

<b>THESIS TITLE</b>	LIABILITIES FOR DAMAGES CAUSED BY UNSAFE PRODUCTS: CASE STUDY ON PRODUCT LIABILITY LAW OF CLMVT (CAMBODIA, LAO, MYANMAR, VIETNAM AND THAILAND)
<b>KEYWORDS</b>	UNSAFE PRODUCTS
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### **ABSTRACT**

This thesis aims to study about the legal problems arising from liability for damages caused by unsafe products in CLMVT countries (Cambodia, Laos, Myanmar, Vietnam and Thailand). Four countries in CLMVT are less developed than Thailand, and have border areas, trade, and similar culture to Thailand. When these five countries collaborate with one another in ASEAN community, the bigger markets are formed. Nowadays, there are more free production, exportation, and service policies; therefore, the problems about product and service's quality control occurs. This study presents the methods of making ASEAN guidelines on unsafe product liability in order to harmonize consumer laws by applying strict liability principle to the rules and regulations for an effective consumer protection in ASEAN nations.

The study shows that there are four major problems caused by using the law on liability for damages caused by unsafe products in CLMVT countries. First of all, since some ASEAN countries do not have any laws on unsafe product liability, the terms and conditions of entrepreneur's liabilities for defected goods are unclear. The second problem is about unfair exemptions and restrictions of entrepreneur's liability which exploit consumer benefits and are deemed contrary to public order or good morals. The third problem concerns the organizations providing consumer protection and filing lawsuits on behalf of consumers. Some ASEAN countries do not establish any organizations that can represent consumers in court proceedings. So, consumers who get injured due to unsafe products have

to pay a large number of court fees and expenses by themselves. Fourth, according to civil principles of contract of sale and hire purchase agreement, a plaintiff must begin a civil lawsuit in civil court. Besides, the burdens of proof are different, the strict liability is applied, and the court has an authority to order the defendant to pay compensation. The last problem is the differences of ordinary civil proceedings and class action proceedings.

Above all, the author suggests that Thailand should apply some interesting rules and laws of European Union and also CLMVT countries to the law of Thailand by making ASEAN agreement on liability for damages arising from unsafe products in order to solve these problems. This agreement should have a purpose of reducing the differences of laws in each ASEAN country to enhance the standard of consumer protection up to the same level. The ways to achieve these goals would be applying the principle of strict liability to the law and stipulating the limitations of liability for damages arising from unsafe products in CLMVT countries, establishing national or private organizations which are responsible for protecting consumer rights, and signing the treaties or conventions and implementing the provisions of the treaties or conventions by amending domestic laws concerning liability for damages arising from unsafe products of the Kingdom of Thailand to conform with the international treaties or conventions.