



**Asia-Pacific  
Economic Cooperation**

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## **Laws and Regulations on Self-Certification**

Submitted by: Malaysia



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APEC Workshop on  
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Hanoi, 27-28 July 2011



**Session 8:**  
**Laws and Regulations on Self-Certification**

Presented by:  
Ms. Jaysiwanta Kaur  
Director (External Relations) ASEAN  
Division, MITI



**Provisions under the Operational Certification Procedures (OCP)**



**Rule 12 C- Monitoring and Verification**

- The Competent Authorities shall monitor the proper use of the authorization, including verification of the correctness of Invoice Declarations made out. Decisions on the frequency and depth of such actions should be risk-based.
- Furthermore, the Competent Authorities will act on retroactive verification requests by the customs authorities of the importing Member State, in conformity with Rule 18 (Retroactive Check)

## Provisions under the Operational Certification Procedures (OCP)



### Rule 12 D- Withdrawal of Authorization

- The Issuing Authorities may withdraw the authorization at any time.
- They shall do so where the Certified Exporter no longer offers the guarantees referred to in Rule 12A(1) *(when seeking authorization exporter must offer all guarantees necessary to verify originating status)*, no longer fulfills the conditions referred to in Rule 12A(2) *(granting of CE status subject to conditions)* or otherwise abuses the authorization.
- A withdrawal shall be immediately communicated to the ASEAN Secretariat, in conformity with Rule 2.

## WITHDRAWAL OF AUTHORISATION



The Issuing Authority  
**MAY WITHDRAW** the  
Authorization at any  
time when:

No longer fulfill the conditions referred to in Rule 12 A (2) of the OCP;

No longer offers the guarantees referred to in Rule 12A(1) of the OCP; or

Abuse the authorization.

Penalty will be imposed for false declarations as stipulated in the Customs Act 1967

## Provisions under the Operational Certification Procedures (OCP)



### Rule 24- Action against Fraudulent Acts

When it is suspected that fraudulent acts in connection with the Certificate of Origin (Form D) or the Invoice Declaration have been committed, the Government authorities concerned shall cooperate in the action to be taken in the respective Member State against the persons involved.

Each member state shall provide legal sanctions for fraudulent acts related to the Certificate of Origin (Form D) and to the Invoice Declaration.

## CUSTOMS ACT 1967



The OCP is gazetted under the Customs Act 1967.

Section 133 of the Customs Act 1967 provides for penalty on making incorrect declaration and falsifying documents;

Punishment: - Fine not exceeding RM500,000; or  
-Imprisonment not more than 5 years; or  
-Both

Any receipt of false declaration from a foreign Certified Exporter will have to be communicated to the country of export.



### Customs Act 1967

There are existing provisions under the Customs Act for risk management i.e. post-customs audit including verification, advance-rulings and pre-arrival customs clearance which can be applied regardless of the nature of the system (conventional system or SC)

### Penal Code

#### i. Forgery:

-Section 463 provides the penalty on making false documents with intent to commit fraud or that fraud may be committed.

-Punishment: Fine or imprisonment not more than 2 years; or both.

-ii. Forgery with intention to cheat: Section 468 provides the penalty on committing forgery of documents for the purpose of cheating;

-Punishment: Imprisonment not more than 7 years and fine.



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# Thank You !

ASEAN Economic Cooperation Division

