

Implementation of Inter-Ministerial Prakas No. 338 MEF. PrK dated 3 June 2021 on the Provisional Fine Procedures for Violations of the Law on Consumer Protection

June 2021 Publication

“Local expertise with international
experience makes us the advisor of choice”

On 14 June 2021, the Consumer Protection Competition and Fraud Repression Directorate General (the “CCF”) of the Ministry of Commerce (the “MOC”) issued a Notification on the Implementation Date of Inter-Ministerial Prakas No. 338 MEF. PrK dated 3 June 2021 on the Provisional Fine Procedures for Violations of the Law on Consumer Protection (the “Notification”). Under the Notification, an ombudsperson of the CCF of the MOC qualifying as a judicial officer is implementing provisions stipulated in the Inter-Ministerial Prakas No. 338 MEF. PrK dated 3 June 2021 on the Provisional Fine Procedures for Violations of the Law on Consumer Protection (the “Inter-Ministerial Prakas”) from 1 July 2021 onwards.

By way of background, the Law on Consumer Protection was promulgated by Royal Code No. NS/RKT/1119/016 on 2 November 2019. To support the implementation of this law, the CCF which is the secretariat of the National Commission for Consumer Protection (the “NCCP”) prepared an Inter-Ministerial Prakas on the Provisional Fine Procedures for Violations of the Law on Consumer Protection the Inter-Ministerial Prakas with the Ministry of Justice, and the Ministry of Economy and Finance. The Inter-Ministerial Prakas was later signed by the three (3) Ministers on 3 June 2021.

The Inter-Ministerial Prakas sets out procedures and rights for the provisional fine to improve the effectiveness of the enforcement of the Law on Consumer Protection and applies to the provisional fine for the violations of Article 41, Article 44, Article 45, Article 48, and Article 49 of the Law on Consumer Protection.

Under the Inter-Ministerial Prakas, an ombudsperson of the CCF of the MOC qualifying as a judicial officer has the power to:

- Issue records on the provisional fine;
- Issue invoices of fine, receive payments of fine, and issue payment receipts to the violators in case of the receipt of payments of fine in cash or by cheques;
- Manage invoices, payment receipts, and income of fine;
- Issue reminder letters to the violators who have not paid the fine within fifteen (15) days from the date of receipt of the documents concerning the provisional fine;
- Bring the cases to the competent court in case the violators have not paid the fine within thirty (30) days from the date of receipt of the documents concerning the provisional fine.

Any person who is not satisfied with the decision of the ombudsperson of the CCF may file a complaint with the NCCP within fifteen (15) days from the date of receipt of the final decision of the ombudsperson of the CCF. Besides, any person who is not satisfied with the decision of the NCCP may file a complaint with the competent court within thirty (30) days from the date of receipt of the final decision of the NCCP.

This legal alert has been prepared for general information purposes only and does not constitute legal advice. Please contact us should you require any assistance.

AUTHORS' Profiles



SOPHORN Pouvchannita
Partner
Head of Intellectual Property Rights
Attorney-at-Law



MAO Ritthisak
Senior Legal Advisor
Intellectual Property Rights
Practice Group