activity that publicizes the goods produced and services provided by and individual, any organization or any business. The activity by media also includes in this expression.
  - (g) “Entrepreneur” means an individual person or organization conducting production, distribution, storage, transportation, sale, reproduction, exportation, importation, resale of goods, providing services or advertisement.
  - (h) “Fraud” means the act which is not in good faith of wrong statement or incorrect advertisement with the intention to mislead the consumer related to goods or services and the act done dishonestly to believe wrongfully by public of natural quality, manufacturing process, activity process, characteristic, specified standard, intention or quantity relating to goods or services.



(i) “Damage” means death, injury and loss to a person, and injury and loss to any property movable or immovable.

(j) “Sale Promotion” means activity aiming at to buy or use more widely the goods or services by the consumer.

(k) “Consumer Dispute Settlement Body” means a body formed under this Law to coordinate and settle the dispute arises relating to goods or services between entrepreneur and consumer.

(l) “Ministry” means the Ministry of Commerce of the Union Government.

(m) “Central Committee” means the Central Committee of Consumer Protection formed under this Law.

(n) “Department” means the Department of Commerce and Consumer Affairs.

## **Chapter II**

### **Objectives**

3.The objectives of the Consumer Protection Law are as follows:

(a) to enable to understand and claim the own rights as a consumer and not to cause sufferance from fraud in using the goods or services;

(b) to cause occurrence of a system effectively protect the rights of the consumer;

(c) to cause occurrence of consumer protection scheme including protecting by Law distributing and informing correct transparent information to the consumer;

(d) to cause behaviours taking responsibility in carrying out with regard upon consumer protection activity by the entrepreneur;

(e) to cause fulfillment of goods or services that enable to ensure the high quality for safety, health, satisfaction of the consumer.

### **Chapter III**

#### **Formation of the Central Committee**

4. The Union Government:

(a) shall form the Consumer Protection Central Committee comprising the Union Minister of the Ministry of Commerce as Chairman, the Deputy Ministers from the respective Ministries, the Heads from respective government departments and organizations, the representatives from the non-government organizations and experts as members and persons assigned duty by the chairman as secretary and joint-secretary;

(b) the Central Committee formed under sub-section (a) may amend and form as may be necessary.

### **Chapter IV**

#### **Functions and Duties of the Central Committee**

5. The functions and duties of the Central Committee are as follows:

(a) implementing the objectives of this Law to be in success;

(b) tendering advice, recommendations and assistance to the Union Government in laying down and carrying out the policies of consumer protection;

(c) surveying for safety of consumer regarding goods and services;

(d) enabling to form non-governmental consumer protection organizations and encouraging for development of functions thereof;

(e) distributing information through media for the interest of consumer;

(f) settling the complaints related to consumer protection from the consumer, consumer protection organizations and other organizations;

(g) conducting survey by collecting statistics related to consumer protection business and reviewing the said surveys and performing for the interest of consumers as may be necessary;

(h) communicating with the international organizations and regional organizations;

(i) informing to the relevant department, organization for enabling to prohibit regarding goods that are unsuit for consumption;

(j) coordinating with the Ministry of Science and Technology for enabling to form in accord with the stipulations, if necessary, the standardization experts groups and laboratories of goods or services;

(k) educating the entrepreneurs to protect the interest of consumer and effectively carry out their affairs;

(l) deciding the appeal case on administrative penalty passed by the Consumer Dispute Settlement Body;

(m) co-operating with non-governmental consumer protection associations formed in accord with the existing law.

## **Chapter V**

### **Rights and Duties of the Consumer**

6. (a) The rights of the consumer are as follows:

(i) enabling to use safety of the goods or services;

(ii) enabling to choose the goods or services and enabling to obtain the promised value, terms and conditions and warranty;

(iii) having right to obtain completely and correctly of information relating to the condition and warranty of the goods or services;

(iv) claiming to hear and settle on dispute related to goods or services used by the consumer, enabling to obtain consumer protection and enabling to obtain correct settlement.

(v) receiving fair relationship that is non-discriminatory treatment and service.

(b) The duties of the consumer are as follows:

(i) complying with the information and guideline related to goods or services intended and expressed to cause safety;

(ii) complying with the decisions of the Consumer Dispute Settlement which settle properly in consumer disputes;

(iii) avoiding false accusation intended to detriment on entrepreneurs;

(iv) avoiding the saying, writing and acting in order to detriment on relevant entrepreneurs by mean of media or by other mean while relevant persons is settling the consumer dispute.

## **Chapter VI**

### **Rights and Duties of the Entrepreneurs**

(a) The rights of the entrepreneur are as follows:

- (i) receiving payment in accord with agreements, value in sale of goods or services;
- (ii) having right of defence under law in consumer dispute;
- (iii) enabling to make regain of goodwill if the injury and loss of the consumer is not because of his goods or services;
- (iv) enabling to regain goodwill if it is provable in accord with the law that the injury and loss of the consumer is not because of goods or services that he has purchased;

(b) The duties of the entrepreneurs are as follows:

- (i) acting the business accord with business ethics;
- (ii) giving clear and proper information on goods or services;
- (iii) treating honestly and properly with non-discrimination to the consumers;
- (iv) guaranteeing the goods or services traded or produced based on stipulated standard and quality;
- (v) providing opportunity to test on goods or services which require to test quality before purchasing;
- (vi) taking responsibility as guaranteed in respect of damage due to consuming goods or using services during the warranty period;
- (vii) taking responsibility as agreed terms and conditions if received or used goods by consumer are inconsistent with the agreement;
- (viii) complying exactly with the agreed agreement or promise in the agreement in doing service business;
- (ix) avoiding the saying, writing and acting to cause detriment on the relevant consumer by means of media or by other means while relevant person is settling the consumer dispute.

**Chapter VII**  
**Prohibitions for Entrepreneurs**

8. The entrepreneur shall not carry out the production, trade of the followings:

(a) goods that are not in conformity with the information or condition stated on the label, warrantee, distinctive, efficacy, net weight, net volume, total amount, quality, grade, position, mode, style of the relevant goods;

(b) goods that are not in conformity with the statement contained in the ingredients of label or advertisement and sale promotion;

(c) goods without name, size, net weight, volume, composition, instruction, manufactured date and batch number, expiry date, side effect, poisonous materials, name and address of manufactured company, name of distribution, trademark, information and preparation;

(d) goods without stating in Myanmar language or jointly in Myanmar and other language, the information or instruction related to use commencing from the date stipulated by the Central Committee;

(e) goods mentioned improperly in respect of place of yield or place of production;

(f) goods that are not in conformity with the recommendation of acknowledged department or organization of domestic and abroad; or the prescribed standard;

(g) goods that are stated the guarantee of health and nutrition without reference of scientific research finding by the respective organization;

(h) goods that are not in conformity with the prescribed standards and norms;

(i) service that is not in conformity with stated condition, guarantee, distinct, term, efficacy in respect of the relevant service;

(j) service that is not in conformity with the statement contained in the advertisement and sale promotion.

9. The entrepreneur shall not offer for sale, promote sale and advertise with intent of misleading the buyer or user in the following conditions;

(a) being goods discounted or fixed special price that are not in conformity with the referred quality standard, style or mode, distinct characteristic, use;

(b) being goods that are not in fresh and good condition;

- (c) making firm sponsor and approval to goods or services of any other company;
- (d) being goods or services that are not useful or available;
- (e) being goods or services that the defect and need are concealed;
- (f) disparaging directly or indirectly other goods or services;
- (g) using exaggeration not approved with complete information;
- (h) being goods or services that are sold or given by offering with uncertain promises.

10. The entrepreneur shall, in selling and buying, not deceive or mislead the consumers with any of the following conditions:

- (a) stating incorrectly that the goods or services meet the prescribed standard, quality;
- (b) concealing and stating the need of the goods or services;
- (c) selling by substituting the other goods which is not the proposed goods;

(d) increasing the price of the goods or services before sale promotion of the goods or services;

(e) selling by redecorating and mixing the goods that are expired;

(f) selling by mixing goods that are similar and lower in quality; and the goods that are different and unsafe to consume.

11. The entrepreneur shall not offer for sale, promote sale or advertise on special price within on certain period without arrangement to sell the goods or services within the designated period or according to the amount as offered, promoted sale, advertised.

12. The entrepreneur shall not offer for sale, promote sale or advertise on special price within on certain period without arrangement to sell the goods or services within the designated period or according to the amount as offered, promoted sale, advertised.

13. The entrepreneur shall not offer for sale, promote sale or advertise the goods or services if not enable to give actually although promised to give other goods as prize or give service free of charge.

The entrepreneur shall not offer for sale, or advertise the goods or services by using any mode which causes annoyance to physical or mental of the consumer.

14. The entrepreneur shall not advertise the following kinds of advertisement:

(a) advertisements that are deceived to the consumers in respect quality of goods, quantity, ingredients in goods, mode of use to goods, price of goods, rate of service and time to be able to deliver the goods or services;

- (b) advertisements that are deceived on warranty of the goods or services;
  - (c) advertisements containing false informations in respect of goods or services;
  - (d) advertisements that are not informed the risk of using the goods or services;
  - (e) advertisements used on any person or any incident without the permission of the person concerned;
  - (f) advertisements that violate the provisions of Law, ethics.
15. The entrepreneur or advertiser shall be liable to the consequences of own advertisements.

### **Chapter VIII**

#### **Formation of the Consumer Dispute Settlement Body and Functions and Duties thereof**

16. The Central Committee shall, in order to carry out systematically the functions of consumer protection and to settle the disputes of consumers, form the Consumer Dispute Settlement Bodies in Regions or States, Districts, Townships with suitable persons.
17. The functions and duties of the Consumer Dispute Settlement Bodies are as follows:
- (a) mediating and conciliating consumer disputes;
  - (b) distributing knowledge to consumer relating to consumer protection;
  - (c) accepting and examining the complaint in writing or oral of consumer relating to the goods or services;
  - (d) carrying out duties conferred by the Central Body from time to time.

### **Chapter IX**

#### **Settlement of Consumer Dispute**

18. The Consumer Dispute Settlement Body shall, in settling the consumer disputes, carry out the followings:
- (a) examining the entrepreneur who is accused of violation;
  - (b) examining the person who knows the consumer dispute, eye-witnesses and expert;

- (c) examining and assessing the documents required in inquiry and other exhibits;
- (d) examining and deciding whether or not there is loss at consumer's side;
- (e) notifying the decision related to consumer protection to the entrepreneur who has violated against it in dispute;
- (f) taking action if violates the provisions in section 8.

## **Chapter X**

### **Right To Take Action of The Consumer Dispute Settlement Body**

19. The Consumer Dispute Settlement Body may, if finds out that the entrepreneur fails to comply any duty mentioned in sub-section (b) or section 7 or violates any mentioned in section 8, pass decision and take any one or more of the following actions:

- (a) warning;
- (b) severe warning;
- (c) remedy;
- (d) prohibiting the sale and distribution of goods that are disputing in limited period;
- (e) causing to recall the goods in market;
- (f) destroying the goods that are enable to cause danger to consumers;
- (g) coordinating with the relevant Ministries if required to revoke license temporarily or permanently of business permit.

20. The person who is not satisfied with the decision passed relating to taking actions contained in section 19 may appeal to the Central Committee within 60 days from the date of passing decision.

21. The Central Committee may confirm, amend or cancel the decision passed by the Consumer Dispute Settlement Body. The decision of the Central Committee shall be final and conclusive.

22. The Department, shall have the right to collect as arrears of revenue on the person who fails to pay compensation under the order passed in accord with the provisions contained in this chapter. In collecting so, any suitable official may be assigned duty as the collector.



**Chapter XI**  
**Offences and Penalties**

23. Any entrepreneur who violates any provision contained in sections 9,10,11,12,13 or 14 shall, on conviction, be punished with imprisonment for a term not exceeding 3 years or with fine not exceeding 5,000,000 kyats or with both.

24. The consumer may sue for their injury under civil litigation although convicted under section 23.

**Chapter XII**  
**Miscellaneous**

25. The seller of goods shall give a receipt to the lawyer for purchase of goods. It shall contain total amount of payment, model number of goods, place of manufacture, other dates determined by whom it concerns including buyer's address, name, date of purchase, type of purchasing goods, quantity, amount of money paid for each item, specific statement such as tax in the receipt.

26. The entrepreneur shall have the burden of proof that there is no intention to mislead contained in section 9.

27. Matters relating to the provisions contained in this Law shall be carried out only in accord with this Law.

28. The Central Committee may, in implementing the provision contained in this law, carry out the standardizations for the goods or services by forming separate expert groups or by selecting the inspection groups, established laboratories under the relevant existing laws.

29 (a) The Central Committee may recognize the department and organization that examined chemical whether or not in conformity with standardization related to goods or services.

(b) The chemical examination result of the department and organizations recognized by the Central Committee under sub-section (a) shall be final evidence.

30. The Consumer Dispute Settlement Body may, in deciding and settling the consumer disputes, cooperate with the consumer protection associations which are non-governmental organization formed in accord with the existing law and obtain advice if necessary.

31. For enabling to carry out the provisions contained in this Law:

(a) the Ministry may issue Rules, regulations and by-laws with the approval the Government as may be necessary;

(b) the Ministry and the Central Committee may issue notifications, orders, directives and procedures and the Department may issue orders and directives as may be necessary.

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I hereby signed under the Constitution of the Republic of the Union of Myanmar.

Sd/

Thein Sein

The President of the Union

The Republic of the Union of Myanmar

ภาคผนวก ง.

**LAW ON PROTECTION OF CONSUMERS' RIGHTS**

**(Vietnam)**

**THE NATIONAL  
ASSEMBLY**

**SOCIALIST REPUBLIC OF VIETNAM**  
**Independence– Freedom – Happiness**

-----  
Law No.59/2010/QH12 Hanoi, November 17, 2010

## **LAW**

### **ON PROTECTION OF CONSUMERS' RIGHTS**

Pursuant to the Constitution 1992 of the Socialist Republic of Vietnam, of which some articles were amended and supplemented under the Resolution No.51/2001/QH10;

The National Assembly hereby promulgated the Law on protection of consumers' rights,

#### **Chapter 1.**

#### **GENERAL PROVISIONS**

##### **Article 1. Scope of Regulation**

This Law regulates the rights and obligations of consumers, the liability of organizations or individuals trading goods and/or services to consumers, the liability of social organizations in protecting the interests of consumers; resolving disputes between consumers and organizations or individuals trading goods and/or services, the liability of the State on the protection of consumers' interests.

##### **Article 2. Subjects of Application**

This law applies to consumers; organizations or individuals trading goods, services; agencies, organizations or individuals involved in activities to protect the interests of consumers in the territory of Vietnam.

##### **Article 3. Interpretation of Terms**

In this Law, the terms below are construed as follows:

1. Consumer is a person who purchase or use goods and/or services for personal use or use for families or use for organizations.

2. Organization or individual trading goods and/or services is an organization or individual that perform one, several or all of the stages of the investment process, from production to sales of goods or supply of services in market for profit, including:

- a) Traders as defined by the Commercial Law;
- b) Individual who performs commercial activities independently, regularly, without business registration.

3. Defective goods are goods that do not ensure safety to consumers, likely causing damage to lives, health and property of consumers, even though such goods are manufactured in accordance with current technical standards or norms, with no defects being detected at the time the goods are supplied to consumers, including:

- A) Mass-produced goods with defects arising from engineering design;
- b) Single goods with defects arising from the production, processing, transportation and storage;
- c) Goods with the potential to deteriorate the safety during use, but no adequate instructions, warning being provided to consumers.

4. Disturbance to consumers means a direct or indirect approach to consumers in an attempt to introduce goods or services, organizations or individuals dealing in goods, services or contract proposals against wishes of consumers, obstructing, affecting the normal works or activities of consumers.

5. Form-based contract is a contract composed by organizations or individuals trading goods and/or services to do business with consumers.

6. General trading conditions are regulations, rules of sales, service delivery announced by organizations or individuals trading goods and/or services, and applicable to consumers.

7. Mediation means a settlement of disputes between consumers and organizations or individuals trading goods and/or services through third parties.

#### **Article 4. Principle of protecting consumers' interests**

1. Protecting the interests of consumers is the common responsibility of the State and the entire society.

2. Interests of consumers are respected and protected as prescribed by laws.

3. Protecting the interests of consumers must be exercised timely, fairly, transparently and lawfully.

4. Activities to protect the interests of consumers do not infringe upon the interests of the State, lawful rights and interests of organizations or individuals dealing in goods, services, and other organizations or individuals.

#### **Article 5. The State's policy on protection of consumers' rights**

1. Creating favorable conditions for organizations or individuals to actively participate in protecting the interests of consumers.

2. Encourage organizations or individuals to apply and develop advanced technologies for producing good quality and safe goods or providing good quality and safe services.

3. Implementing regularly and synchronously measures to manage and supervise the legal compliance of organizations or individuals trading goods and/or services.

4. Mobilizing all resources to increase investment in facilities and equipments, to develop human resource for agencies or organizations protecting the interests of consumers, frequently enhancing counseling, support, dissemination and guidance of knowledge to consumers.

5. Promoting integration and expansion of international cooperation, and sharing information and management experience in protecting the interests of consumers.

#### **Article 6. Protection of consumer information**

1. Consumers' information shall be kept safe and confidential when they participate in transactions, use of goods or services, except where competent state agencies required the information.

2. Where the collection, use and transfer of consumer information, the organizations or individuals trading goods and/or services shall:

a) Notify clearly and openly the consumer of the purpose of the collection and use of consumer information before such activities being done;

b) Use information in conformity with the purpose informed to consumers, and with the consent by the consumers;

c) Ensure safety, accuracy, completeness during collection, use and transfer of consumer information;

d) Update or adjust by themselves or help consumers to update and adjust as the information is found to be incorrect;

e) Only transfer consumer information to third parties upon the consent of consumers, except where otherwise provided by law.

**Article 7. Protect the interests of consumers in dealing with individual doing commercial activities independently, regularly, without business registration**

1. Based on the provisions of this Law and other provisions of the relevant law, the Government providing detailed regulations on protection of consumers' interests in transactions with individual doing commercial activities independently, regularly, and without registering his/her business activities.

2. Based on the provisions of this Law, provisions of the Government and the specific conditions of the localities, People's Committees of communes, wards, towns, management boards of market or commercial zone, shall execute specific measures to ensure the quality, quantity and food safety for consumers when buying and using goods and/or services by individual doing commercial activities independently, regularly, without business registration.

**Article 8. Consumer Rights**

1. Being protected safely as to their life, health, property, and other legitimate rights and interests when being involved in transactions, use of goods and/ or services provided by organizations or individuals trading goods and/or services.

2. Being provided accurate and complete information about organizations or individuals trading goods or services; contents of transaction of goods and/or services; the source and origin of goods; being provided with invoices and vouchers and documents relating to the transactions and other necessary information about goods and/or services that consumers purchase and/or use.

3. Being entitled to select goods or services, organizations or individuals trading goods and/ or services according to their actual needs and conditions; decide to participate or not

participate in the transaction and agreed contents when joining transaction with organizations or individuals trading goods and/or services.

4. Being entitled to offer suggestions to organizations or individuals trading goods and/or services on price, quality of product or service, service style, trading methods and other content concerning transactions between consumers and organizations or individuals trading goods and/or services.

5. Being entitled to participate in formulating and implementing policies and legislation on protection of the interests of consumers.

6. Being entitled to require compensation if the provided goods or services do not match technical standards or norms, quality, quantity, features, usage, pricing or other contents that organizations or individuals trading goods and/or services already announced, posted, advertised or pledged.

7. Being entitled to complaint, denounce and take a lawsuit or propose social organization to take a lawsuit in order to protect their rights under the provisions of this Law and other provisions of law involved.

8. Getting Advice, support and guidance on the knowledge for consumption of goods and/or services.

#### **Article 9. Obligations of consumers**

1. Checking before receiving the goods; selecting and consume goods and/or services with clear origin or source, without cause harm to the environment, contrary to the fine customs and social morals, not causing harm to their lives or health and that of others; observing precisely and fully the manual of goods and/or services.

2. Informing state agencies, organizations or individuals concerned when detecting goods and/or services circulating in the market are not safe, causing damage or threatening to cause damage to life, health and property of consumers, behaviors of organizations or individuals trading goods and/or services infringe upon the legal rights or interests of consumers.



**Article 10. Prohibited behaviors**

1. Attempt of organizations or individuals trading goods and/or services in deceiving or misleading consumers via advertising activities, or hide or provide information that is incomplete, false or inaccurate about one of the following details:

a) Goods and/or services that organizations or individuals trading goods and/or services provided;

b) Reputation, business ability, and ability to provide goods and/ or services of organizations or individuals trading goods and/or services;

c) The contents and characteristics of transaction between consumers and organizations or individuals trading goods and/or services.

2. Organizations or individuals trading goods and/or services harasses consumers through the marketing of goods and/or services contrary to the wishes of consumers 02 or more times or other acts that obstruct or affect normal works or activities of consumers.

3. Organizations or individuals trading goods and/or services force consumers through the implementation of one of the following acts:

A) Using force, threatening to use force or other means to cause damage to life, health, honor, prestige, dignity and property of consumers;

b) Taking advantage of disadvantaged consumers or taking advantage of natural disasters and diseases to force a trade.

4. Organizations or individuals trading goods and/or services conduct the trade promotion activities, or suggest transactions directly with a person who have no capacity for civil acts or who have lost their civil act capacity.

5. Organizations or individuals trading goods and/or services require a consumer to pay for goods or services provided without prior agreement with the consumer.

6. Consumers, social organizations participating in protection of the interests of consumers, organizations or individuals trading goods and/or services take advantage of the protection of consumer rights to infringe upon the interests of the State, the legitimate rights or interests of other organizations or individuals.

7. Organizations or individuals trading goods and/ or services take advantage of disadvantaged consumers or take advantage of natural disasters and diseases to provide goods and/or services that does not guarantee quality.

8. Organizations or individuals trading goods and/or services with poor quality that causes damage to lives, health and property of consumers.

#### **Article 11. Handle violations of laws on protection of consumers' interests**

1. Individuals violating the law on protecting the interests of consumers, depending on the nature and seriousness of their violations, shall be administratively sanctioned or examined for penal liability, if causing damage, shall pay compensation in accordance with laws.

2. Organizations that violate the law on protecting the interests of consumers, depending on the nature and seriousness of their violations, shall be administratively sanctioned, in case of causing damage, shall pay compensation as prescribed by laws.

3. Individuals who abuse their positions and powers to violate the law on protection of the interests of consumers, depending on the nature and seriousness of their violations, shall be disciplined or prosecuted for criminal liability, if causing damage, shall be required to pay compensation as prescribed by laws.

4. The Government shall detail the sanctions against administrative violations in protecting consumers' interests.

### **Chapter 2.**

#### **RESPONSIBILITIES OF ORGANIZATIONS OR INDIVIDUALS TRADING GOODS AND/OR SERVICES TO CONSUMERS**

#### **Article 12. Responsibilities of organizations or individuals trading goods and/or services in providing information about goods and/or services to consumers**

1. To label goods as prescribed by law.

2. To publicly post the prices of goods and/or services at places of business, service offices.

3. To show warning if goods and/or services may be harmful to health, life and property of consumers, and the preventive measures.

4. To provide information on the availability of components and spare parts of goods.
5. To provide manual or guidance; conditions, duration, location, warranty procedures in case of goods and/or services with warranty.
6. To inform accurately and fully to consumers of the form-based contracts, general conditions for transaction before the transaction.

**Article 13. Liability for third parties in providing information about goods and/or services to consumers**

1. Where organizations or individuals trading goods and/or services provide information to consumers through a third party, the third party shall:

- A) Provide accurate and full information about the provided goods and/or services;
- B) To request organizations or individuals trading goods and/or services to provide evidence proving the accuracy and completeness of information on goods and services;
- C) Take joint responsibility for providing incomplete or inaccurate information, unless already done to prove all the measures prescribed by law to check the accuracy and completeness of information about goods and services;
- D) Comply with the provisions of laws on the press, laws on advertising.

2. Where organizations or individuals trading goods and/or services provide information to consumers through the media, the media owner or the media service provider shall:

- a) Implement the regulations in Clause 1 of this article;
- b) Establish, develop technical solutions to prevent means and services under their management that are used for purposes of harassing consumers;
- c) Refuse to let organizations or individuals trading goods and/or services use means and services under their management, if such use is likely to result in harassment of consumers;
- d) Cease the permission for Organizations or individuals trading goods and/or services to use means and services under their management to perform acts of harassing the consumers at the request of consumers or competent State agencies.

**Article 14. Contracts concluded with consumers**

1. Form of contracts with consumers should comply with civil laws.
2. Where a contract is concluded with consumers in writing, the language of the contract must be clear, easily understood.

Language used in contracts with consumers is Vietnamese, unless the parties agree otherwise or otherwise provided by law.

3. Where the contract is concluded by electronic means, the organizations or individuals trading goods and/or services must let consumers check the entire contract before signing.
4. The Government shall detail the other forms of signing contracts with consumers.

**Article 15. Explanation of contracts concluded with consumers**

In case of different interpretation of the contract, the competent organizations or individuals shall resolve the dispute in consideration of consumers' interests.

**Article 16. Invalid terms of the contracts concluded with consumers and invalid general trading conditions**

1. Terms of the contracts concluded with consumers and general trading conditions shall have no effect in the following cases:
  - a) Where they exclude liability of organizations or individuals trading goods and/or services to consumers as prescribed by laws;
  - b) Where they restrict or exclude the right to complaint and take lawsuits by consumers;
  - c) Where they allow organizations or individuals trading goods and/or services to unilaterally change the conditions of the contract agreed in advance with the consumer or the rules, regulations for good sales or service supply applies to consumers when buying and using goods and/or services do not specifically indicate in the contract;
  - d) Where they allow organizations or individuals trading goods and/or services to unilaterally determine the consumer who fails to perform one or more obligations;
  - e) Where they allow organizations or individuals trading goods and/or services to set forth or change the price at the time of delivery of goods or providing of services;

f) Where they allow organizations or individuals trading goods and/or services to explain the contract in case of different interpretation of the terms;

g) Where they exclude liability of organizations or individuals trading goods and/or services in cases where organizations or individuals trading goods or services sell goods or provide services through a third party;

h) Where they force consumers to comply with obligations even if the organizations or individuals trading goods and/or services have not fulfilled their obligations;

i) Where they allow organizations or individuals trading goods and/or services to transfer rights and obligations to third parties without the consumer's consent.

2. Declaration and settlement of the invalid terms of contracts concluded with consumers or invalid general trading conditions must comply with civil laws.

#### **Article 17. Implementation of form-based contracts**

1. When signing the form-based contract, organizations or individuals trading goods and/or services must give reasonable time for consumers to consider the contract.

2. Organizations or individuals trading goods and/or services must keep the concluded form-based contract until the contract expires. Where contract kept by consumer is lost or damaged, the organization or individual trading goods or services shall take responsibility for give consumer a copy of the contract.

#### **Article 18. Implementation of general trading conditions**

1. Organizations or individuals trading goods and/or services using the general trading conditions shall be obliged to publicly announce the general trading conditions prior to the transaction with the consumer.

2. The general trading condition must specify the time of application and must be listed at a convenient place within the location of transaction in order that consumers can see it.

#### **Article 19. Control of form-based contract and of general trading conditions**

1. Organizations or individuals trading goods and/or services in the List of essential goods and services issued by the Prime Minister must register the form-based contract and general

conditions for transactions with competent state management agencies with respect to protecting the interests of consumers.

2. State administration bodies have authority on protecting the interests of consumers themselves, or at the request of consumers, require organizations or individuals trading goods and/or services to cancel or modify the form-based contract or general trading conditions in a case where the form-based contract or general trading condition is found to violate the interests of consumers.

3. The Government shall specify this Article.

#### **Article 20. Responsibility to provide evidence of transaction**

1. Organizations or individuals trading goods or services are obliged to offer consumer bills or vouchers and documents relating to transactions under the provisions of law or requested by consumers.

2. In the case of transactions by electronic means, the organizations or individuals trading goods and/or services shall create conditions for consumers to access, download, store and print invoices, vouchers, documents provided in clause 1 of this article.

#### **Article 21. Responsibility for warranty for goods, components and accessories Goods, components or accessories are guaranteed by the agreement of the parties or guaranteed compulsorily under provisions of laws. Where goods, components or accessories are warranted, organizations or individuals trading goods shall:**

1. Fully comply with warranty obligations for goods, components or accessories supplied by them;

2. Provide consumers with the receipt of the warranty, clearly stating the duration of the warranty. The period for implementation of the warranty is not included in the warranty duration for the goods, components and accessories. Where organizations or individuals trading goods replace components, accessories or exchange commodities, such warranty duration for components, accessories or goods are calculated from the time of replacing components, accessories or of exchanging new commodity;

3. Provide consumer with similar goods, components or accessories for temporary use or provide other forms of settlement accepted by consumers during implementation of the warranty;

4. Exchange new similar goods, components or accessories or take back goods, components or accessories and return money to consumers in the case where time for warranty implementation run out while failing to repair or solve the error.

5. Exchange new similar goods, components or accessories, or take back the goods give money back to consumers in the case where the warranty is implemented 03 times or more within the warranty duration as to goods, components or accessories without fixing the error;

6. Bear the cost of repairs and bear freight to transport goods, components or accessories to the place of warranty, and freight to transport them from the place of warranty to the residence of the consumer;

7. Be Responsible for the warranty of goods, components or accessories to consumers even in the event of authorizing other organizations or individuals to perform the warranty.

## **Article 22. Responsibility for recalling defective goods**

Upon detection of defective goods, organizations or individuals manufacturing or importing the goods shall:

1. Promptly take all necessary measures to stop the supply of defective goods in the market;

2. Inform publicly about the defective goods and the recovery of the goods by at least 05 consecutive issues of daily newspaper or 05 consecutive days through the radio or television in area where such goods are circulated with the following details:

a) Description of the goods to be recovered;

b) Reasons for recovery of the goods and warning on the risk of damage caused by the defects of the goods;

c) Time, place and way of recovery of the goods;

d) Time and mode of overcoming the defects of the goods;

e) The measures necessary to protect the interests of consumers in the course of recovery of the goods;

3. Implementation of the recovery of the defective goods in line with the publicly-informed content and bear the expenses incurred in the recalling process;

4. Reporting the results to the provincial state management agency for the protection of consumers' interests where the recovery of the defective goods take place after completion of the recall, in the case where the recall of the defective goods is conducted on the territories of two or more provinces, the results shall be reported to the central state management agencies for the protection of consumers' interests.

**Article 23. Liability for compensation for damage caused by defective goods**

1. Organizations or individuals trading goods shall be liable for damages in the case where defective goods, which supplied by them, cause damages to life, health, properties of consumers, even if the defects are not known to or not caused by those organizations or individuals, except as provided in Article 24 of this Laws.

2. Organizations or individuals trading in goods as defined in clause 1 of this article include:

- a) Organizations or individuals producing goods;
- b) Organizations or individuals importing goods;
- c) Organizations or individuals attaching trade name to goods or using trademark or commercial instruction, by which organizations or individuals producing or importing goods are identified;
- d) Organizations or individuals directly providing defective goods to consumers in case of failure to identify organizations or individuals responsible for damages prescribed in Points a, b and c of this Clause.

3. The compensation complies with civil laws.

**Article 24. Exemption from liability for damage caused by defective goods**

Organizations or individuals trading goods specified in Article 23 of this Law shall be exempt from compensation if they can prove that the defects of the good could not be detected with the scientific and technical knowledge at the time organizations or individuals trading goods supplied the defective good to consumers.



**Article 25. Requirement of state management agencies to protect consumers' interests**

1. Upon discovering that violations of laws on protection of consumers' interests by organizations or individuals trading goods and/or services cause damage to the interests of the State, the interests of many consumers, public interest, the consumers, social organizations may request verbally or in writing to the State management agency on protection of consumers' interests of the district where the transaction take place to handle.

2. Consumers or social organizations are obliged to provide information and evidence related to violations of organizations or individuals trading goods and/or services.

**Article 26. Resolving the request to protect consumers' interests**

1. Upon receipt of the request of consumers, the district-level state management agencies for protection of the interests of consumers shall request the parties to explain and provide information, evidence or by themselves verify and collect information and evidence to deal with as prescribed by law.

2. District-level state management agencies for protection of the interests of consumers shall respond in writing with respect to their resolution to the consumers; in the case where organizations or individuals trading goods services are found to violate the interests of consumers, a written reply must contain the following:

- a) The violation behaviors;
- b) Measure to overcome the consequences;
- c) The duration for applying the measure of overcoming the consequences;
- d) Measures for handling administrative violations, if any.

3. Remedies for overcoming the consequences prescribed in Point b, Clause 2 of this Article include:

- a) Forcing organizations or individuals trading goods and/or services to withdraw and destroy goods or stop supplying goods or services;
- b) Suspending or suspending temporarily the business activities of the violating organizations or individuals;

c) Forcing organizations or individuals trading goods and/ or services to eliminate provisions that violate the interests of consumers from the form-based contract, general trading conditions.

4. In addition to the measures specified in Clause 3 of this Article, re-violating organizations or individuals trading goods and/or services may also be introduced to the List of organizations or individuals trading goods and/or services violating customers' interests.

5. The Government shall specify this Article.

### **Chapter 3.**

## **RESPONSIBILITIES OF SOCIAL INSTITUTIONS IN PROTECTING THE INTERESTS OF CONSUMERS**

### **Article 27. Social organizations to protect consumers' interests**

1. Social organization established in accordance with the law and operating under charter is eligible for participating in activities of protecting the interests of consumers.

2. Activities to protect the interests of consumers of social organizations must comply with the provisions of this Law and other relevant laws.

### **Article 28. What to be taken to protect the interests of consumers by social organizations**

1. Social organizations shall protect consumers' interests with the following activities:

a) Instructing and assisting, counseling consumers upon request;

b) Taking legal action on behalf of consumers or taking legal action by virtue of the public interests;

c) Providing state management agencies for protection of the interests of consumers with information on violations of organizations or individuals trading goods and/or services;

d) Independent doing survey, trial; announcing the results of survey and trial on the quality of goods and/or services done by them; providing information and/or warning to consumers about goods and/or services and bearing liabilities by laws for the information and/or warning, and requiring competent state agencies to handle violations of the legislation on protection of consumers' interests;

e) Participating in making laws, guidelines, policies, directions, plans and measures for protecting the interests of consumers;

f) Performing the tasks assigned by state agencies as prescribed in Article 29 of this Law;

g) Participating in the propagation, dissemination, legal education and knowledge on consumption.

2. The Government shall define conditions for social organizations that participate in protection of the interests of consumers to exercise their right to take lawsuit by virtue of the public interest specified in Point b, Clause 1 of this Article.

#### **Article 29. Performing missions assigned by state agencies**

1. When performing the tasks assigned by state agencies, social organizations that protect consumers' interests are supported funds and other conditions by the State prescribed by Laws.

2. The Government shall specify the tasks assigned by state agencies to social organizations that protect the interests of consumers.

### **Chapter 4.**

#### **SETTLEMENT OF DISPUTES BETWEEN CONSUMERS AND ORGANIZATIONS OR INDIVIDUAL TRADING GOODS AND/OR SERVICES**

#### **Article 30. Modes of settling disputes between consumers and organizations or individuals trading goods and/or services**

1. Disputes arising between consumers and organizations or individuals trading goods and/or services are addressed through:

a) Negotiation;

b) Reconciliation;

c) Arbitration;

d) Court.

2. No negotiation or mediation is permitted in case of disputes causing damage to the interests of the State, the interests of many consumers, the public interest.

**Section 1. NEGOTIATION****Article 31. Negotiation**

1. Consumers have the right to submit a request to organizations or individuals trading goods and/or services to negotiate when their legitimate rights or interests are deemed to be infringed upon.

2. Organizations or individuals trading goods and/or services are obliged to receive and negotiate with consumers for a period not exceeding 07 working days after receipt of the request.

**Article 32. Negotiation results**

The result of a successful negotiation between the organizations or individuals trading goods and/or services and consumers shall be made in writing unless the parties otherwise agree.

**Section 2. MEDIATION****Article 33. Mediation**

Organizations or individuals trading goods, services, and consumers have the right to agree to select a third party, that is, individual or organization to perform the mediation.

**Article 34. Mediation Principles**

1. To ensure objectivity, honesty and good will, no force or deceit.
2. Organizations or individuals conducting the mediation, the mediation-participating parties must ensure confidentiality of information relating to the mediation, unless the parties agree otherwise or otherwise provided by law.

**Article 35. Mediation organization**

Organizations or individuals that have adequate conditions specified by the Government are eligible for establishing a mediation organization to resolve disputes between consumers and organizations or individuals trading goods and/or services.

**Article 36. Records of the mediation**

1. Minutes of the mediation must contain the following principal contents:

- a) Organizations or individuals to conduct the mediation;
- b) The parties in the mediation;
- c) Content of mediation;
- d) Time and place of mediation;
- e) The opinions of the parties in the mediation;
- f) Results of the mediation;
- g) The duration for implementing the mediation results.

2. Minutes of mediation must be signed by the parties in the mediation and the signature for confirmation of the organization or individual conducting the mediation.

#### **Article 37. Performing the results of the successful mediation**

The parties are responsible for implementing the results of successful mediation within the agreed period prescribed in minute of mediation; in case where one party does not implement voluntarily, the other party shall have right to suit at court for settlement in accordance with laws.

### **Section 3. ARBITRATION**

#### **Article 38. Effect of arbitration Clause**

Organizations or individuals trading goods and/or services must notify of the arbitration terms and condition before concluding the contract and the notification must be accepted by consumers. Where the arbitration term and condition is incorporated into the form-based contract or the general transaction condition by organizations or individuals trading goods and/or services, if any disputes happen, consumers as individual have the right to select other modes to resolve the dispute.

#### **Article 39. The order and procedures for dispute resolution at arbitration**

The order and procedures for settling disputes at arbitration was observed in accordance with the law on commercial arbitration.

#### **Article 40. Burden of proof**

Burden of proof in the dispute settlement at arbitration shall comply with the provisions of Article 42 of this Law.

**Section 4. SETTLEMENT OF DISPUTES BY COURT****Article 41. Civil cases on the protection of consumers' interests**

1. Civil cases on the protection of consumers' interests is the case that the suitor is a consumer or social organizations that protect consumers' interests under the provisions of this Law.

2. Civil cases on the protection of consumers' interests are resolved by simple procedures prescribed in the law on civil proceedings when all the following conditions are met:

- a) Individual as a consumer takes lawsuit against organizations or individuals that directly provide goods or services to consumers subject to the lawsuits;
- b) The case is simple, and evidence is clear;
- c) The transaction value of less than VND 100 million.

**Article 42. Burden of proof in civil cases on protecting the interests of consumers**

1. Consumers are obliged to provide evidence and prove as to the evidence in civil cases on protecting the legitimate rights and interests in accordance with the law on civil proceedings, except for proving the fault of the organization or individuals trading of goods and/or services.

2. Organizations or individuals trading goods and/or services are obliged to prove their innocence in causing the damage.

3. Court shall decide which the party is faulty in civil cases on protecting the interests of consumers.

**Article 43. Court charges and court fees for civil cases on protecting the interests of consumers**

1. Court charges and court fees for civil cases on protecting the interests of consumers are observed in accordance with the law on court charges and court fees.

2. Consumers initiate civil lawsuits to protect their legitimate rights and interests are not obliged to pay in advance their court charges and court fees.

**Article 44. Providing information about the civil case on the protection of consumers' interests by social organization that take the lawsuit**

1. Social organizations that protect consumers' interests shall be responsible for informing publicly by appropriate forms of legal action and take responsibility for the information they publish, ensuring no impact on the normal operation of organizations or individuals trading goods and/or services.

2. Contents to inform stipulated in Clause 1 of this article include:

- a) Social organizations protecting consumers' interests that take the lawsuits;
- b) Organizations or individuals trading goods and/or services being provided;
- c) Content for taking lawsuit;
- d) Procedures and deadline for registering to join the case.

3. Court shall publicly posted at the courthouse the information about whether or not the case was filed within 03 working days after filing of the case under the provisions of the law on civil proceedings.

**Article 45. Notification of the verdict or decision of the Court on settlement of the civil case on the protection of consumers' interests being sued by social organizations**

Verdicts and decisions by the Court to settle the civil case on the protection of consumers' interests being sued by social organizations must be publicly posted at the office of the Court and publicized on the mass media using appropriate forms.

**Article 46. Money in compensation for damages in civil cases on protecting the interests of consumers being sued by social organizations for the public interest**

Money in compensation for damages in civil cases on protecting the interests of consumers being sued by social organizations protecting consumers' interests by virtue of the public interest shall comply with the verdict or decision of the Court.

**Chapter 5.****STATE MANAGEMENT RESPONSIBILITIES FOR PROTECTION OF CONSUMERS' INTERESTS****Article 47. State management responsibility for protecting consumers' interests**

1. The Government consistently state- manage the protection of consumers' interests.
2. Ministry of Trade and Industry is accountable to the Government in implementing the state administration on the protection of consumers' interests.
3. Ministries, ministerial-level agencies within their duties and powers, shall coordinate with the Ministry of Trade and Industry in state-managing the protection of the interests of consumers.
4. People's Committees at all levels within their duties and power, shall state-manage the protection of the interests of consumers at their localities.

**Article 48. Responsibilities of the Ministry of Industry and Trade**

1. According to their competency shall promulgate or ask the competent state agencies to promulgate or organize the implementation of strategies, planning, plans, programs, projects, policies and legislation on protecting the interests of consumers.
2. Managing activities to protect the interests of consumers of social institutions and mediation organizations; form-based contracts and general trading conditions stipulated in Article 19 of this Law.
3. Propagating, disseminating and educating the law on the protection of the interests of consumers; giving advice, support and raising awareness of protecting the interests of consumers.
4. Generating a database of information for the protection of consumers' interests; training human resources, enhancing professional knowledge for the protection of consumers' interests.
5. Inspecting, examining and settling complaints and denunciations and handling violations of legislation on protection of consumers' interests within its competence.
6. Implementation of international cooperation on the protection of consumers' interests.



**Article 49. Responsibilities of People's Committees at all levels**

1. According to their competency, the People's Committees shall promulgate or ask competent state agencies promulgate and organize the implementation of legal documents on the protection of the interests of consumers at their localities.

2. To manage activities to protect the interests of consumers of social organizations and mediation organizations at their localities.

3. To propagate, disseminate and teach the law on protection of the interests of consumers; to give advice, support and to raise awareness of the protection of consumers' interests at their localities.

4. To inspect, examine and settle complaints and denunciations and handle violations of legislation on protection of consumers' interests within their competency.

**Chapter 6.****PROVISIONS OF IMPLEMENTATION****Article 50. Effect of implementation**

This Law takes effect as from July 1, 2011.

The Ordinance on the protection of the consumers' interests No. 13/1999/PL-UBTVQH10 shall expire after this law takes effect.

**Article 51. Specification and guidelines for implementation**

The Government shall specify in detail and guide the implementation of the articles and clauses assigned to it as in this Act; guide the other necessary content of this law to meet requirements of state management.

*This law was passed by the National Assembly of Socialist Republic of Vietnam XII, 8th session on November 17, 2010.*

**CHAIRMAN OF THE NATIONAL  
ASSEMBLY**

**Nguyen Phu Trong**

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