

Kingdom of Cambodia

Nation Religion King



Ministry of Commerce

No. 185 P.N. A.KBB.PRK

Prakas

On

Information Standards for Consumer

Minister of Commerce

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0918/925 dated 06 September 2018 on the Appointment of the Royal Government of Cambodia,
- Having seen Royal Decree No. NS/RKT/0320/421 dated 30 March 2020 on the Appointment and Adjustment of the Composition of the Royal Government of Cambodia,
- Having seen Royal Kram No. NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram No. NS/RKM/0196/16 dated 24 January 1996 promulgating the Law on the Establishment Ministry of Commerce,
- Having seen Royal Kram No. NS/RKM/1119/016 dated 02 November 2019 promulgating the Law on Consumer Protection
- Having seen Sub-Decree No. 38 ANK.BK dated 16 March 2020 on the Organization and Functioning of the Ministry of Commerce,
- Having seen Sub-Decree No. 135 ANK.BK dated 27 August 2020 on the Organization and Functioning of the National Commission for Consumer Protection,
- Having seen Decision No. 95 SSR dated 13 October 2020 on the appointment of a composition of the National Commission for Consumer Protection, and
- According to the necessity of the Ministry of Commerce,

Hereby Decides

Article 1.-

This Prakas sets out the information standards on goods or services to ensure and enhance the protection of consumers' rights and interests and to promote fair competition through the disclosure of minimum information to consumers.

Article 2.-

This Prakas applies to any person who conducts business on goods or services in the Kingdom of Cambodia.

Article 3.-

Some of the key terms of this Prakas have the following meanings:

1. **Sale after tasting** refers to the sale as stated in Article 519 of the Civil Code promulgated by Royal Kram No. NS/RKM/1207/031 dated 08 December 2007.
2. **Sale following trail** refers to the sale as stated in Article 520 of the Civil Code promulgated by Royal Kram No. NS/RKM/1207/031 dated 08 December 2007.
3. **Disclosure of information** means the disclosure of sufficient and accurate information to the public.
4. **Information Standards for Consumer** refer to the regulations of relevant ministries, institutions, competent regulators that require person who conduct business to disclose information about goods or services to consumers.
5. **Defect in goods** refers to the change in normal characteristics of the goods.
6. **Packaging** refers to materials use for packaging such as cans, bottles, cardboard boxes, bags, cabinets with dividers, or wrapping materials such as leaf, metal sheets, paraffin coated oil paper, and fabric.
7. **Label** refers to any images or graphics written or printed that are displayed on the packaging or in the description card.

Article 4.-

Information standards provided to consumers may be disclosed through the presentation or description of the goods in relation to the type, method of use, price, packaging, rating, safety, quantity, origin, usage function, maintenance, components, design, installation, promotion or supply, production date and expiration date, information about the production or related to the supply of goods or services and other applicable regulations.

Article 5.-

Person conducting business shall display or describe the minimum information about the goods or services on the packaging label or the description card attached to the goods or service package.

Article 6.-

All products shall be labeled in order to provide clear and sufficient information as foundation for consumers to review and consider. The label can be printed on, sewn on, stuck to the packaging, or as description card if the packaging is too small.

Label or description card shall be in Khmer, clearly visible, easy to read, easy to understand, difficult to remove the letters or symbols, not easily torn or damaged, color will not fade easily, not easy to peel or detach from the packaging.

Labeling or description card includes what is written, printed as pictures or graphics displayed on the packaging of the goods according to the actual nature of the goods or displayed for advertising purposes.

Article 7.-

Manufacturers, suppliers, distributors, service providers shall print only the necessary information for each type of product on the label or description card according to the requirements of the relevant ministries, institutions, competent regulators in the sector and can enter all the detailed information about the goods or services using Khmer or foreign characters into the QR code.

Article 8.-

Manufacturers, suppliers, distributors, and retailers shall guarantee the goods as advertised:

A. About the goods:

- **Defect of goods:** Producers, suppliers, distributors, and retailers shall comply with Articles 539, 540, 541, 542, 543, 544, and 545 and other Articles of the Civil Code promulgated by Royal Kram No. NS/ RKM/1207/031 dated 08 December 2007.
- **Liability:** liability for any costs incurred in the event of a defect of goods resulting in harm to consumer safety, notwithstanding civil and criminal liability, is the responsibility of the manufacturers, suppliers, distributors, and retailers. Consumers have the right to claim compensation by personal preference as follow:
 - Exchanging for a new or replacement product of another brand or similar;
 - Getting a refund, regardless of the current price change or exchange rate.

B. Service warranty for goods: Manufacturers, suppliers, distributors, and retailers shall provide a service warranty for goods by:

- Setting out the terms of the warranty in a language or in written language and characters that is easy to understand,
- Identifying guarantors who may be manufacturers or suppliers or distributors or retailers,
- Indicating all or any part of the goods to be guaranteed,
- Describing the type of services, such as regular technical inspection, the provision of repair service, replacement of spare parts or parts, or other services that are technical requirements and software updates. All of these services shall also specify the scope of limited liability. Service providers shall be professional specialists recognized by the relevant

ministries, institutions, competent regulators, and shall adhere to the code of ethics, and comply with guidelines and regulations in force,

- Specifying the warranty period, which is calculated after tasting, trial usage, or handover date until the end of the warranty,
- Specifying the conditions that consumers need to fulfil to receive a full warranty.

C. Warranty exemption: Manufacturers, suppliers, distributors, and retailers may supply goods without warranty against defect or service warranty if it is publicly disclosed to the consumers in any form in advance.

Article 9.-

Minimum information standards for e-commerce in the Kingdom of Cambodia are set out below:

1. Person who used electronic communications to sell goods or services to consumers shall provide accurate, clear, and easy-to-understand information and shall have at least the following information:
 - Name or legal name of the person, registered business address and electronic means for contact or telephone number,
 - Quick, easy, and effective form of communication between consumers and sellers,
 - Terms and conditions and fees of goods or services related to a commercial transaction, in particular terms and conditions and payment method and details relating to the withdrawal or cancellation of an order, termination, delivery and exchange of goods and refund, and
 - Actual goods and services for sale.
2. Information contained in the provisions of the paragraph 1 above shall be sufficient for consumers to decide on commercial transactions and keep it as information.
3. This provision does not apply to the securities and exchange and insurance sector.
4. Other provisions of the E-Commerce Law shall be complied with.

Article 10.-

Service Providers shall fulfill or show consumers the following terms of service:

1. Set out the terms of the warranty in a language or in written language and characters that are easy to understand.
2. Determine the type of service:
 - A. Accommodation: Determine where to stay, such as category, rating, price, and other services

B. Leisure and recreation: Specify the types of entertainment such as historical, cultural, artificial, commercial, environmental, eco-tourism, community, research, etc.

C. Treatment and/or care:

- Treatment and care of humans or animals, especially by medical examination and treatment
- Maintenance of various items by technical inspection, cleaning, disinfection, polishing, oil change or replacement of any spare parts or parts that are technically necessary, including software updates.
- Service providers shall be professional specialists recognized by the relevant ministries, institutions, and competent regulators, adhere to the code of ethics, and comply with guidelines and regulations in force.

D. Parking:

- Public parking: shall comply with the law on land traffic and the law on waterway traffic in force and the location determined by the authority in charge.
- Pay parking:
 - Guarantee fair and timed parking
 - Guarantee for the safety, loss, and damage to the means of travelling and transportation parked at the parking lot.
 - The price shall be guaranteed according to the fee book set by the Ministry of Economy and Finance.

3. Determine the price that consumers shall pay according to the type of service to be provided.

4. The provisions of the above terms of service do not apply to professional services, such as public accountants, auditors, architects, engineers, lawyers, and notaries.

Article 11.-

Notwithstanding criminal liability, transitional penalties shall be imposed on any person who commits an offense for non-compliance with the consumer information standards as stated in Articles 48 and 49 of the Law on Consumer Protection.

Article 12.-

All information standards for consumer set by relevant ministries, institutions, and competent regulators shall be enforced.

All information standards for consumer on goods or services that are not defined by the relevant ministries, institutions, and competent regulators shall be determined by Prakas of the Minister of Commerce.

Article 13.-

Any provisions that are contrary to this Prakas shall be abrogated.

Article 14.-

Members of the National Committee for Consumer Protection, Chief of the Cabinet, Delegate of the Royal Government of Cambodia in charge as Director-General of the Consumer Protection Competition and Fraud Repression Directorate-General, and heads of all relevant authorities shall be responsible for the implementation of this Prakas in accordance with their respective duties from the date of signature.

Tuesday, the 8th day of the waning moon of the 9th month, year of the Ox, Trey Sak, B.C. 2564, Phnom Penh, 31 August 2020

Minister of Commerce

And President of the National Commission for Consumer Protection

Seal and Signature

PAN Sorasak

Recipients:

- Council of Ministers
- Cabinet of Samdech Akka Moha Sena Padei Techo Prime Minister
- Cabinet of Samdech, His Excellency and Her Excellency Deputy Prime Ministers
- Municipal and Provincial Administrations
- As stated in Article 14
- Royal Gazette
- Documentation and Archive