

**The Regulation Governing the Reporting and Control of Physical Transfers of Currency,
Bearer Negotiable Instruments, Gold, Other Precious Metals or Precious Stones through the
Borders of Islamic Republic of Afghanistan**

Chapter I

General Provisions

Article 1 - Basis

This Regulation has been adopted based on the provisions of Article 7 of the Anti Money Laundering and Proceeds of Crime Law.

Article 2- Scope of Application

In additions to cash transportation, the provision of this regulation applies to bearer negotiable instruments, gold, other precious metals or precious stones.

Article 3 - Aims

The aims of this regulation are as follows:

- (1) To determine the amount of transfer of cash, bearer negotiable instruments, precious metals and stones though the international airports and land borders of the country.
- (2) To control the movement of cash, bearer negotiable instruments, precious metals and stones, through the international airports and land borders of the country.
- (3) To prevent the illegal transfer of cash, bearer negotiable instruments, precious metals and stones, proceeds of crimes and assets associates with money laundering and terrorism financing through the international airports and land borders of the country.

Article 4 - Competent authorities

General Directorate of Custom is the competent implementer of this regulation and Police, Attorney General Office, police agencies and National Directorate of Security will provide required assistance when required by the Customs.

Article 5 - Prohibition of transfer

- (1) It is prohibited for any person to leave the Islamic Republic of Afghanistan in possession of currency, bearer negotiable instruments, gold, other precious metals or precious stones which are of a value exceeding \$20000 US Dollars or its equivalents in other currencies or arrange for the transportation of such items out of the Islamic Republic of Afghanistan through a person cargo, postal service or through any other means. Decorative Jewelleries (gold and other precious metals and precious stones) in normal quantity shall not be counted against the threshold, and such quantity will be prescribed by a procedure to be issued by the Ministry of Finance.

- (2) Transferring the currency which is of a value exceeding the threshold set forth in paragraph 1 of this article should be conducted through licenced financial institution.
- (3) Any person who leaves or enters the Islamic Republic of Afghanistan in possession of currency, bearer negotiable instruments, gold, other precious metals or precious stones which are of a value exceeding \$10000 US Dollars or its equivalents in other currencies or arranges for the transportation of such items into or out of the Islamic Republic of Afghanistan through a person cargo, postal service or through any other means must complete the relevant Declaration form and submit that to the Custom's Officer.
- (4) There is no limit to bring any amount of currency, bearer negotiable instruments, gold, other precious metals or precious stones into Afghanistan. The Customs Department shall report the amount [transported] and identity of its carrier to National Directorate of Security and Financial Intelligence Unit.

Chapter II

Measures to prevent the illegal transfer of money, currencies and bearer negotiable instrument

Article 6 - Duties and Responsibilities of Customs Directorate

- (1) Customs Directorate has the responsibility to receive Declaration forms. If a Police Officer or Prosecutor or Security Official be informed of transportation of an item described in paragraphs (1) and (3) Article 5 of this regulation or has a declaration made to them; they must hold the person and the item concerned and contact a Customs Officer who must deal with the matter immediately.
- (2) The Customs Officer is obliged to fully identify any person who transports currency, bearer negotiable instruments, gold, other precious metals or precious stones and where necessary obtain full information from the person about the origin and the intended use of the item declared or detected.
- (3) The Customs Officer must make sure that the Declaration form is completed in sufficient detail and that in the events referred to in paragraph (4) article 7 of Anti Money Laundering and Proceeds of Crime Law the Customs Officer must seize all the money, currency, bearer negotiable instruments, gold or other precious metals, or precious stones item .
- (4) The Customs Officer must deal with the seized items in accordance with paragraphs (5) of Article 7 and Paragraph (2) of Article 38 of the Anti Money Laundering and Proceeds of Crime Law.
- (5) In the case of a transfer of an item referred to in paragraphs (1) and (3) Article 5 of this regulation the Customs Directorate is obliged to inform the Financial Intelligence Unit about the issue, electronically and send the Declaration form to the Financial Intelligence Unit within three working days.
- (6) Any person who has not completed age of 18 is authorized to carry an amount not exceeding \$10000 US Dollars or its equivalent in other currencies. The Custom officer shall prevent transfer of any amount exceeding this by such persons.

- (7) Any Authorised Officer or person who deliberately assists or advise another person for the purpose of avoidance of Customs procedures, or facilitates the transportation of illegal money or any amount beyond the /threshold set forth in this regulation with undertaking the responsibility of the transportation of money which belongs to other persons, shall be suspected of commission of money laundering offense and shall be prosecuted under Article 4 of the Anti Money Laundering and Proceeds of Crime Law.
- (8) For the purpose of implementing this Regulation, General Directorate of Custom shall establish custom check points in border line where the possibility of illegal transferring of Currency, Negotiable Bearer Instruments, Gold, other valuable metals and precious stones, exist.
- (9) General Directorate of Customs, in consultation with FinTRACA, will produce and provide standard Declaration forms for currency, negotiable bearer instruments, Gold, other valuable metals and precious stones.
- (10) General Directorate of Customs will provide sufficient number of electronic cash counting machines where necessary.

Article 7 - How to issue and receive the declaration forms

- (1) Declaration forms for Currency, Negotiable Bearer Instruments, Gold, other valuable metals and precious stones, are issued to passengers who are travelling by air before they pass through a Customs check point or when they arrive at a Customs and will be collected of them by the Customs Officers before they receive their boarding passes.
- (2) Declaration forms for Currency, negotiable bearer instruments, gold, other valuable metals and precious stones at land borders will be issued to persons travelling by Customs Officers and before entry or exit it will be collected from persons travelling.
- (3) Three copies of the Declaration forms will be prepared and after it is completed, one copy will be provided to the passenger, the other copy will remain with the Customs Directorate and the original one will be handed over to the Financial Investigation Unit within three working days.

Article 8 – Consequences of providing a false Declaration form or refusing to provide information

- (1) If a person refuses to provide any information or provides misleading information regarding the transfer of items described paragraphs (1) and (3) of Article 5 of this regulation, and the value of the items exceeds the threshold \$10,000 US Dollars, the Authorised Officer must seize the items in accordance with paragraphs(3), (4) and (7) of Article 6 of this Regulation and refer the individual to the judicial authorities for ascertaining whether evidence of ML/FT may be found, and for prosecution in suspicion of committing a money laundering offence as defined in Article 4 of the Anti Money Laundering and Proceeds of Crime Law.

- (2) All seized items will be held by DAB temporarily and counting by the board which consists of delegation from Attorney General's Office, Border Police and Customs Directorate.
- (3) Customs Directorate are required to report details of all detected cases of breach of prohibition or illegal transportation of currency, negotiable bearer instruments, gold, other valuable metals and precious stones to the Financial Investigation Unit after registration.
- (4) Financial Investigation Unit is required to add any misconduct or violation referred to in section (3) of this Article into their database.
- (5) False declaration or breach of the prohibition regime described in paragraph 1 of Article 5 will be subject to a fine equal to 15 percent of the amounts transported
- (6) In the case of recurrence of any actions [violations] referred to in paragraph 5 of this Article, such person will be subject to a fine equal to 30 percent of the amounts transported.

Article 9 - Money Transfer Control at CIP, VIP and VVIP Sections

Custom officers have the authorisation to conduct control in CIP, VIP and VVIP sections at International Airport according to provisions of Anti Money Laundering & Proceed of Crime Law. If a physical search is required, Customs Directorate shall request assistance from Border Police in order to conduct a physical search of passengers (body) and their personal belongings.

Article 10 –Authorized Amount of currency, negotiable bearer instruments, gold, other valuable metals and precious stones to be transported by Employees of the flight agencies

- (1) Employees of the flight agencies including pilots, engineers and flight attendants) can carry up to \$5000 US Dollars or its equivalent to any other currencies.
- (2) Authorised Officers in cases of suspicion on employees mentioned in paragraph (1) of this article can conduct a physical search of the person's body and their personal belongings. Any breaches of these regulations must be dealt with accordingly.

Article 11 - Carrying Cash

- (1) If a person keeps continued transportation of currency, negotiable bearer instruments, gold, other valuable metals and precious stones, he should provide proof of ownership, reasons for carrying cash and information about the sender and receiver of money to an Authorised Officer.
- (2) If the Customs Officer is not satisfied with the proof of ownership provided by the person referred to in paragraph (1) of this article, they must deal with the matter in accordance with paragraph (1, 2 and 3) of Article 8 of this regulation.
- (3) Any currency, bearer negotiable instruments, or precious metals or stones of any amount being transported that have been found to be related to terrorist financing, money laundering, or the predicate offenses shall be confiscated as prescribed in paragraph 3 of Article 52 of the Anti-Money Laundering and Proceeds of Crime Law. Any person who carries out or arranges for such

transportations shall be subject to sanctions as prescribed in paragraph 4 of Article 51 of the Anti-Money Laundering and Proceeds of Crime Law.

Article 12 - Duties and Obligations of Da Afghanistan Bank

- (1) Da Afghanistan Bank shall develop technical training programs and Procedure codes for Customs Officers.
- (2) Da Afghanistan Bank in cooperation with the Customs Directorate will hold meetings with relevant agencies in order to implement the provisions of this Regulation, improve the cooperation and assistance and also to evaluate results.

Article 13 - Public awareness

- (1) Da Afghanistan Bank is obliged in partnership with Ministry of Finance to take necessary measures for awareness of public and passengers by media radio, TV and establishing billboards and publicise posters in visible places such as international airports and land borders.
- (2) To improve public understanding, Da Afghanistan bank is obliged to provide the required information to civil aviation department about Declaration forms for currency, negotiable bearer instruments, gold, other valuable metals and precious stones.
- (3) Travel agencies are obliged to include the information referred to in paragraph (2) of this article in tickets and make it available for passengers

Article 14 - Providing a work place

Civil aviation department should provide places for Customs Directorate to process Declaration forms for currency, negotiable bearer instruments, gold, other valuable metals and precious stones in international airports of the Country.

Article 15 - Creation of a database

Da Afghanistan bank in cooperation with Customs directorate will establish an electronic database to transmit reports to the Financial Intelligence Unit. Financial Intelligence Unit will hold and maintain the database and use it in accordance with the provisions of the Anti Money Laundering and Proceeds of Crime Law.

Article 16 - Establishing procedures

The Customs Directorate in cooperation with Da Afghanistan Bank in shall establish procedures and circulars for better implementation of this Regulation.

Article 17: Enforcement

These amendments shall come into force one month after its publication in official Gazette.