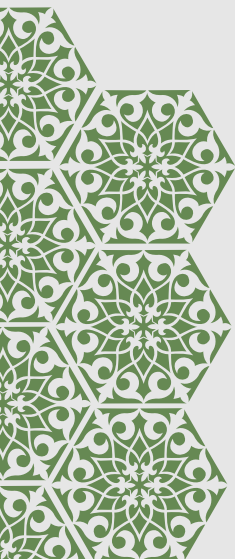




Sultanate of Oman
The Public Authority
for Consumer Protection

Royal Decree No. 66/2014

To Promulgate the Consumer Protection Law



The first edition 2015

Royal Decree
No. 66/2014

To Promulgate
the Consumer
Protection Law

We, Qaboos Bin Saed

The Sultan of Oman.

After perusal of the Omani Basic law promulgated by Royal Decree Number 101/96, and

The Consumer Protection law promulgated by Royal Decree Nr. 81/2002, and

After referral of the same to the Council of Oman, and

In accordance with the public interest;

We decreed the following

Article One

The provisions of the Consumer Protection Law attached herewith shall come into force.

Article Two

This Decree shall be published in the official gazette.

Issued on: Safar 7th for the year 1436 AH

Corresponding to: November 30th, for the year 2014 AD

Qaboos Bin Saed

The Sultan of Oman





The Consumer Protection Law

Chapter I

Definitions and General Provisions

Article (1)

In application of the provisions of this law, the following words and phrases shall have the meanings corresponding thereto, unless otherwise required by the:

The Authority:

Public Authority for the Consumer Protection.

The Board:

The board of directors of the authority.

The Chairman:

The chairman of the authority.

The Competent Body:

The unit in charge of supervising the regulation of the provider's activity.

The Regulations

The executive regulations of the Consumer Protection Law.

The Consumer:

Any natural or legal person who obtains a commodity or receives a service for a consideration or free of charge.

The Provider:

Any natural or legal person trading in a commodity or rendering a service to the consumer.

The Advertiser:

Any natural or legal person advertising a commodity or service using the various means of publicity and advertisement.

The commodity:

Any industrial, agricultural, animal or processed product including raw elements and materials and components used in production.

The Service:

Any work carried out by the provider in favor of the consumer for a consideration or free of charge.

Trading:

The sale, purchase, display, production, promotion, transportation, storage or distribution of a commodity. The possession of a trade in a prelude to the sale of the commodity is deemed as trading.

Misleading Advertisement:

Any advertisement that directly or indirectly leads to defraud the consumer.

Defect:

Any reduction in the value of a commodity or service or the benefits thereof for the intended purpose therefrom and which lead to partially or completely preventing the consumer from benefiting from the commodity or render the same unfit for use for the purpose for which the commodity was made and in a manner that is beyond the control of the consumer.

Standard Specifications:

The mandatory standards approved by the Directorate General for Specifications and Measurements (DGSM) at the Ministry of Commerce and Industry.



Article (2)

It shall be prohibited to undermine the consumer rights or the obligations of the provider as stipulated by this law and these regulations and any other laws, regulations or resolutions pertaining to consumer protection.

Article (3)

It shall be prohibited to trade in any commodity or provide any services without meeting all the special health and safety conditions and obtaining the licenses or permits from the competent body in the manner stipulated by the regulations.

Article (4)

It shall be prohibited to advertise any commodity or provide any service except after obtaining the approval of the competent body.

Article (5)

For any commodity or service that can cause damages to the consumer or the consumer's property upon use; a clear and specific warning must be given in Arabic and English. The warning shall indicate the correct method to use the commodity or service and means of remedying any damages that may result from such use and in accordance with the regulations.

Article (6)

Each business establishment registered in the commercial registry shall record the commercial registration number thereof on commercial correspondences, invoices and advertisements in addition to all documents issued thereby when dealing with any consumer.



Article (7)

It shall be prohibited to trade in any adulterated, corrupt, counterfeit commodities or any commodities that are not authorized for trading and the same may not be advertised and the regulations shall determine what commodities shall be deemed as adulterated, corrupt or counterfeit.

Article (8)

In case of any actual or impending risk as substantiated by confirmed information and criteria stipulated by the regulations due to the provision of any service or the trading of any commodity, the chairman, and after coordinating with the competent bodies shall issue a resolution to suspend the provision of this services or the trading in this commodity or the destruction of the same if destruction is the only way to curtail the risk arising from the commodity. The chairman shall issue warning or notices to consumers to take the necessary precautions. In this case, government bodies shall bear the responsibility to verify the quality of this service or inspect this commodity and the chairman may keep the provider under obligation to provide the service in an adequate manner or refund the consideration therefor or to replace the commodity with another that is equivalent or to change the same or to completely or partially refund the price paid therefor.

The provider shall comply with the resolutions rendered by the chairman in this regard.

Article (9)

In emergency cases or during natural disasters or exceptional circumstances or during any extraordinary and special-nature market situation that results in an abnormal increase in prices, the chairman, and pursuant to the approval of the board of directors shall take temporary measures to curtail the increase in prices after approving such measures from the council of ministers. The regulations shall stipulate the basis to be relied on by the chairman in evaluating the abnormal increase in prices and the measures to be taken to curtail this increase.

Article (10)

The authority, in case of disputes between the provider and the consumer, may appoint experts and specialists who shall carry out the necessary technical expert works as contemplated under these regulations.

Article (11)

The authority, for the purpose of exercising its powers and serving its purposes may request to examine any commodities in one of the government or non-government approved laboratories whenever this is entailed by public interest and in the manner contemplated under these regulations and the provider shall shoulder the cost of the inspection if the commodity were found to be unfit for consumption.

Article (12)

The authority shall issue periodic bulletins to inform consumers of the prices of commodities and services offered at the markets and any changes thereon and the expectations of the authority with regard to the market changes for these commodities and services and the authority may include in such bulletins a statement describing the disciplinary actions imposed on violators.

Article (13)

The chairman may take the necessary measures and actions to guarantee consumer rights as stipulated in this law and other pertinent laws and regulations and the chairman may stop any violation or breach against consumer rights or general health and safety rules related to the commodities or services and to insure the extent of their compliance with the standard specifications in accordance with the manner contemplated under the regulations.



Chapter II

Consumers' Rights

Article (14)

Consumers' rights are guaranteed under the provisions of this law and particularly with regard to the following:

A/ The right to gain access to correct information on the commodities being purchased or used or the services received.

B/ The right for freedom of choice when selecting any commodity or service.

C/ The right to guarantee the quality of the commodity or service and to acquire the same at the declared price.

D/ The right to all that guarantees the consumer's health and safety upon acquiring any commodity or receiving any service and safety from damages or harms upon the normal and ordinary use of this commodity or service.

E/ The right to receive fair compensation for damages suffered by the consumer or the property thereof and which results from the procurement or ordinary use of the commodity or the receipt of the service.

F/ The right to represent the interests of the consumer upon the formulation of consumer protection policies.

J/ The right to respect the consumers' religious values and customs and traditions upon being provided with any commodity or service.

Article (15)

The consumer shall be entitled to obtain an invoice written in Arabic language proving the purchase of the commodity or the receipt of the service and the invoice shall include the basic information on the commodity or the service and any other information as determined by the regulations.



Article (16)

The customer, and within a period of fifteen (15) days as of his receipt of any commodity- save consumer items that are readily spoilable - shall be entitled to replace, return or refund the value of the commodity without any additional costs if such commodity is defective or incompliant with the standard specifications or unfit for the purpose for which the commodity was procured, provided that the consumer shall submit proof of purchase of the commodity from the provider and that the defect is not due to misuse by the consumer of the commodity. The regulations shall stipulate the type of commodities on which the provisions of this article shall apply.

Article (17)

The consumer, and in all cases, shall be entitled to receive a guarantee from the provider for any commodity and this guarantee shall continue to apply in favor of the last consumer when the ownership of the commodity is transferred thereto and any agreement in contravention of this provision shall be null and void.

Article (18)

The consumer may prove the presence of defects in the commodity by all methods of proof.

Chapter III

The Obligations of the Provider, Advertiser and Agent

Article (19)

The provider and advertiser shall provide the consumer with correct information on the commodity or the service, and in all cases, the provider shall clearly state the price, weight, production and expiry date, the name of the materials and components, the country of origin, and the number of the standard and other information as contemplated under the regulation in a clear manner and in Arabic

on the commodity. This information may also be written in languages other than Arabic. The regulations shall specify the commodities which may not bear this information.

Article (20)

The provider and advertiser shall be under an obligation for transparency and credibility and shall refrain from any acts of misleading publicity and advertisement upon the promotion of the commodity or the services offered to the consumer.

Article (21)

The provider shall respect the religious values, customs and traditions upon providing the consumer with any commodity or service.

Article (22)

Without prejudice to any other legal guarantees or agreements concluded in favor of the customer, the provider shall guarantee the quality of the commodities and the services delivered and rendered to the customer in terms of the conformity with the standard specifications and health, safety and environmental conditions. Where there are no standard specifications for the commodity or the service, the generally acceptable specifications shall apply.

Article (23)

The provider shall provide the service to the consumer in an optimal manner and in accordance with the purpose for which the service was procured and shall guarantee the service provided for a time internal that is appropriate for the nature of the service, failing this, the provider shall refund the value of such service or the an amount compensating for any shortfall therein or in the perform the service again in the optimal manner as contemplated under the regulations.

Article (24)

The provider shall provide the consumer with a document or invoice legibly written in Arabic to prove the purchase by the consumer of the commodity or the receipt by the consumer of the service and the invoice shall include the basic information for the commodity or the service as contemplated under the regulations.

Article (25)

The provider shall take back the commodity and refund the price thereof to the consumer or replace or repair the same free of charge in case the consumer discovered that the commodity is defective.

The regulations shall describe the mechanism for returning the commodity and the method for determining the value of the damage and the amount the provider shall refund to the consumer and the time interval during which the consumer is required to return the commodity to the provider.

Article (26)

The provider shall guarantee the repairs and maintenance in accordance with this law and the regulations.

Article (27)

Upon discovering a defect in the commodity or service that is deemed harmful to the consumer or the property thereof, the provider shall halt the trading of the commodity or the offering of the service at once and shall promptly notify the consumers who had purchased the commodity or received the service and the competent bodies of the defect and the potential damages and methods of avoiding such damages and shall immediately recall the defective commodity from the market in the manner contemplated under the regulations.



Article (28)

The provider shall be prohibited from abstaining to provide the service or sell the commodity or stipulate that the consumer shall purchase a certain quantity thereof or purchase another commodity therewith or charge higher prices than the prices previously advertised.

Article (29)

The provider who trades in used or defective commodities shall disclose the condition of these commodities to the consumer and shall prove the same in the contract or the invoice issued in the manner contemplated in the regulations.

Article (31)

The provider shall be prohibited from carrying out any promotional offers or reduction on prices for the commodities or services except after obtaining the licenses and permits from the competent bodies and after coordinating with the authority to verify the prices in the manner contemplated under the regulations.


Article (32)

It shall be prohibited for the provider alone or by agreement with other providers to engage in any practice aiming to monopolize the trading of a commodity or the provision of a serviced in the manner contemplated under the regulations.

Article (33)

Without prejudice to the provisions of the Commercial Agencies Law, the commercial agent shall undertake all the obligations of the producer of the commodity during the guarantee period and shall provide spare parts and repair workshops for such commodities.

The agent who requires more than (15) fifteen days to perform the guarantees stipulated in the above paragraph shall provide the



consumer with a similar commodity to be used by the consumer free of charge until the agent performs the guarantee and in case of the absence of an agent in the Sultanate of Oman, the provider shall carry out all the obligations of the agent as stipulated in this article.

Chapter Four

Regulating Violations

Article (34)

The personnel designated by virtue of a resolution rendered by the competent body along with the chairman, shall be bestowed with the capacity of judicial execution regarding the application of the provisions stated under this law and the regulations. These personnel shall be authorized at all times to gain access to commercial premises and the annexes thereof and to review all documents and papers related to the commodity or the service provided by the provider and request a copy thereof for the purpose of verification and to take samples for inspection in accordance with the provisions of the regulations and they may seek the assistance of the Royal Police to carry out their duties.

Article (35)

The violations shall be administratively reported and investigated or the same may be referred to the jurisdiction as the case may be and as contemplated under the regulations and in pursuance of laws, regulations and resolutions applicable in this regard.

Article (36)

In case of sufficient evidence on violations of the provisions of this law or the regulations which may result in damages to the safety or health of consumers, authority personnel bestowed with the capacity of judicial execution shall be authorized to arrest and seize

the commodity and to dispose of the same in accordance with the procedures and criteria contemplated under these regulations.

Article (37)

The public prosecution – pursuant to a prior request from the chairman or the authorized representative thereof – may issue a decision to temporarily shutter the premises or suspend the activity until the adjudication of the lawsuit and stakeholders may appeal the decision before the Court of Appealed Misdemeanors at the deliberation chamber.

Chapter Five

Penalties

Article (38)

Without prejudice to any stiffer penalty stipulated under the Omani Penal Law or any other law, the crimes described under this law shall be punishable with the penalties stipulated therein.

Article (39)

Any person in violation of Articles No. (3, 5, 19, 21, 22, 23, 29 and 30) of this law shall be punishable by imprisonment for no less than ten (10) days and for no more than one (1) year and with a fine not less than One Hundred Omani Riyals (O.R 100) and not exceeding Two Thousand Omani Riyals (O.R. 2000) or with either of these two penalties.

Any person in violation of Articles No. (7, 8, 20, 25, 27, 28, 32) of this law shall be punishable by imprisonment for no less than three months (3) and for no more than three (3) years and with a fine not less than Two Thousand Omani Riyals (O.R 2000) and not exceeding Fifty Thousand Omani Riyals (O.R. 50000) or with either of these

two penalties, and if the crime resulted in the death of one or more persons, the imprisonment shall not be less than (5) five years.

Article (41)

Any person in violation of Articles No. (4, 6, 24, 26, 31) of this law shall be punishable with a fine not less than One Hundred Omani Riyals (O.R 100) and not exceeding Five Thousand Omani Riyals (O.R. 5000).

Article (42)

The chairman of the board and members of the board and the chief executive officer and the authorized managers and the officials of the violating legal person if it was substantiated that they were aware of the violation and that their failure to perform their duties contributed in the crime.

Article (43)

Within the scope of applying the provisions of this law, the competent court, and in addition to the penalties of imprisonment and fine may in all cases order the confiscation and destruction of the commodities subject of the crime and the materials and tools used in connection therewith and the convicted party shall bear all the expenses for the same, or the court may order the suspension of the activity and the closure of the premises in which the crime occurred temporarily or permanently.

Article (44)

In case of the issuance of a conviction, the court may order the publication of the summary of the verdict in two widely read daily newspapers one of which is published in Arabic at the expense of the convicted party.



Article (45)

The proceeds of the fines stipulated in accordance with the provisions of this law and the regulations shall be deposited in the public treasury.

Article (46)

Without prejudice to any criminal penalties stipulated under this law, the chairman may impose administrative penalties pursuant to the regulations and resolutions rendered thereby on acts in violation of the provisions of this law or the regulations provided however, that the amount of the fine shall not exceed O.R. 1000 (One Thousand Omani Riyals) and the amount of the fine shall double in case of repeated offenses and repetition in application of the provisions of this article shall be the commitment of a similar violation within (2) two years from the date of imposing the fine, and in case of the continued violation, an administrative penalty not exceeding One Hundred Omani Riyals (O.R. 100) may be imposed for each day of the continued violation provided that the total fine shall not exceed Two Thousand Omani Riyals (O.R. 2000).

Chapter Six**Final Provisions****Article (47)**

The chairman of the board shall render this regulation following an approval from both the board and the ministerial cabinet, during a period of time not exceeding six (6) months as of the date of promulgation of this law, and shall also issue the regulations and resolutions required to execute the provision of this law. Until the regulations are issued, the executive charter of Consumer Protection Law promulgated by Ministerial Resolution No. 49/2007 shall continue to apply without contradicting with the provisions of this law.

Article (48)

The Consumer Protection Law promulgated by Royal Decree No. 81/2002 shall be revoked as well as any other provisions in contradiction with this law or its provisions.

Article (49)

This law shall enter into effect after (3) three months from the date of its publication in the official gazette.



