



# LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

CONVENIENCE TRANSLATION - ACCURACY NOT GUARANTEED

**Consumer Protection Law**  
**Pyidaungsu Hluttaw Law No. 9/2019**  
**10<sup>th</sup> Waxing Day of Tapaung, 1380**  
**(15 March 2019)**

The Pyidaungsu Hluttaw hereby enacts this law.

## **Chapter (1)**

### **Name, entering into force, definitions**

1. (a) This law shall be called the Consumer Protection Law.
- (b) The provisions in chapter 18 of this law shall come into force one year after the enactment of this law. The remaining provisions shall come into force on the day of enactment.
2. The expressions contained in this law shall have the following meanings:
  - (a) **“Consumer protection”** means the protection of rights and interests of consumers concerning goods or services and the fair procedure undertaken by the Commission and the Committees involving consumers and entrepreneurs.
  - (b) **“Consumer”** means a person who, for personal use or the use by others, purchases, uses, obtains or rents goods or services or is provided with goods or services as aid, provided that such use is not be undertaken commercially or for a living.
  - (c) **“Entrepreneur”** means a person or organisation who/that manufactures, distributes, transports, sells, modifies, exports, imports or resells goods, provides goods as aid, provides services relating goods or operates an advertisement business relating to goods.
  - (d) **“Goods”** mean objects that are purchased, used or consumed for the purpose of the consumer’s own use or the use by others. This term includes deeds, shares, securities and currency that have transferrable monetary value.
  - (e) **“Service”** means an act in the form of a business or function which, for a consideration or without consideration, fulfills the needs of consumers.
  - (f) **“Trade”** means an action with the purpose of gaining a profit after specifying the value of goods or services.



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- (g) **“Fraud”** means an act done through a wrong statement or wrong advertisement or done in bad faith with regard to goods or services in order to cause acceptance by a consumer on a wrong understanding.
- (h) **“Deception”** means an act which misleads a consumer as to the natural quality, manufacturing process, work process, characteristics, specified quality, purpose or quantity with regard to goods or services.
- (i) **“Advertising”** means an action with the purpose of creating consumer awareness through writing, recitation, performance, songs or other means.
- (j) **“Promotion”** means an action with the purpose of creating higher consumer awareness and more use through one means or more than one means.
- (k) **“Loss”** means damage to the body, mind, personal integrity, reputation or property of a consumer with regard to goods or services.
- (l) **“Goods description”** means information or a symbol concerning the goods that are displayed on the goods or their package in writing, print, images or by other means.
- (m) **“Hazardous goods or services”** mean goods or services not to be used according to a specification by the relevant government department or organisation.
- (n) **“Government”** means the Union Government of the Republic of the Union of Myanmar.
- (o) **“Commission”** means the Myanmar Consumer Protection Commission formed by the Government according to this law.
- (p) **“Ministry”** means the Ministry of Commerce of the Union Government.
- (q) **“Department”** means the Department of Consumer Affairs under the Ministry of Commerce.
- (r) **“Staff Officers’ Office”** means the offices of the Department formed and assigned duty in the Union Territory, Regions and States.
- (s) **“Committee”** means the Consumer Affairs Committee formed by the Commission according to section 17 of this law.
- (t) **“Inspection Officer”** means a person appointed as inspection officer by the Department of Consumer Affairs according to this law.



- (u) “**Consumer protection association**” means an association formed for the exclusive purpose of performing functions of consumer protection according to the law in force.

## **Chapter (2)** **Objectives**

3. The objectives of this law are as follows:
- (a) To ensure complete consumer rights;
  - (b) to do more for a wider consumer protection awareness;
  - (c) to distribute accurate and clear information on consumer protection;
  - (d) to cause the provision of high quality services which guarantee the safety, health and satisfaction of consumers;
  - (e) to ensure that entrepreneurs operate according to the law with regard to consumer protection;
  - (f) to prevent the use of hazardous goods or services by consumers and losses incurred due to the use of such hazardous goods or services;
  - (g) to implement administrative arrangements and supervision in order to grow the number of consumer protection associations and to coordinate with them to ensure strong institutional structures;
  - (h) to take immediate action against goods or services which are hazardous to consumers.

## **Chapter (3)** **Formation of the Commission**

4. The Government shall -
- (a) in order to implement consumer protection functions, form the Myanmar Consumer Protection Commission in which the Union Minister of the Ministry shall be chairman, the persons appointed by the heads of the Union level government departments and organisations, consumer protection experts and representatives of consumer protection associations shall be members and the director general of the Department shall be secretary.
  - (b) The number of the members of the Commission formed according to sub-section (a) shall be odd and not exceed 29.



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- (c) The Commission formed according to sub-section (a) may be re-organised as required.
5. The chairman of the Commission may appoint a vice-chairman and a joint-secretary from among the members appointed according to section 4.
6. Commission members who are not public servants shall be entitled to remuneration as specified by the Ministry with the consent of the Union Government.
7. The secretary of the Commission shall be responsible for administrative functions concerning the Commission.
8. If any Commission member who is not a public servant wishes to resign, the chairman of the Commission shall allow it with the consent of the Union Government.
9. A Commission member shall automatically cease to be a member in any of the following circumstances -
- (a) Death;
  - (b) resignation on his or her own volition;
  - (c) health impairment causing a failure to perform the assigned duty according to the finding of a doctor or medical board appointed by the Ministry of Health and Sports;
  - (d) being sentenced for a moral crime.
10. The chairman of the Commission may appoint a new member with the consent of the Union Government in accordance with the provisions of this law and the rules if there is a vacancy in the Commission due to the resignation, termination or death of a member or any other reason.
11. The chairman of the Commission may terminate any member of the Commission who is not a public servant with the consent of the Union Government if he or she is found to have acted in contravention of the law.

### Chapter (4)

#### Rights and duties of the Commission

12. The rights and duties of the Commission are as follows -
- (a) Reporting annually to the Union Government concerning the implementation of consumer protection functions;
  - (b) implementing necessary functions in order to achieve the objectives of this law;

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- (c) advising the Union Government concerning consumer protection matters;
- (d) drawing policies and making arrangements concerning consumer protection matters;
- (e) reporting the arrangements to the Union Government if special circumstances have or special work has occurred;
- (f) specifying priority sectors to ensure the safety of goods which will be used or consumed by consumers;
- (g) requesting the Department to analyse goods at government laboratories or internationally recognised laboratories concerning consumer protection matters;
- (h) forming Consumer Affairs Committees in the Union Territory, Regions or States; forming Consumer Affairs Committees in Self-Administered Divisions and Zones and in districts if required; assigning their duties;
- (i) deciding on matters reported by the Department or a Committee concerning special circumstances, functions and fines;
- (j) deciding appeals within a specified period against administrative orders made by the Committee;
- (k) if required, forming consumer protection working committees and assigning their duties;
- (l) taking action by calling emergency meetings in case of the occurrence of a substantial hazard or loss to consumers.

## Chapter (5)

### Rights and duties of the Department

13. (a) The rights and duties of the Department are as follows -
- (1) Performing functions to ensure the rights of consumers;
  - (2) creating awareness and distributing information concerning consumer protection;
  - (3) conducting research on consumer protection and doing what is required in the interest of consumers after having considered the research result;



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- (4) appointing the Inspection Officer with a rank not lower than deputy staff officer in order to review complaints, monitor hazardous goods and services and remove them from the market;
  - (5) coordinating with international and regional organisations concerning consumer protection matters;
  - (6) assigning duties to the Inspection Officer such as entering premises or obtaining data, samples and information required for the safety inspection of goods and services;
  - (7) making arrangements in order to timely prevent or investigate potentials for substantial hazards or losses to consumers;
  - (8) making arrangements for the formation of consumer protection associations;
  - (9) performing the office duties of the Commission and the duties assigned by the Commission from time to time.
- (b) The Department shall assign the following duties to the Staff Officers' Office -
- (1) Making required arrangements concerning consumer protection matters reported by the Inspection Officer; coordinating with the relevant Government departments and organisations if required;
  - (2) taking legal action concerning goods specified as hazardous by the relevant Government departments and organisations;
  - (3) mediation concerning a loss suffered by consumers and reporting its result to the Department and the Committee;
  - (4) passing an administrative order or administrative orders specified in section 52 if an entrepreneur is found to have contravened the provisions in sections 21, 24, 25 and 27 and reporting this to the Department and the Committee;
  - (5) reporting to the Committee so that legal action is taken if an entrepreneur is found to have contravened any provisions of this law other than the provisions in sections 21, 24, 25 and 27;
  - (6) performing the duties assigned by the Department from time to time.



## Chapter (6) Duties of the Inspection Officer

14. The Inspection Officer shall be responsible for reviewing complaints, monitoring goods and services that appear to be hazardous and performing inspection functions in order to make these goods disappear from the market.
15. The duties of the Inspection Officer are as follows -
  - (a) Monitoring goods manufactured in the country or imported into the country before or after *[they enter]* the market as to whether they are hazardous;
  - (b) reviewing the description of goods as to whether required information is included;
  - (c) monitoring goods and services as to whether they are edible, usable and *[not]* hazardous;
  - (d) if there is a report indicating that goods or services may be hazardous, checking such goods or services;
  - (e) checking compliance after action has been taken by the relevant Staff Officers' Office or a Committee;
  - (f) monitoring compliance with prohibitions according to this law;
  - (g) reporting the result of the monitoring to the relevant Staff Officers' Office;
  - (h) reviewing complaints concerning goods or services and reporting the result of the review to the relevant Staff Officers' Office;
  - (i) reporting to the relevant Staff Officers' Office if goods appear to be hazardous so that the goods are analysed at the laboratory of the relevant government department or an internationally recognised laboratory;
  - (j) reporting to the relevant Staff Officers' Office in order to suspend, during the inspection period, the distribution or sale of goods and services that appear to be hazardous; and
  - (k) performing duties assigned by the Department or relevant Staff Officers' Office from time to time.
16. The Inspection Officer may obtain assistance from the Myanmar Police Force if required during the performance of his or her duty.



## Chapter (7)

### Formation of the Consumer Affairs Committee *[singular in the original]*

17. (a) The Commission shall form the following Consumer Affairs Committees composed of appropriate persons in order implement consumer protection matters and to mediate and decide disputes between consumers and entrepreneurs -
- (1) Regional and State Consumer Affairs Committees;
  - (2) Union Territory Consumer Affairs Committee.
- (b) When forming the Consumer Affairs Committees according to sub-section (a), the number of the members of the Committee shall be odd and from five to nine, including the chairman and the secretary of the Committee.

## Chapter (8)

### The rights and duties of a Consumer Affairs Committee

18. The rights and duties of a Consumer Affairs Committee are as follows -
- (a) Coordinating with the relevant Government departments and organisations in order to implement consumer protection functions;
  - (b) consulting with the relevant Government departments and organisations if required to perform consumer protection matters and to resolve consumer disputes;
  - (c) forming and appointing an inspection team in order to investigate goods or services having the potential of a substantial loss or hazard to consumers;
  - (d) deciding on the submissions of the inspection team formed according to sub-section (c);
  - (e) passing an administrative order or administrative orders specified in section 53 if an entrepreneur is found to have failed to comply with any provision of this law with the exception of the provisions in sections 21, 24, 25 and 27 and in chapter 23;
  - (f) deciding appeals filed against an administrative order made by the relevant Staff Officers' Office according to section 52;
  - (g) reporting the work of the Committee to the Commission;
  - (h) performing the duties assigned by the Commission from time to time.





## Chapter (9) The rights and duties of consumers

19. The rights of consumers are as follows -
- (a) To be satisfied as to the basic standards of goods and services provided to them;
  - (b) right to use goods and services safely;
  - (c) right to get complete and correct information required for choosing goods and services and right to obtain receipts and evidentiary documents;
  - (d) right to freely choose goods and services in the market;
  - (e) right to explain and complain relating to matters in which the consumer suffered a loss;
  - (f) right to have remedies against losses due to purchased goods or services;
  - (g) right to know about rights, to have information and to have knowledge concerning goods and services; and
  - (h) right to have a decent living standard and to live in a decent environment, not only for the present, but also for future generations.
20. The duties of consumers are as follows -
- (a) To comply with the instructions and information concerning goods and services;
  - (b) to pay the agreed price when purchasing goods or services;
  - (c) to refrain from allegations and actions made with the intent of causing damage to an entrepreneur; and
  - (d) to refrain, during a dispute mediation process, from allegations, actions and writing made through social media or by other means with the intent of causing damage to an entrepreneur.

## Chapter (10) Duties of an entrepreneur

21. The duties of an entrepreneur are as follows -
- (a) To provide simple and correct information concerning warranties and standards concerning goods or services;



- (b) to treat consumers equally;
- (c) to do business in accordance with business ethics and disciplines;
- (d) to provide warranties based on the quality standards specified by the relevant Government department or organisation concerning the manufacturing or trading of goods or services;
- (e) to provide consumers with the opportunity to test the quality if a test of the quality of the goods is required prior to their purchase;
- (f) to declare any additional charge clearly prior to the purchase or use of goods or services by consumers;
- (g) to refrain from the direct and indirect sale of goods and services which will cause any loss to consumers;
- (h) to take responsibility according to the warranties if the delivered goods or services are not in conformity with the promised warranties;
- (i) to refrain, during a dispute mediation process, from allegations, actions and writing made through social media or by other means with the intent of causing damage to a consumer;
- (j) to make, through social media or by other means, the Department and the consumers aware in time if he or she knows himself or herself that the manufactured goods or services are hazardous or he or she acquired this knowledge by other means; and
- (k) to comply with the decisions and to follow the mediation of the relevant Committee concerning disputes due to goods or services.

## **Chapter (11)**

### **Warranties concerning goods**

- 22. The entrepreneur shall clearly inform the consumers about changes in the nature of the goods sold that are not visible from the outset.
- 23. The entrepreneur shall include the following items in the warranties of the goods -
  - (a) That the goods have the quality that consumers can accept and that enables them to use the goods;
  - (b) that the goods have the correct quality, quantity and weight;



- (c) that the goods are safe;
- (d) that the goods fit the requirements of the consumers;
- (e) that the goods are the same as in their sample;
- (f) that it is possible to obtain spare parts and that the goods can be repaired or exchanged during the warranty period or the useful life of the goods; and
- (g) that the goods correspond to the information provided in the expression of the description of the goods, in the advertisement, in the offer and during the promotion.

## Chapter (12)

### Rights of consumers concerning the warranty for goods

24. The consumer may claim any of the following remedies if the entrepreneur fails to manufacture the goods in good quality or fails to provide complete information during the warranty period or the useful life according to section 23.
- (a) Repairing or exchanging as provided in the warranty;
  - (b) obtaining a refund of the full amount or a replacement not having a lower quality if spare parts are not available from the manufacturer;
  - (c) replacing with goods not having a lower value if there is a damage caused by the negligence of the entrepreneur; or
  - (d) claiming a remedy if there is any loss caused by a failure to provide information concerning the goods.
25. The consumers may claim any of the following remedies concerning the goods sold with warranties provided according to section 23 by the entrepreneur -
- (a) Obtaining goods of the same quality that correspond to the warranty;
  - (b) obtaining a refund, repair or exchange from the seller; or
  - (c) getting compensation if the warranties are not met.



## Chapter (13)

### Warranties concerning a service

26. The entrepreneur shall include the following items in the warranties of the service provided to consumers -
- (a) Providing information related to his or her services in advance for consumer awareness;
  - (b) providing complete services using correct information and complying with the standards;
  - (c) providing the service within the guaranteed period; and
  - (d) charging service fees as agreed with the consumer.

## Chapter (14)

### Rights of consumers concerning the warranty for services

27. The consumer may claim any of the following remedies if the entrepreneur fails to provide the service as guaranteed or completely fails to provide the service during the guaranteed period according to section 26.
- (a) Claiming compensation if any loss is caused by the failure to provide the service; or
  - (b) claiming a remedy if the consumer suffered a loss due to the agreed service not having been delivered during the guaranteed period.

## Chapter (15)

### Security of goods and services

28. The Department shall coordinate with the relevant Government departments and organisations after specifying prioritised sectors with the consent of the Commission concerning the safety and security of goods and services used by consumers.
29. The Department shall perform the following tasks concerning the security of goods and services -
- (a) Making arrangements required for the safety and security of goods and services;
  - (b) coordinating with the relevant consumer protection associations as required for the safety and security of goods and services;
  - (c) making arrangements for the safe manufacturing of goods used by consumers;



- (d) issuing orders and directives to ensure the safety and security of goods and services;
- (e) publishing, for public awareness, information on hazardous goods and services reported by the Inspection Officer;
- (f) monitoring whether goods in prioritised sectors that are used by consumers comply with Myanmar standards specified by a law in force; and
- (g) monitoring in coordination with the relevant department whether goods for which no standards have been specified comply with minimum standards.

## Chapter (16)

### Ordering a recall from or prohibiting the sale and distribution of hazardous goods in the market and prohibiting hazardous services

30. The Department shall -
- (a) arrange to recall from or prohibit the sale and distribution of hazardous goods in the market, and shall arrange to prohibit hazardous services.
  - (b) Coordinate with the relevant Government departments as required.
31. The Department shall recall from or prohibit the sale and distribution of hazardous goods in the market in the any of the following circumstances -
- (a) A matter was reported as hazardous by the Staff Officers' Office due to an investigation by the Inspection Officer and relevant Government departments; or
  - (b) a matter was reported as hazardous by the relevant Committee concerning hazardous goods or services reported by consumer protection working committees.
32. If any entrepreneur wishes to recall hazardous goods on his own volition, he or she shall recall and, simultaneously, report the recall arrangement to the relevant Staff Officers' Office.
33. The Department shall announce the procedure concerning the recall and the prohibition of the sale and distribution of hazardous goods and services.
34. The Department shall publish correct information for consumers concerning the action taken by the Department for the recall and the prohibition of the sale and distribution of hazardous goods and services.



## Chapter (17) Responsibilities for goods and services

35. The following persons shall be responsible if any consumer has suffered a loss due to the use of goods or services.
- (a) The entrepreneur who is the seller of the goods or who provides the services;
  - (b) the manufacturer of the goods;
  - (c) an interested person concerning the personal names, trademarks and other distinctive marks displayed on the goods;
  - (d) a reseller or re-distributor who imported the goods from abroad and sold them to consumers in the country;
  - (e) a reseller or re-distributor; and
  - (f) a person who acts as an intermediary for consumers in the country concerning a service from a local or foreign service provider.
36. The following persons shall be responsible if any consumer has suffered a loss due to the use of goods or services during the warranty period -
- (a) The entrepreneur who is the seller of the goods or who provides the services;
  - (b) the manufacturer of the goods;
  - (c) an interested person concerning the personal names, trademarks and other distinctive marks displayed on the goods;
  - (d) a reseller or re-distributor who imported the goods from abroad and sold them to consumers in the country;
  - (e) a reseller or re-distributor; and
  - (f) a person who acts as an intermediary for consumers in the country concerning a service from a local or foreign service provider.
37. If an entrepreneur sells his or her goods or services to another entrepreneur, the selling entrepreneur shall be responsible if there is a loss concerning the goods or services in any of the following circumstances -



- (a) The goods or services are sold in their original form without further modification; or
  - (b) trading the goods or services without knowing that the goods or services were modified or that they do not correspond to the sample, quality or structure.
38. If any entrepreneur modifies or alters goods or services and then sells them to consumers, he or she shall be responsible for any losses occurring due to these goods or services.
39. An entrepreneur shall arrange for providing consumers with spare parts and after-sales services and comply with the warranties as agreed concerning the goods or services during the warranty period or the useful life.
40. If two or more entrepreneurs are responsible for the losses according to sections 37, 38 and 39, they shall be jointly and severally liable.

## **Chapter (18)**

### **Expressing the description of goods**

41. The entrepreneur shall express, with regard to the description of the goods, the following items as specified based on the types of goods -
- (a) Mark of the goods;
  - (b) type, size, number and net weight of the goods; storage instructions and usage instructions for the goods;
  - (c) manufacturing date and expiry date; batch number;
  - (d) if the goods are imported into the country, name and address of the importer, name and address of the manufacturer;
  - (e) manufacturing location or re-packaging location if the goods are imported into the country from abroad;
  - (f) name of the raw materials contained in the goods, quantity and ratio of the raw materials;
  - (g) description of side-effects and incompatibilities; precaution notice;
  - (h) information that the relevant government department has instructed to express.
42. The entrepreneur may express scientific research of a relevant organisation and health and nutritional guarantees on the goods.



43. The entrepreneur shall express the description of the goods according to section 41 sub-sections (b) and (g) in the Myanmar language, in the Myanmar and another language or in the Myanmar language and other languages.

## Chapter (19) Complaints and mediation

### Complaints

44. Any of the following persons or organisations may file, in person or through a communication channel, a complaint with the relevant Staff Officers' Office in case of any loss to a consumer, together with documentary evidence.
- (a) The consumer who suffered the loss;
  - (b) family members of the consumer who suffered the loss;
  - (c) persons concerned with the consumer who suffered the loss;
  - (d) government departments and organisations; and
  - (e) consumer protection associations;

### Review

45. The relevant Staff Officers' Office shall perform the following tasks in order to obtain complete evidentiary documents concerning complaints according to section 44.
- (a) *[Review]* whether the complaint is correct;
  - (b) procuring complete information if the complaint is not complete and correct; and
  - (c) making records for further action if the complaint was made through a communication channel.

### Mediation

46. The relevant Staff Officers' Office shall perform the following tasks in order to mediate between consumers and entrepreneurs based on the investigation report of the Inspection Officer according to section 15 sub-section (h) -
- (a) Reviewing the documents and other evidence relating to the investigation;



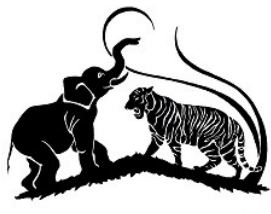


- (b) calling the entrepreneur against whom the complaint was filed or his authorised representative for mediation;
  - (c) hearing the consumer and the entrepreneur or his or her authorised representative in front of the eye-witnesses, persons familiar with the complaint and consumer protection experts;
  - (d) deciding unilaterally if the entrepreneur against whom the complaint was filed or his authorised representative fails to appear;
  - (e) reviewing whether the consumer suffered a loss and mediating;
  - (f) notifying the consumer protection agreement to the entrepreneur at fault in relation to the complaint; and
  - (g) reporting to the Committee if the agreement according to sub-section (f) is not complied with.
47. The relevant Staff Officers' Office shall make records of the mediation according to section 46.
48. The relevant Staff Officers' Office shall keep confidential the information that should be kept confidential during the mediation process. However, such information may be provided to any Committee, the Commission or any Court that requested it as evidence.
49. The relevant Staff Officers' Office may notify and coordinate, based on the investigation report of the Inspection Officer according to section 15 sub-section (h), with the relevant government departments concerning complaints for them to take action according to the law.
50. Action shall be taken against a consumer if he or she omits information in bad faith, files a complaint against a person with the intent of causing damage to this person or submits false evidence.
51. The expenses related to consumer disputes settlements shall be borne by the person having caused the loss.

### Chapter 20

#### Taking administrative action

52. The relevant Staff Officers' Office may take one or more than one of the following actions against an entrepreneur if he or she is found to have failed to comply with the duties of an entrepreneur according to section 21 or failed to grant the consumer rights according to sections 24, 25 and 27 -



- (a) Warning;
  - (b) order to repair;
  - (c) order to replace; and
  - (d) order to pay compensation equivalent to the value of the loss.
53. The Committee may pass one or more than one of the following orders against an entrepreneur found to have violated any provisions of this law, except the provisions in sections 21, 24, 25 and 27 and chapter 23 -
- (a) Order to pay the compensation specified for the loss;
  - (b) order to pay a fine;
  - (c) suspension of the sale of the disputed goods or services for a specified period; and
  - (d) coordinating with the relevant department if a temporary suspension or permanent revocation of a business license is required.
54. The Committee shall transfer the fine collected according to section 53 sub-section (b) to the Union budget or relevant Regional or State budget as specified by the Commission.

### **Chapter (21)** **Appeal**

55. Anyone not satisfied with an order passed by the Staff Officers' Office according to section 52 may appeal to the relevant Committee and anyone not satisfied with an order passed by the Committee according to section 53 or section 56 sub-section (a) may appeal to the Commission within 30 days respectively.
56. (a) The Committee may, concerning an appeal according to section 55, confirm, amend or cancel the order passed by the relevant Staff Officers' Office.
- (b) The Commission may, concerning an appeal according to section 55, confirm, amend or cancel the order passed by the Committee according to section 53 or the decision passed by the Committee according to sub-section (a).
- (c) The decision of the Commission according to sub-section (b) shall be final.



## Chapter (22)

### Consumer protection associations and their functions

57. The Department shall assist the consumer protection associations with the performance of their functions according to this law.
58. Consumer protection associations shall only be established with the objective of engaging in consumer protection.
59. Consumer protection associations may coordinate with the Department concerning the performance of their functions according to this law.
60. The consumer protection associations may coordinate with the Department concerning the distribution of knowledge and information to consumers with regard to consumer protection matters.
61. The consumer protection associations may assist in complaints filed on behalf of consumers [*“assist in” - literal translation*] against an entrepreneur who caused a loss to consumers or violated any rights.

## Chapter (23)

### Prohibitions

62. Nobody shall do any of the following if he or she intends in bad faith to cause damage to a consumer or entrepreneur -
  - (a) Deceiving a consumer into filing a complaint;
  - (b) making a false witness deposition;
  - (c) distribution of false information; and
  - (d) engaging in acts that violate the provisions of a law in force.
63. No entrepreneur shall make any of the following advertisements -
  - (a) Misleading advertisements of the quantity, quality, ingredients, use or price of goods, the service fees for goods or the time of the delivery of goods or services;
  - (b) misleading advertisements concerning warranties for goods or services;
  - (c) advertisements containing false information concerning goods or services;



- (d) advertisements which fail to state the hazards of using the goods or services;
  - (e) advertisements based on a person or event without the permission of the person concerned; and
  - (f) advertisements that are against a law in force or social ethics.
64. No entrepreneur shall engage in any of the following promotion methods concerning goods or services -
- (a) Offering to sell goods for a special price during a specified period without the intention of selling the advertised quantity during this period;
  - (b) making a sales offer in spite of *[an earlier]* promise to award the goods or to provide the service for free; and
  - (c) making a sales offer for goods or services with methods that physically or mentally annoy consumers.
65. No entrepreneur shall mislead with regard to the following when trading goods or services -
- (a) Sale of goods or services after having modified or altered them;
  - (b) falsely stating that the goods or services meet specified standards or a specified quality;
  - (c) sale, after modification or blending, of goods whose expiry date has passed; and
  - (d) sale of goods after having mixed them with lower quality goods of the same kind; sale of goods after having mixed them with different types of goods that are inedible.
66. No entrepreneur shall deceive with regard to the following when trading goods or services -
- (a) The goods or services are not usable or not available;
  - (b) goods or services with hidden defects;
  - (c) direct or indirect defamation of other goods or services;
  - (d) exaggerating without proof in information on goods or services;
  - (e) selling replacement goods instead of the goods originally offered;
  - (f) increasing the price before a sales promotion; and



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- (g) sale of additional goods as an attachment irrespective of their requirement and for no good reason when a purchase of the intended goods is made.
67. No entrepreneur shall manufacture, trade or sell any of the following goods or services -
- (a) Goods or services that are not compatible with the description provided according to section 41;
  - (b) goods or services that are not compatible with the description made in an advertisement or during a promotion;
  - (c) goods or services that do not comply with specified standards; and
  - (d) goods or services suspended by the Committee for a specified period on account of a dispute.
68. No entrepreneur shall manufacture, trade or sell any goods that are not in conformity with the provisions of section 43 concerning the expression of the description of the goods.

### **Chapter (24) Offences and penalties**

69. Anyone found to have engaged in conduct prohibited by section 62 shall be sentenced to imprisonment for up to 6 months or a fine of up to Ks. 2 million or to both.
70. (a) Any entrepreneur found to have engaged in conduct prohibited by sections 63 and 64 shall be sentenced to imprisonment for up to 6 months or a fine of up to Ks. 2 million.
- (b) Any entrepreneur found to have committed the same offence after having been sentenced according to sub-section (a) shall be sentenced to imprisonment for up to 1 year or a fine of up to Ks. 10 million or to both.
71. (a) Any entrepreneur found to have engaged in conduct prohibited by section 65 shall be sentenced to imprisonment for up to 6 months or a fine of up to Ks. 5 million.
- (b) Any entrepreneur found to have committed the same offence after having been sentenced according to sub-section (a) shall be sentenced to imprisonment for up to 1 year or a fine of up to Ks. 10 million or to both.
72. (a) Any entrepreneur found to have engaged in conduct prohibited by section 66 shall be sentenced to imprisonment for up to 1 year or a fine of up to Ks. 10 million.
- (b) Any entrepreneur found to have committed the same offence after having been sentenced according to sub-section (a) shall be sentenced to imprisonment for up to 2 years or a fine of up to Ks. 20 million or to both.

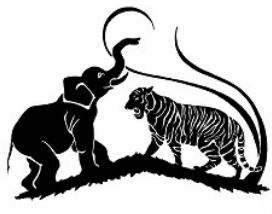


## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

73. Any entrepreneur found to have engaged in conduct prohibited by sections 67 and 68 shall be sentenced to imprisonment for up to 2 years or a fine of up to Ks. 20 million or to both.

### Chapter (25) Miscellaneous

74. Any administrative order passed according to section 53 shall not prevent a suit under criminal or civil procedure.
75. The Department may sue under criminal procedure anyone who failed to comply with an administrative order passed against him or her according to section 53.
76. A consumer having suffered a loss may sue the originator for compensation under civil procedure irrespective of whether a penalty was imposed under this law.
77. Notwithstanding any provisions of any other laws, the matters to which this law pertains shall only be dealt with according to this law. However, this law shall not apply to matters to which other laws in force pertain [*Translator's note: We think that this is what is meant.*].
78. Any members of the Commission, Committees or consumer protection working committees who are not public servants shall be considered to be public servants during their term according to section 21 of the Code of Criminal Procedure.
79. Offences under this law are cognizable offences.
80. The Department shall bear the office expenses of the Commission, Committees and consumer protection working committees.
81. The Consumer Protection Central Committee formed according to the Law to Protect Consumers (Pyitaungsu Hluttaw Law No. 10 of 2014) shall remain in office until the Commission under this law is formed.
82. The notifications, orders, directives and procedures issued according to the Law to Protect Consumers (Pyitaungsu Hluttaw Law No. 10 of 2014) may still be applied unless they are contrary to the provisions of this law.
83. When implementing the provisions of this law -
- (a) The Ministry may issue rules and regulations with the consent of the Union government.
  - (b) The Ministry and the Commission may issue notifications, orders, directives and procedures; the Department may issue orders and directives.
84. The Law to Protect Consumers (Pyitaungsu Hluttaw Law No. 10 of 2014) is repealed by this law.



## LINCOLN LEGAL SERVICES (MYANMAR) LIMITED

I hereby sign according to the constitution of the Republic of the Union of Myanmar.

(Signature)

Win Myint

President

Republic of the Union of the Union of Myanmar