

2011/MAG/WKSP3/013

Laws and Regulations on Self-Certification

Submitted by: Malaysia

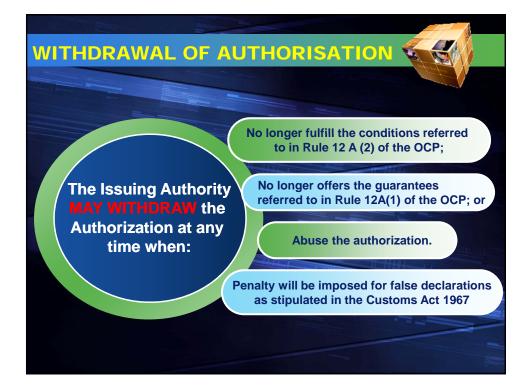


Self-Certification Pathfinder Workshop Ha Noi, Viet Nam 28-29 July 2011







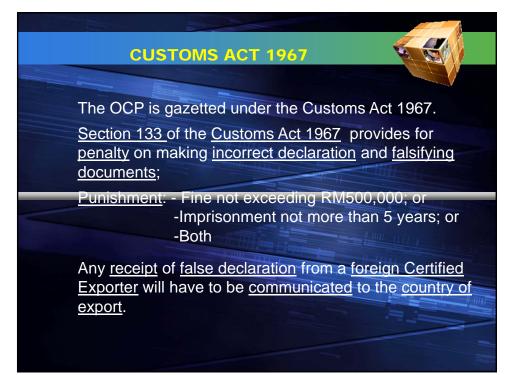


Provisions under the Operational Certification Procedures (OCP)

Rule 24- Action against Fraudulent Acts

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

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

There <u>are existing provisions</u> under the Customs Act for <u>risk</u> <u>management</u> i.e. post-customs audit including verification, advance-rulings and pre-arrival customs clearance which can be applied <u>regardless</u> of the <u>nature of the system</u> (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.<u>Forgery with intention to cheat</u>: Section 468 provides the penalty on committing forgery of documents for the purpose of cheating;

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

