

Legal Brief No. 20
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Prakas on Cooling-Off Period

On 11 April 2022, the Ministry of Commerce issued the Prakas No. 0113 on Cooling-off Period under the Law on Consumer Protection as to set forth a regulatory for the right of Consumers to Cooling-off Period for promoting trust in the market of Distance Sales and Door-to-Door Sales.

Matter	Description
Scope	This Prakas is applicable for the operation of Distance Sales and Door-to-Door sales of Goods and/or Services in the Kingdom of Cambodia.
Principles under Cooling-Off Period	The consumers shall have right to terminate the contract through providing a prior written notice to the business operator within 07 calendar days without any required justification and responsible for any expenses or costs, excepting any expense related to return of goods or used of services or any grave damages.
Duration of the Cooling-off Period	<ul style="list-style-type: none"> - For the sale of services under the Distance Sales, the duration of 07 calendar days shall be counted from the execution date of the contract; - For the sale of goods under the Distance Sales, the duration of 07 calendar days shall be counted from: <ul style="list-style-type: none"> • The date when the Consumer was handed over the purchased goods; • The date when the Consumer was handed over of the last goods to be delivered for the transaction that requires the deliveries to be made more than one time per purchase order; or • The date when the Consumer was handed over of the Goods to be delivered under a purchase order, in case of recurring or frequent supply. - For the sale of goods/services under the Door-to-Door Sales, the duration of 07 calendar days shall be counted from the execution date of the contract.
Obligations of the Business Operator	The Business Operator shall have the obligation to: <ul style="list-style-type: none"> - inform the consumer about the consumer's right to Cooling-Off Period attached with the cancellation form including the identification and means of communication with the business operator; and - the contract and condition of the quality of goods to be returned and other information for returning the goods and/or services.
Obligation of the Consumers	The consumer shall also have the obligation to: <ul style="list-style-type: none"> - notify to the Business Operator on the decision of terminating the contract during the Cooling-off Period; - burden of proof with regards to sending notification to terminate the contract; - the return of goods at the time when the consumer gets refund; - bear the cost of the return goods and/or used services; and - responsibility for the damage of the goods.
Exemption of the Cooling-Off Period	The Prakas provides a list of goods and services sold through either Distance Sales or Door-to-Door sales based on the type and characteristic of such goods and services as well as the transaction including the sale following trial in accordance with Article 520 of the Civil Code. Please refer to Chapter IV of the Prakas for the detailed of the Exemption list of Cooling-off Period.