

ภาคผนวก

ภาคผนวก ก.

**DIRECTIVE 2006/114/EC OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL**

DIRECTIVE 2006/114/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 12 December 2006
concerning misleading and comparative advertising
(codified version)
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 95 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽²⁾,

Whereas:

- (1) Council Directive 84/450/EEC of 10 September 1984 concerning misleading and comparative advertising ⁽³⁾ has been substantially amended several times ⁽⁴⁾. In the interests of clarity and rationality the said Directive should be codified.
- (2) The laws against misleading advertising in force in the Member States differ widely. Since advertising reaches beyond the frontiers of individual Member States, it has a direct effect on the smooth functioning of the internal market.
- (3) Misleading and unlawful comparative advertising can lead to distortion of competition within the internal market.
- (4) Advertising, whether or not it induces a contract, affects the economic welfare of consumers and traders.
- (5) The differences between the laws of the Member States on advertising which misleads business hinder the execution of advertising campaigns beyond national boundaries and thus affect the free circulation of goods and provision of services.

⁽¹⁾ Opinion of 26 October 2006 (not yet published in the Official Journal).

⁽²⁾ Opinion of the European Parliament of 12 October 2006 (not yet published in the Official Journal) and Council Decision of 30 November 2006.

⁽³⁾ OJ L 250, 19.9.1984, p. 17. Directive as last amended by Directive 2005/29/EC of the European Parliament and of the Council (OJ L 149, 11.6.2005, p. 22).

⁽⁴⁾ See Annex I, Part A.

(6) The completion of the internal market means a wide range of choice. Given that consumers and traders can and must make the best possible use of the internal market, and that advertising is a very important means of creating genuine outlets for all goods and services throughout the Community, the basic provisions governing the form and content of comparative advertising should be uniform and the conditions of the use of comparative advertising in the Member States should be harmonised. If these conditions are met, this will help demonstrate objectively the merits of the various comparable products. Comparative advertising can also stimulate competition between suppliers of goods and services to the consumer's advantage.

(7) Minimum and objective criteria for determining whether advertising is misleading should be established.

(8) Comparative advertising, when it compares material, relevant, verifiable and representative features and is not misleading, may be a legitimate means of informing consumers of their advantage. It is desirable to provide a broad concept of comparative advertising to cover all modes of comparative advertising.

(9) Conditions of permitted comparative advertising, as far as the comparison is concerned, should be established in order to determine which practices relating to comparative advertising may distort competition, be detrimental to competitors and have an adverse effect on consumer choice. Such conditions of permitted advertising should include criteria of objective comparison of the features of goods and services.

(10) The international conventions on copyright as well as the national provisions on contractual and non-contractual liability should apply when the results of comparative tests carried out by third parties are referred to or reproduced in comparative advertising.

(11) The conditions of comparative advertising should be cumulative and respected in their entirety. In accordance with the Treaty, the choice of forms and methods for the implementation of these conditions should be left to the Member States, insofar as those forms and methods are not already determined by this Directive.

- (12) These conditions should include, in particular, consideration of the provisions resulting from Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 13 thereof, and of the other Community provisions adopted in the agricultural sphere.
- (13) Article 5 of First Council Directive 89/104/EEC of 21 December 1988 to approximate the laws of the Member States relating to trade marks ⁽²⁾ confers exclusive rights on the proprietor of a registered trade mark, including the right to prevent all third parties from using, in the course of trade, any sign which is identical to, or similar to, the trade mark in relation to identical goods or services or even, where appropriate, other goods.
- (14) It may, however, be indispensable, in order to make comparative advertising effective, to identify the goods or services of a competitor, making reference to a trade mark or trade name of which the latter is the proprietor.
- (15) Such use of another's trade mark, trade name or other distinguishing marks does not breach this exclusive right in cases where it complies with the conditions laid down by this Directive, the intended target being solely to distinguish between them and thus to highlight differences objectively.
- (16) Persons or organisations regarded under national law as having a legitimate interest in the matter should have facilities for initiating proceedings against misleading and unlawful comparative advertising, either before a court or before an administrative authority which is competent to decide upon complaints or to initiate appropriate legal proceedings.
- (17) The courts or administrative authorities should have powers enabling them to order or obtain the cessation of misleading and unlawful comparative advertising. In certain cases it may be desirable to prohibit misleading and unlawful comparative advertising even before it is published. However, this in no way implies that Member States are under an obligation to introduce rules requiring the systematic prior vetting of advertising.
- (18) The voluntary control exercised by self-regulatory bodies to eliminate misleading or unlawful comparative advertising may avoid recourse to administrative or judicial action and ought therefore to be encouraged.
- (19) While it is for national law to determine the burden of proof, it is appropriate to enable courts and administrative authorities to require traders to produce evidence as to the accuracy of factual claims they have made.
- (20) Regulating comparative advertising is necessary for the smooth functioning of the internal market. Action at Community level is therefore required. The adoption of a Directive is the appropriate instrument because it lays down uniform general principles while allowing the Member States to choose the form and appropriate method by which to attain these objectives. It is in accordance with the principle of subsidiarity.
- (21) This Directive should be without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives as set out in Part B of Annex I.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

The purpose of this Directive is to protect traders against misleading advertising and the unfair consequences thereof and to lay down the conditions under which comparative advertising is permitted.

Article 2

For the purposes of this Directive:

- (a) 'advertising' means the making of a representation in any form in connection with a trade, business, craft or profession in order to promote the supply of goods or services, including immovable property, rights and obligations;
- (b) 'misleading advertising' means any advertising which in any way, including its presentation, deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and which, by reason of its deceptive nature, is likely to affect their economic behaviour or which, for those reasons, injures or is likely to injure a competitor;
- (c) 'comparative advertising' means any advertising which explicitly or by implication identifies a competitor or goods or services offered by a competitor;
- (d) 'trader' means any natural or legal person who is acting for purposes relating to his trade, craft, business or profession and anyone acting in the name of or on behalf of a trader;

⁽¹⁾ OJ L 93, 31.3.2006, p. 12.

⁽²⁾ OJ L 40, 11.2.1989, p. 1. Directive as amended by Decision 92/10/EEC (OJ L 6, 11.1.1992, p. 35).

(e) 'code owner' means any entity, including a trader or group of traders, which is responsible for the formulation and revision of a code of conduct and/or for monitoring compliance with the code by those who have undertaken to be bound by it.

Article 3

In determining whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning:

- (a) the characteristics of goods or services, such as their availability, nature, execution, composition, method and date of manufacture or provision, fitness for purpose, uses, quantity, specification, geographical or commercial origin or the results to be expected from their use, or the results and material features of tests or checks carried out on the goods or services;
- (b) the price or the manner in which the price is calculated, and the conditions on which the goods are supplied or the services provided;
- (c) the nature, attributes and rights of the advertiser, such as his identity and assets, his qualifications and ownership of industrial, commercial or intellectual property rights or his awards and distinctions.

Article 4

Comparative advertising shall, as far as the comparison is concerned, be permitted when the following conditions are met:

- (a) it is not misleading within the meaning of Articles 2(b), 3 and 8(1) of this Directive or Articles 6 and 7 of Directive 2005/29/EC of the European Parliament and of the Council of 11 May 2005 concerning unfair business-to-consumer commercial practices in the internal market ('Unfair Commercial Practices Directive')⁽¹⁾;
- (b) it compares goods or services meeting the same needs or intended for the same purpose;
- (c) it objectively compares one or more material, relevant, verifiable and representative features of those goods and services, which may include price;
- (d) it does not discredit or denigrate the trade marks, trade names, other distinguishing marks, goods, services, activities or circumstances of a competitor;
- (e) for products with designation of origin, it relates in each case to products with the same designation;

⁽¹⁾ OJ L 149, 11.6.2005, p. 22.

(f) it does not take unfair advantage of the reputation of a trade mark, trade name or other distinguishing marks of a competitor or of the designation of origin of competing products;

(g) it does not present goods or services as imitations or replicas of goods or services bearing a protected trade mark or trade name;

(h) it does not create confusion among traders, between the advertiser and a competitor or between the advertiser's trade marks, trade names, other distinguishing marks, goods or services and those of a competitor.

Article 5

1. Member States shall ensure that adequate and effective means exist to combat misleading advertising and enforce compliance with the provisions on comparative advertising in the interests of traders and competitors.

Such means shall include legal provisions under which persons or organisations regarded under national law as having a legitimate interest in combating misleading advertising or regulating comparative advertising may:

(a) take legal action against such advertising;

or

(b) bring such advertising before an administrative authority competent either to decide on complaints or to initiate appropriate legal proceedings.

2. It shall be for each Member State to decide which of the facilities referred to in the second subparagraph of paragraph 1 shall be available and whether to enable the courts or administrative authorities to require prior recourse to other established means of dealing with complaints, including those referred to in Article 6.

It shall be for each Member State to decide:

(a) whether these legal facilities may be directed separately or jointly against a number of traders from the same economic sector;

and

(b) whether these legal facilities may be directed against a code owner where the relevant code promotes non-compliance with legal requirements.

3. Under the provisions referred to in paragraphs 1 and 2, Member States shall confer upon the courts or administrative authorities powers enabling them, in cases where they deem such measures to be necessary taking into account all the interests involved and in particular the public interest:

(a) to order the cessation of, or to institute appropriate legal proceedings for an order for the cessation of, misleading advertising or unlawful comparative advertising;

or

(b) if the misleading advertising or unlawful comparative advertising has not yet been published but publication is imminent, to order the prohibition of, or to institute appropriate legal proceedings for an order for the prohibition of, such publication.

The first subparagraph shall apply even where there is no proof of actual loss or damage or of intention or negligence on the part of the advertiser.

Member States shall make provision for the measures referred to in the first subparagraph to be taken under an accelerated procedure either with interim effect or with definitive effect, at the Member States' discretion.

4. Member States may confer upon the courts or administrative authorities powers enabling them, with a view to eliminating the continuing effects of misleading advertising or unlawful comparative advertising, the cessation of which has been ordered by a final decision:

(a) to require publication of that decision in full or in part and in such form as they deem adequate;

(b) to require in addition the publication of a corrective statement.

5. The administrative authorities referred to in point (b) of the second subparagraph of paragraph 1 must:

(a) be composed so as not to cast doubt on their impartiality;

(b) have adequate powers, where they decide on complaints, to monitor and enforce the observance of their decisions effectively;

(c) normally give reasons for their decisions.

6. Where the powers referred to in paragraphs 3 and 4 are exercised exclusively by an administrative authority, reasons for its decisions shall always be given. In this case, provision must be made for procedures whereby improper or unreasonable exercise of its powers by the administrative authority or improper or unreasonable failure to exercise the said powers can be the subject of judicial review.

Article 6

This Directive does not exclude the voluntary control, which Member States may encourage, of misleading or comparative advertising by self-regulatory bodies and recourse to such bodies by the persons or organisations referred to in the second subparagraph of Article 5(1) on condition that proceedings before such bodies are additional to the court or administrative proceedings referred to in that Article.

Article 7

Member States shall confer upon the courts or administrative authorities powers enabling them in the civil or administrative proceedings referred to in Article 5:

(a) to require the advertiser to furnish evidence as to the accuracy of factual claims in advertising if, taking into account the legitimate interest of the advertiser and any other party to the proceedings, such a requirement appears appropriate on the basis of the circumstances of the particular case and in the case of comparative advertising to require the advertiser to furnish such evidence in a short period of time;

and

(b) to consider factual claims as inaccurate if the evidence demanded in accordance with point (a) is not furnished or is deemed insufficient by the court or administrative authority.

Article 8

1. This Directive shall not preclude Member States from retaining or adopting provisions with a view to ensuring more extensive protection, with regard to misleading advertising, for traders and competitors.

The first subparagraph shall not apply to comparative advertising as far as the comparison is concerned.

2. The provisions of this Directive shall apply without prejudice to Community provisions on advertising for specific products and/or services or to restrictions or prohibitions on advertising in particular media.

3. The provisions of this Directive concerning comparative advertising shall not oblige Member States which, in compliance with the provisions of the Treaty, maintain or introduce advertising bans regarding certain goods or services, whether imposed directly or by a body or organisation responsible, under the law of the Member States, for regulating the exercise of a commercial, industrial, craft or professional activity, to permit comparative advertising regarding those goods or services. Where these bans are limited to particular media, this Directive shall apply to the media not covered by these bans.

4. Nothing in this Directive shall prevent Member States, in compliance with the provisions of the Treaty, from maintaining or introducing bans or limitations on the use of comparisons in the advertising of professional services, whether imposed directly or by a body or organisation responsible, under the law of the Member States, for regulating the exercise of a professional activity.

Article 9

Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 10

Directive 84/450/EEC is hereby repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law and application of the Directives, as set out in Part B of Annex I.

References made to the repealed Directive shall be construed as being made to this Directive and should be read in accordance with the correlation table set out in Annex II.

Article 11

This Directive shall enter into force on 12 December 2007.

Article 12

This Directive is addressed to the Member States.

Done at Strasbourg, 12 December 2006.

For the European Parliament
The President
J. BORRELL FONTELLES

For the Council
The President
M. PEKKARINEN

ANNEX I

PART A

Repealed Directive with its successive amendments

Council Directive 84/450/EEC		
(OJ L 250, 19.9.1984, p. 17)		
Directive 97/55/EC of the European Parliament and of the Council		
(OJ L 290, 23.10.1997, p. 18)		
Directive 2005/29/EC of the European Parliament and of the Council		only Article 14
(OJ L 149, 11.6.2005, p. 22)		

PART B

List of time-limits for transposition into national law and application

(referred to in Article 10)

Directive	Time-limit for transposition	Date of application
84/450/EEC	1 October 1986	—
97/55/EC	23 April 2000	—
2005/29/EC	12 June 2007	12 December 2007

ANNEX II

CORRELATION TABLE

Directive 84/450/EEC	This Directive
Article 1	Article 1
Article 2, introductory words	Article 2, introductory words
Article 2, point 1	Article 2(a)
Article 2, point 2	Article 2(b)
Article 2, point 2a	Article 2(c)
Article 2, point 3	Article 2(d)
Article 2, point 4	Article 2(e)
Article 3	Article 3
Article 3a(1)	Article 4
Article 4(1), first subparagraph, first sentence	Article 5(1), first subparagraph
Article 4(1), first subparagraph, second sentence	Article 5(1), second subparagraph
Article 4(1), second subparagraph	Article 5(2), first subparagraph
Article 4(1), third subparagraph	Article 5(2), second subparagraph
Article 4(2), first subparagraph, introductory words	Article 5(3), first subparagraph, introductory words
Article 4(2), first subparagraph, first indent	Article 5(3), first subparagraph, point (a)
Article 4(2), first subparagraph, second indent	Article 5(3), first subparagraph, point (b)
Article 4(2), first subparagraph, final words	Article 5(3), second subparagraph
Article 4(2), second subparagraph, introductory words	Article 5(3), third subparagraph
Article 4(2), second subparagraph, first indent	Article 5(3), third subparagraph
Article 4(2), second subparagraph, second indent	Article 5(3), third subparagraph
Article 4(2), second subparagraph, final words	Article 5(3), third subparagraph
Article 4(2), third subparagraph, introductory words	Article 5(4), introductory words
Article 4(2), third subparagraph, first indent	Article 5(4), point (a)
Article 4(2), third subparagraph, second indent	Article 5(4), point (b)
Article 4(3), first subparagraph	Article 5(5)
Article 4(3), second subparagraph	Article 5(6)
Article 5	Article 6
Article 6	Article 7
Article 7(1)	Article 8(1), first subparagraph
Article 7(2)	Article 8(1), second subparagraph
Article 7(3)	Article 8(2)
Article 7(4)	Article 8(3)
Article 7(5)	Article 8(4)
Article 8, first subparagraph	—
Article 8, second subparagraph	Article 9
—	Article 10
—	Article 11
Article 9	Article 12
—	Annex I
—	Annex II

ภาคผนวก ข.

LAO PEOPLE'S DEMOCRATIC REPUBLIC PEACE INDEPENDENCE
DEMOCRACY UNITY PROSPERITY

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 determines principles, regulations and measures for the organization, administration, monitoring and inspecting the consumer protection works in order to strengthen the consumer protection affairs, to ensure legitimate interests and safety for consumers from negative impacts as a result from consumption of goods and services, to promote the domestic production, the importation, the distribution of goods and the services with good quality, according to the standards, properly and accordance with the laws and regulations, aiming at maintaining the justice, peace and public orders of society, to make the living standard of the people of all ethnics being better, contributing to the national socio-economic development.

Article 2 Consumer Protection

Consumer protection shall be the use of measures to protect life, health, properties, legitimate rights and interests of consumers as a result of impacts from the consumption of goods and services, such as food, medicines, cosmetics, health treatments, as well as the settlement of disputes occurred between the consumers and the supplier as stipulated in the laws and regulations.

Article 3 Definitions

The terms used in this Law shall have the meanings as described below:

1. **Consumer** means an individual, a legal entity or an organization who buys and uses the goods and the services legally without trading purpose;
2. **Supplier** means an individual, a legal entity or an organization, which produces, sells, distributes, buys for re-selling, and provides services, imports for selling and delivering.

3. **Label** means a picture, a creation, a paper or any mark that showing the statements which describing about the goods which required to be appeared on the goods, the container, the packaging or be inserted in or put together with the goods, including the documents or the user manual come along with the goods;

4. **Service** means the serving, the permission for using, the giving of benefit in the property with the purpose of receiving compensation in forms of cash or any other kinds of benefits.

5. **Contract** means the agreement between the consumer and the supplier for purchasing or selling the goods or using and providing the services;

6. **Horizontal advertising** means different types of billboard advertisements in public areas and at launching ceremony of new goods and services.

Article 4 State Policy on Consumer Protection

The State promotes the consumer protection affairs by defining laws and regulations, providing educations, recruiting personnel, allocating budget, providing materials to the Consumer Protection Implementing Organization in order to facilitate such organization performing its duties effectively, ensuring the safety for life, health, properties, legitimate rights and interests of consumers.

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

Article 5 Basic Principles of the Consumer Protection

The consumer protection shall comply with the following principles:

1. The protection of consumers shall be conducted in parallel with the promotion of the domestic production, ensuring that the production, the importation, the distribution of goods and services were meet the quality, the standards as stipulated by the relevance organizations;

2. Ensuring the safety for life, heath, properties, legitimate rights and interests of consumers, the protection of environment and the promotion of sustainable consumption;

3. Ensuring the equality, transparency, justice between the consumers and the supplier in execution of the contract;

4. Ensuring the participation of people and societies in the administration, monitoring, inspection of the price, the labelling, the advertising of goods and services;

5. Respecting and abiding by the international agreements and treaties of which Lao PDR is a party to.

Part II
The Consumer Protection

v

Chapter 3
Advertisement

Article 14 Principles and Types of Advertisement

Advertisement must be conducted in accordance with the following principles:

- Ensuring the content of advertisement is precisely, in accordance with the truth about the category, type, characteristic, quality of goods, trademark and services;
- Ensuring the sufficient information about goods and services were provided;
- Ensuring the advertisement is without satirizing, slandering on the goods and services of others.

Advertisement can be conducted in all forms such as: horizontal advertising, advertisement through mass media.

Article 15 The Permission for Advertisement

Individuals, legal entities and organizations intending to advertise goods and service must seek an approval from information and culture sector in accordance with laws and regulations.

For the contents of the advertisement on goods and services shall be in accordance with the regulations as stipulated by the relevant sectors.

Article 16 Modification of the Advertisement

Where it deems that any advertisement is untrue causing any impact on interests of consumers, the relevant consumer protection Officials must inform the supplier who is conducting that advertisement to stop that advertising and to make the correction the concerned advertisement prior to continuation of such advertisement.

Article 17 The Accession to the Information

In order to facilitate the consumers to access to information, acknowledge, understand about goods and services that are dangerous, the Consumer Protection Implementing Organization or suppliers must inform about such information in various forms through mass media, horizontal advertising as follows:

1. Inform about any risks that are harmful to life and health from the consumption of goods and services;
2. Inform about the types of goods and services which are under inspecting or re-testing to certify the qualities, standards of such goods and services, and after received the results from such inspection and testing consumers must be informed about that results;
3. Once after goods and services are being distributed, if suppliers found information of the harmful from such goods, the suppliers must inform the Consumer Protection Implementing Organization and the consumers in due time as well as taking appropriate resolving measures.

All Expenses for the inspection, re-testing of goods and services, the notification of the danger of goods and services through mass media and horizontal advertising are under responsibilities of the suppliers.

Part III
The Implementation of Consumer Protection Affairs
Chapter 1
Governmental Implementing Organizations for Consumer Protection

Article 22 Consumer Protection Implementing Organization

The Governmental Implementing Organizations for Consumer Protection from central to local levels comprise of the key sectors as follows:

- Industry and Commerce Sector;
- Public Health Sector;
- Forestry and Agriculture Sector;
- Science and Technology Sector.

The organizational structure and personnel of the Governmental Implementing Organizations for Consumer Protection shall be determined in other specific regulations.

Article 23 Industry and Commerce Sector

For the implementation of consumer protection affairs, the industry and commerce sector shall have the centralized role in coordinating with the relevant authorities and shall focus and take whole responsibility on industrial and commercial fields which relating to the manufacturing, the marketing, the price and the services including other fields that are not falling under the responsibilities of any other sectors.

Article 24 Public Health Sector

For the implementation of consumer protection affairs, the public health sector shall focus and take whole responsibility on public health fields which relating to foods and drugs, medical equipment and health care services.

Article 25 Forestry and Agriculture Sector

For the implementation of consumer protection affairs, the forestry and agriculture sector shall focus and take whole responsibility on the forestry and agriculture fields which relating to processing of agricultural production, fertilizers, chemical substances used in agriculture, insecticide, animal drugs, animal feed, agricultural products, seeds, animal species, agricultural tools and machinery.

Article 26 Science and Technology Sector

For the implementation of consumer protection affairs, the science and technology sector shall focus and take whole responsibility on science, technology, quality, standard, measurement, weight, and intellectual property fields.

Article 27 Rights and Duties of the Consumer Protection Implementing Organizations

The Consumer Protection Implementing Organizations shall have the main rights and duties as following:

1. To execute policies and regulations on consumer protection accordingly and strictly;
2. To settle the disputes between consumers and suppliers, provide counselling on legal matters concerning consumer protection;
3. To examine contents and forms of advertising, labelling, packaging, measurement and price on goods that manufactured, imported, and mainly distributed in the markets;
4. To examine the certification of quality, standards of goods and services, enterprise registrations and other relevant documents on goods and services;

5. To collect samples of products or goods or other materials used for manufacturing, trading, services and other objects for examination purpose;

6. To seize or sequester goods, containers or packaging of goods, label or other incorrect documents, as well as making the record as evidence for further legal proceeding;

7. To inspect the places, the buildings, the houses which relating to the production, the processing or the improvement of the products and goods, the distributing places, shops, stores and services places;

8. To interview individuals, representatives, legal entities or organizations about quality, standards of goods and services and the environment;

9. To propose or to withdraw certificates, enterprise registration or any relevant documents related to goods and services if it is deemed violation of laws under its own responsibility;

10. To coordinate with each other's, with relevant organisations, with local administrations at all levels for the implementation of consumer protection affairs;

11. To communicate, cooperate with foreign countries on consumer protection affairs as assigned by supervisory level;

12. To summarize, evaluate and report the implementation of consumer protection affairs to supervisory level regularly.

Article 28 Other Sectors

For the implementation of consumer protection affairs, the other sectors shall take responsibilities for conducting consumer protection affairs in accordance with its own roles, rights and duties.

Article 29 Consumer Protection Officials

Consumer protection Officials are government officials which are appointed by the relevant ministers.

The qualification, rights and duties of consumer protection officials shall be determined in other specific regulations.

Chapter 2

Consumer Protection Association

Article 30 Status and Roles of the Association

The Consumer Protection Association is a non-profit social organization established in accordance with the laws and regulations; it has the roles to assist, to provide consultation and advices, and to protect legitimate rights and interests of consumers.

Organizational structure and activities of the Consumer Protection Association shall be determined in other specific regulations.

Article 31 Rights and Obligations of the Association

The Consumer Protection Association shall have the following rights and duties:

1. To receive, study, consider the proposals from the consumers and organize the mediation for consumers and suppliers in accordance with regulations and laws;
2. To be a representative for consumers in settlement of disputes and sue the suppliers;
3. To put the proposal to the Governmental Implementing Organizations for Consumer Protection on the violation of suppliers against the laws and regulations;
4. To present about inappropriate acts of consumer protection Officials to the Governmental Implementing Organizations for Consumer Protection;
5. To provide comments to the Governmental Implementing Organizations for Consumer Protection about the measures and the development of legislations related to consumer protection;
6. To provide advice, to assist the consumers when the consumers have problems from the consumption of goods and services and ensure the transparency and fairness when represented during the mediation.
7. To perform other rights and duties in accordance with laws and regulations as assigned by relevant governmental bodies.

ภาคผนวก ค.

THE CONSUMER PROTECTION LAW

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

- 7. (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 the goods or services if not enable to give actually although promised to give other goods as prize or give service free of charge.

13. 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 enable 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.

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

THE NATIONAL
ASSEMBLY

Law No.59/2010/QH12

SOCIALIST REPUBLIC OF VIETNAM
Independence– Freedom – Happiness

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 suited 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

This translation is translated by LawSoft, for reference only. LawSoft is protected by copyright under clause 2, article 14 of the Law on Intellectual Property. LawSoft always welcome your criticisms

ภาคผนวก จ.

LAW ON CONSUMER PROTECTION

PREAH REACH KRAM**No.NS/RKM/1119/016****We**

**Preahkaruna Preahbath Samdech Preah Boromneath Norodom Sihamoni Samanphoum Cheatsasna
Rakhatkheya Khemrarotheas Puthinthreatthoreamohaksat Khemreachnea samohopheas
Kampuchekreachroathboranaksanti Sopheakmongklea Seeyvibolea Khemarasreypireas Preah Chao
Krong Kampuchea Thipdey**

- Having seen the Constitution of the Kingdom of Cambodia;
- Having seen the Royal Decree No. NS/RKT/0918/925, dated 06 September 2018, on Appointment of the Royal Government of the Kingdom of Cambodia;
- Having seen the Royal Kram No. NS/RKM/0618/012, dated 28 June 2018, promulgating the Law on Organization and Functioning of the Council of Ministers;
- Having seen the Royal Kram No. NS/RKM/0196/16, dated 24 January 1996, promulgating the Law on the Establishment of the Ministry of Commerce;
- Having seen the proposal of the Samdech Akak Moha Sena Padei Techo Hun Sen, the Prime Minister of the Kingdom of Cambodia;

HEREBY PROMULGATE

The Law on Consumer Protection, which was adopted by the National Assembly on 08 October 2019 at the 3rd session of the 6th legislature, and the Senate has completely reviewed on its form and legality on 18 October 2019, at the Extraordinary Session, the 4th Legislature, and whose meaning/substance is as follows:

CHAPTER 1 GENERAL PROVISIONS

Article 1: Purpose

The purpose of this law is to ensure the protection of consumers and to contribute to the promotion of fair competition.

Article 2: Objective

The objective of this law is to determine the rules and mechanisms in order to contribute to creating a business environment in which:

- The rights and interests of consumers are protected;
- Businesses are conducted with fair competition; and
- Consumers and traders engage with each other with confidence.

Article 3: Scope

This law shall apply to any person who conduct a business, whether for a profit or for non-profit, including the sale of goods or services or real rights over immovable property, to consumers in the Kingdom of Cambodia unless otherwise provided by separate provisions.

Article 4: Definition

1. **Receipt:** refers to the receipt of goods and real rights over immovable property through a gift, sale and purchase, exchange or as per other agreement as well as the receipt of services through an agreement.
2. **Advertisement:** refers to a dissemination made to the public or a dissemination made to a segment of the public in whatever form for the purpose of promoting the supply of goods or services, sale or provision of real rights over immovable property.
3. **Competent regulator:** refers to any ministry, institution which have functions and roles in protecting the legitimate rights and interests of consumers under its responsibilities.
4. **Business:** refers to any activity which:
 - goods or services is received or supplied or which a real right over immovable property is received or disposed; or

- is carried out in an organized and methodical manner; or
 - the person conducting the activity has an intent to make a profit regardless of whether that activity is the main, or secondary or non-routine activity.
5. **Consumer:** refers to a person receiving/obtaining goods or services:
- A. Which is ordinarily for personal, domestic, or household use; and
 - B. For the purpose of:
 - not resupplying in conducting a business; or
 - not consuming/using in the process of a production line or production; or
 - not utilizing goods for any commercial activity such as repairing a building or to be used as an item attached to immovable property for commercial purposes.
6. **Consumer rights** refer to:
- Right to receive information and education for balancing the difference between the goods or services, and to be protected against fraud and misrepresentation by advertisements;
 - Right to choose goods or services with fair and competitive prices and quality;
 - Right to be heard about concerns and to receive settlements from the competent regulator and the royal government;
 - Right to demand compensation under this law or by other laws.
7. **Action/Act:** refers to an action, objection or omission in undertaking any action including the management or leadership of a business activity.
8. **Information Disclosure:** refers to the disclosure of sufficient and proper information to the public.
9. **E-commerce:** refers to activities involving purchase, sale, rental, exchange of goods or services, including business activities and civil as well as activities and various transactions by the state through electronic system.

10. **Fair competition:** refers to competition on the basis of low price, good quality and good services based on the principle of long-term economic sustainability and not abusing power or dominant position in a market.
11. **Misleading representation:** refers to a representation made by a person conducting any business activity which leads consumers to believe that something is true but actually it is not true.
12. **Person:** refers to a natural person or legal entity that is properly incorporated or formed in accordance with the laws in force whether for making a profit or for non-profit and whether it is registered or not registered.
13. **Dissemination of information:** refers to the making known to general public including the dissemination via the website of the relevant regulators or by other means in which the public may access the information freely and without any obstacle.
14. **Service:** refers to any right, interest/advantage, priority or any facilitation which is provided or given in accordance with the type of contract such as in the following, except for non-banking financial services:
 - A. A contract relating to:
 - performing work with or without the supply of goods; or
 - providing provision of conveniences or the enjoyment of the conveniences including accommodations, relaxation, care of people, animals, or objects entertainment (except for commercial games), parking; or
 - giving rights, interest or priority for the exchange of fees;
 - B. Undertakings/contracts between a financial service provider and its customers.
15. **Supply:** refers to:
 - supply of goods through gift, sale, exchange, lease or purchase by installments, and
 - provision of services.
16. **Recurring or Frequent Supply:** refers to

- the recurring or frequent supply of goods which have permanent characteristics through donation, sale, exchange, lease or purchase by installment, and
 - the provision of recurring or frequent supply of services.
17. **Trade description:** refers to a representation or description of goods including quantity or size, the method of creation or production, the substances used for production, the time of production, fitness for purpose, strength, performance, characteristic or accuracy and physical characteristics which they possess. The trade description shall not include a mark or a trade name.
18. **Dishonest act:** refers to any act by a person in a business which may mislead or deceive consumers whether the act is made intentionally or unintentionally where:
- Any act or representation such as: advertisements, sale promotions or and other representations;
 - Causing the consumer to confuse regarding price, value or quality of goods or services. A person in a business may not rely on small printed character and label which may be difficult to read, and misleading disclaimers as a defense to avoid responsibility.
 - Lack of disclosures to the consumer regarding a promises, expectations and relevant information;
 - Taking advantage of the consumer where the supplier knows that the consumer is not in a position to protect their interests or the consumer has no capacity to understand the goods or services with regards to its: characteristics, kind, language or effect of operation or any matter in relation to the transaction; or
 - other activities determined by Prakas from the Ministry of Commerce.

Article 5: National Committee for Consumer Protection

To create a National Committee for Consumer Protection which is led by the Minister of Commerce and with participation from the relevant ministries-institutions by having a general department in charge of consumer protection of the Ministry of Commerce as its implementing body in order to perform duties related to consumer protection in accordance with the provisions of this law.

The organization and functions of the National Committee for Consumer Protection shall be determined by sub-decree.

**CHAPTER 3
CONSUMER ASSOCIATION**

Article 6: Establishment of Consumer Associations

Consumers in each sector shall have the right to establish their own associations by registering at the Ministry of Interior in accordance with the Law on Associations and Non-governmental Organization.

Article 7: Consumer Association

A consumer association in any sector shall be required to have prior approval from the ministry or institution whose roles and duties covers its sector.

After having established and registered as an association at the Ministry of Interior and obtained an approval from the relevant competent regulators, the association shall file all above registration documents and approvals at the National Committee for Consumer Protection.

Article 8: Roles and Duties of a Consumer Association

A Consumer Association shall have the following roles and duties:

- To provide independent counseling to consumers and facilitate issues relating to consumers;
- To act as a representative before the National Committee for Consumer Protection or before the court on behalf of any consumer or consumer group whose rights and interests have been violated;
- To represent the opinions and interests of consumers in a public forum or a press conference;
- To receive counselling from any competent regulator concerning the regulations on information standards to be provided to consumers, issued by such regulators;
- To establish a working group for consumer protection in each sector;

- To implement other duties delegated by the National Committee for Consumer Protection.

CHAPTER 4 DISHONEST ACTS IN BUSINESS

Article 9: Dishonest acts

Any person who conducts a business shall not engage in any dishonest act.

Dishonest act refers to any act committed by a person in a business, which may misleads or deceives a consumer whether such act is intentionally or unintentionally committed, and include:

- Actions or statements related to advertisements, promotions and other statements;
- Any actions conducted to mislead consumers about the value, price or quality of goods or services. Any person who conducts a business shall not depend on the printed letters or signs that are too small to be read and shall not mislead consumers to avoid their responsibilities;
- Failure to indicate to consumers the promise, expectation and relevant information;
- Taking advantage of a consumer when the supplier is aware that the consumer is not in a position of protecting his/her interests nor is he/she able to understand the goods or service such as: nature, type, language, effectiveness of operation or other matters related to such operation; or

Other actions determined by Prakas of the Ministry of Commerce.

Article 10: Dishonest act in relation to goods

Any person who conducts a business shall not engage in any dishonest act that mislead or deceive the public in relation to the kind, method of production, characteristic, fitness for purpose, quantity, measurement, metric, standard or quality of the goods.

Article 11: Dishonest act in relation to services

Any person who conducts a business shall not engage in any dishonest act that mislead or deceive the public in relation to the kind, standard, characteristic, fitness for purpose, scope or quality of the services.

Article 12: Misleading representations

Any person who conducts a business shall not supply, promote the supply or promote the use of any goods or services by making any of the following misleading representations:

- Such goods are of a particular kind, standard, quality, classification, quantity, composition, design, model or such goods have a special history or such goods have been uniquely used thus far;
- Such services are of a particular kind, standard, quality, scope, or such services are delivered by a special person or by a person with special expertise or qualification in the business;
- A reputable person has agreed to acquire such goods or services;
- Such goods are new goods or reconditioned as new or have been produced, created or modified at any particular time.
- Such goods or services are sponsored, recognized, certified, effective for use, have accessories, widely used, or have many benefits;
- Any person has sponsored, recognized, certified or affiliated;
- Such goods or services have a price recognition;
- Such goods or services are in high demand;
- Such goods or services include or exclude a guarantee, compensation or remedy, rights or other conditions;
- Such goods originated from a particular place.

Other misleading representation shall be determined by Prakas of the Minister of the Ministry of Commerce who is the Chairperson of the National Committee for Consumer Protection as per the request of competent regulators.

CHAPTER 5 DISHONEST PRACTICE

Article 13: Prohibition of dishonest sales

Any sale which misleads consumers when buying the goods or services shall be prohibited.

Article 14: Promise to give gifts and prizes

No person shall promise to give gifts, prizes or other free items with the intention of deceiving or lying to consumers with regard to:

- The supply of goods or services; or
- The sale or grant of a real right over immovable properties.

Article 15: Bait Advertising

1. No person shall advertise for the supply of goods or services at a particular price, which such person does not intend to supply or there is no proper ground to believe that such person will be able to supply at the advertised price.
2. Any person who advertises for the supply of goods or services at a particular price shall supply such goods or services at the advertised price within a specified period and in a reasonable quantity.
3. In the event that there is any claim or complaint against any person for a failure to supply goods or services to consumers in accordance with the provisions stated in this article, such person may defend himself/herself provided that he/she:
 - a. Has supplied or allowed an authorized person to supply the advertised goods or services to the consumers on his/her behalf within a specified period, in certain quantity and at the price as specified in the advertisement and such supply shall also be agreed by the consumers.
 - b. Has promptly supplied or allowed an authorized person to supply on his/her behalf within a specified period to consumers and such goods or services are equivalent in terms of quantity and price as specified in the advertisement and such supply shall also be agreed by the consumers.

Article 16.- Persuasive sale that is Dishonest

Persuasive sales that is dishonest refer to persuasive sales which induces any buyer to buy goods or services based on the conditions that the buyer will receive a bonus, commission or other benefits in exchange for providing names of potential customers, or otherwise assists that person to convince or persuade other buyers or consumers in exchange for a commission or a discount, or to create any other