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(UNOFFICIAL TRANSLATION)

Kingdom of Cambodia  
Nation Religion King  
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NATIONAL ASSEMBLY

**LAW**

**ON**

**MANAGEMENT OF QUALITY,**

**SAFTY OF PORDUCTS, GOODS**

**AND SERIVCES**

## ARTICLE I GENERAL PROVISION

### Article 1:

This law shall be applicable for:

- All commercial enterprises;
- All producers for commercial purposes;
- Importers, exporters and sellers of goods;
- Providers of services which are related to products/goods;
- Commercial advertisers of the products, goods and services;
- Social organizations and non-governmental organizations which are involving in the activities of the commercial productivity or humanitarian assistance.

### Article 2:

"Production" in the sense of this law refers to all operations including: animal raising, animal milking, harvesting of cultivation products, fruits collection, fishing, animal slaughtering, producing, processing and packing up of products/goods, including the storage during the productive process and provision of services before to setting out for commercial business for the first time.

"Commerce" in the sense of this law refers to all operations in relation to :

- storage, transportation, possession selling purposes, display for sale and sales of all kinds of goods;
- delivery with free of charge of all imported and exported products and the display for sale, selling or providing of services with free of charge.

## CHAPTER 2 CONSUMER'S RIGHTS AND ECONOMIST'S OBLIGATIONS

### Article 3:

The Producers and providers of services shall have obligation to present in khmer, on their products, goods and services, the compositions, the use instruction/indications?, manufacturing date, expiry date including other principles which guarantees the safety and health of the consumers prior to the entering of the products and services into commercial business.

Merchants/traders and provider of services shall have obligation to comply strictly with the instruction as in the above paragraph.

**Article 4:**

"Producers" and " provider of services" shall fulfil the obligation in guaranteeing of the pure substances of the composition and presentation of their products, goods or services in order to avoid confusion by the consumers or to prevent any affects on the competition.

Merchants/traders, businessmen and providers of services shall also fulfill the obligations as stated in the above paragraph for any item of goods or services which they bring for commercial business.

**Article 5:**

Merchants/traders, businessmen and providers of services who are responsible for any products, goods, or services which they bring for commercial business for the first time in the Kingdom of Cambodia, shall have to check and make sure that the products, goods or services are correctly in conformity with the provisions of this law.

Following the request of the (quality) control agents, as stated in Article 27 of this law, local producers, importers and providers of services who are responsible for the preliminary commercial business of the products, goods and services, shall provide evidence of the check and made sure, and the control/inspection which have been already carried out.

**Article 6:**

When any products, goods or services might have any affect to health or safety of the consumers, the producers or traders of those products or services shall be required to make a declaration in advance to the relevant competent institution, and shall have an authorization in advance from the competent institution, upon there is an inspection and indication of the use instruction, in Khmer.

**Article 7:**

It is strictly prohibited any production or commercialization of the products, goods or services as stated in Article 6 of this law, without any declaration and authorization from the competent institution.

**Article 8:**

It is strictly prohibited the followings:

- any evade or attempt to evade from the control/inspection as stated in the article 6 above;
- any commercialization of products, goods or services which have not been inspected.

**Article 9:**

Any importation of products, goods, or services which are non conforming to this law may be authorize only if the products are being transported in transit for further exportation.

**Article 10:**

Any importation of humanitarian products or which are not for the commercial purpose, may be carried only when upon there is a special authorization from the Royal Government, following a request from the competent Ministry .

This special authorization may be done only if those products and goods are correctly in compliance with the international trade practice or with a rules which is recognized in the international arena.

**Article 11:**

Any production, of any product or goods that this law does not allow to do the commercial business in the territory of the Kingdom of Cambodia, shall be authorized only if those products are kept for further exportation to any country where the products may be consistent with that country's law, and within the framework of any specific international trade contract.

**Article 12:**

It is required to show before the importation or exportation, a certification of appropriateness, for those items of goods/products, which :

- may affect to health or safety of the consumers;
- may affect the loyalty of the business affairs;
- are within an objective of safeguarding and upgrading the quality of the local products/goods;
- are necessarily required by the international Trade or Convention.

The control/inspection of the Certificate of Appropriateness of the products/goods shall be the competency of the Ministry of Commerce and other concerned ministries.

**Article 13:**

The signing of an international technical cooperation agreement on the control/inspection of imported and exported goods shall be the competency of the Ministry of Commerce , except for gas and petroleum.

**CHAPTER 3  
QUALITY MARKS AND ESTABLISHMENT OF  
NORM AND STANDARD PAPERS**

**Article 14**

A quality-marks is a separate sign/label for attesting the degree of quality of a product, goods or service which producers or provider services may stick on their products/goods or services, without any compulsory . The sticking of quality-mark label is aiming at responding to the needs of information by the consumers, and to encourage the producers and providers of services to improve and upgrade quality of the local products.

When sticking the quality-mark labels, the producers and providers of services shall comply very strictly with the conditions as stated under the article 59 of this law.

The procedure for specifying about the quality-mark labels, shall be determined by a Sub-Decree, following the request of the Ministry of Commerce and other concerned ministries.

#### **Article 15:**

The "Standard norm" as defined by this law, is a technical specification for the public which is made through the co-operation and unanimous agreement from all the concerned parties, based on the products/goods of the common sciences, techniques and experiences, and which is approved by a national institution which acknowledged that the activities in the areas of standard norm for repeated or eternal application exist and that such compliance is not compulsory.

A national system shall be established for providing a standard norm and technical documents which may provide a technical and commercial solution of the problem relating to the products, goods and services, which may arise repeatedly between the relationship between the economic, scientific , technical or social partners.

The organization and functioning of the National Institute for specification of standard norms, shall be determined by a Sub-Decree.

### **CHAPTER 4 SUPPRESSION OF FRAUDULENT TRADE**

#### **Article 16:**

It is prohibited any fraud or attempt of fraud, through whatever means or method, of any product, goods and service by either the contracting party or non-contracting party or through a third person, of :

- the identity, specification, type, source, quality of materials or of fortification of the body, constitutive elements and quantity;
- the control/inspection which has already been done, use instruction, ability for the usage, side effects and consumption , precautions to be maintained with regards of all the products, goods or services;

- methodology , manufacturing date, and using or consuming date of the products/goods.

**Article 17:**

It is strictly prohibited any faking of products/goods which is subject of the commercial business or ready for commercial business, by processing the products/goods through any method , such as by adding in or removing, or replacing the whole or any part thereof, which are not allowed to do so by any provisions, or customary practice when a regulations does not exist, or non-conforming with the regulations.

The trading of any product /goods with a knowledge that it is a fake product/goods, shall be strictly prohibited.

**Article 18:**

It is prohibited the trading of any food product which state of quality has been changed and goes bad , or which contains any poisonous substance , or non-conforming with quality criteria of the micro-biology or of the hygiene, which are determined in the regulations of the relevant Ministries.

**Article 19:**

It is prohibited the storage in all producing or manufacturing places, or places of businesses, of:

- faked products;
- foods which quality become spoiled and uneatable or which contain poisonous substances or not in conformity with the quality criteria of the micro-biological or of the hygiene, as determined in the regulations;
- products and equipment for serving fraudulent activities or faking of all kinds of goods.

Any production, use, trading, storing of any scale and instrument for measuring the length, capacity or weight which is wrong or with no precision for the uses in the production or trading of goods, shall be prohibited.

**Article 20 :**

It is prohibited the trading of any products and equipment which are for the purpose of serving the fraudulent activities or the faking of goods .

**Article 21:**

It is prohibited all kinds of commercial advertisements of whatever form, which are lies, deviation from the truth , fraudulent or which cause confusion about the quality and safety of the products, goods and services , in what are concerning with :

- the efficacy of functions;

- the identity, specification, type, source, quality of materials or of fortification of the body, constitutive elements, quantity, method and date of production;
- expiry date of usage, methods and conditions of usage;
- ways of selling, existence and price;
- other guarantees as promised.

Any applicant for a commercial advertisement and who has arranged for advertising for his/her own interests, shall be responsible in term as an initiator (principal?).

Any applicant for a commercial advertisement shall provide information of the contents which stated of the quality, safety and other assurances in relation to such advertisement, to the (quality) control institution, as is stipulated in Article 27 of this law. In case any content of the advertisement contradicts to the paragraphs 1 and 2 above, the Article 26 of this law shall be applied.

## CHAPTER 5

### MEASURES FOR PREVENTION OF PRODUCT, GOODS AND SERVICES WHICH MIGHT CAUSE SERIOUS DANGERS OR EMERGENCY DANGERS

#### Article 22:

Any production, manufacturing, and trading of the products, goods or services which might cause serious dangers or emergency dangers to health or safety of the consumers, the competent Ministry shall take measures to:

- cease (the activity) completely or for a specified period;
- shut down the establishment of production for temporarily or completely;
- seize and kept on site, confiscate or destroy those products/goods, if necessary and urgent.

Any destruction may not be done, unless there is an agreement before hand, may be in writing, between the competent authority and the owner of the offending products/goods. In case there is no agreement between the competent authority and the owner of the offending products/goods, the owner of the offending products can file a complaint to the provincial-municipal court within the period as determined in the measure.

Any production, manufacturing and trading or any establishments which has been ceased or shut down for temporarily may not restart its activity again, unless upon there is an authorization from the competent Ministry.

#### Article 23:

The competent Ministry may issue a Proclamation (Prakas) giving order to the concerned legal entity or natural person as stated in the article 1 of this law to make necessary modification, in order to comply with the obligations on quality and safety, as stated in the article 3 of this law.

Any cost incurred, relating to the publication of the warning, prevention, or precaution against the consumption, or the collecting back of the products/goods in order to modify them again or reimbursing of any part or the whole cost thereof, shall be the burden of responsible person as stated in the above paragraph.

#### **Article 24**

For ensuring the safety and performance of services, the same measures as in the Articles 22 and 23 of this law can also be applied.

### **CHAPTER VI PROCEDURE OF CONTROL/INSPECTION OF THE QUALITY, SAFETY OF PRODUCTS, GOODS, AND SERVICES**

#### **Article 25:**

All offences for violation this law must be thoroughly inquired and investigated pursuant to the provisions of the articles from 28 to 51 of this law. These provisions does prevent any production of evidence of the offences by other means.

All measures for the Surety, shall comply with the measures as stated in the articles from 52 to article 58 of this law.

#### **Article 26:**

The Ministry of Commerce and concerned Ministries shall have competence to suppress commercial frauds in compliance with this law. These Ministries shall respectively set up a specialized body/unit to be in charge of suppression the falsifications/frauds and of control/inspection of goods during the exportation and importation.

#### **Article 27:**

All activities of control/inspection for finding out about the quality, safety of products, goods and services and of examination of the Minutes of the offenses, or of taking actions for the surety, shall the competence of the (quality) control agents of the Ministry of Commerce, in collaboration with the concerned Ministries.

#### **Article 28:**



The (quality) control agents, as stipulated in Article 27 of this law, shall have competence to control/check, investigate and make up the minutes, audit of the concerned problems. This minutes has an evidentiary value until an evidence of the contrary is produced.

The person who is subject to investigation shall facilitate and provide possibility for the (quality) control agents to perform their operation of control/inspection .

The (quality) control agents may request for an intervention and protection by the forces.

**Article 29:**

The (quality) control agents, as stated in article 27 of this law, may enter to control/inspect in the places of production, manufacturing, commerce, business and services, and in the means of transportation, warehouses, offices and other related places.

If any of the above places is also used at the same time as a place of residence, the (quality) control agents may enter to control/inspect only when during its business activities (business hours). If outside of business (not in operation) , there must be an authorization from the prosecutor to the provincial/municipal court with a presence of the commune (Khum/Sangkat) authority.

**Article 30:**

The (quality) control agents, as stipulated in article 27 of this law, may make an inquiry, duplication , or seize of documents related to the investigation.

In case of seizure, a formal minutes of shall be established immediately. All these seized documents shall be sealed and stamped. The (quality) control agent shall issue a receipt acknowledging the seizure, and give a copy of the minutes to the person whose documents is seized.

Any minutes made which does not comply with this principle shall be considered as null and void.

All the seized documents shall be attached to the procedure, as stated in the article 51 of this law, or given back to the concerned person, if there is nothing to be sanctioned against him/her, a minutes of return of the documents shall be made in the same form.

If the seizure of document is very important for the continuation of activity of the enterprise, the (quality) control agent shall provide a duplicated copy of document. The expense for such duplication is at the burden of the concerned person.

**Article 31:**

The (quality) control agents, as stated in the article 27 of this law, may seize all the evidences or samples of goods to be used as the evidences, according to the procedure stipulated by a Sub-decree.

**Article 32:**

The (quality) control agents, as stated in the article 27 of this law may, by making up a minutes, collect all the affirmed statements of the facts from all individuals who could provide useful information for their investigation.

In the minutes of the affirmed statements of facts shall contain the following information:

- serial number given by the minutes-taker;
- date, time and place, the affirmed statement is made;
- identity, position and address of the person who gives such statement.
- identity, position and address of the minutes-taker.
- useful certification made by the minutes-taker, of the frank report of the information provided by the person who gives the factual statement.
- signatures of the person making the affirmed statement of the facts and the minutes-taker..

If the person who gives the statement does not want or does not know how to sign , or is illiterate, such situation must be mentioned in the minutes. Any minutes which is made which doe not comply with this principle shall be considered as null and void.

**Article 33:**

The (quality) control agents, as stated in the Article 27 of this law, shall perform duties to control/inspect the products, goods and services either by their own eyes or by means of ordinary measurement tools, and to check and examine the documents in the purpose to identify the products, goods and services, and eventually, to find out the appropriate characteristics of the products, goods and services .....characteristics or to find out if the conditions set for manufacturing, manual producing and commercialization of products, goods or services are respected or not.

The Agents shall report in the minutes, of their inspection and the minutes taking, which shall contain the followings:

- serial number given by agent who inspects;
- date, time and places where the inspection and the minutes is made;
- identity, occupation and address of the staff who is the subject of the inspection;
- all information which state in detail the value of the inspection and minute-taking which have been done.

- Registered number with the institution where the agents who inspect and take the minutes are working;
- Signature of the minutes-taker.

The report of the inspection and minute-taking which is made which does not comply with this principle shall be considered as null and void.

The Agents can attach a photo of the irregularities which are found, for additional illustration .

**Article 34:**

Except for the case as in article 40 of this law, at least three samples shall be taken for the analysis.

The first sample is for the competent agent to send it to the laboratory for analysis, while the two other samples are for use during the operation, for any eventual counter-analysis, as determined in the article 47 of this law.

**Article 35:**

The possessor of the products from whom the agent took the samples of goods, shall sign on the minutes. That possessor may write down on the minutes, of his/her remarks about the sources or characteristics of those products which he/she thinks as beneficial. If the possessor does not want or doesn't know how to sign or cannot read and write, the remarks of such a situation shall be recorded down in the minutes.

At the request of the possessor of the products, the agents taking the samples of goods shall issue a receipt which certified of type, quantity and price of the products which are taken as samples for calculation for any eventual compensation which may take place later.

**Article 36:**

The procedure for the sample taking shall be the specialized competence of the agents, who shall require that the three samples shall be identical and shall have the characteristics which represent respectively each lot of goods which has been inspected.

**Article 37:**

Each sample shall be kept and bear a seal and stamp on it. The seal and stamp shall be attached by a certified label in which shall mention :

- names of goods which are to be called when possessing for a purpose of selling or already sold;
- identity and address of the individual(s) at whose place samples are taken;
- serial number given for this operation by the sample-taker;
- registration number of the sample-taking, given by the public institution where the sample-takers are working, and with a certification clearly from that institution;

- remarks of the advantages which would acknowledge the laboratory the aim of the research, by enclosing the documents precisely and a certified label, therewith;
- signature of the sample-taker(s) and signature of the possessor(s) of the products/ goods from whom samples are taken.

**Article 38:**

One of the three (3) samples of goods shall be kept by the possessor(s) or owner(s) of the goods from whom samples are taken, to take care of . The control agent(s) shall instruct him/her/them of the method for preserving the sample, in manner to ensure an original characteristics so that later an analysis could be done properly.

If the concerned person refuses to undertake to keep the sample, this incident shall be recorded down in the minutes, and this sample of goods shall then be preserved with the other two samples, cared for by the (quality) control agents.

**Article 39:**

The other 2 samples of goods shall be sent, by enclosing a minutes therewith, to the public specialized institution where the sample-takers are working.

This public institution shall undertake to preserve these samples , by registering them and recording down their serial number in the label and in the minutes. Then, this institution shall send forwards one sample of goods to the competent laboratory, and besides, shall keep another sample of goods under conditions than can ensure that it will be well preserved.

In case if the samples required to be preserved under special conditions, the two samples or eventually the three samples, may be sent to the laboratory, by giving the burden to that laboratory to take up necessary measure for them .

**Article 40:**

For any item of product/goods which cannot be the subject of taking three samples from it, for reasons of its characteristics or its price, thus only one sole sample shall be taken from the whole or any part of this product.

The application as in the para. 1 above, shall be carried out only for those products/goods which an analysis based on scientific and technical reason, can be done only within a specified period and which prevents or devalues any later analysis.

A minutes on the taking of this sole sample shall be made, on the sample of goods shall be sealed and stamped and with a label attached, under the same condition as stipulated in the article 35 and article 37 of this law. The sample taking shall be registered, and the material sample shall be sent or place under the management of the laboratory, according to the procedure as stated in article 39 of this law.

**Article 41:**

Another separate sample taking which is called an investigating sample can also be done for an analysis at the laboratory or for determining briefly the specification done directly by the inspecting institution itself, within the framework specialized competence. This sample taking will take only one sample of goods.

The result of inspection of this investigating sample shall only have value as an information, and therefore cannot be used either as basis in the legal proceeding as stated in article 51 of this law or for a rule of surety as stated in the articles from 52 to 58 of this law, except for the temporary seizure as stated in article 52 of this law.

**Article 42:**

The samples of products/goods shall be analyzed in the State's laboratory. Other public or private laboratories recognized by the competent ministries may also undertake to do the analysis of samples of goods. The recognition of the public or private laboratories shall be done by a Prakas (Proclamation) of the concerned Ministry. This Prakas (Proclamation) shall determine clearly of the competencies of those laboratories.

**Article 43:**

During the analysis of the samples of goods, the laboratory shall use the methods of analysis as determined in the Prakas (Proclamation) of the concerned Ministry.

In case there is no method of analysis, the laboratory shall follow the method of analysis of the international standards. That method of analysis shall be written down in an analysis bulletin.

**Article 44:**

Upon the completion of works, the laboratory shall produce a bulletin in which the result of the analysis is written down. The laboratory can make a conclusion of the inappropriateness of the products with the substantial law or provisions, if the analysis result could be served as a clarification for the competent institution.

**Article 45:**

If the analysis bulletin of the laboratory certified that the sample of the product/goods is consistent with the characteristics as set forth in this law, and if the institution which managed to take the samples does not have any other information proving of a fraud/ falsification, such concerned institution shall notify the concerned person about the appropriateness of that product/goods.

**Article 46:**

If the analysis showed that the sample of goods/product is inconsistent with the characteristics as set forth in the law, the procedures as stated in articles from 47 to 50 of this law shall be applied.

**Article 47:**

If the result of the analysis by the laboratory attested that there is inconsistency with the characteristics as determined in the law after taking the samples or other necessary additional investigations are conducted, the institution which carries out the inspection shall notify the person(s) of the suspicion of an offence and of his/her/their legal responsibility before the court of law and by stating the reasons thereof.

The concerned person shall have the rights to produce a counter-analysis and to select his/her own specialist/expert (s) within a period of fifteen (15) working days.

If no request for this rights within the above specified period, the result of the analysis as stated in para.1, cannot be contested , except for the cases of force-majeure which affected to the responses.

**Article 48:**

The cost for the specialist/expert(s) to perform his/her/their works, shall be the burden of the concerned person(s) who requested to do the counter-analysis. The selection of specialist/expert(s) as above shall be made from a list of specialists/experts established by the provincial/municipal court.

In case there is no specialist/expert in the list who has sufficient capacity, or if there is no such list yet, the concerned person can choose another specialist/expert. In this case, it is required to have an approval from the provincial /municipal courts on such choice. The approval shall be made within seven (7) working days.

**Article 49:**

The sample of products/goods which is kept in reserved by the institution that registered the sample taking, shall provide the specialist/expert as stated in article 48 of this law. The specialist/expert shall have a period of one month to show to the institution which carries out the inspection, of his/her conclusion in relation to the scientific and technical aspects.

When this conclusion is different from which of the first analysis as related in the article 47, the specialist/expert and Director of the laboratory who made the first analysis shall meet and discuss on this case within a specified period as determined by the inspecting institution. If necessary, the two persons shall proceed jointly a new analysis of the last third sample of product/goods. A joint report shall be made and sent to this institution within a period of one (1) month from the meeting date .

The specialist/expert shall apply one or more methods which were used by the laboratory and identify the points as specified by the first analysis.

#### **Article 50:**

If the concerned person requested to make a counter-analysis for the product which has only one sample as is stated in the article 40 of this law, it is required to comply with the rules of application as stated in the articles from 47 to 48 of this law. This urgent analysis shall be carried out on the dossiers of the first analysis result.

The specialist/expert chosen by the concerned person and the Director of the laboratory who manage the analysis shall meet and discuss on the conclusion of the analysis within a specified period as determined by the inspecting institution. A joint report shall be established and sent to this institution within a period of two (2) days from the date of the meeting.

#### **Article 51:**

In case it is to file a suit with the court, the control agents shall prepare the documents, minutes, analysis bulletin and expertise report as well as other proofs, if any, in accordance with the provisions of this law.

#### **Article 52:**

The (quality) control agents, as stated in article 27 of this law, shall proceed to seize for temporary, manage to re-adjust, change of direction/objective, confiscate or destroy the products/goods as well as manage to re-adjust of the services in accordance with the procedure of this law.

The measures for the re-adjustment, changing of direction, confiscate and destruction cannot be proceeded by the competent agents, unless upon there is an authorization from their the head of institution and an approval from the prosecutor to the provincial/municipal court. This provisions shall not be applicable if the measures are ordered within the framework of articles from 22 to 24 of this law.

#### **Article 53:**

The temporary seizure, is a measure aiming at prohibiting for temporary all activities of management by the possessor(s) of concerned products/goods, for:

- a. lots of products/goods which are suspected;
- b. lots of products/goods which have been recognized through a direct examination and taking record that they are inconsistent with the characteristics as determined by the law, or lots of products/goods which ordinary consumption may affect to health or safety of the consumers;
- c. equipments used to serve the fraud/falsification as specified in the articles 19 and 20 of this law;

The suspected lots of products/goods as stated in the para. ( a ) , sub-para. 2 above, refers to those lots of products/goods which after a direct

examination and/or after taking the samples as stated from the articles 34 to 41 of this law, it is seen that it is necessary to undergo an additional examination, in order to know clearly whether the product is consistent or not with the characteristics as set forth in the law, or if the ordinary consumption of the products may affect to health of safety of the consumers. If the result of the additional examination which shall be carried out within a maximum period of fifteen (15) working days does not prove of any preliminary suspicion, this temporary seizure shall then be urgently lifted off. When necessary and following the request of the inspecting institution, only the prosecutor to the provincial-municipal court may have the rights to extend the period of this temporary seizure. In the contrary, if that product fails to prove it's a characteristics which is consistent with what determined by the law, one of the measure of surety as stated in the articles from 54 to 57 of this law shall be applied.

In the cases as in the sub-para. a, b and c above, the temporary seizure may not exceed a period of fifteen (15) days, and one of the measures as stated in the articles from 54 to 57 of this law, shall be attached therewith.

If the temporary seizure is made at the initiatives of the (quality) control agents pursuant to the para. a, b and c above, the possessor(s) of the products/goods shall have a period of three (3) working days for filing a request contesting against this measure, to the Head of institution of the (quality) control agents. The head of institution shall make a final decision within period of three (3) working days. The contesting request shall not have power to stop the measure of temporary seizure.

In all cases, the products/goods which are temporarily seized shall be placed under the care of the possessor(s) those products/goods.

#### **Article 54:**

The management for re-adjustment is a measure which requires the possessor(s) or owner(s) of the products, goods or services to terminate the reasons which cause the inappropriateness.

The termination of the reasons which cause the inappropriateness shall include the process of changing the products, goods or services, especially, the change of classification number of the products/goods, if there are several classifications, and if it is seen that the products/goods can be classified in another category through which the products/goods can be legally put on sale.

#### **Article 55:**

A changing of direction/objective of any product/goods means:



- a. the sending of the products which are temporary seized or confiscated pursuant to the articles 53 and 56 of this law, to any enterprise which can use that product directly and/or which can process it, to re-adjust it in conformity with the law, which cost shall be the burden of the owner(s) of the product/goods.
- b. the sending back of the same product/goods to the responsible enterprise for packing-up, producing, or exporting the product/goods, which cost shall be the burden of the owner(s) of the product/goods.

**Article 56:**

A confiscation of products/goods is the definitive deprivation of the rights of ownership, which shall be applicable only in the cases as follows:

- a. for the products/goods which are recognized as not in compliance with this law and regulations for application of this law, which are seen after examining directly and/or after taking the sample(s) as stated in articles from 34 till article 40 of this law;
- b. In case that the possessor(s) or owner(s) of the products refuses to re-adjust to have appropriate characteristic or change of direction/objective, or if those measures cannot be applicable to those products/goods;
- c. For the equipment used for the fraud/falsification as stipulated in articles 19 to 20 of this law;
- d. For the products/goods which ordinary consumption may cause danger to health or safety of the consumers.

The confiscated products/goods shall be sealed and stamped and be kept by the possessor(s) (of products/goods) or if there is any refusal, the control agents shall order to keep the products at a place chosen by them.

**Article 57:**

The control agents may destroy or transform by themselves or order the others to destroy or transform the original state of the seized products, whenever those products cannot be used legitimately and with any economic interests.

**Article 58:**

The measures as stipulated in articles from 53 to 57 of this law may relate only with the products/goods held in possession without appropriate reason at one of the premises as stated in the article 29 of this law, or when the products/goods are put on sale, already sold or distributed with free of charge.

A minutes shall be immediately established on spot by the control agents. The minutes shall describe following the points as stipulated in the article 33 of this law and following a detail excerpt of measures to be chosen for implementation with statement of reasons. A duplicated copy of this

minutes shall be handed over to the possessor(s) or owner(s) of the products/goods.

**Article 59:**

The procedure related to conditions of production, manufacturing, commercial business and services, and control/inspection of products, goods and services, as below shall be determined by a sub-decree :

**1. Regarding the products, goods and services:**

- Definition, nomination, composing elements, criteria, type of quality or hygiene, and quantity of products/goods;
- Label, form of presentation, sale and packing up form of products/goods and quality mark which can be stuck on the products;
- Conditions of using the language and the expression for a commercial advertisement for the purpose of avoiding a confusion, and if necessary, the conditions of the commercial advertisement shall be compared among all the products/goods and all the services;
- Form of presentation and meanings in the invoice, hand-over slips of technical documents, commercial documents or other commercial advertisement documents;
- Conditions of prohibition of products and services when they failed to fulfil the general obligation on safety as determined in article 3 of this law;
- Procedure for application of the authorization or declarations in advance for the production, commercial business of the products, goods and services, and the procedure for organizing a self-control in professional manner;
- Provisions related to measuring equipment and the inspection of those equipment;
- Precaution to be taken, processing, check and inspection of the usage of materials so to make the products, goods and services get well with the protection of environment;

**2. Regarding foods:**

- legitimate processing of foods; criteria of purity which foods shall be made based on the common ingredients within the production of foods and materials which can be directly attached with the foods and household products and products for cleaning of the materials.
- Hygienic, health characteristics or physical forms; norm and standards of micro-biology; hygienic rule that foods must comply with, which shall be applied for transportation and establishments which are used for the production, manufacturing or commercial business, and for employees who are working in the establishments; and the use of certificate, label or stamp as the marks from the hygienic department, in relation to the foods;

- if necessary, the health condition of the person who is in charge of mixing ingredients in foods .

### 3. Regarding methods of control/inspection:

- Conditions for the application of provisions in any of the articles from 9 to 12 of this law and the methods of taking samples of the analysis to show the composing elements of the products/goods, bacteriological, hygienic or health characteristics, and to indicate the falsification of products/goods or show the ability of usage of products/goods.
- if necessary, the procedures for application of the surety as determined in any of the articles from 52 to 58 of this law .
- Books, lists and documents which are held or made up by the individuals who are participating in the activities of production, manufacturing or commercial business of products, goods and services may determined.

#### Article 60:

National or international norms and standards, manual instruction of usage and instruction for application in the production which are related to the products, goods and services, shall be determined by a sub-decree and other regulations.

## CHAPTER VII PENALITY PROVISIONS

#### Article 61:

Any person who violates the para. 2 and 3, of the article 14, of this law shall be fined in cash from Five hundred thousand ( 500,000) riels to One million (1,000,000) riels.

#### Article 62:

Any person who violates any the articles 7, 8, 9 or 20 of this law, shall be punished to imprisonment fro six(6) days to one (1) month and with a fine in cash, from One million (1,000,000) riels to 5,000,000 ( Five million) riels, or to either one of the two punishments.

#### Article 63:

Any person who violates any the articles 16, 17, 18 or 21 of this law , shall be shall be punished to imprisonment from one (1) month to one (1) year and with a fine in cash from Five million (5,000,000) riels to Ten million (10,000,000 ) riels, or to either one of the two punishments.

#### Article 64:

In case of repeated offenses in violation of any of the articles 16, 17, 18, 19, 20 or 21 of this law, shall be punished in double, both the amount of

fine in cash and imprisonment terms. The above punishments do not include yet any additional serious criminal offence, in relation to the elements which may cause any danger to health, safety or life of the consumer(s).

**Article 65:**

All products/goods and materials which are subjects that causes a violation of any of the articles 16, 17, 18, 19 or 21 of this law, shall be confiscated as the State's property. The confiscation is the competence of the court.

Other damages, resulted from the violation of any of the articles 16, 17, 18, 19, 20 or 21 of this law, shall also be liable for civil damages.

**Article 66:**

The penalty provisions as stipulated in article 63 above shall be applicable to any individual who:

- a. prevents in any form, the control agents as stated in article 27 of this law from the fulfillment of their jobs;
- b. refuses to show or conceal the technical documents of accounts or commercial documents that he/she has, as stipulated in subparagraph 1, article 30 of this law;
- c. refuses to show the advertisement text(s) or information which stated of the reasons for the advertisement(s);
- d. intentionally provide false information or by deviation from the truth or by causing confusion, in whatever way, in response to the request by the agents as stated in article 27 of this law;
- e. manages without authorization, the goods/products which are seized for temporarily or confiscated by the agents;
- f. does not provide the goods which is/are subject of the temporary seizure or the confiscation by the competent agents, or fails to manage the goods successfully in compliance with the specified objectives of the competent authority, or fails to modify appropriately as determined by the law, of the products/goods which have inappropriate characteristics as stated in articles from 53 to 56 of this law.

**Article 67:**

The (quality/safety) control agents as is stipulated in the article 27 of this law shall be liable for administrative punishments.

The (quality/safety) control agents shall be responsible for their negligence which causes miscarriages and other consequences which contradicted to the provisions of this law and of other regulations under this law.

**Article 68:**

The Administrative punishments which shall be applied against the agents or the competent officers as determined in this law include:

- a. first degree of administrative punishment which is a warning or blame by the head of the institution;

- b. Medium administrative punishment which is a ceasing of the payment salary and other benefits for a period of six( 6 ) or more months;
- c. Serious administrative punishment which is the removal from position or function , or dismissal from the job.

The administrative punishments as stated above does not include yet any other criminal offence.

**Article 69:**

Any control agent or competent officer who conspires or abuses his/her competent during the application of the article 14, shall be subject to the administrative punishment and to a fine in cash as stated in sub-para. 2 and 3, article 61 of this law.

Any control agent or competent official who conspires or abuses his/her competence in the application of any the articles 7, 8, 19 or 20 of this law, shall be subject to a serious administrative punishment and other punishments as stipulated in the sup-paragraphs 2 and 3, of article 62 of this law, without yet including any other criminal punishment (, if any).

**Article 70:**

Any control agent or competent officer who conspires or abuses his/her competence in the application of the article 16, 17 or 21 of this law shall be subject to the serious administrative punishment and other punishment as stipulated in article 63 of this law, without including other criminal punishment(, if any).

**Article 71:**

The letter of authorization issued by the competent authority shall be removed for any production or commercial business as stipulated in article 6 who does not comply with any provisions of this law .

**Article 72:**

The experts/specialists who are working either in the State's or private laboratories who undertake to do the analysis of the samples of products/goods, as stated in articles from 42 to 50 of this law, shall be responsible directly before the law, for their analysis bulletin.

Any expert/specialist for analysis who conspires or abuses his/her competence in the application of the articles 61, 62, 63 and 64 of this law.

**CHAPTER 8  
FINAL PROVISIONS**

**Article 73:**

Any provisions which are contradictory to this law, shall be hereby abrogated.

**Article 74:**

This law shall be declared as urgent./.

This law was adopted by the National Assembly  
of the Kingdom of Cambodia on 29 May 2000,  
during its 4<sup>th</sup> Ordinary-Session, 2<sup>nd</sup> Legislature.

Phnom Penh, on 30 May 2000.  
The President of the national Assembly;  
Signature and seal of: NORODOM RANARIDTH.

Norodom Ranaridh