

The Consumer Protection Law
(The Pyidaungsu Hluttaw No.10, 2014)
(The 14th Waxing of Taboung, 1375 M.E.)
(14th , March, 2014)

The Pyidaungsu Hluttaw hereby enacts the following Law:

Chapter (I)

Title and Definition

1. This Law shall be called as the Consumer Protection law.
2. The following expressions contained in this Law shall have the meanings given hereunder:
 - (a) **“Consumer”** means person who takes or uses goods or services not for trading.
 - (b) **“Consumer Protection”** means giving legal protection, giving guaranteeing in health and safety to the consumers in respect of goods or services.
 - (c) **“Goods”** means object tangible or insufficiently tangible, movable or immovable, consumable or inconsumable which is enable to trade for use and consume by general public.
 - (d) **“Services”** means an action which fulfills the need of consumer in the form of work or performance in the society.
 - (e) **“Trade”** means buying and selling goods or services determined the value and aiming to obtain interest.
 - (f) **“Advertisement”** means the activity that publicizes the goods produced and services provided by and individual, any organization or any business. The activity by media also includes in this expression.

- (g) **“Entrepreneur”** means an individual person or organization conducting production, distribution, storage, transportation, sale, reproduction, exportation, importation, resale of goods, providing services or advertisement.
- (h) **“Fraud”** means the act which is not in good faith of wrong statement or incorrect advertisement with the intention to mislead the consumer related to goods or services and the act done dishonestly to believe wrongfully by public of natural quality, manufacturing process, activity process, characteristic, specified standard, intention or quantity relating to goods or services.
- (i) **“Damage”** means death, injury and loss to a person, and injury and loss to any property movable or immovable.
- (j) **“Sale Promotion”** means activity aiming at to buy or use more widely the goods or services by the consumer.
- (k) **“Consumer Dispute Settlement Body”** means a body formed under this Law to coordinate and settle the dispute arises relating to goods or services between entrepreneur and consumer.
- (l) **“Ministry”** means the Ministry of Commerce of the Union Government.
- (m) **“Central Committee”** means the Central Committee of Consumer Protection formed under this Law.
- (n) **“Department”** means the Department of Commerce and Consumer Affairs.

Chapter II

Objectives

3. The objectives of the Consumer Protection Law are as follows:
 - (a) to enable to understand and claim the own rights as a consumer and not to cause sufferance from fraud in using the goods or services;
 - (b) to cause occurrence of a system effectively protect the rights of the consumer;
 - (c) to cause occurrence of consumer protection scheme including protecting by Law distributing and informing correct transparent information to the consumer;
 - (d) to cause behaviours taking responsibility in carrying out with regard upon consumer protection activity by the entrepreneur;
 - (e) to cause fulfillment of goods or services that enable to ensure the high quality for safety, health, satisfaction of the consumer.

Chapter III

Formation of the Central Committee

4. The Union Government:
 - (a) shall form the Consumer Protection Central Committee comprising the Union Minister of the Ministry of Commerce as Chairman, the Deputy Ministers from the respective Ministries, the Heads from respective government departments and organizations, the representatives from the non-government organizations and experts as members and persons assigned duty by the chairman as secretary and joint-secretary;
 - (b) the Central Committee formed under sub-section (a) may amend and form as may be necessary.

Chapter IV

Functions and Duties of the Central Committee

5. The functions and duties of the Central Committee are as follows:
 - (a) implementing the objectives of this Law to be in success;
 - (b) tendering advice, recommendations and assistance to the Union Government in laying down and carrying out the policies of consumer protection;
 - (c) surveying for safety of consumer regarding goods and services;
 - (d) enabling to form non-governmental consumer protection organizations and encouraging for development of functions thereof;
 - (e) distributing information through media for the interest of consumer;
 - (f) settling the complaints related to consumer protection from the consumer, consumer protection organizations and other organizations;
 - (g) conducting survey by collecting statistics related to consumer protection business and reviewing the said surveys and performing for the interest of consumers as may be necessary;
 - (h) communicating with the international organizations and regional organizations;
 - (i) informing to the relevant department, organization for enabling to prohibit regarding goods that are unsuit for consumption;
 - (j) coordinating with the Ministry of Science and Technology for enabling to form in accord with the stipulations, if necessary, the standardization experts groups and laboratories of goods or services;

- (k) educating the entrepreneurs to protect the interest of consumer and effectively carry out their affairs;
- (l) deciding the appeal case on administrative penalty passed by the Consumer Dispute Settlement Body;
- (m) co-operating with non-governmental consumer protection associations formed in accord with the existing law.

Chapter V

Rights and Duties of the Consumer

- 6. (a) The rights of the consumer are as follows:
 - (i) enabling to use safety of the goods or services;
 - (ii) enabling to choose the goods or services and enabling to obtain the promised value, terms and conditions and warranty;
 - (iii) having right to obtain completely and correctly of information relating to the condition and warranty of the goods or services;
 - (iv) claiming to hear and settle on dispute related to goods or services used by the consumer, enabling to obtain consumer protection and enabling to obtain correct settlement.
 - (v) receiving fair relationship that is non-discriminatory treatment and service.
- (b) The duties of the consumer are as follows:
 - (i) complying with the information and guideline related to goods or services intended and expressed to cause safety;
 - (ii) complying with the decisions of the Consumer Dispute Settlement which settle properly in consumer disputes;
 - (iii) avoiding false accusation intended to detriment on entrepreneurs;

- (iv) avoiding the saying, writing and acting in order to detriment on relevant entrepreneurs by mean of media or by other mean while relevant persons is settling the consumer dispute.

Chapter VI

Rights and Duties of the Entrepreneurs

- 7. (a) The rights of the entrepreneur are as follows:
 - (i) receiving payment in accord with agreements, value in sale of goods or services;
 - (ii) having right of defence under law in consumer dispute;
 - (iii) enabling to make regain of goodwill if the injury and loss of the consumer is not because of his goods or services;
 - (iv) enabling to regain goodwill if it is provable in accord with the law that the injury and loss of the consumer is not because of goods or services that he has purchased;
- (b) The duties of the entrepreneurs are as follows:
 - (i) acting the business accord with business ethics;
 - (ii) giving clear and proper information on goods or services;
 - (iii) treating honestly and properly with non-discrimination to the consumers;
 - (iv) guaranteeing the goods or services traded or produced based on stipulated standard and quality;
 - (v) providing opportunity to test on goods or services which require to test quality before purchasing;

- (vi) taking responsibility as guaranteed in respect of damage due to consuming goods or using services during the warranty period;
- (vii) taking responsibility as agreed terms and conditions if received or used goods by consumer are inconsistent with the agreement;
- (viii) complying exactly with the agreed agreement or promise in the agreement in doing service business;
- (ix) avoiding the saying, writing and acting to cause detriment on the relevant consumer by means of media or by other means while relevant person is settling the consumer dispute.

Chapter VII

Prohibitions for Entrepreneurs

8. The entrepreneur shall not carry out the production, trade of the followings:
 - (a) goods that are not in conformity with the information or condition stated on the label, warrantee, distinctive, efficacy, net weight, net volume, total amount, quality, grade, position, mode, style of the relevant goods;
 - (b) goods that are not in conformity with the statement contained in the ingredients of label or advertisement and sale promotion;
 - (c) goods without name, size, net weight, volume, composition, instruction, manufactured date and batch number, expiry date, side effect, poisonous materials, name and address of manufactured company, name of distribution, trademark, information and preparation;

- (d) goods without stating in Myanmar language or jointly in Myanmar and other language, the information or instruction related to use commencing from the date stipulated by the Central Committee;
- (e) goods mentioned improperly in respect of place of yield or place of production;
- (f) goods that are not in conformity with the recommendation of acknowledged department or organization of domestic and abroad; or the prescribed standard;
- (g) goods that are stated the guarantee of health and nutrition without reference of scientific research finding by the respective organization;
- (h) goods that are not in conformity with the prescribed standards and norms;
- (i) service that is not in conformity with stated condition, guarantee, distinct, term, efficacy in respect of the relevant service;
- (j) service that is not in conformity with the statement contained in the advertisement and sale promotion.

9. The entrepreneur shall not offer for sale, promote sale and advertise with intent of misleading the buyer or user in the following conditions;

- (a) being goods discounted or fixed special price that are not in conformity with the referred quality standard, style or mode, distinct characteristic, use;
- (b) being goods that are not in fresh and good condition;
- (c) making firm sponsor and approval to goods or services of any other company;
- (d) being goods or services that are not useful or available;

- (e) being goods or services that the defect and need are concealed;
- (f) disparaging directly or indirectly other goods or services;
- (g) using exaggeration not approved with complete information;
- (h) being goods or services that are sold or given by offering with uncertain promises.

10. The entrepreneur shall, in selling and buying, not deceive or mislead the consumers with any of the following conditions:

- (a) stating incorrectly that the goods or services meet the prescribed standard, quality;
- (b) concealing and stating the need of the goods or services;
- (c) selling by substituting the other goods which is not the proposed goods;
- (d) increasing the price of the goods or services before sale promotion of the goods or services;
- (e) selling by redecorating and mixing the goods that are expired;
- (f) selling by mixing goods that are similar and lower in quality; and the goods that are different and unsafe to consume.

11. The entrepreneur shall not offer for sale, promote sale or advertise on special price within on certain period without arrangement to sell the goods or services within the designated period or according to the amount as offered, promoted sale, advertised.

12. The entrepreneur shall not offer for sale, promote sale or advertise the goods or services if not enable to give actually although promised to give other goods as prize or give service free of charge.

13. The entrepreneur shall not offer for sale, or advertise the goods or services by using any mode which causes annoyance to physical or mental of the consumer.
14. The entrepreneur shall not advertise the following kinds of advertisement:
 - (a) advertisements that are deceived to the consumers in respect quality of goods, quantity, ingredients in goods, mode of use to goods, price of goods, rate of service and time to be enable to deliver the goods or services;
 - (b) advertisements that are deceived on warranty of the goods or services;
 - (c) advertisements containing false informations in respect of goods or services;
 - (d) advertisements that are not informed the risk of using the goods or services;
 - (e) advertisements used on any person or any incident without the permission of the person concerned;
 - (f) advertisements that violate the provisions of Law, ethics.
15. The entrepreneur or advertiser shall be liable to the consequences of own advertisements.

Chapter VIII

Formation of the Consumer Dispute Settlement Body and Functions and Duties thereof

16. The Central Committee shall, in order to carry out systematically the functions of consumer protection and to settle the disputes of consumers, form the Consumer Dispute Settlement Bodies in Regions or States, Districts, Townships with suitable persons.

17. The functions and duties of the Consumer Dispute Settlement Bodies are as follows:

- (a) mediating and conciliating consumer disputes;
- (b) distributing knowledge to consumer relating to consumer protection;
- (c) accepting and examining the complaint in writing or oral of consumer relating to the goods or services;
- (d) carrying out duties conferred by the Central Body from time to time.

Chapter IX

Settlement of Consumer Dispute

18. The Consumer Dispute Settlement Body shall, in settling the consumer disputes, carry out the followings:

- (a) examining the entrepreneur who is accused of violation;
- (b) examining the person who knows the consumer dispute, eye-witnesses and expert;
- (c) examining and assessing the documents required in inquiry and other exhibits;
- (d) examining and deciding whether or not there is loss at consumer's side;
- (e) notifying the decision related to consumer protection to the entrepreneur who has violated against it in dispute;
- (f) taking action if violates the provisions in section 8.

Chapter X

Right To Take Action of The Consumer Dispute Settlement Body

19. The Consumer Dispute Settlement Body may, if finds out that the entrepreneur fails to comply any duty mentioned in sub-section (b) or section 7 or

violates any mentioned in section 8, pass decision and take any one or more of the following actions:

- (a) warning;
- (b) severe warning;
- (c) remedy;
- (d) prohibiting the sale and distribution of goods that are disputing in limited period;
- (e) causing to recall the goods in market;
- (f) destroying the goods that are enable to cause danger to consumers;
- (g) coordinating with the relevant Ministries if required to revoke license temporarily or permanently of business permit.

20. The person who is not satisfied with the decision passed relating to taking actions contained in section 19 may appeal to the Central Committee within 60 days from the date of passing decision.

21. The Central Committee may confirm, amend or cancel the decision passed by the Consumer Dispute Settlement Body. The decision of the Central Committee shall be final and conclusive.

22. The Department, shall have the right to collect as arrears of revenue on the person who fails to pay compensation under the order passed in accord with the provisions contained in this chapter. In collecting so, any suitable official may be assigned duty as the collector.

Chapter XI

Offences and Penalties

23. Any entrepreneur who violates any provision contained in sections 9,10,11,12,13 or 14 shall, on conviction, be punished with imprisonment for a term not exceeding 3 years or with fine not exceeding 5,000,000 kyats or with both.

24. The consumer may sue for their injury under civil litigation although convicted under section 23.

Chapter XII

Miscellaneous

25. The seller of goods shall give a receipt to the lawyer for purchase of goods. It shall contain total amount of payment, model number of goods, place of manufacture, other dates determined by whom it concerns including buyer's address, name, date of purchase, type of purchasing goods, quantity, amount of money paid for each item, specific statement such as tax in the receipt.

26. The entrepreneur shall have the burden of proof that there is no intention to mislead contained in section 9.

27. Matters relating to the provisions contained in this Law shall be carried out only in accord with this Law.

28. The Central Committee may, in implementing the provision contained in this law, carry out the standardizations for the goods or services by forming separate expert groups or by selecting the inspection groups, established laboratories under the relevant existing laws.

29. (a) The Central Committee may recognize the department and organization that examined chemical whether or not in conformity with standardization related to goods or services.

(b) The chemical examination result of the department and organizations recognized by the Central Committee under sub-section (a) shall be final evidence.

30. The Consumer Dispute Settlement Body may, in deciding and settling the consumer disputes, cooperate with the consumer protection associations which are non-governmental organization formed in accord with the existing law and obtain advice if necessary.

31. For enabling to carry out the provisions contained in this Law:

- (a) the Ministry may issue Rules, regulations and by-laws with the approval the Government as may be necessary;
- (b) the Ministry and the Central Committee may issue notifications, orders, directives and procedures and the Department may issue orders and directives as may be necessary.

I hereby signed under the Constitution of the Republic of the Union of Myanmar.

Sd/

Thein Sein

The President of the Union

The Republic of the Union of Myanmar