

KINGDOM OF CAMBODIA

Nation Religion King

Ministry of Economy and Finance
No. 388 MEF.CE

Phnom Penh, 22 May 2008

PRAKAS

on

Post Clearance Audit by Customs and Excise Department

**Senior Minister,
Minister of Economy and Finance**

- Having Seen the Constitution of the Kingdom of Cambodia;
- Having Seen Reach Kram N° NS/RKT/0704/124 dated 15 July 2004 on the Appointment of the Royal Government;
- Having Seen Reach Kram N° 02/NS /94 dated 20 July 1994 promulgating the Law on the Establishment and Organization of the Council of Minister;
- Having Seen Reach Kram N° 02/NS/RKM/0196/18 Dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Having Seen Reach Kram N° NS/RKM/0707/017 dated 20 July 2007 promulgating the Law on Customs;
- Having Seen Anukret N° 04 ANKR.BK dated 20 January 2000 on the Establishment and Organization of the Ministry of Economy and Finance;
- Pursuant to the priority task of the Ministry of Economy and Finance

HEREBY DECIDES

Praka 1.-

Post Clearance Audit by Customs and Excise Department is implemented in accordance with the provisions of Article 18, Article 52 and Article 57 of the Law on Customs and other relevant laws and regulations of the Kingdom of Cambodia.

Praka 2.-

Post Clearance Audit by Customs and Excise Department is an audit, investigation, inspection or control carried out in a systematic manner by competent

Customs officers to verify the accuracy and authenticity of Customs declarations through the examination of the relevant documents, books, records, and other business information systems that are kept in accordance with the provision of the Prakas on the Management of Documents, Books, Records and Other Information on Imports and Exports in the above reference by persons as described in Praka 6 of this Prakas.

Praka 3.-

The objective of Post Clearance Audit by Customs and Excise Department is to assure that persons described in Praka 6 of this Prakas are fully complying with the Law on Customs and all other relevant laws and regulations of the Kingdom of Cambodia. This objective may also involve ensuring that:

- All importation and exportation are properly declared to Customs;
- To verify accuracy and authenticity of customs declarations.
- The import and export and control of all goods under the prohibitions and restrictions list are in compliance with existing laws and regulations.
- All duties and taxes relating to diversions or home consumption, of those goods are properly paid and the conditions of this decision are made in accordance with existing laws and regulations.
- Declarants are complying with their obligation to retain all supporting documents for the period as set by the existing laws and regulations.
- All goods under Customs Temporary Storage procedure, Customs Bonded Warehouse procedure, goods under suspended procedure have properly completed the customs declaration procedure and are properly receipted.

Praka 4.-

Persons described in Praka 6 of this Prakas are responsible for the accurate declaration of the tariff classification, origin, and the customs value of imported goods and for the payment of duties and/or taxes. Those persons must disclose all information, invoices and other documentation to enable Customs to verify and accurately determine the tariff classification, origin of goods and the customs value of the imported goods.

Customs may, within 3 years of the date of registration of any customs declaration, following an audit, investigation, inspection or examination of the imported goods, re-determine the declared tariff classification, the declared origin of goods and the declared customs value.

When an audit, investigation, inspection or examination undertaken under this Praka finds any fraudulent activity, the Notice may be issued by the Director of

Customs for the goods under investigation, within a period no longer than ten (10) years from the original date of registration of the customs declaration.

Praka 5;

At the request of Customs, persons as described in Praka 6 of this Prakas are obliged to make available for examination all documents, books, records and other information concerning importation and exportation of goods.

Where the persons referred to in the first paragraph of this Praka are not in place, their representatives are obliged to make available the documents, books, records and other information.

When required by a competent customs officer, every such person must:

a. Provide copies of the documents as described in Praka 4 of the Prakas of the Ministry of Economy and Finance on the Management of Documents, Books, Records and Other Information on Import and Export as the above reference.

b. Answer any questions relevant to matters arising under this Prakas asked by a competent customs officer,

c. Where information is recorded or stored by means of an electronic or other device, operate the device, or cause it to be operated, to make the information available to the customs officer.

Praka 6.-

Post Clearance Audit by Customs and Excise Department shall be conducted on persons involved or engaged in the importation, exportation of goods, including Importers, Exporters, Custom Brokers, Operators of the Customs Temporary Storage, Operators of Customs Bounded Warehouse, Transportation companies or Other person who are directly or indirectly involved in the importation or exportation of goods..

Praka 7.-

Persons described in Praka 6 of this Prakas must cooperate with competent Customs officers who conduct Post Clearance Audits.

Competent Customs officers may, at any time in accordance with the law, enter any premises or place where documents, records, or other information are kept pursuant to Article 51 of the Law on Customs and audit or examine those documents records, or other information, either in relation to specific transactions or to the adequacy and integrity of the manual or electronic systems by which such records are created and stored.

Competent Customs officers may inspect documents records, or other information or any property, process, or matter that the officer considers necessary or relevant for the purpose of collecting any duties and taxes under the Law on Customs, for the purpose of carrying out any other function of competent Customs officer, or for the purpose of collecting information required for the purposes of the Law on Customs.

Competent Customs officers shall have full access to all lands, buildings, and places and to all documents records and information, whether in the custody or under the control of the licensee, importer, or exporter, or any other person.

Competent customs officer may, without charge, make extracts from or copies of any such records or documents, take possession of by providing a report, and retain any document or record presented in connection with any declaration required under the Law on Customs.

Competent Customs officer shall, at the request of the person in possession of the document or record, provide that person with a true copy of the document or record certified by Competent Customs officer.

Praka 8.-

After conducting the Post Clearance Audit, if the Competent Customs officer has found no irregularity or violation of existing laws or regulations, the Customs officer must immediately complete the audit report and terminate the audit.

After conducting the Post Clearance Audit, if the Competent Customs officer has found any irregularity or violation of the existing laws or regulations, the Customs officer must make the report in writing of this violation and must collect all information or make extracts from copies of any records or documents by providing a report and retain any documents presented in accordance with the provision of this Prakas without any charges. Such retained records and documents must be submitted to the competent Chief of Office, Branch or Check Point with the audit report and take further action in accordance with the existing laws and regulations, if necessary.

Praka 9.-

Any person as described in the provision of Praka 6 of this Prakas, who is dissatisfied with the decision of competent customs officer or the correctness of the re-determination of customs value, origin, or the tariff classification of goods as provided in the Notice issued under the provision of this Prakas may appeal in writing to the Director General of Customs in accordance with the provision of article 24 or article 71 of the Law on Customs.

Praka 10.-

The Director of Customs shall issue instructions on the Procedures for the conduct of Post Clearance Audits.

Praka 11.-

Any regulations contradict to this Prakas shall be null and void.

Praka 12.-

Delegate of the Royal Government in charge of Customs and Excise Department, Secretary General, Director of Cabinet, Director of the Department and involved units within the Ministry of Economy and Finance; including personnel and institutions concerned shall carry out the provisions of the s effectively from the signatory date.

Senior Minister,

Minister of Economy and Finance

Signature

Keat Chhon

C.C.:

- Ministry of the Royal palace
- Secretariat General of the Senate
- Secretariat General of the National Assembly
- Cabinet of Samdech Akka Moha Sena Padei Techo **Hun Sen** Prime Minister of the Kingdom of Cambodia
- Council of Ministers
 - "To be informed"
- Customs and Excise Department
- As Praka 12
- Cambodia Chamber of Commerce
 - "For publicized cooperation and implementation"
- Official Journal
- Document - Archive