

**“APPROVED”**  
BY THE BOARD OF THE  
NATIONAL BANK OF TAJIKISTAN  
14 AUGUST 1996, No.38

**“APPROVED”**  
BY THE CUSTOMS COMMITTEE  
UNDER THE GOVERNMENT OF THE  
REPUBLIC OF TAJIKISTAN  
14 AUGUST 1996 No.132

**INSTRUCTION**  
**REGULATION ON THE PROCEDURE TO IMPLEMENT CURRENCY CONTROL**  
**ON EXCHANGE EARNINGS IN THE REPUBLIC OF TAJIKISTAN COMING**  
**FROM THE EXPORT OF MERCHANDISE**

(With amendments, approved by joint Orders of the National Bank of Tajikistan No.82 as of 27.06.1997 and the Customs Committee under the Government of Tajikistan No.106 as of 17.06.1997 and No.28 as of 10.10.1998 and No.304 as of 20.11.1998 accordingly.)

**I. General provisions**

**1. Basic terms**

For the purposes of the Regulation the following basic terms are applied:

**Exporter-enterprise** (agency, organization) or physical person-resident of the Republic of Tajikistan on behalf of who a contract (treaty, agreement) for export of goods is signed (further referred to as contract);

**Bank** – an authorised bank or its branch, in the account of which exchange earnings from the export of goods are kept according to the contract;

**Transaction passport** – (further abbreviated as TP) basic document of currency control, executed by the Exporter in the Bank and including information on foreign economic transaction, required for the implementation of this control and set out in a standardized form;

**Registration card of customs and bank control** (further abbreviated as RC) – recurrent document, formed by customs bodies for each transaction, r

2.1. The Exporters are obliged to ensure deposit of exchange earnings from the export of goods to their current accounts in the Authorised Banks (Bank) of the Republic of Tajikistan. Deposit of earnings from the export of goods to other account than that of the Exporter in the

- absence in the contract of provisions, covering deposit of earnings in the accounts of the Exporter in the Bank;
- absence in the contract of any information, required for compilation of the TP in established order;
- failure in currency earnings in a given period considering the delays with TP, executed by the Bank with the given client.

3.6. Having refused in signing of the TP the Bank returns to the Exporter the documents submitted by the latter and also may give recommendations to the Exporter on execution of the TR and on amending of provisions of the contract, related to execution of the TP.

3.7. In case of amendments made by the parties in the contract that involve information, which were earlier used in compilation of the TP, signed by the Bank on this contract, the Exporter in a ten days term from the date of making amendments but not later than supplying of goods, exported on the basis of amendments to the contract, for customs clearance presents to the Bank:

- originals or copies of amendments to the contract, certified with signature of a person, having the right of first signature in the account of the Exporter and sealed with his seal.
- additional sheets to the TP, formed according to the TP, but filling only those columns (positions) having the information subject to elaboration.

Further execution and use of additional sheets to the TP is implemented in an order envisaged for the TP itself.

#### **4. Customs Clearance of Export Goods**

4.1. Beforehand, prior to submission of export goods to customs bodies for customs clearance the Exporter, in an order agreed on with the Bank, takes in the latter the copies from the original TP and additional sheets to it kept in the Bank, if such were signed, (further together referred to as TP), certified by a Responsible Person of the Bank sealed with a seal of the Bank.

4.2. Declaring person prior to presentation of goods for customs clearance takes a copy from a CCD prepared for exported goods.

4.3. Customs bodies accept export goods for customs clearance only if copies of TP, certified by the Responsible Person of the Bank and sealed by the Bank's seal, along with the copies of CCD for the given cargo are presented to them in addition to other documents, envisaged in the customs legislation of the Republic of Tajikistan.

4.4. Customs bodies verify the conformity of information, provided in the TP with information, declared in the CCD and other available documents, as well as conformity of signature of the Responsible Person that certified the copy of TP and impress of the Bank's seal with samples, received from the latter's cards with samples of signatures of responsible Persons of the Bank and impress of the Bank's seal.

4.5. In case of absence of contradictions between documents, indicated in Item 4.4. of this section and in fulfilling of all other requirements of the customs legislation with a seal (the CD for

4.6. A copy taken from the CCD on goods for export with the signature of the official person of the customs bodies and impress of his personal numbered seal is handed to the Exporter.

## **5. Transfer of Information on the Shipment of Exports**

5.1. The Exporter within ten days term from the date of release of goods by the customs bodies shall submit to the Bank a copy of CCD, received from the customs body, which executed the release of goods.

5.2. On the basis of information of CCD the CC compiles the RC, incorporated in Registers by established form (Annex 3) in the framework of Banks.

Each RC contains information on an effected shipment and RCs are grouped into Registers by the principle of calendar sequence of the expected exchange earnings coming from the

Exporter along with his own version of filling the RC submits to the Bank the calculation of the exchange rate of the cost towards the currency of the payment with the necessary

6.11. In avoidance of repeated entry of the same amount into the RC on different export shipments, the Bank keeps a separate record of the amounts, indicated as received in the second copies of the Registers that are returned to the CC.

6.12. In cases when on a separate shipment the amount received prior to the control term of returning the Register fully (except for total banking commission) concurs with the amount indicated in the column "T" of a specific RC or differs from it to the amount, scored as reasonably not received (written confirmation of ME&FR, Bank, CC or the National Bank), information on amounts received is transferred to the RC, kept in a appropriate Record, and the amount of the RC shall be signed by a responsible person and sealed by the Bank.

6.13. If amounts received according to the RC together with the amounts, scored as reasonably not received, make less than the amount indicated in the column "Amount T" of a specific RC, the Bank in the column "Special Notes" of the RC, irrespective of the control term by the progressive total, keeps the record of funds received according to the RC indicating the date of receipt up to the time when the amount of all funds received along with the amount scored as reasonably not received (in accordance with written confirmation of ME&ER, Bank and CC or the National Bank of Tajikistan), does not make the amount, indicated in the column "Amount T" (considering the total banking commission on the transaction). In this case the Bank fills in all the columns of the RC indicating in the column "Inf B" the term of receipt of the last amount, and RC itself is signed by the responsible person of the Bank and sealed by the Bank.

After returning the second copy of the Register to the CC appropriation of incoming amounts to the specific RCs shall be implemented by the Bank on the basis of requisites (numbers and dates) of TP and RC, indicated by the exporter.

6.14. The RC completed by the Exporter, copy of CCD, letters of the ME&ER of the RT, Banks, CC or National Bank of Tajikistan and other documents, received by the Bank in accordance with the present Regulation, after registration in the Book are referred to a relevant Record by the Bank.

6.15. Upon expiry of the date, indicated in the column "Last Payment" of the TP, but not earlier than the date of completing all RCs in the Record, the mentioned Record is "closed", i.e. handed over to records of the Bank for further custody within the space of not less than 5 years from the date of handing over.

Records, not relegated on the expiration of 90 days from the date, indicated in the column "Date of the last payment by contract" of the TP by reason of not receiving in full amount the exchange earnings on any of the RCs from the given Record, could be relegated by the Bank with preliminary written notification send to the National Bank of Tajikistan on the fact of not receiving exchange earnings from the export of goods attached with copies of all documents relevant to the Record.

## **7. Transfer of Information on exchange earnings coming from the export of goods to the CC by Banks**

7.1. After completion of the second copy of the Register, but not later than the control term, indicated in the column "Control term of return of the Register", the Bank through the channels of special connection shall send the second copy of the register, signed by a responsible person of the Bank and sealed by the Bank, to the CC with the registration of dispatch in the Book.

It is not admitted to dispatch to the CC the register without columns filled by the Bank (except for the cases, provided for in Section II of the present Regulation).



8.5. Dispatch of the lists and their amendments, indicated in the present Item, to the National Bank of Tajikistan is implemented directly against receipt of couriers in the Bank. Dispatch and receipt of the mentioned documents shall be registered in the Book.

8.6. In case if instructions, contained in the order of Exporter on use of sums entered to the currency account, according to the Bank, does not correspond to the requirements of monetary legislation of the Republic of Tajikistan, the Bank shall bring it's opinion to the Exporter and notify in written form the National Bank of Tajikistan on the current exchange transaction.

8.7. Records, formed in the Banks on the whole and their separate documents (including those kept in archives of the Bank), as well as all other documents and data on implementation of currency transactions are subject to submission upon first written request of the customs and tax bodies and the National Bank of Tajikistan.

8.8. On the quarterly basis (before 15<sup>th</sup> day of the first month, following the reporting quarter) Banks on the base of materials of the Record compile comprehensive report on exchange earnings from the export of goods, not received in time or received in deficient volume for submission to the National Bank of Tajikistan by form and order, established by Annex 5 of the present Regulation.

In presence of Bank's branches in the territory of the Republic of Tajikistan, implementing currency transactions, the report shall be submitted to the head office of the authorised bank  
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sent to the CC.

4. In case of failure in receipt of RC from the CC within 30 days from the assumed date of incoming of the export earnings, indicated in

recognized body”, and the original of the License subjoined by the Bank to the documents of the relevant Record on this TP.

of proceeds or dispatch of the said documents.

For keeping record on earnings in the RC and Registers allowing violation of the present Regulation, Banks shall take responsibility in the form of fines within an amount that was not considered or was considered in inappropriate way.

2. For untimely dispatch to the CC of Registers, RCs and other documents provided for in this Regulation, Banks shall take responsibility in the form of fines to the rate equivalent to USD 25 for each day in arrears in excess of the period of dispatch, determined by the present Regulation on each document.

3. In accordance with Annex 5 to the present Regulation for the failure in submission or untimely submission to the National Bank of Tajikistan of the reporting, Banks shall bear responsibility in the form of fines to the rate of USD 25 for each day in arrears beyond the terms of dispatch, determined in Item 6.2., Section 1 of the present Regulation.

4. For signing TP, RC, Register or certification of the copy of TP on behalf of the bank by an employee of the Bank, who has not such rights, Banks shall bear responsibility in the form of a fine to the rate equivalent to USD 25 for each indicated document, signed by the employee of the Bank, who is not a responsible person of the Bank.

5. Similar breaches as indicated in Items 1-4 of the present Part that allowed the Exporter to hide the earnings for shipped export goods, entail imposition of a fine on Bank to the rate of the whole suppressed by the Exporter earnings, transferred in national currency at discount rate of the National Bank of Tajikistan on the date of good's crossing the customs border of the Republic of Tajikistan, the earnings from which were suppressed by the Exporter.

6. Fines indicated in the items of the present Part are imposed by the National Bank of Tajikistan in an undisputed order, independently or upon submission of customs, tax and other recognized bodies. The amounts of a fine transferred to the national currency at the discount rate of the National Bank of Tajikistan on the date of revealing the violations are written off the correspondence accounts of Banks.

7. Upon repeated infringement of provisions of the present Regulation, as well as for non-fulfillment or improper fulfillment of the requirements and instructions of the National Bank of Tajikistan, the CC, as well as refusal from submission of the required documentation on currency transactions to the said bodies, the Banks shall bear responsibility in the form of suspension of Bank's operation or deprivation of a license for carrying out the currency transactions.

8. Information on breaches allowed by the Bank in the norms of currency regulation, unsatisfactory fulfillment of responsibilities of the agent of currency control and sanctions applied to the violator Bank could be published by the National Bank of Tajikistan in mass media.

#### **IV. Responsibility of Exporters for infringement of the present Regulation**

1. According to the Customs Code of the Republic of Tajikistan the Exporter bears responsibility for falsification (bringing in changes after certification of the copy by the Bank or falsification of certifying signature of responsible person and/or seal of the Bank) of a copy of TP, subject to submission to the customs bodies for exportation of cargo outside of the Republic of Tajikistan under a TP, inappropriate with the exported cargo.

2. Upon failure in submission to the Bank of the information on bringing in the contract put in the signed TP amendments, concerning the data in TP (for execution of an additional sheet of TP), for failure in submission to the Bank of a copy of CCD within terms, set out in the Item 5.1. of Section 1 of the present Regulation or for failure in submission of information within terms, requested by Banks and indicated in the present Instruction the exporter shall bear responsibility in the form of a fine, the amount of which may not exceed the amount of the contract, under which documentation and information was not provided within established

procedure, deprivation of a right for engaging in foreign economic activity upon presentation of the National Bank of Tajikistan and banks, as well as by results of examinations, carried out by customs and tax bodies.

The abovementioned fines are levied by the National Bank of Tajikistan in an undisputed order (by way of writing the fine off Exporter's accounts in foreign currency or in national currency at discount rate of the National Bank of Tajikistan on the date of writing the fine off) to the benefit of the republican budget on the results of both independent examinations, and upon presentation of Banks, as well as upon presentation of customs, tax and other authorized bodies.

#### **V. Responsibility of employees of the Exporters and responsible persons of Banks**

1. In accordance with the legislation of the Republic of Tajikistan the employees of Exporters and responsible persons of Banks shall bear criminal, administrative, civil and legal responsibility for breaking the requirements of the present Regulation.
2. In accordance with the legislation of the Republic of Tajikistan responsible persons of Banks shall bear responsibility for preservation of banking and commercial secret, revealed to them during fulfilling the function of currency control.