

Law No. 2 / 2008
CONSUMER PROTECTION

President of the Republic,

By virtue of the Provisions of legislation, and based on what have been approved by the People Assembly in its session held on 06.03.2008

Resolves the following :

Chapter one

Definitions

Article No. 1 –

The following words shall have the following meanings within the application of the provisions of this law:

Ministry	Ministry of Economy & Trade
Minister	Minister of Economy & Trade
Competent Ministry	Any ministry specialized in a commodity or services rendered to the consumer.
Competent minister	Any minister whose ministry is specialized in a commodity or services rendered to the consumer.
Consumer	Any natural person or legal entity purchases various types of consuming commodity (agricultural, industrial with the aim of nutrition, or usage for personal purposes or household, or who get benefits from any service either rendered by individual or group of individuals or legal entity and in the various scopes stipulated for in this Law.
Consumer Protection Associations	National associations cares for the interests of the consumer in all scopes where there are potential hazards on his health or safety or assets.
Product	Every agricultural, industrial, occupational and vocational product or service; including the raw materials composing the manufactured item or semi-manufactured, or the service rendered by any service party.
Commodity	Any agricultural or industrial product ready for the personal use of the consumer.
Holder	Every person that possesses anything that is governed by the Provisions of this Law, including the owner, manufacturer, seller or producer.
Council	The Consumer Protection Advisory Council.
Misleading Advertisement	The advertisement in any media in relation to any commodity or service, includes demonstration or statement or false pretense or formed having some phrases that lead directly or indirectly to cheating and misleading the consumer.
Coding with lines	Some lines are printed on the package of the product to enable the producer and seller, through the electronic scanner linked to a computer to identify the product related information (country of origin, identity of the factory, classification, price, validity, batch number and the supervisor..

Chapter Two
The Objectives and application of this Law.

Article 2 –

This law shall warrant the practice of economical activities by all persons. it is prohibited for any person to conclude an agreement or practice any activities that may violate the basic rights of the consumer which are related to :

- a- his needs of the various consumable products, medicine, water, housing, health care, proper nutrition, education, culture, training and services in the financial field, banking, electricity, insurance, transportation, power, communication and tourism and other services that the consumer is concerned about.
- b- Warrant his safety and health upon using the product or receiving the services.
- c- Obtaining the information and directions and proper advertisement of all that is presented to him of products and services.
- d- Create cultures and enlightenment about his rights and his economical responsibilities, and direct him in relation to consumption, and methods of continuous development to enable him practice his rights.
- e- Warrant practice of his rights in selecting the best product and service available in the markets and as per his desire.
- f- To represent him through his association, and the parties caring for his affairs shall listen to his opinions.
- g- Secure healthy and safe environment for his life and the lives of the persons he takes care of.

Article 3 –

When providing the consumers with commodities or rendering services to them, the producers, merchants, brokers, service providers shall have to adhere to their obligations stipulated for in the legislations issued in execution of the provisions, and adhere to the economical rules related to the basis of supply and demand and honest competition when selling products of quoting prices, in a way the consumer's freedom of selection is maintained.

CHAPTER THREE
THE RIGHTS OF THE CONSUMER

Article 4 –

The consumer shall have the right to get the products and services that achieve their purpose without prejudice to his health of financial interests.

Article 5 –

The product shall meet and fulfill the standard specifications and its HSE requirements, and if not available it shall be subject to the instructions and resolutions issued by the competent authority. The producer and seller shall adhere to announce the specifications of the product and its type, method of keeping and storage, usage and validity period if the nature of the product requires so.

Article 6 –

If personal injuries afflicted the consumer as a result of the purchase of use of a product, the producer or the service provider shall be responsible and shall be

compensate or return or replace the product or recover the amounts paid for the product or the service rendered to him in accordance with the instructions to be issued for that purpose by the competent ministry.

Article 7 –

The consumer, through his association, shall have the right to participate in the works of the governmental committees which take care of the consumer affairs.

Article 8 –

Any person shall not be allowed to conclude any agreement not to practice any activity that may break the rights of consumer.

CHAPTER FOUR PRODUCTS SAFETY AND CONFORMITY

Article 9 –

The minister shall issue resolutions that ban the importation, exportation, selling of exhibiting products in markets or rendering services with risk on the safety of the consumer. He shall have the right to take the precautionary procedures in coordination with the competent minister to restrict the hazards of these products, in accordance with the international vocational safety agreement, and issue the warning instructions to consumer and the conditions, where the holder, service provider shall have to return the product obtained by the consumer or replace it. These resolution shall be enforceable as of the date defined for validity.

Article 10 –

The minister shall issue resolutions and instructions to oblige the producer or importer who exhibit his product to the public to execute the following :

- a- verify the product being identical to the special specification before being placed for consumption or usage, and withdrawal or replacement and announce the sequential damages resulted from usage in case product is seized in markets before being verified, and at his own cost.
- b- Notify the competent ministry for the damages that his products or imports caused in case of late discovery of the risks and damages, or as a result of international reports that ban usage of commodity or rendering the service.
- c- These resolutions shall be enforceable as of the date defined for validity.

Article 11 –

Holder shall be responsible for the sequential damages resulted from placing a product that does not meet the required specifications and the HSE requirements, if it is proved that the information stated on the bottle or the package of the product is not correct. He has to stop dealing with the irregular importers and shall advise about any default he may discover.

CHAPTER FIVE COMMERCIAL TRANSACTIONS INTEGRITY

Article 12 –

The following works shall be considered conflicting with this Law :

- a- production, exhibition, distribution or possession a toxic product or cheated, spoiled product or product that is harmful to health or its validity is over.
- b- Overstating the description of the product against reality and actual truth with the aim to encourage the consumer to purchase the product or receive the service.
- c- Produce or distribute commodities that are used for cheating or deception, or exhibiting them for sale including the use of the mass media, advertisement, brochures or printed materials that may lead to that.
- d- Use of means that may cheat the buyer.
 - 1- variety or origin or composition of the product / including the insert of substances that may lead to addiction.
 - 2- Weight or volume or the number declared on the package of the product.
- e- Using selling or purchasing methods against valid laws, including following methods that gives the consumer a false impression that the product will be sold out.

Article 13 –

It is not allowed to possess, produce or exhibit the following products for the purpose of selling:

- a- measurement devices and equipment rejected based on Article 10 of clause 3 of the Measuring Law No. 31 dated 22.11.2003, such as weights, measures and scales, and other measurement tools.
- b- Machines and tools or means that may help in cheating.
- c- Products that the holder knows they are cheated or toxic or do not meet the HSE requirements, or irregular “ smuggled “.

Article 14 –

It prohibited to advertise or promote the products that have codes including the barcodes or forms not identical to reality or fake, which may mislead, whatever the used means may be for the following requirements :

- a- quality of product, composition, peculiarities, class, type, quantity, method of production and origin and date of production and the trade mark.
- b- Peculiarities and price and conditions of sale with the promotion and advertising method.
- c- Method of use and the anticipated results
- d- Methods of sale and exhibition of product.
- e- Efficiency and features declared on the product.

Article 15 –

It is not allowed to use sign or product standard fulfillment certificate, or any certificate related to accomplishment of quality management systems issued by the competent authorities with the aim to cheat the consumer and makes him believe that the product meets the standard specification according to the sign or the certificate and the awarding parties shall be advised in order to take actions in accordance with the valid regulations, and the consumer shall be advised through the available mass media.

Article 16 –

The competent minister will issue an interim resolution defining the prices of some materials or services for exceptional reasons, such as production stalemate or natural disaster or alike, provided that the duration of application of this resolution shall not exceed the duration of handling this case.

Article 17 –

Hiding any product placed in the market is not allowed or placing it in the market with high prices.

Article 18 –

It is not allowed to abstain from selling or to sell provisionally, or to advertise the improbability for returning the sold commodity or to abstain from including it in the selling contract of the invoice, or provision another service not requested by the consumer, or selling or provision of service at a low price as the product does not meet the special conditions of the product or not usable .

Article 19 –

Every factory of a seller shall provide an invoice to consumer stating the selling price and the quantity sold.

Article 20 –

The service provider shall present a statement or invoice to consumer including details of service and its cost and date of execution.

Article 21 –

Hotels, restaurants, clubs, coffee shops and swimming pools and others shall announce the prices clearly in accordance with the instructions issued by the competent ministry.

Article 22 –

The producer, importer, seller of a commodity or the service provider shall inform the consumer through a brochure or statement card attached to the commodity including the price and description of the commodity, method of usage, potential risks and precaution, validity period, name of producer or company and its address, quantity of product in international units.

Article 23 –

The producer, importer or seller guarantees the quality of commodity after ownership is transferred to the consumer, and the contractual provisions conflicting with the rights of the consumer in getting the guarantee including the maintenance services shall be cancelled. The competent minister shall issue the executive instructions about special guarantee methods for every product, and their obligations in case a defect is discovered later. Consumer shall have the right to consult with the chambers of commerce, tourism and industry and the handicrafts union or the Consumer Protection Association, or any other competent association about this issue.

Article 24 –

Every importer, producer, seller or distributor shall provide the consumer with product maintenance services required after sale, taking into account the valid

regulation including the application of the public safety conditions of the product and its special specification.

Article 25 –

The producer shall compensate the consumer for the product which is proved unusable for the purpose of use. Also service provider shall compensate the consumer for the service which has failed achieve its target for which it is rendered , by either replacing or returning the value to the consumer as per the his wish.

Chapter six

Consumer Protection Association

Article 26 –

a- without prejudice to the provisions of the Law of Special Association and Establishment No. 93 for the year 1958, the Consumer Protection Association shall protect and defend, under the provisions of this law, the interests of consumers and represent them before the competent authorities. The association take part in guiding the consumers as per the valid legislation :

- 1- guiding the consumers the optimum methods of consumption and giving advices and services that provide the consumers with the necessary information.
- 2- Coordinating with the official authority in the scope of controlling the product and service rendered to the consumer.
- 3- Seeking explanations from the official authorities and making proposals that care for the rights and interests of consumers.
- 4- Follow up the claims of the consumers to protect their interests and coordinate with the official authorities. The association shall have the right, for example, to intervene joining the consumer if a law suit is raised against the cause of damage and also has the right to raise law suit independently.
- 5- Cooperate with the various mass media to enlighten and educate consumers.
- 6- Issue magazines and bulletins and printing materials related to consumer enlightenment.

b- to harmonize its targets stated in the resolution of registration and bylaw with the provisions of this law.

Article 27 –

All Consumer Protection Associations or any other association or vocational organization shall be prohibited from giving preference to purchase a product or deal or recommend a specific product for the purpose of profiting.

Chapter Seven

The Role of the State in protecting the consumer and supporting the associations:

Article 28 –

The minister forms, under a resolution he issues, the advisory council and liaison offices at the concerned ministries based on a proposal by the competent minister. He

also defines its tasks and compensation, while its members shall be from the parties concerned in consumer protection.

Article 29 –

All ministries, general and private establishments and institutions concerned in consumer shall take all actions and procedures to protect the interests of consumer from monopoly and market domination.

Article 30 –

Every concerned ministry shall provide the consumer protection associations with the necessary support, and shall coordinate with them to ensure the consumers interests and protect their rights, safety and personal health and properties.

Article 31 –

The competent ministry shall invite the representative of the consumer protection association and the union of the concerned chambers to participate in discussion and laying down policies related to the rights and interests of consumer.

Chapter Eight

Mass media and the Consumer

Article 32 – every service or commodity provider shall inform the consumers with the main specification of the service he renders in accordance with the regulations valid at the competent authority.

Article 33 –

- a- marks of identification shall be put on the product in accordance with the provisions of the commercial and industrial ownership protection Law.
- b- The advertiser shall confirm the correctness of the information stated in his advertisement, and shall provide the competent authority with the documents it requests.

Article 34 - the Arabic language is considered the base in advertising, and it is possible to use other languages besides the Arabic language.

Article 35 –

Misleading, or deceptive advertisement is not allowed

Article 36 –

The advertisement or product promotion shall be true so that the essence of the product is expressed without any confusion.

Article 37 –

The owner of the advertisement shall be responsible for any mistake he commits.

Chapter nine

Provisions of controlling breaches and punishment

Article 38 –

The provisions of the two laws of deception and fraud suppression and supply and pricing and amendments and the resolutions and executive instructions related to samples taking, material attachment and disposing of and closing, and the system of the judicial police applied at the ministry and the competent ministry.

Article 39 –

The tasks of the laborers of the competent ministry shall be defined as a judicial police to execute the provisions of this law, after being qualified and taking the legal oath before the Civil Court of First Instance in the area of their works, as follows :

- 1- investigate the claims they receive from the consumers
- 2- organize the necessary verification report against the contraveners based on the received claims.
- 3- Follow up and execute the necessary procedures related to the execution of the provisions of this law and its execution instructions.
- 4- Adherence to the official mission he is entrusted with, and show his identity card to the concerned persons at the place of mission.
- 5- Execute the tasks he is entrusted in accordance with the instruction issued by the concerned ministry.

Article 40 –

Every person who breaks the provisions of Articles 5,6,8,10a.b.,11,12 clause d, e,23,24,25,34,35,36 of this law, shall be subject to imprisonment from 10 days to one month, and a fine from SP. 10 000 to 20 000, or with one of these two punishments.

Article 41 –

Every person who breaks the provisions of Article 12 a,b,c, , 15,18 of this law , shall be subject to imprisonment from 3 months to 6 months and a fine from SP. 50 000 to 100 000, or with one of these punishments. The punishment will be doubled ten times if the breach stated in Article 12, causes death or injury with chronic disease or handicap.

Article 42 –

Every person who breaks the provisions of article No. 13 of this law shall be subject to imprisonment from 3 months to 6 months and a fine from SP. 50 000 to 100 000, or with one of these punishments.

Article 43 –

Every person who breaks the provisions of articles No. 14,19,20,21,22 and 23 b, shall be subject to a fine of SP. 10 000 to 20 000, and shall be settled in accordance with the instructions issued for that purpose in accordance with the Provisions of Article 50 of this law.

Article 44 –

Every person who breaks the provisions of article 17 of this law shall be subject to imprisonment from 6 months to one year or a fine from SP. 100 000 to 200 000.

Article 45 –

If breach is repeated the punishments stipulated in Articles from 40 through 44 of this law will be doubled.

Article 46 –

If another legislation stipulates for stronger punishment for the same break than the punishment stipulated for in this law, the strongest shall be applied.

Chapter 10 –

General and final provisions

Article 47 –

Every condition in any contract or agreement or document or others related to contracting with consumer, will be null if this condition will exempt the supplier of a commodity or the service provider from any of his obligations stipulated under this contract, except the contracts in which the public sector is a party thereof, then the case shall be presented before the council to decide whether it is possible to apply the provisions of this law.

Article 48 –

The competent courts shall judge the cases related to the provisions of this law as summary matters.

Article 49 –

The provisions contradicting the provisions of this law shall be cancelled.

Article 50 –

minister in coordination with the competent minister shall issue the executive instructions for the application of the provisions of this contract.

Article 51 –

The commodities and products included in the provisions of this law shall be defined by a resolution by the Prime Minister based on a proposal made by the minister.

Article 52 –

The necessary appropriations in the budget of the competent ministry shall be allocated for the execution of the provisions of this law, and support of the consumer protection association.

Article 53 –

This law is to be published in the official gazette and shall become valid after three months from date issue.

Damascus, 3.3.1429 - 10.03.2008

President of the Republic
Bachar Al Assad

d-