



LEGAL
PARTNERS
ACROSS
ASIA

Kelvin Chia Yangon Ltd (KCY)

Level 8A, Union Financial Center, Corner
of Mahabandoola Road and Thein Phyu
Road, Botahtaung Township, Yangon.

(951)8610348/8610349

csg@kcyangon.com

www.kcpartnership.com

KCY Newsletter | Issue No. 68

15 June 2022

Detail procedures on implementation of Consumer Protection Law

The Ministry of Commerce has released the implementing Rules for the 2019 Consumer Protection Law (the “Rules”). It provides the detailed Rules for implementing the three-tiered structure of consumer protection envisioned in the 2019 Consumer Protection Law comprising of the Consumer Protection Commission (the “Commission”), regional/state level consumer protection committees (the “Committee”) and the office for consumer protection (the “Office”) administered by the relevant Ministry, the Ministry of Commerce. According to these Rules, the Office will be the first point of contact for consumers with any grievances regarding any goods or services to submit an official complaint. Further, pursuant to Rule 98(b), the Office is required to receive statements from both the complainant and the business within 14 working days of the date of receipt of the complaint, and the Office has the power to provide a settlement and administrative order regarding the case. If the business owner fails to comply with the administrative order within the timeline, the Office may then escalate the case by taking legal action at a relevant court.

A relevant party may make an appeal regarding the settlement or administrative order of the Office to the relevant regional/state level Committee. According to Rule 112, the Committee shall then seek to respond to the appeal with a notice within 14 working days of receiving the appeal. The Committee may confirm, reject, or amend the administrative order of the Office and will notify its decision within five working days from the date of its decision. Anyone who is not satisfied with the decision of the Committee may in turn appeal to the Commission with a prescribed form. The case will then be taken up in the next earliest Commission meeting.

The Rules also provide detailed procedures for the Office to form relevant investigation units, gathering and recording evidence, and procuring advise and recommendation from other relevant government department, agency or organization as well as referring to other relevant government departments and agencies for taking legal actions under other laws.

Notably, Chapter (10) of the Rules contain requirements for invoices of goods and services. It provides that the invoices for goods shall contain: (i) name of the goods; (ii) date of purchase; (iii), amount, quantity and value of goods purchased; and (iv) name of seller or shop and contact address. Similarly, the invoices for services shall contain: (i) name and address of the service provider; (ii) service provided and value; (iii) guarantee that the consumer shall receive the service being offered; and (iv) service period. Unlike the labeling requirements provided for in the 2019 Consumer Protection Law, there are no offenses or penalties associated with these invoice requirements. It is uncertain if such requirements would be implemented by a particular timeline or how strictly these requirements will be enforced at this moment.

Our Senior Lawyers



Cheah Swee Gim
Director of Kelvin Chia Yangon
Senior Partner of Kelvin Chia Partnership
cheah.sweegim@kcpartnership.com



Pedro Jose F. Bernardo
Principal Foreign Attorney of Kelvin Chia Yangon
Partner of Kelvin Chia Partnership
pedro.bernardo@kcpartnership.com



Khin Leimar Ban Aye
Principal Legal Manager of Kelvin Chia Yangon
Partner of Kelvin Chia Partnership
klm@kcyangon.com



Lyra Miragrace Flores Bisnar
Principal Foreign Attorney of Kelvin Chia Yangon
Partner of Kelvin Chia Partnership
lmc@kcyangon.com

About Kelvin Chia Yangon (KCY)

KCY has been in active operation in Myanmar since 1995, currently with offices in Yangon and Mandalay. KCY is the firm of choice for those seeking to navigate Myanmar's fast-changing and complex regulatory landscape, a jurisdiction in which KCY has gained in-depth legal expertise from the numerous transactions it has handled.

Our main practice areas

Foreign Investments | Incorporation and Company Maintenance | General Corporate and Commercial | Due Diligence | Mergers and Acquisitions | Joint Ventures and Production Sharing Agreements | Investment Funds | Energy/Oil and Gas | Natural Resources/Mining | Banking | Project and Project Financing | Manufacturing | Education | Agriculture | Real Estate | Infrastructure | Construction | Telecommunications | Compliance / Regulatory | Licensing and Permits | Labour and Employment | Immigration | Taxation | Insurance | International Arbitration | Intellectual Property | Special Economic Zones

Yangon Office: Level 8A, Union Financial Center (UFC), Corner of Mahabandoola Road and Thein Phyu Road, Botahtaung Township, Yangon.

Mandalay Office: Room No. A-3 (2nd Floor) | Win Yin Mon Condo | 67th Street (31st x 32nd Street) | Chan Mya Thar Zan Township | Mandalay.