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## CHAPTER 1 GENERAL PROVISIONS

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

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

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

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

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

## CHAPTER 2 CONSUMERS' RIGHTS AND ECONOMIC OPERATORS' OBLIGATIONS

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

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

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

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

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

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

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

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

Article 8: The following acts shall be strictly prohibited:

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

Article 9: Importation of products or goods must be in compliance with this law

### CHAPTER 3 QUALITY LABEL AND CREATION FORMALITIES

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

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

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

Article 15: A norm within the meaning of this law shall be defined as a technical specification accessible to the public which has been established with the cooperation and consensus of all parties concerned, based on scientific and technological

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

Article 19:

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

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

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

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

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

Advertisers placing commercial advertisements for their own account shall be held principally accountable in their capacity as an initiator.

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

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

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

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

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

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

## CHAPTER 6 INSPECTION PROCEDURES FOR QUALITY AND SAFETY OF PRODUCTS, GOODS AND SERVICES

Article 25: Acts in violation of this law shall be thoroughly investigated and observed in accordance with the provisions stipulated under Articles 28 through 51 of this law. However, these provisions shall not prejudice other evidence obtained through other available means.

All safety measures shall be in compliance with, and implemented according to, the provisions stipulated under Articles 52 through 58 of this law.

Article 26: The Ministry of Commerce and relevant ministries shall be responsible for the repression of commercial fraud in accordance with this law. These ministries shall establish a specialized institution to be in charge of fraud repression and inspections of exported and imported goods.

Article 27: The inspection agents of the Ministry of Commerce shall be authorized to carry out inspection, investigation, offenses recording activities, or to take other measures in cooperation with other relevant ministries.

Article 28: Inspection agents specified under Article 27 of this law are authorized to conduct inspections, prepare official records, and audit relevant issues. Their official records shall remain valid until proven otherwise.

Individuals subject to inspections shall be required to cooperate with inspection agents so that they may carry out their tasks.

Inspection agents can request additional forces for protection and intervention.



If the testimony provider refuses or does not know how to sign or is illiterate, mention of the said fact shall be made in the records. Official (records) minutes which are made not in compliance with the above provisions shall be considered invalid.

Article 33: Inspection agents specified under Article 27 of this law can conduct inspection of the products, goods, and services either by visual means, ordinary measurement instruments, or by documents verification aimed at determining the identities of the products, goods, and services, and detect their compliance with respect to their declaration, or to investigate whether or not the conditions for the manufacturing, processing, commercialization and service provisions have been respected.

The agent shall record their inspection in their official (records) which shall comprise the following:

- sequential number provided by the recording agent;
- date, time, and place where the inspection was made;
- identity, profession, and address of the individual subject to the inspection;
- all elements which can provide details on the value of the findings;
- registration number with the institution of the recording agent; and
- signature of the recording agent.

Official (records) minutes of the inspection which are made not in compliance with the above provisions shall be considered as invalid.

Photos of observed irregularities can be attached by the inspecting agent for further consideration.

Article 34: Except for the case specified under Article 40 of this law, the taking of goods samples shall be made at least three units.

The first sample shall be for laboratory testing, the other two samples shall be kept for use in eventual counter-tests as specified under Articles 47 through 50 of this law.

Article 35: Owner of products which have been



- date, time, and place where the samples were removed;
- identity and address of the individual at whose location the samples were removed;
- sequential number for the procedure provided by the sample remover;
- registration number of the samples provided by the public institutions whose agents have performed the samples removal, and accurate identification of that institution;
- useful remarks which enable the laboratory to know the purpose of the test to be made along with relevant documents attached to the label; and
- signatures of the sample removers and the owners of the sampled products.

Article 38: One sample out of the three shall be kept by the holder or the owner of the products. The inspection agent shall provide guidance on the proper manner in which the sample shall be preserved in good condition to ensure that future testing is legitimate.

If the holder or the owner of the products refuses to do so, mention shall be made in the minutes and the inspection agent shall store the sample with the other two samples.

Article 39: The other two samples shall be forwarded with the attached minutes to the public competent institutions whose agents performed the sample removal.

These public institutions shall keep the samples, register them, and provide entry numbers on the label and the minutes. One sample shall be sent to the competent laboratory and the other preserved in proper condition.

If special storage conditions of the samples are required, then the two samples or all three samples as may be the case specified in the second paragraph of Article 38 of this law can be sent to the laboratory for taking the necessary measures.

Article 40: When a product whose conditions or value do not allow the removal of three samples, only one sample shall be removed from the whole product or a portion of it.

The implementation of the above paragraph shall be done for products or goods which for technical and scientific reasons the testing can be done only within a limited time frame failure of which future testing results can be invalid.

A minutes of the taking of the sample shall be made and the product shall be sealed and attached with the label in the same conditions as specified under Articles 35 and 37 of this law. Samples shall be registered as follows: 1.15 TD .00at3.8(D 0 Tc 0)4.3(e).7 sa

The results of the investigative sample ~~be~~ used only for information purposes, and

shall require the consent of the municipal or provincial court. Such consent shall be provided within seven working days.

Article 49: The product samples preserved by the registering institution shall be provided to the expert as stipulated under Article 48 of this law. The expert shall have one month to give the inspecting institutions his conclusions with regards to technical or scientific aspects only.

When his conclusion differs from the one of the first testing as stipulated under Article 47, the expert and the chief of the laboratory which conducted the first test shall meet to discuss the matter within a timeframe set by the inspecting institutions. When deemed necessary, the two parties jointly conduct another test on the third sample. A joint report shall be prepared and sent to the institutions no later than one month from the meeting date.

The expert shall use one or more methods similarly employed by the laboratories and proceed as the first test.

Article 50: In the event the party requested counter-testing for a product which has only one sample as stipulated under Article 40 of this law, the procedures stipulated under Articles 47 and 48 of this law shall be applied. This immediate counter-test shall be done based on documents from the first test.

The expert selected by the party and the chief of the laboratory which conducted the first test shall meet to discuss the conclusions within a timeframe set by the inspecting institutions. A joint report shall be prepared and sent to the institutions no later than two days from the meeting date.

Article 51: In the event of a court action, the inspecting agent shall prepare documents, reports of the test, expert reports, and other evidence pursuant to the provisions of this law.

Article 52: Inspecting agents specified under Article 27 of this law can temporarily detain, take measures to ensure compliance, rectify, confiscate and destroy products and goods as well as require compliance of services in accordance with the procedures of this law.

Measures to ensure compliance, rectification, confiscation, and destruction of products can be effectuated by the inspecting agents only after authorization from their head of institutions and consent of the provincial/municipal prosecutor. These provisions shall not be applicable if the measures fall under the scope of Articles 22 to 24 of this law.

Article 53: Temporary detentions are measures aimed at preventing on a temporary basis any distribution by the means of the products and goods concerned of the following:

- a) suspected batches of products and goods.
- b) batches of products and goods which, upon actual inspection, do not possess the proper requisite characteristics as defined by law or batches of products and goods whose ordinary use can harm the safety or health of consumers.

c) instruments used for the commission of fraud as specified under Articles 19 and

Article 56: Products and goods confiscation shall mean the complete removal of the ownership rights from the owners, and be applied only in the following cases:

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- precautionary measures, treatments, ~~additions~~ and the use of materials in products and services to ~~ensure~~ environmental protection.

2. For food products

- processing of food in conformity ~~with~~ the law, criteria of food purity, ingredients used in the food producti

Article 65: All products, goods, and equipment which are the subject of the offenses committed under Articles 16, 17,, ~~18~~, 20 or 21 of this law shall be confiscated as state assetse ~~Act~~ of confiscation shall be within the jurisdiction of the court.

Inspecting agents or competent officials who conspire with offenders or abuse their position under Articles 7, 8, 19, 20 shall have administrative sanctions of highest degree imposed upon them and other sanctions shall be imposed under Article 62 without prejudice to other criminal sanctions.

Article 70: Inspecting agents or competent officials who conspire with offenders or abuse their duties under Articles 16, 17, 18, or 21 of this law shall have administrative sanctions of highest degree imposed upon them and other sanctions shall be imposed under Article 62 of this law.

Article 71: Manufacturing and commercialization facilities as specified in Article 6 which do not comply with the regulations shall have their license's withdrawn by the competent institutions.

Article 72: Experts working in laboratories and individuals performing sample products testing as defined under Article 42 to 50 of this law shall be held legally liable for their test bulletins.

Any expert who conspires with offenders or abuses his/her position shall have sanctions imposed in accordance with the



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