

Kingdom of Cambodia
National – Religion – King

NS/RKM/0600/001

REACH KRAM

We,
Preah Bat Norodom Sihanouk,
King of the Kingdom of Cambodia,

- *Having seen the Constitution of the Kingdom of Cambodia;*
- *Having seen Reach Kram No. NS/RKT/0399/01 of March 08, 1999 promulgated the constitutional law on the amendment of Articles 11, 12, 13, 18, 22, 24, 26, 28, 30, 34, 51, 90, 91, 93, and Articles of Chapter 8 through Chapter 14 of the Constitution of the Kingdom of Cambodia;*
- *Having seen Reach Kret No. NS/RKT/1198/72 of November 30, 1998 on the Appointment of the Royal Government of Cambodia;*
- *Having seen Reach Kram No. 02/NS/94, dated July 20, 1994, promulgating the Law on the Organization and Functioning of the Council of Ministers;*
- *Having seen Reach Kram No. NS/RKM/0196/16 of January 24, 1996, promulgating the Law on the Establishment of the Ministry of Commerce;*
- *Pursuant to the proposal of the Samdech Prime Minister and the Minister of Commerce;*

Hereby Promulgate

The Law on Quality and Safety of Products, Goods and Services enacted by the National Assembly on the 29th of May 2000 at its 4th plenary session of the second legislature and entirely approved by the Senate on its form and legal concepts on the 2nd of June 2000 at its second plenary session of the first legislature and include the following principles and provisions:

KINGDOM OF CAMBODIA
Nation – Religion – King

The National Assembly

LAW
on
THE QUALITY AND SAFETY OF PRODUCTS, GOODS AND SERVICES

CHAPTER 1
General Provisions

Article 1:

The Law shall have its scope of application over:

- - All commercial enterprises;
- - All producers for commercial purposes;
- - Importers, exporters, sellers;
- - Service providers associated with goods products;
- - Product and service advertisers; and
- - Social and non-governmental organizations participating in commercial production or charitable activities.

Article 2:

"Production" in this Law is defined as operations including animal husbandry, dairy production, harvesting, fruit collection, fisheries, animal slaughter, producing, processing, and packaging products together with stocking during production and service before the first commercial activities.

"Commerce" in this Law is defined as any operations related to:

- - Stocking, transport, trading ownership, sales, exposure for sale; or
- - Free transfer of all products including importation and exportation as well as sales, services, or free services.

CHAPTER 2

Consumers' Rights and Economic Partners' Duties

Article 3:

Producers of goods and service are obligated to describe in the Khmer language the composition, how to use, production date, and expiration date on their products, goods, and services, including other requirements that ensure the customer's safety and health prior to any circulation of products, goods, and services in the commercial activities.

The trader and businessman are obligated to comply with the description stated in the above paragraph.

Article 4:

Producers of goods and services have to comply with general requirements in terms of real composition and appearance of their products, goods, and services so that the customers can avoid confusion, or competitiveness may not be harmed.

The trader and businessman shall comply with the obligation stated in the above paragraph regarding circulation of goods or services in the commercial activities.

Article 5:

In the development process of commerce for the first time in the Kingdom of Cambodia, the trader, businessman or service provider who is liable for any products, goods, or services must make sure that the products, goods or services conform with the provisions of this Law.

According to the proposal of the inspection authority that is legalized in Article 27 of this Law, a local producer, importer, or service provider who is responsible for commerce, products, and services for the first time must show evidence of confirmation and inspections already conducted.

Article 6:

When the products, goods or services which may harm the customer's health and safety, production or product trading or services must be declared to the competent authority or approved by the competent authority after inspection and usage instructions shall appear in the Khmer language.

Article 7:

It is strictly prohibited to produce or trade products or services if they are not declared or approved by the competent authority as required in Article 6 of this Law.

Article 8:

It is strictly prohibited to:

- - avoid or try to avoid the inspection specified in Article 6 above; and
- - trade the products, goods or services which have not been inspected.

Article 9:

Importation of products not complying with this Law may be allowed if the products are in transit for re-exportation.

Article 10:

Importation of products for charitable or non-commercial purposes is possible only if there is special approval from the Royal Government at the request of competent ministry.

The special approval shall be made under the condition that such products are suitable to the honest implementation of international trade or to the rules internationally recognized.

Article 11:

The production of products not authorized by this Law to be traded within the Kingdom of Cambodia is allowed if the products are to be exported to other countries, and the sales of the products are legal under the law of such countries and meet the specific requirements of international commercial contracts.

Article 12:

During importation and exportation, the certificate of conformity (presentation of proper license) shall be required for certain products to ensure that the products are:

- - not harmful to the consumer's health or safety;
- - not harmful to commercial fairness;
- - to preserve or promote the quality of domestic products; or
- - compliant with international requirements or international conventions.

The inspection of certificate of conformity shall be the competence of the Ministry of Commerce and other relevant ministries.

Article 13:

The responsibility for concluding international, technical cooperation agreements for inspection of exported and imported goods, except gas and petroleum products, shall be borne by the Ministry of Commerce.

CHAPTER 3

Quality Brands and Formality Formation

Article 14:

Quality brand means a special brand specifying a quality degree of a product or service which the producer of goods or services may voluntarily stick on products or services. In order to meet the customer's demand for information, to improve the trader's performance, and to enhance the national production quality, particular quality brand is required to be stuck on the products or services.

However, this can be done only with the conditions established by Article 59 of this Law.

The formalities for determination of quality shall be provided by Sub-decree at the request of the Ministry of Commerce and other relevant ministries.

Article 15:

"Formalities" in this Law is defined as a public technical specification which has been created by cooperation and unanimous agreements of all parties involved, based on the common results of science, technology, and experiment, which are adopted by the national institution to formally recognize activities of repeated or permanent implementations, and the compliance is not compulsory.

In order to solve technical and commercial problems related to products and services that can be repeatedly raised in the relationship between scientific, economic, technical, or social partners, a national formality system shall be established.

The organization and functioning of a national institute for formality shall be determined by Sub-decree.

CHAPTER 4

Commercial Fraud Repression

Article 16:

Whether by virtue of being a party to agreement, or not a party to an agreement or whether through a third party, regardless of whatever ways or methods, it is prohibited to falsify or intend to falsify any products or services with regard to:

- - identities of types, specifications, sources, physical quality or physical appearance, composition, or quantity;
- - accomplished inspections, usage, consumption reliability, hazards linked to usage, required precautions of all products or services; and
- - method and date of production, usage or product consumption.

Article 17:

It is strictly prohibited to falsify a product which is a commercial object or is kept for commercial purposes by changing the products in any means or manual work, addition, subtraction, or replacement of any part or all of constituents which are not allowed by regulations or practices if there are no regulations, or which is contrary to the regulations.

Any trade of any product which is known to be falsified shall be strictly prohibited.

Article 18:

It shall be strictly prohibited to trade any food product which is known to be spoiled or poisonous, or does not meet the bacteriological or hygiene qualifications as provided by the regulations of relevant ministries.

Article 19:

It is prohibited to store at any production sites, handicraft production sites, and commercial places, the following:

- - Products known to be falsified;
- - Food product which is known to be spoiled or poisonous, or does not meet the bacteriological or hygiene qualifications as provided by the regulations;
- - Products and instruments used for falsification of all types of goods;
- - Prohibited from the Production, usage, trade, storage of any irregular weights, measurements, and measuring instruments used for producing and trading goods.
- -

Article 20:

It shall be prohibited to trade any products and instruments with their goals known to be used for falsification processes or falsification of goods.

Article 21:

It shall be prohibited to advertise, by using any means, which is untrue, misrepresentation or causes a confusion as to quality and safety of products, goods, and services that is related to:

- - Consumption efficiency;
- - Identity, specification, type, source, physical or nutrient quality, composition, quantity, method and date of production;
- - Expiry date, method and condition of consumption; and

- - Other warranty affirmed.

Advertisers who conduct advertisements for personal interests shall have a liability as initiators.

Advertisers must submit to the inspectors, as stated in Article 27 of this Law, information about contents describing quality, safety, and other warranties in their advertisement. Article 26 of this Law shall be applied if the content of any advertisement is contrary to paragraphs 1 and 2 above.

CHAPTER 5

Measures Banning Products, Goods and Services that May Cause Serious or Immediate Hazards

Article 22:

If the production and trading of products or services may cause a serious hazard or immediate hazard to the consumer's health or safety, the competent ministry may issue a measure to:

- - Ban permanently or for a specific period;
- - Temporarily or permanently close the establishment's productions;
- - Withhold at the place of business or destroy such products/goods if necessary.

A destruction may be done only if there is a written agreement between the competent authority and the owner of the product/goods in question. If no agreement between the competent authority and the owner of the product/goods in question was reached, the owner may sue to the provincial/municipal court within the duration specified by such measure.

Any production, handicraft, and trading the establishment which has been banned or temporarily closed may be resumed only if it is authorized by the competent ministry.

Article 23:

The competent ministry may issue a prakas (Proclamation) ordering the legal entities or natural persons who are required by Article 1 of this Law to make necessary changes in order to comply with qualitative, safety requirements defined by Article 3 of this Law.

The expenses for announcement of warning or preventive measures for consumption and recollection of products for alteration or change or repayment of partial or full price shall be borne by the advertiser as stated above.

Article 24:

Measures similar to those defined by Articles 22 and 23 of this Law may be designed in order to ensure the safety and implementation of services.

CHAPTER 6

Procedures for Inspection of Quality and Safety of Products, Goods, and Services

Article 25:

Any violation of this Law shall be strictly investigated and observed in accordance with the provisions of Articles 28 through 51 of this Law. These provisions may not hinder any evidence of offenses asserted in other manners.

Any safe-keeping measure shall comply with and be consistent with the rules stipulated in Articles 52 through 58 of this Law.

Article 26:

The Ministry of Commerce and relevant ministries have the competence to suppress any trade of fake products or services by enforcing this Law. These ministries shall organize a specialized entity to suppress any falsification and inspection of goods when they are being imported and exported.

Article 27:

Any inspection/research of quality and safety of products, goods and services and inspection over offense minutes or enforcement of safe-keeping measures are the competence of inspection agents of the Ministry of Commerce in cooperation with relevant ministries.

Article 28:

The inspection agents stated in Article 27 of this Law are competent to inspect, certify, investigate, prepare minutes and audit problems involved. Such minute remains to be an authentic proof until conflicting evidence is presented.

Any person who is subject to investigation shall facilitate and assist the inspection agent who is conducting an inspection.

The inspection agent may request for protection and intervention from the armed forces.

Article 29:

The inspection agent stated in Article 27 of this Law may enter places of production, handicrafts, commerce, business, and services, as well as goods transports, warehouses, offices and other relevant locations.

If any of the above locations were also used as residences at the same time the inspector may enter only during the course of their functioning. In case of absence of such activities, the inspector may enter such location only if they have a warrant from the prosecutor attached to the provincial/municipal court and in the presence of the quarter or commune authority.

Article 30:

An inspector specified in Article 27 of this law may interrogate, make copy or confiscate any documents related to his/her investigation.

In cases of confiscation, an official minute must be recorded on the spot.

Such confiscated documents shall be sealed with the stamp of the inspector. The inspector shall issue a receipt for such confiscation and give it to the person from whom the document was confiscated.

Any minute that is made in contrary to this principle shall be deemed abrogated.

Such confiscated document shall be attached to other documents under procedures provided by Article 51 of this Law or returned to the person from whom the document was confiscated if there is no condemnation made against them. A minute for returning of such document shall be made in a similar process as for confiscation.

If the confiscated documents are necessary for the continuation of the company's activities, the inspector shall issue a photocopy upon request and the expenses shall be borne by the interested person.

Article 31:

The inspectors specified in Article 27 of this Law may confiscate any evidence or samples of the goods to be used as evidence in any proceedings defined by Anukret (sub-decree).

Article 32:

The inspectors specified in Article 27 of this Law may collect by recording in a minute of written testimony from any individual who can provide useful information for their investigations.

The minute of written testimony shall specify the following factors:

- · Ordinal number given by the minute writer;
- · Date, time, and place where the testimony was made;
- · Identity, status, and address of the testifier;
- · Minute writer's useful confirmation ensuring honest reports of information given by the testifier.
- · Signatures of the testifier and minute writer. If the testifier does not want to sign or cannot sign or is illiterate, a description of such situation shall be recorded in the minute. Any minute preparation that fails to comply with these rules shall be void.

Article 33:

The inspectors specified in Article 27 of this Law shall inspect products, goods and services by means of seeing or ordinary measuring instruments and confirm documents to identify products, goods and services and find out actual appropriateness of products, goods and services in comparison to their declaration or investigate to find out whether conditions of production, handicrafts, trading of such products, goods, or services have been honored.

The inspector shall report about his/her inspection and record such activities in the minute as follows:

- · Ordinal number given by the minute writer;
- · Date, time, and place where the minute is made;
- · Identity, profession, and address of the individual investigated;
- · All information for detailed identification of the costs of investigation;
- · Registration number at the institution as the investigator's office; and
- · Signature of the minute writer.

Any investigation report and minute writing that fails to comply with these rules shall be void.

Photos of observed irregularities may be attached for further reflection.

Article 34:

Except for the case specified in Article 40 of this Law, samplings of the goods for analysis shall have at least three samples.

The first sample shall be kept with the competent authority for sending to the laboratory for analysis, and the other two samples shall be kept for use during the operational period in case of counter-analysis as specified in Articles 47 through 50 of this Law.

Article 35:

A manager of the products from which a sample is selected by an inspector shall sign on the minute. Such manager may record on the minute any remarks about the sources and characteristics of such products which he/she think necessary. If such manager does not wish to sign or cannot sign or is illiterate, a record of such situation shall be written in the minute.

At the proposal of the product manager, the agent who conducts the sampling shall issue a receipt identifying the type, quantity, and price of the sampled product in case the payment for actual costs needs to be made in the future.

Article 36:

The procedure of sampling shall be determined by a specialized inspector who shall require the three samples to be the same and representative of the inspected lots.

Article 37:

Each sample shall be sealed with an identification label. Such identification label shall include the following contents:

- · Name of goods as referred to at the time of receiving for the purpose of sale, when displayed for sale, or when sold;
- · Date, time, and place of sampling;
- · Identification and address of the person at whose place a sampling was made;
- · Ordinal number of the operation conducted by the sampling maker;
- · Registration number of the sampling given by the a public institution where the sampling maker works and clear identification of such institution;
- · Useful remarks that enable the laboratory to realize the purpose of investigation together with specific documents attached to the identification label; and
- · Signature of the sampling maker and manager of the sampled goods.

Article 38:

One of the three samples shall be kept under the maintenance of the manager or owner of the products of which the sampling was made. The inspector shall instruct about the method for maintenance of such sample in order to preserve it in a nature that properly enables a future analysis.

If the manager denies the storage, records of such incident shall be written in the minute, and the sample shall be kept with the other two by the inspector.

Article 39:

Such two samples shall be sent together with the minute to the office of the publicly specialized institution where the sampling maker works.

Such public institution shall accept the samples for storage, registration and give the entry number on the identification label and minute. Then, the institution shall send one of the samples to the competent laboratory and the other samples shall be kept in a proper manner.

If it is required to store them in a special condition, both of the samples or eventually all three samples stated in Paragraph 2 of this Law may be sent to the laboratory which has been assigned to propose necessary measures.

Article 40:

If due to its characteristic or value a product does not allow three samples, sampling shall be made against one sample that applies to the whole or a portion of the product.

The provision of Paragraph 1 above shall be applied to the products where the technical and scientific analysis may be done only during a limited period of time which hinders or devalues subsequent analysis.

A minute shall be prepared for such sampling and a sample must be sealed with an identification label in the same manner as specified by Articles 35 and 37 of this Law. Sampling shall be registered and the sample shall be sent to or submitted to the laboratory under the procedure stated in Article 39 of this Law.

Article 41:

Another sampling identified as an investigation may be done for laboratory analysis or for brief identification by the inspection institution within the scope of its specialized competence. Such sampling shall be made in one sample.

The result of sample investigation shall be authentic only for information and may not be used as a ground for action as stated in Article 51 of this Law or for safe-keeping rules as provided by Articles 52 through 58 of this Law, except for temporary withholding under Article 53 of this Law.

Article 42:

A product sample shall be analyzed by a public laboratory.

The public or other private laboratory which is recognized by the competent ministry may also analyze the product samples. Recognition of such public or private laboratory shall be done by Prakas of a competent ministry. Such Prakas shall clearly specify the competence of these laboratories.

Article 43:

The laboratory shall use an analysis method determined by the competent ministry to analyze the product samples.

In case of the absence of such an analysis method, the laboratory shall comply with analysis methods as instructed by international procedures. Such analysis methods shall be publicized in the analysis bulletin.

Article 44:

Upon the completion of its works, the laboratory shall prepare an analysis bulletin which records the result of analysis. The laboratory may make its conclusion as to the inappropriateness of the product under this Law or provision in force if such analyzed substances are of clarity to the competent institution.

Article 45:

If the laboratory analysis bulletin indicates that the product sample meets the standard provided by law and a sampling institution has no other information which indicate any deception, such institution shall notify the interested manager of appropriateness of such products.

Article 46:

If the analysis indicates that the product sample meets the standard provided by law, then the method stipulated in Articles 47 through 50 of this law shall apply.

Article 47:

If the result of laboratory analysis indicates that the product sample did not meet the standard provided by law after a sampling or further investigation of such product, the institution conducting investigation shall notify a person suspected of committing an offense about his/her liability before the court of law, and the ground for such action shall be identified to the interested person.

The interested person has the right to conduct a counter-analysis and appoint his/her expert within fifteen (15) business days.

If there is no application for such right during the above period, the result of analysis stated in Paragraph 1 shall not be arguable except in case of force majeure which affected the manner of response.

Article 48:

The expenses covering the expert's services shall be borne by the person who applied for a counter-analysis. The above expert shall be selected from the list presented by the provincial/municipal court.

If there is no qualified expert on the above list or in absence of such list, the person who applied for a counter-analysis may select an expert at his/her discretion. Such selection shall be approved by the provincial or municipal court. Such approval shall be done within seven (7) business days.

Article 49:

The sample product kept by the sampling registration institution shall be given to the expert as stated in Article 48 of this Law. The expert shall have a period of one (1) month to submit to the inspection institution his/her conclusion related solely to technical scientific aspects of such product.

If this conclusion is different from that of the first analysis stated in Article 47, the expert and director of the laboratory conducting the first analysis shall meet to discuss this case at the time determined by the inspection institution. If necessary, the two parties may jointly conduct another analysis of a third product sample. A joint report shall be in writing and sent to such institution no later than one (1) month after the date of such meeting.

The expert shall use one or more methods which were used by the laboratory to verify what was decided in the first analysis.

Article 50:

If the interested person demanded a counter-analysis of a product having only one sample as stated in Article 40 of this Law then the provisions of Articles 47 and 48 of this Law shall apply. Such contingent analysis shall be done against the documents appearing as a result of the first analysis.

The expert selected by the interested person and director of laboratory conducting the analysis shall meet and discuss the conclusion of the analysis at the time specified by the inspection institution. A joint report shall be in written and sent to such institution no later than two (2) months after the date of such meeting.

Article 51:

If a case needs to be referred to the court, the inspector shall prepare a file of minutes, analysis bulletin, expert reports and other testimonies if any in compliance with this Law.

Article 52:

The inspector stated in Article 27 of this Law shall temporarily withhold, adjust, redirect, confiscate, or destroy any product and re-adjust the services in accordance with the procedures of this Law.

Measures for re-adjustment, redirection, confiscation, and destruction may be enforced by a competent agent only if it is authorized by his/her institution director and approved by the prosecutor attached to the provincial or municipal court. This provision shall not be applied if the measures were defined in the provisions of Articles 22 through 24 of this Law.

Article 53:

A temporary withholding is a measure that temporarily prohibits any arrangement by a manager of products that are applicable to:

- (a) (a) Suspected lot of products;
- (b) (b) Due to a direct inspection/recording, lot of products identified as unsuitable to standard defined by the law or products whose ordinary use/consumption may harm the consumer's safety or health;
- (c) (c) Any instrument used for falsification as defined in Articles 19 and 20 of this Law.

A lot of suspected products stated in sub-paragraph (a) of paragraph 2 above means any lot of products found to be subject to further analysis after a direct inspection and/or after the sampling as provided by Articles 34 through 41 of this law in order to identify whether such products conform to the standard required by the law or an ordinary use/consumption of such product may be harmful to consumer's

safety or health. If the result of further analysis which shall be done within no later than fifteen (15) business days failed to identify the first suspected matter, the temporary withholding shall be immediately released. In case of emergency, at the request of the inspection institution only the prosecutor attached to the provincial or municipal court is entitled to extend the period of such temporary withholding.

In the contrary, if the product does not meet the standard defined by the law, one of the safe-keeping measures stated in Articles 54 through 57 of this Law shall apply.

A temporary withholding under sub-paragraph (a), (b) and (c) above shall not be for more than fifteen (15) days and shall be linked to one of the methods stated in Articles 54 through 57 of this Law.

When the temporary withholding is ordered by the inspector's initiatives according to sub-paragraphs (a), (b), and (c) above, the product manager shall have three (3) business days to make an appeal against this measure to the director of the inspection institution.

The director shall make a final decision within three (3) business days. Such appeal shall have no effect that releases any temporary withholding.

In all cases, the products that are under temporary withholding shall be put under the care of their product manager.

Article 54:

It is required that the product or service manager carries out a proper correction in order to eliminate a defect causing such non-compliance.

Such elimination shall include, alteration of products, goods or services, in particular, change in product classification if there are various categories and if it is apparent that such product may be classified in a different category in which the products would be legal to trade.

Article 55:

A redirection of products means:

- (a) (a) A delivery of the temporarily withheld or confiscated products in accordance with Articles 53 and 56 of this Law to the enterprise that is able to use or modify such products to meet with legal requirements and the expenses shall be borne by the product manager;
- (b) (b) A return of the same products to the enterprise responsible for packaging, production, or exportation of such products where the expenses shall be borne by the product manager.

Article 56:

A confiscation of product means a complete deprivation of product ownership from the manager and this shall be done only in the following cases:

- (a) (a) A product is recognized as inappropriate under the law and regulatory instruments enforcing this Law based on a direct inspection and/or after the sampling stated in Articles 34 through 40 of this Law.
 - (b) (b) If the product manager or owner refuse to modify, redirect, or such measures cannot be applied to such products;
 - (c) (c) Any instrument used for falsification as stated in Articles 19 and 20 of this Law;
 - (d) (d) Any product whose ordinary use/consumption may harm the consumer's safety or health.
- A confiscated product shall be closed and sealed and kept under the care of the manager or if he/she refuses to do so, the inspector shall decide a place for storage at his/her discretion.

Article 57:

The inspector may destroy or cause a destruction or modification of the confiscated products under his/her inspection when the products cannot be legally used or failed to meet any standard of merchantability.

Article 58:

The methods defined in Articles 53 through 57 of this Law may be applicable only to the products managed without proper reason at one of the locations stated in Article 29 of this Law or when the products were displayed for sale, or have been sold or distributed free of charge.

A minute shall be immediately prepared on the spot by the inspector. The minute shall include a description based on the issues defined by Article 33 of this Law and a detailed extract of methods chosen for application and reason for choosing such methods. One copy of the minute shall be given to the product manager or owner.

Article 59:

The procedures related to the condition of production, handicrafts, trading, service and inspection of products, goods and services, including those of factors as listed below shall be determined by Anukret:

(1) (1) Products, goods and services

- · Definition, name, component, criteria, type of quality or hygiene and quantity of products;
- · Label, form of presentation, sale, and package of products as well as quality specification stuck to such products;
- · Conditions for use of terminology and expression of commercial advertisement in order to avoid the confusion and, if necessary, restrictions for commercial advertisement that compare any product and service to others' product or service;
- · Presentation and contents of invoice, hand-over papers for technical or commercial documents, or other advertisement documents;
- · Prohibition as to products, goods or services where such products, goods or services failed to meet general safety requirement defined by Article 3 of this Law;
- · Procedure applicable to approvals or pre-declarations of production for trading of products or services as well as preparation of a professionally self-inspection;
- · Regulations related to measuring instruments and identification of such instruments;
- · Precaution for the modification, identification, use of materials to ensure that the products and services are harmonious with environmental protection.

(2) (2) Food

- · Legal food processing, criteria of food genuineness of which food shall be produced with component of production, materials directly affixed to the food and products used in cleaning the materials;
- · Hygiene, health, or nutrient characteristics, bacteriological process by which food are produced under hygiene requirements shall apply to transport and institution of production, handicrafts, or trading and to the employees of a institution, certificate, label, stamps specifying hygiene related to the food;
- · Health status of a person who handles the food if deemed necessary.

(3) (3) Inspection method

- · The implementation of provisions stipulated in Articles 9 through 12 of this Law and sampling method, analysis method to identify components of products, hygiene, health or bacteriological characteristics and to identify the falsification of products or merchantability of the product;

- If necessary, the application procedure, safety measures provided by Articles 52 through 58 of this Law shall apply;
- Books, lists, documents which are managed or prepared by a person participating in the production, handicrafts, or trading of such products, goods, and services shall be strictly determined.

Article 60:

The national or international standards, method of usage, and instructions for production that related to products, goods, and services shall be determined by Anukret and regulations.

CHAPTER 7

Penalties

Article 61:

Any person who violates paragraphs 2 and 3 of Article 14 of this Law shall be fined in the amount of five hundred thousand (500,000) Riels to one million (1,000,000) Riels.

Article 62:

Any person who violates Articles 7, 8, 19 or 20 of this Law shall be subject to imprisonment from six (6) days to one (1) month and shall be fined in the amount of one million (1,000,000) to five million (5,000,000) Riels or either of both penalties.

Article 63:

Any person who violates Articles 16, 17, 18, or 21 of this Law shall be subject to imprisonment from one (1) month to one (1) year and shall be fined in the amount of five million (5,000,000) Riels to ten million (10,000,000) Riels or either of both penalties.

Article 64:

In cases of recidivism of offenses against Articles 16, 17, 18, 19, 20 or 21 of this Law, the recidivist, shall be subject to double of both fine and imprisonment penalties regardless of any criminal penalty resulting from an offense that caused any harm to the consumer's health, safety, or life.

Article 65:

Any products and materials that are subject matter causing any violation of Articles 16, 17, 18, 19, 20 or 21 of this Law shall be confiscated as State properties. Such confiscation shall be the competence of the court.

Any person who caused other damages by violation of Articles 16, 17, 18, 19, 20 or 21 of this Law shall also be subject to civil liabilities.

Article 66:

The penalties defined in Article 63 above shall be applied to any person who has:

- (a) (a) Regardless of any circumstance, obstructed the inspector from implementing his/her duties stated in Article 27 of this Law;
- (b) (b) Refused to present or concealed their existing accounting, technical, commercial documents as stated in paragraph 1 of Article 30 of this Law;
- (c) (c) Refused to present commercial advertisements or information justifying the reason for advertisements;
- (d) (d) An intention to provide any false, misleading or confusing information, in any manner, in responding to the request of an inspector as stated in Article 27 of this Law;
- (e) (e) Managed, without any approval, the products that are temporarily withheld or confiscated by the inspector;
- (f) (f) Refused to provide the products that are subject to withholding or confiscation to the authorized agent or failed to properly manage the products as directed by the competent authority

or failed to modify any inappropriate products to meet legal requirements as stated in Articles 53 through 56 of this Law.

Article 67:

The inspector stated in Article 27 of this Law shall be subject to administrative liability.

The inspector shall be liable for his negligence and any failure or other incidents contrary to this Law or that are inconsistent with the provisions of regulations subject to this Law.

Article 68:

Administrative penalty applicable to the inspector or competent officials shall include:

- (a) (a) A preliminary administrative penalty is warning or blame by the director of the institution;
- (b) (b) A medium administrative penalty is suspension of salaries or other benefits for six (6) months or more;
- (c) (c) A serious administrative penalty is withdrawal from function or removal from office or dismissal;

The above administrative penalties are exclusive of the criminal offenses.

Article 69:

Any inspector or competent official who conspires with another to violate or violates his/her duties in application of Article 14 shall be subject to the administrative penalty and fine as stated in Article 61 of this Law.

Any inspector or competent official who conspires with another to violate or violates his/her duties in application of Articles 7, 8, 19 or 21 of this Law shall be subject to serious administrative penalties and other penalties as stated in Article 62 of this Law regardless of other criminal penalties.

Article 70:

Any inspector or competent official who conspires with another to violate or violates his/her duties in application of Articles 16, 17, 18, or 21 of this Law shall be subject to serious administrative penalties and other penalties as stated in Article 62 of this Law regardless of other criminal penalties.

Article 71:

A license shall be withdrawn by the competent authority for any production or trade, as stated in Article 6, which failed to comply with the provisions of this Law.

Article 72:

The experts from both of the public and private laboratories who accepted to analyze the product samples as stated in Articles 42 through 50 of this Law shall be accountable for their analysis bulletin under the Law.

Any expert who conspires with another to violate or violates his/her performance of duties shall be subject to either one of the penalties defined in Article 61, 62, 63, and 64 of this Law regardless of other criminal penalties.

CHAPTER 8

Final Provisions

Article 73:

Any provisions that are contrary to this Law shall be deemed abrogated.

Article 74:

This Law shall be declared to be urgent.

Phnom Penh, June 21, 2000

Norodom Sihanouk

Having submitted to the King
for signature.

Prime Minister: **Hun Sen**

Having submitted to Samdech Prime Minister
Acting Minister of Commerce: **Sok Siphanna**