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General Corporate Commercial

## Prakas on Cosmetic Distribution

On 24 February 2022, the Ministry of Commerce ("**MOC**") issued Prakas No. 0064 on the Requirements of the Cosmetic Distribution ("**Prakas**"), which came into force on the same day. The Prakas sets out the legal requirements to govern the distribution of cosmetics in Cambodia for the purpose of promoting fair competition, protection of health, and benefits to consumers.

In this Update, we highlight the key features of the Prakas.

### 1. Pre-requisites to run a cosmetic business

Under Article 5 of this Prakas, any person, including an individual and a legal entity ("**Relevant Person**"), who carries out the supply of cosmetics, including by way of wholesales or retails or offering as gifts or for testing, in the market in Cambodia ("**Cosmetic Business**") must:

- (a) obtain the relevant product registration or approval letter from the Ministry of Health; and
- (b) put proper labels on the products in accordance with the information standards on goods or services.

In the event the Cosmetic Business is conducted via an electronic platform, the Relevant Person must apply to obtain an additional approval letter (for an individual) or licence (for a legal entity) to operate the online business from the MOC and a certificate for online services from the Ministry of Post and Telecommunications.

### 2. Obligations of the Relevant Person

#### ***Obligation to provide minimum and accurate information***

The Relevant Person must not provide on the label of the cosmetics any inaccurate, misleading or deceiving information.

Moreover, the label of the packaging, or the description form attached to the package of the cosmetics, must provide or present to consumers minimum information of such cosmetics. Per the requirements of the information standards, such information must include the following:

- (a) Name of product;
- (b) Function of product;
- (c) Usage manual of product;
- (d) List of ingredients;

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- (e) Name of country of origin;
- (f) Net weight;
- (g) Batch number;
- (h) Manufacturing date and expiration date (expiration date is required if usage period is less than 30 months);
- (i) Name and address of company or any person liable for distributing the product in Cambodia; and
- (j) Warning labels (if necessary).

For Halal products, the Relevant Person shall not affix the Halal sign on the product without obtaining a certificate of Cambodian Halal product standard, even if such product is certified under with a Halal certification from any country other than Cambodia.

### ***Obligation to comply with the Law on Consumer Protection***

The Prakas requires that the Relevant Person must comply with the Law on Consumer Protection, especially the provisions in relation to prohibitions on unfair conduct and unfair practice.

### ***Obligation to recall the unqualified products***

The Relevant Person must record the origins and quantities of its products. The purpose of the record is to facilitate the recall of products which are found unsafe or non-compliant with technical conditions ("**Unqualified Products**").

The recall of Unqualified Products shall be done with the cooperation of the Consumer Protection Competition and Fraud Repression Directorate-General ("**CCF**"). CCF plays an important role in the recall of Unqualified Products. CCF may enforce the recall of Unqualified Products if the business owner does not take any action to recall such products.

In the event there is any evidence or consumer's complaint involving any violation related to the Cosmetic Business, investigating officers of the CCF shall take the necessary measures, which may include conducting an inquiry on related person or enforcing relevant interim measures against the supply, distribution or circulation of products which are not legally permitted in Cambodia.

If you have any queries or assistance, please contact our team members below.

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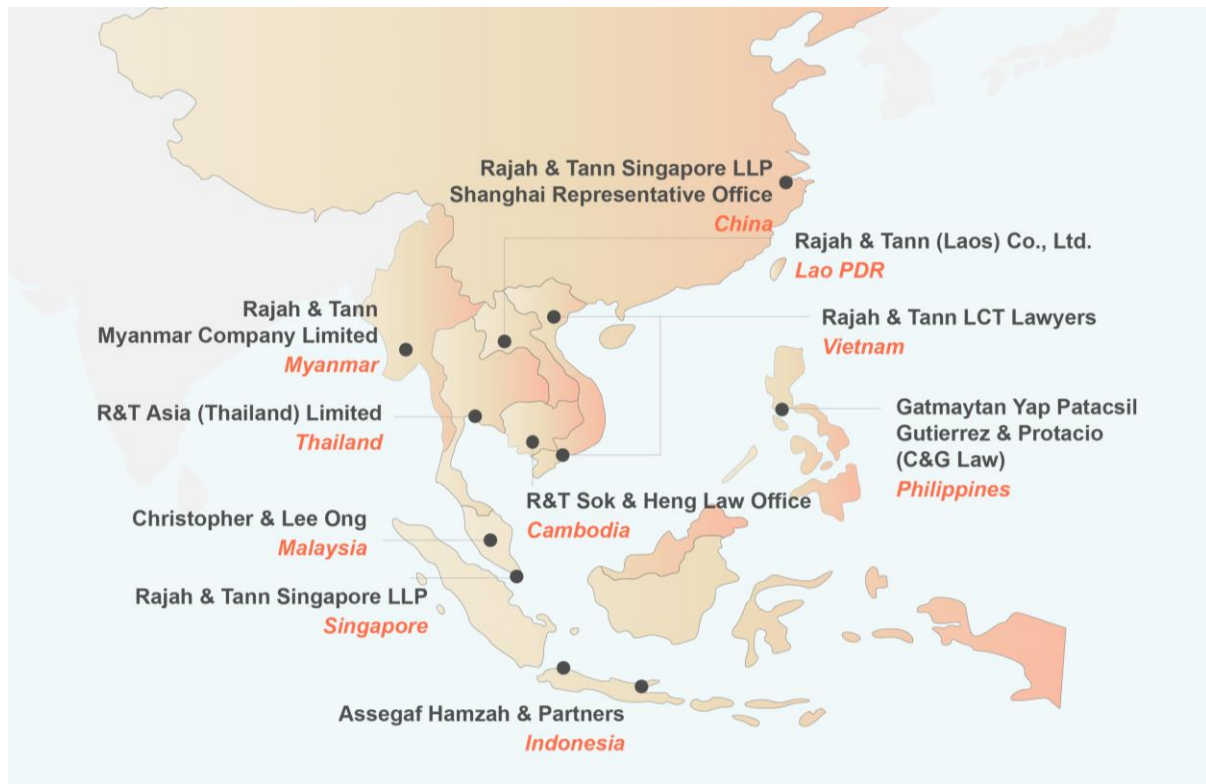
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