

**Kingdom of Cambodia
Nation Religion King**

**Ministry of Economy and Finance
No. 145**

Phnom Penh, February 6, 2001

PRAKAS
on
**Procedures for Management of Imported and Exported Goods of
Support Industries covered under the Law on Investment of the
Kingdom of Cambodia**

**Senior Minister
Minister of Economy and Finance**

- Referring to the Constitution of the Kingdom of Cambodia;
- Referring to Reach Kret No. NS/RKT/1198/72 of November 30, 1998 on the Formation of the Royal Government of Cambodia;
- Referring to Reach Kram No. 02/NS/94 of July 20, 1994 promulgating the Law on the Organization and Functioning of the Council of Ministers;
- Referring to Reach Kram No. NS/RKM/0196/18 of January 24, 1994 promulgating the Law on the Establishment of the Ministry of Economy and Finance;
- Referring to Reach Kram No. NS/RKM/0297/03 of February 24, 1997 promulgating the Law on Taxation;
- Referring to the Law on Tax on Imported and Exported Goods promulgated by Kret No. 57K of July 26, 1989 of the State Council;
- Referring to Reach Kram No. 03/NS/94 of August 5, 1994 promulgating the Law on Investment of the Kingdom of Cambodia;
- Referring to Anukret No. 88/ANK/BK of December 29, 1997 on the Implementation of the Law on Investment of the Kingdom of Cambodia;
- Referring to Anukret No. 53/ANK/BK of June 11, 1999 on the Amendment of Anukret No. 88/ANK/BK of December 29, 1997 on the Implementation of the Law on Investment of the Kingdom of Cambodia;
- Referring to Anukret No. 04/ANK/BK of January 20, 2000 on the Organization and Functioning of the Ministry of Economy and Finance;
- Referring to Anukret No. 114/ANK/BK of December 25, 1999 on the Value Added Tax;
- Referring to Letter No. 110 of January 27, 1999 of the Council of Ministers;
- Referring to Prakas No. 2895/99/CDC of December 9, 1999 on the Provision of Customs Duty Exemption Incentives for Support Industries in Subsequent Years.
- Pursuant to actual needs of the Ministry of Economy and Finance.

IT IS HEREBY DECIDED

Article 1:

All imported goods of investors subject to the investment incentives granted under the Law on Investment of the Kingdom of Cambodia for the purpose of serving support industries shall be used in compliance with the purposes of the investment project officially authorized by the Council for the Development of Cambodia/Cambodia Investment Board “CDC/CIB”.

Article 2:

Any activities related to the sale, purchase, request for leasing, leasing, request for lending, lending and other transfers of goods approved by CDC/CIB shall be in compliance with the contents of Anukret No. 88/ANK/BK of December 29, 1997, paragraph 20.2 and Circular No. 165/00/CDC of January 20, 2000 on the Management and Usage of Investment Incentives by Investment Enterprises.

Article 3:

The Customs and Excise Department shall appoint the Post Clearance Audit to monitor the support industries activities and to investigate all other areas where deem necessary.

Article 4:

Owners of factories, investment enterprises shall provide to auditors:

- the necessary lists and reports indicating clearly the following specifications and quantities of raw materials:
 - a. imported;
 - b. used and have been used for production;
 - c. already exported or re-exported after temporarily imported;
 - d. sold in local markets;
 - e. destroyed under inspection certified by the competent authorities;
 - f. stocked in warehouse (imported goods and goods for export)
 - g. sold, bought, lent, transferred; and
- production technical base and specific production capacity.
- purchase, sale or procurement contracts.
- other necessary documents.

The above documents shall be kept for a period of 10 years.

Article 5:

Owners of factories, enterprises and investment companies shall facilitate the works of inspectors such as providing labor force, substitute equipment, and facilities to conduct actual inspection. The inspectors shall be responsible for notifying the inter-institutional mechanism and the CIB on the regularity of all documentation which are required for further provision of incentives to these support industries.

Article 6:

In the event of irregularity, the inspectors shall gather the information and report immediately in order to request the decision within the proper hierarchy and in accordance with the proper procedures.

Tax re-collection and the imposition of penalties shall be the responsibility of the Customs and Excise Department.

Article 7:

The basis for tax collection and penalties shall be based upon the date of the final decision on the measures for implementation.

Article 8:

The Customs and Excise Department shall be responsible for providing additional instructions so as to ensure the effective implementation of this Prakas.

Article 9:

Any Prakas and regulations which are contrary to this Prakas shall be considered null and void.

Article 10:

The Royal Government Delegate as Director of the Customs and Excise Department, the General Secretariat, the Chief of Cabinet of all relevant departments under the jurisdiction of the Ministry of Economy and Finance shall effectively implement this Prakas from the date of its signature.

- Cabinet of the Council of Ministers
- All Ministries/Institutions
- CDC “for implementation”
- All Offices of Khet/Krong
- Per Article 10
- Records.

Senior Minister
Minister of Economy and Finance

Keat Chhon