
ORDINANCE ON THE PROTECTION OF CONSUMERS' INTERESTS

In order to protect the consumers' legitimate rights and interests; to raise the State management efficiency and the responsibilities of organizations and individuals that produce and/or deal in goods and/or services in the protection of consumers' interests;

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam;

Pursuant to the Resolution of the Xth National Assembly, fourth session, on the legislative program for the whole Xth National Assembly's tenure as well as the 1999 legislative program;

This Ordinance provides for the protection of consumers' interests.

Chapter I

GENERAL PROVISIONS

Article 1.- Consumers are those who purchase and use goods and/or services for their personal daily-life consumption or consumption by families and organizations.

Article 2.- To protect the consumers' legitimate rights and interests is the common responsibility of the entire society.

The State agencies, economic organizations, political organizations, socio-political organizations, social organizations, socio-professional organizations, people's armed forces units and all individuals shall have to implement the provisions

of this Ordinance as well as the relevant provisions of legislation on the protection of consumers' interests.

The Vietnam Fatherland Front and its member organizations shall, within the ambit of their tasks and powers, have to propagandize, educate and encourage people to take part in activities for the protection of consumers' interests as well as to observe the legislation on the protection of consumers' interests.

Article 3.- The State encourages the rational and thrifty consumption.

The State shall elaborate policies and measures to develop the multi-sectoral commodity economy and consolidate State enterprises so that the latter hold the leading role in the production and trading of essential good-quality commodities and services in order to protect the consumers' interests.

The State encourages the expansion of international cooperation in the protection of consumers' interests.

Article 4.- Organizations and individuals that produce and/or deal in goods and/or services in service of domestic consumption; and organizations and/or individuals trading in import goods shall have to strictly comply with the provisions of this Ordinance, the legislation on commerce, standards, measurement, the quality of goods, food, advertisement, environmental protection as well as the relevant provisions of law, and have to pay compensation for any damage as prescribed by law.

Article 5.- Consumers shall have the rights and responsibilities prescribed in this Ordinance as well as in the relevant provisions of law.

Article 6.- Foreign organizations and individuals operating on the Vietnamese territory shall have to abide by the provisions of Vietnamese legislation on the protection of consumers' interests, except otherwise provided for by international agreements which the Socialist Republic of Vietnam has signed or acceded to.

Article 7.- To strictly prohibit the following acts:

1. Producing and/or trading in banned goods or fake goods;

2. Producing, trading and/or consuming goods and/or services which seriously pollute the environment, endanger the people's life and health or contravene the fine traditions and customs of Vietnam;

3. Giving false information or making untruthful advertisement;

4. Committing other violations to deceive consumers.

Chapter II

CONSUMERS' RIGHTS AND RESPONSIBILITIES

Article 8.- Consumers shall have the right to select goods and/or services; be provided with true information on the quality, prices and instructions on the use of goods and/or services; be ensured with safety in life, health and environment when using such goods and/or services; and be provided with necessary knowledge about their use.

Article 9.- Consumers shall have the right to claim the refund of money for damage if the goods and/or services fail to meet the announced or contracted standards, quality, quantity and prices; make complaints, denunciations or initiate lawsuits according to law, against the production and/or trading of banned goods, fake goods or provision of services that fail to meet the standards, quality and quantity, and against the false information or untruthful advertisement.

Article 10.- Consumers shall have the right to contribute their opinions to the elaboration and implementation of policies and legislation on the protection of consumers' interests; request organizations and/or individuals engaged in goods production and/or service provision to fulfill their responsibilities in the protection of consumers' interests.

Consumers shall have the right to request production and/or business organizations and individuals to ensure the standards and quality of essential goods and services, regarding food, clothes, housing, traveling, studying, health care, environmental protection as well as other goods and services already registered and announced.

Article 11.- Consumers shall be entitled to establish organization(s) to protect their legitimate rights and interests in accordance with the provisions of law.

Consumers shall themselves or through their representatives protect their legitimate rights and interests.

Article 12.- Consumers shall have to protect themselves in the consumption of goods and/or services; strictly follow the instructions on the use of goods and/or services; refrain from using goods and/or services which damage the environment, contravene the fine traditions and customs of the country, or threaten the life and health of their own as well as of the community.

Article 13.- Consumers shall have to detect and denounce fraudulent acts concerning the goods' standards, measurement, quality, trademarks or prices as well as other acts of deceiving people by organizations and/or individuals engaged in the production of and/or trading in goods and/or services, which cause damage to them and the community, as prescribed by law.

Chapter III

RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS ENGAGED IN GOODS PRODUCTION AND/OR SERVICE PROVISION

Article 14.- Organizations and individuals that produce and/or deal in goods and/or services with business registration, shall have to register and announce the standards and quality of their goods and/or services according to the provisions of law and fulfill their commitments to consumers; regularly examine the safety and quality of goods and/or services, and ensure the accurate weighing, measurement and calculation.

The Government shall stipulate in details the protection of consumers' interests in case of the production of and trading in goods and/or services, of which the standards and quality have not been registered and/or announced.

Article 15.- Organizations and individuals engaged in the production of and/or trading in goods

and/or services shall have to give accurate and truthful information and advertisement on their goods and/or services; post up the goods' and/or services' prices; announce the conditions, time-limits and place of warranty and provide consumers with instructions on the use of the goods and/or services.

Article 16.- Organizations and individuals that produce and/or deal in goods and/or services shall have to promptly settle in time all consumers' complaints about their goods and/or services that fail to meet the announced or contracted criteria, quality, quantity and/or prices; and have to provide goods and/or services warranty for the consumers.

Article 17.- Organizations and individuals that produce and/or deal in goods and/or services shall have to collect, study and receive consumers' opinions and comments; and make refund of money and/or compensation for any damage caused to consumers as prescribed by law.

Chapter IV

STATE MANAGEMENT OVER THE PROTECTION OF CONSUMERS' INTERESTS

Article 18.- The contents of State management over the protection of consumers' interests shall include:

1. Promulgating and organizing the implementation of legal documents on the protection of consumers' interests;
2. Elaborating and organizing the implementation of policies on the protection of consumers' interests, as well as on the rational and thrifty consumption;
3. Directing and coordinating activities for the protection of consumers' interests, of the ministries, the ministerial-level agencies, the agencies attached to the Government, the People's Councils and People's Committees of different levels;
4. Training, fostering a contingent of cadres for the protection of consumers' interests;
5. Propagandizing, educating and popularizing law and knowledge related to the protection of consumers' interests;
6. Promoting international cooperation in the field

of the protection of consumers' interests:

7. Promoting, examining the observance of the legislation on the protection of consumers' interests; settling consumers' complaints and/or denunciations; and handling violations of the legislation on the protection of consumers' interests.

Article 19.- The Government shall exercise the unified State management over the protection of consumers' interests in the whole country.

The State management agencies in charge of the protection of consumers' interests shall be answerable to the Government for the State management over the protection of consumers' interests.

The Government shall determine State agencies in charge of the protection of consumers' interests.

Article 20.-

1. The ministries, ministerial-level agencies and agencies attached to the Government shall, within the ambit of their tasks and powers, have to coordinate with the State agencies in charge of the protection of consumers' interests in exercising the State management over the protection of consumers' interests.

2. The Government shall specify responsibilities of the ministries, ministerial-level agencies and agencies attached to the Government, stipulated in Clause 1 of this Article.

Article 21.- The People's Councils and People's Committees of different levels shall, within the ambit of their tasks and powers, have to implement, supervise and inspect the implementation of policies and legislation on the protection of consumers' interests in their respective localities.

Chapter V

SETTLEMENT OF COMPLAINTS AND DENUNCIATIONS AND HANDLING OF VIOLATIONS

Article 22.- Consumers shall themselves or through their representatives lodge complaints, request the refund of money or demand compensation for the damage caused to them by organizations and/or individuals that produce and/or deal in goods and/or services, as prescribed by law.

Article 23.- The consumers' complaints against organizations and/or individuals that produce and/or deal in goods and/or services shall be settled first of all, on the principle of conciliation, except otherwise provided for by law. In case of failure in conciliation, consumers shall have the right to further complain or initiate lawsuits in accordance with the provisions of law.

Article 24.- Consumers shall themselves or through their representatives denounce to the competent agencies, organizations or individuals any acts of violating the legislation on the protection of consumers' interests.

Article 25.- The State management agencies in charge of the protection of consumers' interests and the relevant State bodies shall have to settle in time consumers' complaints and/or denunciations according to their respective competence and the provisions of law.

Article 26.- Any persons who produce and/or trade in banned goods, fake medicines or food as well as other fake goods and/or food that fail to meet the hygiene and safety criteria; produce, trade in or consume goods and/or services which cause serious environmental pollution, or harms to the people's life and health or contravene the fine traditions or customs of the country; give false information and/or advertisement; cheat in weighing, measurement and/or calculation or commit other acts of violating the legislation on the protection of consumers' interests shall, depending on the nature and seriousness of their violation(s), be administratively sanctioned or examined for penal liability; and pay compensation for damage caused to consumers as prescribed by law.

Article 27.- Any persons who abuse their positions and/or power to commit acts of violation or cover the violators of the legislation on the protection of consumers' interests shall, depending on the nature and seriousness of their violation(s), be disciplined or examined for penal liability.

Article 28.- Any persons who commit acts of violating the legislation on the protection of consumers' interests, thus causing damage to organizations and/or other individuals shall not only be dealt with according to Articles 26 and 27 of this Ordinance, but also have to pay compensation for

the damage as prescribed by law.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 29.- This Ordinance takes effect from October 1st, 1999.

Article 30.- The Government shall detail the implementation of this Ordinance.

*On behalf of the National Assembly
Standing Committee
Chairman
NONG DUC MANH*

Article 1.- The purposes of the issuance of government bonds

The issuance of national construction bonds by the Government aims to mobilize capital from the population for further investment in irrigation and the construction of rural infrastructure projects, first of all in poor communes which meet with exceptional difficulties according to the National Assembly's Resolution No. 18/1998/QH10 of November 25, 1998.

Article 2.- Government bond buyers

1. Vietnamese citizens within and without the country.
2. Overseas Vietnamese.
3. Foreigners working and/or residing in Vietnam.
4. Administrative and non-business agencies.
5. Political, socio-political, social and socio-professional organizations.