



Ministry of Commerce

N° 084 MOC D/EI

Prakas (Ministerial Regulation)
on
Formalities and Procedures for Imposing Administrative Sanctions
for Offences related to Origin of Goods

MINISTER OF COMMERCE

- Having seen the Constitution of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0823/1981 dated 22 August 2023 on the Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0224/205 dated 21 February 2024 on the Additional Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/0924/1169 dated 20 September 2024 on the Amendment and Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Decree No. NS/RKT/1124/1477 dated 20 November 2024 on the Amendment and Appointment of the Royal Government of the Kingdom of Cambodia,
- Having seen Royal Kram No. NS/RKM/0618/012 dated 28 June 2018 promulgating the Law on the Organization and Functioning of the Council of Ministers,
- Having seen Royal Kram No. 06/NS/94 dated 21 October 1994 promulgating the Law on the Common Statute of Civil Servants of the Kingdom of Cambodia
- Having seen Royal Kram No. NS/RKM/0196/16 dated 24 January 1996 promulgating the Law on the Establishment of the Ministry of Commerce,
- Having seen Royal Kram No. NS/RKM/0723/011 dated 5 July 2023 promulgating the Law on the Rules of Origin,
- Having seen Sub-Decree No.238 ANKR.BK dated 3 December 2025 on the Organization and Functioning of the Ministry of Commerce,
- According to the Necessary Requirements of the Ministry of Commerce

HEREBY DECIDED

CHAPTER 1

GENERAL PROVISIONS

Article 1.- Objective

This Prakas (Ministerial Regulation) stipulates rules, formalities, and procedures for imposing administrative sanctions on offenders subject to administrative sanctions, with the aims to enhance the effective implementation of laws and regulations related to the Rules of Origin.



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Article 2._ Scope

This Prakas (Ministerial Regulation) applies to the imposition of administrative sanctions on offenders under the Law on Rules of Origin and regulations related to Rules of Origin for exported goods; and to competent official who violated professional misconduct, as stipulated in the Law on the Common Statute of Civil Servants.

Article 3._ Definition

The key terms used in this Prakas (Ministerial Regulation) are defined as follows:

- 1- **Offender** means a natural or legal person who commits an offence under the Law on Rules of Origin and applicable regulations.
- 2- **Sanctioned Person** means a natural or legal person who commits an offence under the Law on Rules of Origin and applicable regulations and is subject to an administrative sanction imposed by the Ministry of Commerce.
- 3- **Competent Official** means an official responsible for serving public services and an investigating officer of the General Department of Trade Support Services or any entities authorized by the Ministry of Commerce.

CHAPTER 2

ADMINISTRATIVE SANCTIONS

Article 4._ Types of Administrative Sanctions

Administrative sanctions include:

- Written warning;
- Temporary suspension or cessation of business activities and operations;
- Suspension, revocation or removal of permits or licenses; and
- Other administrative sanctions as prescribed under applicable laws and regulations.

Article 5._ Written Warning

A written warning shall be imposed in case a person fails to fulfill any obligation required under Prakas (Ministerial Regulation) on the Procedures for Applying and Issuing Certificates of Origin of the Ministry of Commerce and other applicable regulations, as follows:

- Completion of the Certificate of Origin Reference Form (CRF) or application of the Origin Certification Letter (OCL) for exported goods under preferential trade schemes and non-preferential trade schemes where a Certificate of Origin does not require;
- Submission of documents for verification and record keeping;
- Notification of production and exports;
- Required documents for raw material inventory declaration and verification of raw material inventory balance.

The written warning referred to in paragraph 1 of this Article shall be imposed up to two times. Each warning shall be imposed for a minimum period of thirty (30) days and a maximum period of ninety (90) days, depending on the severity of the offence.



Article 6._ Temporary Suspension or Cessation of Business Activities and Operations

In case a sanctioned person referred to in Article 5 of this Prakas (Ministerial Regulation) recommit the offence, such person shall be subject to the temporary suspension or cessation of business activities and operations.

The temporary suspension or cessation of business operations referred to in paragraph 1 of this Article shall be imposed for a minimum period of thirty (30) days and a maximum period of one hundred and eighty (180) days, depending on the severity of the offence.

Article 7._ Suspension, Revocation or Removal of Permits or Licenses

In case a sanctioned person has been subject to the temporary suspension or cessation of business activities and operations and recommit an offence as stipulated in Article 6 of this Prakas (Ministerial Regulation), such person shall be subject to suspension, revocation or removal of permits or licenses.

Article 8._ Sanction on Competent Official

Competent Officials who act in contravention of the provisions of this Prakas (Ministerial Regulation) shall be subject to administrative sanctions in accordance with the Law on the Common Statute of Civil Servants.

CHAPTER 3

COMPETENCE AND PROCEDURES

FOR IMPOSING ADMINISTRATIVE SANCTIONS

Article 9._ Competence of Investigating Officer

Investigating officers shall be designated from the General Department of Trade Support Services by Prakas (Ministerial Regulation) of the Minister of Commerce to investigate any offences related to the Law on Rules of Origin and applicable regulations.

Any initiation of an investigation procedure and the imposition of administrative sanctions on an offender shall be subject to prior approval in principle from the Minister of Commerce.

Article 10._ Rights of the Offender

Offender or their authorized representative has the rights to provide explanations to the investigating officers within thirty (30) days.

Evasion of the requirement to provide such explanations shall be deemed as an acknowledgement of the offence committed.

Article 11._ Transmittal of the Decision

Investigating Officer may transmit a decision on the imposition of administrative sanctions directly to the residence or company premises of the sanctioned person, or by post or electronic communication.

In case the sanctioned person refuses to receive the decision on the imposition of the administrative sanctions, or in case no person is available to receive the decision, the investigating officer may post the decision at the residence or company premises of the sanctioned person, or at the Commune/Sangkat office, or publicly publish. A decision that has been posted or publicly published shall be deemed to have been officially received by the sanctioned person.

Article 12._ Aggravating and Mitigating of Imposing Sanctions

The Minister of Commerce may issue a decision to impose an administrative sanction after taking into consideration the following aggravating and mitigating severity of the offence, as follows:



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- a. Shall constitute aggravating severity where the offender:
- commits the offence with premeditation;
 - commits the offence repeatedly or continuously;
 - coerces or threatens another person to commit the offence;
 - commits the offence by abusing the position or authority of another person;
 - continues to commit the offence despite having been ordered to cease such offence;
 - commits the offence while the person is subject to the implementation of an administrative sanction imposed by the Ministry of Commerce; or
 - conceals the commission of the offence.
- b. Shall constitute mitigating severity where the offender:
- demonstrates willingness to rectify the non-compliance;
 - reports the offence and admits the wrongdoing; or
 - commits the offence as a result of coercion or undue pressure from another person.

Article 13._ Appeal

Any person who is dissatisfied with the decision imposing an administrative sanction may file an appeal to the Minister of Commerce within thirty (30) days from the date of receipt of that decision.

The Minister of Commerce shall issue a decision on the appeal within thirty (30) days from the date of receipt of the appeal.

In case the person remains dissatisfied with the decision of the Minister of Commerce, such person may file a case to the competent court within thirty (30) days from the date of receipt of the notification of the decision on the appeal.

CHAPTER 4 FINAL PROVISIONS

Article 14._

The Secretary-General of the General Secretariat, Director-General of the General Department of the Trade Support Services, Director-General of all General Departments, Director of the Export Import Department, Director of the Export Management in Special Economic Zones Department, Director of all Departments, and the Heads of Relevant Units shall be responsible for implementing this Prakas (Ministerial Regulation) in accordance with their respective duties as of the signature date.

Phnom Penh, 1 September 2026

Minister of Commerce

[Signed and stamped]

CHAM Nimul

CC:

- The Council of Ministers
- Ministry of Economy and Finance
- Cabinet of Samdech Moha Borvor Thipadei Prime Minister
- Cabinet of Deputy Prime Ministers
- As defined in Article 14
- Official Gazette
- Archives

