

GENERAL DEPARTMENT OF CUSTOMS
HCMC DEPARTMENT OF CUSTOMS

WARNING
COMMON VIOLATIONS WHEN PROCESSING
THE PROCEDURES OF CUSTOMS CLEARANCE

In the process of declaration and clearance of goods, enterprises should pay attention to the following acts which may lead to unintentional violation of customs regulations:

I. Some organizations, individuals (customs brokerage services, customs agent staffs) have tricks to take advantage of and use **the digital signature of the enterprise** who observed well the customs legislation to carry out the declaration on VNACCS system without the consent of the import-export enterprise for the purpose of smuggling, commercial fraud such as:

1. Export, import goods banned from import, export by the Government.
2. Export, Import goods which fails to meet the conditions, standards, technical regulations, conformity announcement, food safety, quarantine... in order to avoid the Government management policies.
3. Declare the wrong information against the reality for tax evasion.

II. Orient enterprises to collaboration and compliance:

1. Need to manage strictly the digital signature, carefully check information declaration to ensure not to be taken advantage of by bad guys.

2. Select step by step and use the Customs Agent (which is granted the license by the General Customs Department) with prestige, strict observance of law and many experiences. Say “No” to the agents’ suggestions (or agent staff) on fostering customs officials.

3. Pay import, export tax, customs fees, and charges via commercial banks which have signed the agreement with the General Customs Department at anytime and anywhere. Customs service 24/7.

4. In case of meeting difficulties in identifying HS codes, taxable prices, exchange rates, origin and other customs issues, please contact the hotline of the leaders of Divisions, the Director of Customs Department for guidance.

III. The act of violation of customs law:

1. Violation of regulations on customs procedures:

- Fail to declare, submit, present and provide the customs dossier within the prescribed time limit.

2. Violation of regulation on tax declaration:

a. Fail to make declaration, or make wrong declaration of goods names according to name identification of Vietnam import export goods regulated by Ministry of Finance, incomplete declaration of goods name that leads to be impossible to distinguished from other goods, declaration of wrong amount, quantity, content... that leads to decrease tax payable or increase the tax exempted, reduced, refunded.

For example: Enterprise declares commodity A with the import tax of 0%, not the goods subject to the management of policies, but through the actual inspection, it is commodity B with the import tax of 5%, 10%... and required a license when imported or need to meet conditions, standards, technical regulations, specialized inspection...

b. Wrong declaration on category: Enterprise imports commodity A with the low contract price, import tax of 0%; when declaring with customs authority to raise the contract price, while commodity B with the high contract price, import tax of 10%; when declaring with customs authority to decrease the low contract price to enjoy the tax difference.

c. Wrong declaration of quantity, quality: the actual import is 400 sets but only declared 200 sets. Buying poor quality goods that have been registered for quality inspection but have not inspected yet, have been sold out.

d. Wrong declaration of value: signing the contract with foreign buying at unit price... but when declaring: declaring in kgs, tons... or declaring incorrect real price that already paid to the seller.

đ. Wrong delaration of HS code: import item is taxable but deliberately declare the code that is not taxable. Declare the correct goods

name but wrong tax code and current tax level. Or declare wrong tax code to avoid paying self-defense tax, anti-dumping tax, mixed tax, absolute tax.

e. Wrong declaration of type: import old (used) goods, refurbished goods but declare new one. For example: laptop, Ipad, mobile phone... that were refurbished but declared 100% new. When being inspected, enterprise violated the Government's regulations on goods banned from import.

g. Declare goods type 2, type B, inventory, discounted goods... but when being inspected, all are new ones.

3. Violations of regulations on customs supervision:

a. Unintentionally consign goods under customs supervision or goods brought to the warehouse for preservation without clearance.

b. Arbitrarily remove customs seal (temporary import for re-export, transit, transfer goods...). Failure to comply with the preservation of status quo of goods, no results of specialized inspection but have sold out all goods...

c. Export, import banned goods, goods subject to specialized licenses.

4. Regulations on consultations and post-clearance inspection:

a. Enterprise requests consultation time but do not come to consultation on time that leads to generate payable tax and maybe subject to tax enforcement. Enterprise should not assign the agent to the consultation, it is easy to be denied the declared value because the agent does not know the business transaction of Enterprise and can not explain the questions.

b. When obtaining the post-clearance inspection Decision at Customs office but Enterprise does not send any person to work on the requested time leading to that Customs issues a Decision on tax assessment, raising tax payable and maybe tax enforcement. Enterprise should not assign the agent to the consultation, it is easy to be denied the declared value because the agent does not know the business transaction of Enterprise and can not explain the questions.

c. Immediately report to leaders of Ho Chi Minh City Customs Department, leaders of import export duty division, leaders of inspection division, leaders of sub departments if customs officials deliberately cause difficulties for enterprises, negative behavior in discussing the declared price between two parties.

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