

Approved by
Order No. 1B-372
of 1 July 2011
of the Director General
of the Customs Department
under the Ministry of Finance
of the Republic of Lithuania

RULES FOR THE CONTROL OF THE DECLARATION AND ORIGIN OF CASH CARRIED
FROM THE EU MEMBER STATES TO THE REPUBLIC OF LITHUANIA, FROM AND
THROUGH THE REPUBLIC OF LITHUANIA TO THE OTHER EU MEMBER STATES

1. Rules for the Control of the Declaration and Origin of Cash Carried from the EU Member States to the Republic of Lithuania, from and through the Republic of Lithuania to the Other EU Member States (further – Rules) shall regulate the procedure for controlling the declaration, origin and carriage of cash being brought from the EU Member States to the Republic of Lithuania or being taken out of the Republic of Lithuania (or through it) to the other EU Member States.
2. The Rules shall apply to natural and legal persons (further – persons), with the exception of the cases indicated in paragraph 4 of the Rules.
3. The concepts used in the Rules comply with the definitions used in the Republic of Lithuania's Law on the Prevention of Money Laundering and Terrorist Financing (1997, No. 64-1502; 2008, No. 10-335), the Customs Law of the Republic of Lithuania (Žin., 2004, No. 73-2517), the Law on the Security of a Person and Property of the Republic of Lithuania (Žin., 2004, No. 116-4317).
4. The Rules shall not apply:
 - 4.1. where the provisions of the List of Goods under Customs Supervision that may be Carried by the Ministry of National Defence, the Weaponry Fund under the Government of the Republic of Lithuania, the State Security Department of the Republic of Lithuania, the Bank of Lithuania, the State Company "Lithuanian Mint" and the State Enterprise Ignalina Nuclear Power Plant to and from the territory of the Republic of Lithuania as Secret Cargoes, and of the Description of Procedure for Customs Control and Clearance of Secret Cargoes, approved by the Order No. 1B-1200 of 29 December 2004 of the Director General of the Customs Department on the Approval of the List of Goods under Customs Supervision that may be Carried by the Ministry of National Defence, the Weaponry Fund under the Government of the Republic of Lithuania, the State Security Department of the Republic of Lithuania, the

Bank of Lithuania, the State Company "Lithuanian Mint" and the State Enterprise Ignalina Nuclear Power Plant to and from the territory of the Republic of Lithuania as Secret Cargoes, and of the Description of Procedure for Customs Control and Clearance of Secret Cargoes (Žin., 2004, No. 188-7046; 2005, No. 130-4699), are applied to cash carried;

4.2. to collector companies established in the Republic of Lithuania or other European Union countries;

4.3. where cash carried must be declared in accordance with the provisions of the Regulation (EC) No 1889/2005 of the European Parliament and of the Council on controls of cash entering or leaving the Community (OJ 2005 L 309, p. 9).

5. Within the customs territory of the Republic of Lithuania, as defined by the Customs Law of the Republic of Lithuania, the control of the declaration and origin of cash carried from the EU Member States to the Republic of Lithuania, from and through the Republic of Lithuania to the other EU Member States (further – control) shall be carried out by the officials of the Republic of Lithuania's Customs Posts, the Customs Criminal Service and the Mobile Group Division of the Territorial Customs Offices (further – customs officials).

6. When asked by a customs official carrying out the control, any person, arriving to the Republic of Lithuania from another EU Member State or departing from the Republic of Lithuania to the other EU Member State, who has been selected to be checked according to risk indicators or available information on the violations of legal acts must declare in writing by lodging a completed and signed Cash declaration form (provided by the customs official carrying out the control) a single amount of cash exceeding EUR 10 000 (or the equivalent of that *sum in other currency* according to the official exchange rate of EUR or other currency set by the Bank of Lithuania for the day of the control).

7. A Cash declaration shall be completed in accordance with the Instruction for Completing a Cash Declaration and Customs Clearance, approved by the Order No 1B-891 of 29 December 2006 of the Director General of the Customs Department under the Ministry of Finance of the Republic of Lithuania on Approval of the Cash Declaration Forms, the Requirements for the Blank Form of the Cash Declaration and the Instructions for the Completion of the Cash Declaration and Customs Clearance (Žin., 2007, No. 3-146, No. 30-1130).

8. Having accepted and cleared the Cash declaration lodged by a person being checked or where the said person refuses to declare cash, the customs officials carrying out customs control, in the case of justified suspicions concerning the authenticity of information presented by the person being checked, shall be entitled to carry out in the procedure set by legal acts the search of the person (and of other persons travelling

together) and the physical examination of the means of transport and goods or personal belongings being carried. The search of persons being checked (and of other persons travelling together) shall be carried out at the nearest Customs Post with facilities intended for personal search.

9. Having found during the check of the person, means of transport and goods or personal belongings carried that the person carries from the EU Member States to the Republic of Lithuania, and from (or through) the Republic of Lithuania to the other EU Member States an undeclared single amount of cash exceeding EUR 10 000 (or the equivalent of that *sum in other currency*), the customs official having found the violation shall draw up an Administrative Law Violation Protocol according to the *Article of the Code of Administrative Law Violations of the Republic of Lithuanian*. The undeclared cash found shall be detained.

10. The Head of the Customs Post (Head of shift or unit), the Chief of the Patrol of the Mobile Group Division, the official of the Customs Criminal Service shall inform appropriately by an official notification of the violation disclosed the Violation Prevention, Mobile Group Division of the Territorial Customs Office or the relevant Division of the Customs Criminal Service no later than the next working day. The official notification shall contain the full name of the person having carried cash, his identity document number, personal number (if the person is a citizen or a permanent resident of the Republic of Lithuania), the date and place (country) of birth, nationality, the data on the used means of transport, date, noticed indications of illegal activity, the amount of cash carried and currency (-ies). The Violation Prevention, Mobile Group Division of the Territorial Customs Office, the appropriate Division of the Customs Criminal Service shall immediately and in no case later than within 3 working days present this information by fax or e-mail to the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania, and shall enter appropriate data into the National Case Management and Intelligence System.