



ការិយាល័យសេដ្ឋាវិស័យ
SETHALAY LAW OFFICE

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ដើម្បីជំនុំស្ថាប័ន និងសេដ្ឋកិច្ច
Legal and Economic Empowerment

**PRAKAS NO. 184
PROCEDURE FOR THE SETTLEMENT THROUGH NEGOTIATION FOR ANY OFFENCES COMMITTED
UNDER THE LAW ON CONSUMER PROTECTION**

On 31 August 2021, the Ministry of Commerce issued the Prakas No. 184 on the Procedure for the Settlement through Negotiation for any Offences Committed under the Law on Consumer Protection (“Prakas”) to determine the procedure for the settlement of offences under the Law on Consumer Protection through negotiation procedure between the investigating officer and a person under investigation with the key highlights as follows:

Matter	Description/Note
Scope	This Prakas applies to the settlement through the negotiation made by a person under the investigation of the Consumer Protection Competition and Fraud Repression (CCF) and the National Commission for Consumer Protection (NCCP) for any Offences Committed under the Law on Consumer Protection.
Request for Settlement through Negotiation	A person under investigation can file a request for settlement through negotiation to the Investigating Officer before the Investigating Officer to mark any conclusion over any offences save and except for i) the case where the person re-commits an offense against the Law on Consumer Protection again within 3 years; or ii) any case in relation to the criminal offense.
During the Negotiation Process	A person under investigation shall provide the information as may be requested by the Investigating Officer and shall certify the accuracy and completeness of such information. The Investigating Officer may (i) discuss with the person under investigation; or (ii) request for further input from other competent authorities, consumer association or any other organizations in order to evaluate on adequacy and efficiency of the finding solution before submitting to the NCCP.
Issuance of a Decision and Annulment of Resolution	NCCP shall issue a decision on the resolution made by the Investigating Officer if such resolution is sufficient. Such resolution may be void if: (i) person under investigation provides fraud or misleading information; (ii) the person under investigation is being reviewed by the NCCP for committing any other offense against the Law on Consumer Protection during the last 3 years; or (iii) the case under investigation could lead to a criminal case.
Minute of Resolution	Minute of the resolution negotiation shall be made in writing and contain (i) the size and conditions for settlement of the compensation and other conditions to be fulfilled by the person under investigation; and (ii) right of the Investigating Officer to inspect the performance and fulfillment of the said obligations and conditions.
Validity and Applicability of Resolution	Resolution shall be valid and applicable only if it is approved by the NCCP. Resolution shall be expired once the obligations and conditions provided in the Minute is accomplished and fulfilled or any otherwise provided therein.
Compliant Against and End of Resolution	Any person who is affected by the resolution may file a written request to the NCCP to reinspect its Decision. The NCCP may, upon the request, decide to reject it or to rectify its Decision (partly or entirely) based on any appropriate reason.

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ប្រតិភូ G ជាន់ទី៧ អគារពិសេសត្រួតពិនិត្យ (លេខ១២) វិថីសម្ព័ន្ធមិត្តភាព (២៨៩) ភូមិ១៣ សង្កាត់បឹងកក់១ ខណ្ឌទួលគោក រាជធានីភ្នំពេញ ព្រះរាជាណាចក្រកម្ពុជា - ១២១៥១

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