

Law on the Management of Quality and Safety of Products and Services
PREAH REACH KRAM

No. NS/RKM/0600/001

We

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

HEREBY PROMULGATE

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

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CHAPTER 1
GENERAL PROVISIONS

Article 1: The scope of this law shall govern the following:

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

Article 2: "Production/manufacturing" within the meaning of this law shall be defined as
including the following: animal husbandry, dairy production, agricultural crop harvesting,
fruit collection, fisheries, animal slaughtering, and the production, processing, and
packaging of products together with stocking during production and the first pre-
commercialization services.

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

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

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CHAPTER 2 CONSUMERS' RIGHTS AND ECONOMIC OPERATORS' OBLIGATIONS

Article 3: Manufacturers and service providers shall be required to indicate on their products, goods, and services in Khmer language the ingredients, composition, users' guidelines, manufacturing date, and expiration date along with other requirements which guarantee the safety and health of consumers prior to their commercialization.

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

Article 4: Manufacturers and services providers shall comply with the general requirements of providing accurate information of their composition or configuration of the products, goods, or services so as to prevent confusion by consumers or damage competition.

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

Article 5: Merchants, traders and services providers responsible for products, goods, or services first placed in the stream of commerce in the Kingdom of Cambodia shall be required to ensure that their products or services are in compliance with the provisions of this law.

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

Article 6: When the products, goods, or services could harm the health or safety of consumers, their manufacturing and commercialization shall be subject to a prior submission of a declaration to the competent institutions and have a prior authorization by the competent institutions following an inspection and an indication of usage guidelines in Khmer language.

Article 7: It shall be strictly prohibited to produce or place into the stream of commerce products, goods, or services above mentioned in Article 6 of this law when no prior disclosure has been made or no prior authorization has been issued by the competent institutions.

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Article 8: The following acts shall be strictly prohibited:

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

Article 9: Importation of products or goods not found in compliance with this law can be authorized provided they are only transited for re-exportation.

Article 10: Importation of products and goods which are of humanitarian status or non-commercialized purposes can be made provided there is a special prior authorization from the Ministry of Commerce subsequent to the approval of the Royal Government.

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

Article 11: Manufacturing of products not in compliance with this law shall be allowed provided they are destined for export to other countries where their sales are legal and pursuant to a specific international contractual arrangement.

Article 12: Presentation of proper compliance certificate, for exportation and importation, shall be required for certain products which:

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

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

Article 13: The Ministry of Commerce shall be responsible for entering into international technical cooperation agreements governing inspections of exported and imported goods, except for gas and petroleum.

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CHAPTER 3

QUALITY LABEL AND CREATION FORMALITIES

Article 14: A quality label is a separate mark to identify the quality of a product, good, or service that the manufacturers or service providers voluntarily affix to their products or services. The affixing of the quality label is done for the purpose of meeting the consumers' demand for information, to improve the manufacturer's and service provider's production performance, and to enhance the quality of domestic products.

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

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

Article 15: A norm within the meaning of this law shall be defined as a technical specification accessible to the public which has been established with the cooperation and consensus of all parties concerned, based on scientific and technological outcomes and experiences, which is adopted by a national accrediting institution for repeated or permanent use and whose recognition is not compulsory.

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

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

CHAPTER 4

COMMERCIAL FRAUD REPRESSION

Article 16: Whether the party is privy or not to a contract, or a third party, it shall be prohibited to falsify or attempt to falsify products, goods, or services by any means on:

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

Article 17: It shall be prohibited to falsify products for, or kept for, commercialization by modifying the products through treatment or tampering by adding, subtracting, or substituting any part or the whole component which is prohibited by regulations or in the absence of which by customs, or which is not in compliance with the regulations.

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

Article 18: It shall be prohibited to put in the stream of commerce food products which are known to be contaminated or toxic or do not meet bacteriological or sanitary requirement as stipulated by regulations of the ministries concerned.

Article 19: It shall be prohibited to keep at all production, processing, and commercialization sites the following:

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

Article 20: It shall be prohibited to put into the stream of commerce products and instruments used for falsifying and counterfeiting products.

Article 21: All forms of commercial advertising shall be prohibited if they are deceitful, misleading, false, or likely to cause confusion on the quality and safety of products, goods, and services when they pertain to the following:

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

Advertisers placing commercial advertisements for their own account shall be held

principally accountable in their capacity as an initiator.

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

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CHAPTER 5

ACTIONS AGAINST PRODUCTS OR SERVICES WHICH ARE LIKELY

TO INDUCE GRAVE OR IMMINENT DANGERS

Article 22: For manufacturing, processing, and commercialization of products, goods, and services which can cause grave or imminent danger to consumers' health or safety, the competent ministries can take the following actions:

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

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

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

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

Article 23: The competent ministries can issue a Prakas ordering legal and physical entities stipulated under Article 1 of this law to make the necessary modification to meet the quality and safety requirements as stipulated under Article 3 of this law.

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

Article 24: Similar measures to those stipulated under Articles 22 and 23 of this law can be taken to ensure safety of the provisions of services.

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