

**BCTL INSTRUCTION No. 4/2017****On Import and Export of Cash**

Article 6 of Decree-Law No. 20/2003, of November 13, on Legal Currency in Timor-Leste, establishes restrictions on the import and export of cash, and the provisions of Article 7 of the same Decree-Law determine that those who wish to import and export cash to and from Timor-Leste shall be subject to the procedures and regulations of the Central Bank of East Timor on this matter.

Taking into account the need to adapt the current regulations to the Legal Regime for Preventing and Combating Money Laundering and Financing Terrorism, approved by Law No. 17/2011 of 28 December, as currently drafted, as well as the benefits to society arising from a control and restriction on the physical transport of cash to and from the territory of Timor-Leste, a new regulation on the import and export of cash becomes essential.

Therefore, pursuant to Article 67 of Law No. 5/2011 of 15 June (Organic Law of the Central Bank) and Articles 6, 7 and 13 of Decree-Law No. 20/2003 of 13 November, the Board of Directors of the Central Bank of Timor-Leste hereby resolves to approve the following Instruction:

**Article 1****Definitions**

In this Instruction, unless otherwise stated, the terms below shall have the following meaning:

- a). "Authorization" means a Cash Transportation Authorization granted by the BCTL pursuant to this Instruction;
- b). "CBTL" means the Central Bank of Timor-Leste, established pursuant to Law No. 5/2011 of 15 June;
- c). "Export" means the Transport of Cash out of the territory of the Democratic Republic of Timor-Leste;
- d). "Import" means the Transport of Cash to the territory of the Democratic Republic of Timor-Leste;
- e). "Official Currency of Timor-Leste" or "Official Currency" has the meaning ascribed to it by Decree-Law no. 20/2003, of November 13, On the Legal Currency in Timor-Leste;
- f). "External Currency" has the meaning ascribed to it by Decree-Law no. 20/2003, of November 13, On the Legal Currency in Timor-Leste;
- g). "Currency" has the meaning ascribed to it by Decree-Law no. 20/2003, of November 13, On the Legal Currency in Timor-Leste;

- h). "Person" has the meaning ascribed to it by Decree-Law no. 20/2003, of 13 November, On the Legal Currency in Timor-Leste;
- i). "Transport" means the Import or Export of Currency from or into the territory of the Democratic Republic of Timor-Leste, by the Person himself or through third parties, regardless of the means of transport.

## **Article 2**

### **Scope of Application**

This Instruction applies to any Person, national or foreign, who carries Cash, to or from the territory of the Democratic Republic of East Timor, in Legal Currency in East Timor or in any Foreign Currency.

## **Article 3**

### **Import and Export of Cash**

1. No Cash Import or Export to or from Timor-Leste in Official Currency or Foreign Currency shall be permitted in an amount equal to or greater than USD 20,000 (twenty thousand US dollars) without Authorization.
2. No cash may be imported into or exported from Timor-Leste in Official Currency or Foreign Currency in excess of the amount entered in the Authorization.
3. No cash import or export to or from Timor-Leste in Official Currency or in a Foreign Currency in excess of USD 150,000 (one hundred and fifty thousand US dollars) shall be permitted except in the following situations:
  - a). in the case of an Import or Export carried out by a bank or financial institution duly licensed to operate in Timor-Leste, without prejudice to the fact that such Import or Export must be reported to and authorized by the CBTL;
  - b). in exceptional situations, where the restriction on the Import or Export of cash provided for in this paragraph causes serious prejudice to the respective Person;
  - c). situations likely to cause serious injury under the terms of the previous subparagraph, in particular:
    - (i). situations of medical emergency;
    - (ii). duly justified Cash Imports or Exports from or to Timor-Leste which, if carried out through banking or other institutions, are subject to excessive or unreasonable costs and expenses for the respective Person or which cause significant damage to that Person.
  - d). the situations referred to in sub-paragraph c) of this paragraph are subject to the authorization procedures provided for in the present Instruction.

## **Article 4**

### **Cash Transportation Authorization**

1. Any Person wishing to Transport, to or from Timor-Leste, Cash in excess of the amount referred to in paragraph 1 of Article 2, shall apply to the CBTL for the respective Authorization under the terms of this Instruction and submit it to the customs authorities of Timor-Leste at the time of entry into or departure from the national territory.
2. An Authorization granted by the CBTL shall have a maximum validity of 20 (twenty) working days from the date of issuance, and the validity that may be granted by the CBTL shall be stated in the said Authorization.
3. An Authorization shall be valid for a single Cash Import or Export.

4. Except in the cases referred to in Article 3(3), no Authorization shall be granted to a person who has applied for one within the previous three months or, if the CBTL suspects that the Transport, even if carried out by a third party, is intended for or originates from a person who has applied for an Authorization within the previous three months.
5. The CBTL may impose additional conditions on the transport of Cash, which shall be indicated in the Authorization.

#### **Article 5**

##### **Procedure for the Granting of Authorization to Carry Cash**

1. Whoever is in the situation foreseen in paragraph 1 of the previous article shall submit the application for Authorization to the CBTL, in writing, using the form in Annex I to this Instruction.
2. The application for Authorization must be submitted at least five (5) working days before the proposed date of transportation.
3. Any application for Authorization submitted after the deadline referred to in the preceding paragraph shall be qualified as "Urgent".
4. The CBTL shall grant or reject the Authorization until the proposed date of Transportation, and in the event that such grant or rejection does not occur, the application shall be deemed to be rejected.
5. Applications must be signed by the Person who intends to Transport Cash and, in the case of legal persons, by whomsoever legally binding such legal person.
6. Applications for Authorization shall be submitted together with the following documentation, and the CBTL may require any additional documentation or information:
  - a). signed written declaration stating that the applicant has never been convicted or whether or not any proceedings are pending against him in connection with money laundering, terrorist financing or tax evasion or fraud and that he is not subject to any bankruptcy or insolvency proceedings;
  - b). where applicable, a cash transport authorization issued by the competent authorities of the foreign country from which the cash is imported;
  - c). document proving ownership of the Cash;
  - d). proof of payment of the fee for processing the application for Authorization.
7. Applications for Authorization should be addressed to the:

Central Bank of Timor-Leste  
Financial System Supervision Department  
Licensing and Regulation Division  
Avenida Xavier do Amaral, n. 0 9, Dili, Timor-Leste  
E-mail: dsflicensin@bancocentral.tl

#### **Article 6**

##### **Urgent Requests**

1. In the case of applications classified as "Urgent" under paragraph 3 of the previous article, and in the case of Export, the Cash to be transported shall be delivered to the CBTL, which shall grant or reject the respective Authorization within 48 (forty-eight) hours.

2. In the event that the Authorization is granted, the cash referred to in the preceding paragraph shall be handed over to the respective Person who requested the Authorization.
3. In the event that the Authorization referred to in paragraph 1. is rejected, the cash shall be, by the CBTL:
  - a). sent to a bank account domiciled at a banking institution abroad, indicated by the requesting Person, all charges and expenses being borne by the latter;
  - b). in the event that there are well-founded suspicions of money laundering or terrorist financing, seized pursuant to Article 7(3) of Law No. 17/2011 of 28 December, and the case referred to the competent judicial authority.
4. In the case of requests qualified as "Urgent" under number 3 of the previous article, and in the case of Importation, the Applicant shall submit the Application for Authorization together with payment of the relevant fee to the CBTL, which shall grant or reject the relevant Authorization within 72 (seventy-two) hours.
5. In the event that the CBTL does not grant or reject the Authorization within the time limits set forth in paragraphs 1 and 4 of this Article, the application shall be deemed rejected.

#### **Article 7**

##### **Fees**

1. Pursuant to Article 70 of Law No. 5/2011 of 15 June (Organic Law of the Central Bank), the following fees shall be paid to the CBTL when the application for Authorization to Carry Cash is submitted:
  - a). for the processing of a non-urgent application for Authorization: USD 100 (one hundred American dollars);
  - b). for the processing of an urgent application: USD 300 (three hundred US dollars).
2. In cases of tacit rejection as provided for in Article 4 and Article 5, the fees shall be returned to the applicants within seven (7) working days.

#### **Article 8**

##### **Multiple Transportation**

1. When the Customs authorities suspect that one or more Persons are carrying multiple Cash transports or a group of Persons is carrying Cash in order to avoid the import limits defined in this Instruction, they shall seize the Cash transported and deliver it to the CBTL with a statement describing the facts and the seizure.
2. The declaration referred to in the previous paragraph shall be immediately forwarded to the competent judicial authority.
3. The CBTL shall, within ten (10) working days, investigate the facts in order to ascertain the true ownership or recipient of the seized Cash.
4. If the CBTL concludes that the money is being transported to or from a single person, the penalty provided for in Article 9(1) shall apply.

**Article 9**  
**Penalties**

1. A fine of twenty percent (20%) of the amount of Cash carried or to be carried, up to a maximum amount of USD 5,000 (five thousand US dollars), shall be applicable to the violation of the provisions of paragraphs 1 and 3 of Article 3.
2. A fine of fifty percent (50%) of the amount in excess of the amount entered in the Authorization, up to a maximum of five thousand (5,000) US dollars, shall be applicable to the violation of the provisions of paragraph 2 of Article 3.
3. Negligence is punishable, and the amount of the respective fine is reduced by thirty percent (30%).
4. The fines provided for in numbers 1 and 2 shall be applied by deduction in the amount of Cash to be transported from or to East Timor.
5. The application of a sanction under the terms of this Article shall be subject to judicial appeal in general terms.
6. The application of sanctions by the CBTL under the terms of this article depends on prior investigations and the right to adversarial proceedings and legal defense shall be guaranteed.
7. The imposition of a sanction by the CBTL shall be accompanied by a written and reasoned decision.
8. The provisions of this article shall be without prejudice to the application of other sanctions and measures provided for by law or regulation.

**Article 10**  
**Repeal**

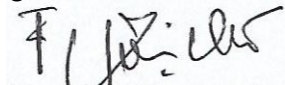
This Instruction repeals Public Instruction no. 4/2009 on the Import and Export of Cash approved by the Banking and Payments Authority of Timor-Leste through Resolution of the Board of Directors no. 08/2009 approved on 2 September 2009.

**Article 11**  
**Publication and Entry into Force**

1. In accordance with Article 66(1) of the Organic Law of the Central Bank, this Instruction shall be published in the Official Gazette.
2. This Instruction shall enter into force thirty days after the date of its publication.

Approved on 28 March 2017

The Governor,  
O



Abraão de Vasconcelos

## CASH TRANSPORT APPLICATION

The obligation to obtain an Authorization to Transport Cash to and from Timor-Leste is foreseen in the Decree-Law no. 20/2003 of 13 November and in the CBTL Instruction no. 4/2017.

Please send this form, duly filled, to:

Departamento de Supervisão do Sistema Financeiro  
Banco Central de Timor-Leste  
Avenida Xavier do Amaral, n.º9  
Díli, Timor-Leste

The form, duly completed, can also be sent by e-mail to the following address: [dstiicensmg@bancoentral.tl](mailto:dstiicensmg@bancoentral.tl)

*Except where expressly indicated, all fields are mandatory.*

### DATA ON THE APPLICANT AND TRANSPORT DETAILS

#### a) Applicant

|                                                                                             |     |               |                |
|---------------------------------------------------------------------------------------------|-----|---------------|----------------|
| 1. Name/Description                                                                         |     |               |                |
| 2. Identification Number ( <i>passport, ID Card, Voting Card, Commercial Registration</i> ) | New |               |                |
|                                                                                             | Old |               |                |
| 3. Gender                                                                                   | M   | F             | 4. Nationality |
| 5. Area of Activity                                                                         |     | 6. Occupation |                |
| 7. Date and Place of Birth / Registry                                                       |     |               |                |
| 8. Other professional activities, if applicable                                             |     |               |                |
| 9. Employer's Name, if applicable                                                           |     |               |                |
| 10. Address                                                                                 |     |               |                |

#### b) Cash

|                                                                                                             |  |
|-------------------------------------------------------------------------------------------------------------|--|
| 11. Currency (in full)                                                                                      |  |
| 12. Amount (in full)                                                                                        |  |
| 13. Origin of Funds                                                                                         |  |
| 14. Destination of Funds                                                                                    |  |
| 15. Document proving origin / ownership of the funds                                                        |  |
| 16. Complete identification of the owner of the funds if not the Applicant                                  |  |
| 17. Route of the waves (countries, cities and regions) from the point of origin to the point of destination |  |
| 18. Means of transport to be used                                                                           |  |
| 19. Purpose of the operation                                                                                |  |