

BANGLADESH BANK

GUIDELINES FOR FOREIGN EXCHANGE TRANSACTIONS

Volume— 1

SUMMARISING

Instructions as of 31 May, 2009 issued to
Authorised Dealers and Money Changers in Foreign Exchange

To be read in conjunction with other instructions, subsequent
amendments and modifications issued from time to time.

2009

Preface

This publication, titled 'Guidelines for Foreign Exchange Transactions' is the successor to the last (1996) edition of the same. This is a compilation of the instructions to be followed by the Authorised Dealers & their constituents, Money Changers in transactions relating to foreign exchange. These guidelines come in two volumes. The first volume includes the instructions and the prescribed forms/declarations relating to individual transactions. The second volume delineates the procedure of reporting of foreign exchange transactions by Authorised Dealers to Bangladesh Bank, and includes the proformas for monthly returns, statements, schedules for such reporting. Both volumes include instructions as on the 31 May, 2009 and should be read with FE Circulars/Circular Letters issued subsequently.

Foreign Exchange Policy Department
Bangladesh Bank
Head Office, Dhaka.
June, 2009.

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CHAPTER 1

INTRODUCTION AND DEFINITIONS

1. Foreign Exchange Regulation (FER) Act, 1947 (Act No. VII of 1947) enacted on 11th March, 1947 in the then British India provides the legal basis for regulating certain payments, dealings in foreign exchange and securities and the import and export of currency and bullion. This Act was first adapted in Pakistan and then in Bangladesh. The Act is reproduced at Appendix 1. Bangladesh Bank is responsible for administration of regulations under the Act. Appendix 4 provides a list of Bangladesh Bank's offices and their jurisdictions.

2. Basic regulations under the FER Act are issued by the Government as well as by the Bangladesh Bank in the form of Notifications which are published in the Bangladesh Gazette. Notifications issued by the Bangladesh Government and the erstwhile Government of Pakistan and the Bangladesh Bank and the erstwhile State Bank of Pakistan are reproduced at Appendices 2 and 3. Directions having general application are issued by the Bangladesh Bank in the form of notifications, FE (Foreign Exchange) circulars, SPA circulars and circular letters.

3. Authorised Dealers (ADs) in foreign exchange are required to bring the foreign exchange regulations to the notice of their customers in their day-to-day dealings and to ensure compliance with the regulations by such customers. The ADs should report to the Bangladesh Bank any attempt, direct or indirect, of evasion of the provisions of the Act, or any rules, orders or directions issued thereunder.

4. The ADs must maintain adequate and proper records of all foreign exchange transactions and furnish such particulars in the prescribed returns for submission to the Bangladesh Bank. They should continue to preserve the records for a reasonable period for ready reference as also for inspection, if necessary, by Bangladesh Bank's officials.

5. This publication summarises the instructions issued under the FER Act as well as the prudential instructions issued by Bangladesh Bank (as of 31 May, 2009) to be followed by ADs and Money Changers in their day-to-day foreign exchange transactions.

6. Specimen forms (other than those of periodical returns dealt with in Volume-2) prescribed in this publication are given in Appendix- 5, while Appendix- 6 contains (i) Notification issued by the Board of Investment for obtaining loan from abroad by industrial enterprises in Bangladesh in the private sector (ii) Policy Guidelines for establishment of Drawing Arrangement between the Exchange Houses abroad and Banks operating in Bangladesh (iii) List of required information/documents for seeking permission to act under section 18A and 18B of Foreign Exchange Regulation Act, 1947 and (iv) Guidelines to be followed to act as an agent (as Satellite Channel Distributor) of foreign principal(s) under section 18A of Foreign Exchange Regulation Act, 1947.

7. Terms having a special meaning for the purpose of the FER Act are defined under Section 2 of the Act. However, for the purpose of this publication and the instructions issued by the Bangladesh Bank from time to time, the following terms as defined below shall be used in addition to those defined under Section 2 of the FER Act, 1947.

(i) Resident and Non-Resident

Section 20(1) of Foreign Exchange Regulation Act, 1947 stipulates that any person who has at any time after the commencement of the Act been resident in Bangladesh be treated as resident in Bangladesh until Bangladesh Bank by general or special order directs otherwise. Where such directions are given, the Act also empowers Bangladesh Bank, to declare the territory in which such persons be treated as resident. Section 20 of the said Act as a whole delineates the authority to Bangladesh Bank with respect to resident status of any person, firm, bank, corporate body etc. and treatment of transactions by different kind of entities. For the purpose of the said Act, ordinarily, a resident is a person, bank or firm who/which resides/has established a place of business in Bangladesh. A person is deemed to be ordinarily resident if he maintains a home in Bangladesh or resides in the country for a substantial part of each year or pays income tax as a resident of Bangladesh. In addition to that (i) in terms of Section 5 of Article II of the schedules appended to the United Nation (Privileges and Immunities) Act, 1948, the accounts of United Nations and its Organisations, (ii) persons holding Office in the Service of the Republic of Bangladesh who go abroad or who are already abroad and residing outside Bangladesh for the time being either on duty or on leave, (iii) foreign nationals residing in Bangladesh for work or self employment, (iv) foreign nationals residing in Bangladesh for study

under student visa, (v) foreign nationals staying in Bangladesh with residence visa, (vi) officials of Bangladesh Government and public sector undertakings deputed abroad on assignment with foreign governments/organisations or posted to their own offices (including Bangladesh Diplomatic Missions abroad) and (vii) foreign nationals residing continuously in Bangladesh for six months or more would be treated as residents.

A **non-resident** is a person, bank or firm who/which resides/has a place of business outside Bangladesh. Non-residents include Bangladesh nationals who go out of Bangladesh for any purpose. On the other hand, the fact that a person gives an address in Bangladesh does not necessarily mean that he should be regarded as a resident if he is, in fact, only a temporary visitor and is ordinarily resident elsewhere.

(ii) Bangladesh Bank

Bangladesh Bank (BB) means the Bangladesh Bank established under the Bangladesh Bank Order, 1972 (President's Order No. 127 of 1972).

(iii) Taka

Taka means the Bangladesh Taka unless otherwise specified.

(iv) Dollar

Unless otherwise indicated the term dollar used in this publication shall mean the US dollar.

(v) Authorised Dealers

Wherever used in this publication, the term Authorised Dealer or AD would mean a bank authorised by Bangladesh Bank to deal in foreign exchange under the FER Act, 1947.

(vi) Money Changers

Wherever used in this publication, the term "Money Changer" would mean a sole proprietorship or partnership firm/company licensed by Bangladesh Bank under "FER Act, 1947" to act as Money Changer for dealing in certain foreign exchange transactions as directed by Bangladesh Bank from time to time.

CHAPTER 2

SECTION - I

AUTHORISED DEALERS AND MONEY CHANGERS

Application
for AD licence

1. Bangladesh Bank issues licences normally to scheduled banks to deal in foreign exchange. All applications for Authorised Dealer Licence should be made to the General Manager, Foreign Exchange Policy Department, Bangladesh Bank, Head Office, Dhaka with a declaration that 'Guidelines on Managing Core Risks in Banking' (as prescribed by Bangladesh Bank vide BRPD Circular No. 17, dated 07 October, 2003) pertaining to treasury functions in foreign exchange are already in place and all steps have been taken by the bank for internal monitoring and supervision of the branches for carrying out foreign exchange transactions. Besides, the bank should also provide information showing that it has adequate manpower trained in foreign exchange and there is prospect to attract reasonable volume of foreign exchange business in the desired location and the applicant bank meticulously complies with the instructions of the Bangladesh Bank especially with regard to submission of periodical returns.

Application
for licence
to perform
limited
functions.

2. Licences with limited scope are also issued to persons or firms (e.g. hotels, bank booths, gift shops etc.) to exchange foreign currency notes, coins, and travellers' cheques (TCs) in places where money changing facilities are required. The authorisations are granted to persons or firms of adequate means and status who, in the opinion of the Bangladesh Bank, will be able to conduct their dealings strictly in accordance with the foreign exchange regulations. Applications for the grant of licences with limited scope should be made to the General Manager, Foreign Exchange Policy Department, Bangladesh Bank, Head Office, Dhaka.

Money
Changer
licence

3. Bangladesh Bank may also issue "Money Changer" licences to persons/firms desirous of undertaking, as their sole line of business, the purchase and sale of foreign currency notes, coins, TCs from and to incoming and outgoing tourists. ADs are advised to process applications for licences on behalf of their customers provided Bangladesh Bank decides to issue new licences and forward the same with recommendation to the General Manager, Foreign Exchange Policy Department, Bangladesh Bank, Head Office. Instructions to be followed by the money changers are given in the section II of this chapter.

SECTION - II
INSTRUCTIONS FOR MONEY CHANGERS

- 4.** Money Changer shall have no branch office. The premise to be used for money changing business shall not be used for any other business activity. Use of office space
- 5.** Money Changers are allowed to buy foreign currency notes, coins and TCs from incoming foreign and Bangladesh nationals coming/returning from abroad. For each such purchase an encashment certificate shall be furnished to the seller in prescribed format as per Appendix 5/1 Buying of foreign currency notes, coins and TCs
- 6.** Money Changers may sell foreign currency notes, coins and TCs only to outgoing Bangladesh nationals against their annual private travel entitlements (per calendar year) subject to a maximum limit of USD 1000 or equivalent in the form of cash and /or TC. Release of foreign exchange in excess of USD 200 or equivalent shall require valid visa. Money Changers may also sell foreign currency notes, coins and TCs to outgoing foreign nationals having duly issued encashment certificates, subject to a maximum limit of USD 500 or equivalent by re-conversion of Bangladesh Taka proceeds of foreign exchange sold by a tourist during his/her stay in Bangladesh. Only the Money Changer that issued the encashment certificate can make such re-conversion. Releasing of foreign currency notes, coins and TCs
- While releasing foreign exchange for travel abroad, Money Changers shall verify and satisfy themselves that the travel for which the foreign exchange released earlier was actually undertaken or the issued foreign exchange was duly encashed. Each sale of foreign exchange shall be recorded in the passport and air ticket (in case of air travel) of the outgoing passenger with seal and signature of authorised person of the Money Changer. For issuance of TC, signature of the buyer should be obtained on the TC as per usual norm. In each case of release of foreign exchange for travel abroad, photocopies of first six pages, pages containing visa (if available) and pages containing endorsement of foreign exchange of the passport duly signed by the authorised person of the Money Changer with seal shall be retained at least for five years for inspection by Bangladesh Bank Team. In case of release of foreign exchange to a foreign tourist against encashment certificate evidencing conversion of foreign currency into Taka, photocopy of the encashment certificate produced by the outgoing tourist shall be retained at least for five years alongwith the receipts/vouchers and other records of sale. It may be mentioned here that reconversion of Taka into foreign currency (maximum USD 500 or equivalent) can be done only by the money changer with whom the foreign exchange was encashed earlier.

The Money Changers shall verify to satisfy themselves that the journey is to be undertaken not later than two weeks after the date on which the exchange is issued. In case of air travel the date of departure needs to be determined on the basis of air ticket and an undertaking from the passenger may be treated as the determining criterion for other cases. No exchange should be sold unless the date of departure is specified within the stipulated time.

Stock of foreign currency and foreign currency account

7. The initial stock of foreign currency notes and coins shall be built up by the Money Changers by way of permissible purchases from incoming foreign/Bangladesh nationals in the manner prescribed at para 5 of this section above and sales in the manner prescribed at para 6 of this section. The maximum stock of foreign exchange shall not exceed USD 25000 or equivalent as at the close of each business day. Cash foreign exchange beyond this limit including entire TCs received from incoming passengers shall either be encashed or deposited to the foreign currency account with the designated AD bank of the concerned Money Changer. The balance of that account must not exceed USD 50,000 or equivalent at any point of time.

Procurement of TC

8. Money Changers may procure saleable TC only by using the balance of its own foreign currency account. Blank TC can not be procured from any TC issuing authority by using other sources of foreign exchange or by any cover fund in local currency.

Fixation/ display of buying/selling rate

9. The Money Changers shall fix their own exchange rates for purchase and sale of foreign currency notes and coins and TC and the rates shall be displayed prominently at their counters.

Submission of monthly statement

10. Details of all sales and purchases shall be recorded in the books properly and completely. All such records and books of accounts of the licensee must be made available for inspection by Bangladesh Bank officials as and when directed. Periodical returns/statments in prescribed form [as per Appendix 5/2] shall be furnished to Foreign Exchange Operation Department, Bangladesh Bank, Head Office or concerned Area Office of Bangladesh Bank on monthly basis within seven days from the end of each month.

11. The licence shall be valid for a period of one year; which may be suspended at any time without showing any reason if, in the judgement of Bangladesh Bank, the Licencee has contravened any instruction or regulation of Bangladesh Bank. The licence may be revoked by Bangladesh Bank at any time after giving the Money Changer a reasonable opportunity of explaining its position in the matter. Bangladesh Bank may not consider prayer for renewal unless volume of transactions in the previous year as per statements submitted to Bangladesh Bank exceeds the threshold amount fixed by Bangladesh Bank from time to time. For renewal, the licensee shall apply to the General Manager, Foreign Exchange Operation Department, Bangladesh Bank, Head Office, Dhaka (for Dhaka region) or to the General Manager of concerned Area Office of Bangladesh Bank (for other areas) not later than two months before the expiry of licence. Application for renewal shall be accompanied by copies of deed of house rent (in case of rented house) for the proposed renewal period, up-to-date tax payment certificate, return of asset-liability (Form-IT10B) submitted to Income Tax Office, audited balance sheet of the last year (where the applicant is a company). For non-submission of certificate evidencing payment of tax for the preceding year, an undertaking for submitting the same later on along with latest tax payment certificate should be furnished. The returns so submitted to tax authority must accompany documents evidencing minimum net asset of the licensee of Tk. 10.00 lac for sole proprietorship and partnership firms. For joint stock company, at the time of renewal, minimum paid up capital shall be Tk.10.00 lac or more as per audited balance sheet. Subject to satisfactory performance in the previous year, licensee shall be advised by Bangladesh Bank in writing to deposit non-refundable renewal fee in favor of Bangladesh Bank through account payee bank draft/pay order. Certificate of renewal of licence shall be provided through Authorised Dealer bank if licence fee is deposited accordingly. Money Changers must preserve the licence and renewals issued by Bangladesh Bank with reasonable care.

Renewal
of licence

12. Any change in money changer's office location shall require prior approval of Bangladesh Bank. Applications for changing office location should be forwarded to the General Manager, Foreign Exchange Operation Department, Bangladesh Bank along with deed of rent (in case of rented house), reasons for change etc.

Change of
Office

CHAPTER 3

**BANGLADESH BANK'S
TRANSACTIONS WITH ADs**

Buying and
selling

1. Bangladesh Bank's purchases and sales from and to the ADs are in US Dollar only, on spot basis. All such transactions with Bangladesh Bank are required to be in multiples of US\$ 10,000, subject to a minimum of US\$ 50,000. ADs are free to quote their own rates, ready and forward, for transactions in the interbank market and with their customers.

Payments
through
ACU

2. (a) The central Banks of Bangladesh, India, Iran, Nepal, Pakistan, Sri Lanka, Myanmar and Bhutan have an Agreement to settle current transactions between these countries through the Asian Clearing Union(ACU) mechanism. All such payments to the ACU member countries excepting those covered by loan/credit agreements are accordingly settled through the Asian Clearing Union (ACU) mechanism in "Asian Monetary Units which may be referred to in the abbreviated form as "AMUs". The Asian Monetary Units shall be denominated as 'ACU Dollar' and 'ACU Euro' which shall be equivalent in value to one US Dollar and one Euro respectively.

(b) The ACU Agreement referred to above provides for settlement of the following types of payments:

(i) Payments from residents in the territory of one participating country to residents in the territory of another participating country.

(ii) Payments for current international transactions as defined by the Articles of Agreement of the International Monetary Fund.

(iii) Payments permitted by the country in which the payer resides.

(c) ADs shall maintain nostro accounts in AMUs (ACU Dollar, ACU Euro) with their correspondent banks in ACU member countries for the purpose of settlements through ACU. Similarly accounts in AMUs (ACU Dollar and ACU Euro) may be opened by the ADs in their books in the names of their correspondents in ACU member countries. ADs may pay interest on the balance of nostro accounts in AMUs as per mutually agreed terms and conditions with the correspondent(s).

(d) An AD needing to fund its AMU nostro account with a correspondent bank in an ACU member country shall do so through Bangladesh Bank against surrender of the required amount in AMU, or of equivalent taka at Bangladesh Bank's selling rate.

Bangladesh Bank will advise the central bank of the concerned ACU member country to make the amount available to the transferee bank in that country. After making the payment, the central bank of the recipient ACU member country shall advise the Secretary General of the ACU Secretariat to credit its account by debit to Bangladesh Bank's account.

(e) For repatriating funds from an AMU nostro account with a correspondent bank in an ACU member country an AD shall advise the correspondent bank to route the payment through the central bank of that country, which will advise Bangladesh Bank to make the amount available to the recipient AD. Bangladesh Bank on receipt of the advice, shall make the fund available to the recipient AD (either in AMU or in equivalent Taka. at BB's buying rate, at the AD's option) and shall advise the Secretary General of the ACU Secretariat to credit its account by debit to the account of the central bank of the transferor ACU member country.

3. (a) Bangladesh Bank operates a foreign currency clearing system enabling the AD banks to settle their mutual claims in US Dollar, Pound Sterling, Euro and Japanese Yen arising from inter bank transactions; to economize the time and cost involved in settlements through correspondents abroad. Under this arrangement, AD banks maintain clearing accounts with the BB in US Dollar, Pound Sterling, Euro and Japanese Yen. Apart from the purpose of settlement with other ADs, these accounts may also be used for transfers to and from correspondents abroad.

Clearing
arrangement
with
Bangladesh
Bank

(b) Settlement of the balances lying in each of the clearing accounts takes place at the end of each month. Bangladesh Bank charges interest on the debit balance in an account on daily product basis and debits the bank's account at the end of each working day and pays interest on the amount of credit balance at the rates prescribed from time to time.

(c) Payment against inland back to back LCs in foreign currency shall be settled through Bangladesh Bank FC clearing accounts of the concerned AD banks.

(d) Operation of the clearing system is centralised in the Forex Reserve and Treasury Management Department of Bangladesh Bank, Head Office, Dhaka; but the ADs in other centres may transfer funds to other banks through their Head /Principal Office in Dhaka.

CHAPTER 4

SECTION -I

**FOREIGN CURRENCY ACCOUNTS OF THE ADS
AND PURCHASE AND SALE OF FOREIGN CURRENCY**

Accounts in
foreign
currency

1. ADs may maintain accounts in freely convertible currencies with their correspondents/branches abroad.

Foreign
currency held
by ADs at the
disposal of the
Bangladesh
Bank

2. The foreign currencies held by ADs shall at all time be deemed to be held at the disposal of the Bangladesh Bank. The Bangladesh Bank, through its Foreign Exchange Policy Department, may give such instructions with regard to the disposal of such currencies as it may deem necessary and expedient.

Open position

3. Bangladesh Bank sets prudential limits on each AD bank's open (overbought/oversold) exchange position. The AD should ensure that the prescribed open position limit is not exceeded. If an AD exceeds the prescribed limit and fails to furnish satisfactory explanation for the same, it may be asked to sell the excess amount ready and to cover its position by buying forward for deliveries corresponding to the maturities of its own forward obligations.

Overbought/
oversold
position in
excess of
prescribed
limits

4. The ADs are required to work out their open exchange position (overbought/oversold) daily as at the close of the business on each working day and report to the Bangladesh Bank at the subsequent working day (Chapter 2, Vol. 2). If for reasons beyond control the overbought/oversold position during the period under report is in excess of the prescribed limit, the daily statement must be accompanied by a letter explaining the circumstances.

Purchase of one
foreign
currency
against another

5. The ADs may enter into transactions for sale or purchase of foreign currencies both ready and forward with other ADs, foreign correspondents and overseas branches provided that all such transactions must be reported to the Bangladesh Bank in the appropriate Returns (See Chapter 2, Vol. 2), daily exchange position statement (Para-4) and daily interbank transaction statement (Para-12).

6. The ADs may obtain short term loans and overdrafts for a period not exceeding 7 days at a time from overseas branches and correspondents at the going market rates to meet their short term needs. If these loans or overdrafts require a collateral in Bangladesh or abroad prior approval must be obtained from Bangladesh Bank. Short term loans and overdrafts taken under the authority of this para may be remitted by the ADs without the prior approval of the Bangladesh Bank, but subject to report.

Short term
loans and
overdrafts

7. In pursuance of the 'Guidelines on Managing Core Risks in Banking' to be followed in case of foreign exchange risks for reconciliation of nostro accounts, banks are required to submit a comprehensive review of all nostro accounts containing a complete list of all un-reconciled entries at the end of each quarter of the year; the list to be prepared by officials who have no involvement in the transaction and approval process of the nostro accounts. Banks are also required to make provisions periodically for debit entries remaining un-reconciled for more than three months as per schedule issued by Bangladesh Bank from time to time. In addition, June and December end reviews must be accompanied with certification of the External Auditor of the bank concerned on correctness of the status of the un-reconciled entries mentioned on the review.

Reconciliation
of nostro
account

Besides, banks are also required to submit a 'Statement of month-end position of un-reconciled nostro account entries' containing summary of un-reconciled nostro account entries at the end of each month. However, quarter-end and month-end statement will include a summary of un-reconciled entries as per format given in Volume-2.

SECTION-II

FORWARD DEALINGS IN FOREIGN EXCHANGE

General

8. ADs may engage in forward sales only against bonafide need of the customers/counterparty banks. In all cases the ADs must ensure that the cover is intended to neutralise the risks arising from such transactions. AD banks are required to cover at least 50% of their forward sales by forward purchases; the remaining portion may be covered by interbank forward purchases and/or spot purchases of export bills. Forward sales associated with swap transactions are not required to be covered by forward purchases. ADs may purchase forward from banks and non-bank customers like exporters, foreign currency account holders(including retention quota accounts of exporters, foreign currency accounts of EPZ companies), exchange houses abroad etc. Be it forward sale or purchase, ADs must cover their own risk within the shortest possible time.

Forward
sale and
purchase

9. All forward contracts should be treated as firm and should be closed out on expiry. In such cases, the ADs should charge the difference between the contracted (booked) rate and the TT clean spot buying or TT spot selling rate, as the case may be, ruling on the date the contract is closed out. The forward contract should be closed without charging any difference if the rate moves in favour of the customer on the date of the closure. In other words, in case of a forward purchase by Authorised Dealer no difference will be charged if the TT spot selling rate on the date of closure is at par or lower (i.e., inferior from the point of view of the customer) than the booked rate. Similarly, no difference should be charged for closing out a forward sale contract if the TT clean spot buying rate on the date of closure is at par or higher (i.e., costlier than the booked rate from the point of view of the customer) than the booked rate. No forward contract should be renewed at the old rate. All cases of renewal should be treated as new contracts and the rates as applicable for purchase-sale of forward contracts on the date of renewal should be applied.

Swap
transactions

10. The ADs may undertake swap transactions in line with their counterparty limit in accordance with the core risk management guidelines issued by Bangladesh Bank to cover their risks arising from forward transactions and manage cash flow mismatch arising out of day to day transactions. However, they are advised to refrain from taking speculative positions through swap transactions.

- 11.** Cross currency swap and forward, not backed by underlying customers' transactions, can be undertaken only if the 'Guidelines on Managing Core Risks in Banking' (as prescribed by Bangladesh Bank vide BRPD Circular No. 17, dated 07 October, 2003) pertaining to Foreign Exchange Risk Management are implemented to the satisfaction of Bangladesh Bank.
- Cross currency forward and swap
- 12.** All documents (copy of LCs, contracts etc.) relating to forward contracts and swap transactions must be preserved for subsequent inspection by Bangladesh Bank. Besides, ADs shall submit a daily statement incorporating all the interbank transactions (See Chapter 2, Volume 2).
- Submission of statements
- 13.** ADs are advised to quote both sale and purchase rate while quoting/asking for any spot/forward transaction in the interbank market and with customers.
- Two way quotation

SECTION- III**HEDGING THE PRICE RISK OF COMMODITIES**

14. Authorised dealers can hedge the price risk of commodities that are traded on exchanges or over-the-counter (OTC) of their customers through standard exchange traded futures/options and OTC derivatives on commodities subject to prior approval of Bangladesh Bank. The use of commodity derivatives will only be permitted when customers have genuine underlying commodity price risk exposure(s). This can be monitored by the ADs through checking of the underlying risk exposure documents. Any kind of speculation through the use of commodity derivative instruments will not be permissible.

ADs must completely hedge the commodity price risk arising from the commodity hedge transactions by booking back to back transactions with banks having international standing or their branches operating in Bangladesh.

While applying to Bangladesh Bank for commodity hedge transactions the suitability and appropriateness form (As per Appendix 5/3 and Appendix 5/4) must be submitted. To become eligible for offering commodity derivative products, ADs must have the ability to monitor the credit and market risk arising from such products. They should also forward relevant commodity price forecasts to customers before the product is offered to the customers. The forecast(s) should also be forwarded to Bangladesh Bank along with the application.

ADs should follow IAS 39 (Financial Instruments: Recognition and Measurement) for accounting of gain or loss on the commodity hedging instrument and the hedged item.

The following reporting requirements must be followed by the ADs:

- All the details of commodity hedge transactions that have been approved and booked with the clients should be reported to Bangladesh Bank on a monthly basis.
- At maturity of each transaction, ADs must send a detailed report to Bangladesh Bank.
- Audited financial statements must have adequate disclosures of commodity hedge transactions.

Prior to engaging in a transaction, ADs must advise client of all costs, charges and commissions related to the commodity hedge. ADs must explicitly mention all the downside risks and worst-case-scenarios of a commodity derivative hedge to the client prior to entering into a transaction.

BRPD Circular No. 06, dated May 21, 2008 should be referred to for assigning risk weightage for all the commodity transactions for capital adequacy.

SECTION - IV

**NON-RESIDENT TAKA ACCOUNTS OF FOREIGN
BANK BRANCHES AND CORRESPONDENTS**

15. The Taka accounts of all foreign bank branches or correspondents outside Bangladesh are regarded as non-resident accounts. The accounts of different branches of the same bank situated in different countries must be identified separately and the accounts of each branch or group of branches in one country should be designated as accounts of that country.

General

16. ADs may open or continue to maintain Non-Resident Taka Accounts in the names of their overseas branches and correspondents against inward remittance in convertible currencies only. Transfer between non-resident Taka accounts are permitted freely. Approved foreign currency may also be sold to non-resident bank branches and correspondents provided the remittance is charged against credit balances held in the non-resident Taka account. Non-resident Taka accounts may be opened with initial deposits sent from abroad in a freely convertible currency. New non-resident Taka accounts opened by the ADs must be reported to the Bangladesh Bank with details.

New
non-resident
accounts of
banks

17. Payments from and receipts to the non-resident Taka accounts constitute purchases or inward remittances and sales or outward remittances respectively of foreign currency. Consequently, all the regulations and instructions applicable to inward and outward remittances shall apply mutatis mutandis to payments, made to and from these accounts. All credits and debits and balances on non-resident Taka accounts of foreign bank branches and correspondents will be reported in the appropriate Returns (prescribed in Chapter 2, VoL.2).

Reporting of
permitted
debits and
credits

C H A P T E R 5

SECTION - I
OUTWARD REMITTANCES

General

1. (i) Barring a few remittances of special nature, most outward remittances either in its entirety or upto a certain limit set by Bangladesh Bank may be approved by the ADs, following declaration of Taka as convertible for current account payments from March, 1994. However, the limits of release of foreign exchange set forth in this Guidelines are indicative; all bonafide requests beyond these indicative limits and payment transfer requests for a current international transaction not specifically included in this Guidelines will be accommodated by Bangladesh Bank upon establishing the bonafides of the expenses.

(ii) All remittances from Bangladesh to a foreign country or local currency credited to non-resident Taka accounts of foreign banks or convertible Taka account constitute outward remittances of foreign exchange. ADs must exercise utmost caution to ensure that foreign currencies remitted or released by them are used only for the purposes for which they are released; they should also maintain proper records for submission of returns to Bangladesh Bank as also for the latter's inspection from time to time.

Reporting
Forms

2. In all cases of purchase of foreign currency, an application must be made to an AD. For payments against imports into Bangladesh, the prescribed application form is form IMP (Appendix 5/11) and for other types of remittances form TM (Appendix 5/5). TM form must be used for reporting by the ADs even when remittance is approved by Bangladesh Bank in any other manner, for instance by issuing a special permission/approval letter. On receipt of the application from the client/customer, the ADs may effect the sale of foreign exchange if they are empowered to approve the application. If the transaction requires prior approval of the Bangladesh Bank, the application should be forwarded by the AD to the Bangladesh Bank for consideration.

3. Applications for Bangladesh Bank's prior approval for outward remittances, wherever required, should be submitted to the Bangladesh Bank only through the ADs and not by their customers directly; all such applications should be forwarded by the ADs to Bangladesh Bank by their own messengers or by post. While applying to Bangladesh Bank for releasing foreign exchange on behalf of customers, AD should submit necessary papers/documents duly attested by the authorised official of the AD alongwith their recommendations/comments.

- 4.** In respect of the special permissions/approvals from Bangladesh Bank, the ADs should see that these have been approved by duly authorised officers and that they bear the Bangladesh Bank's embossing seal. In case the authorisation is signed by an official of Bangladesh Bank whose specimen signature is not available with them, authentication of the authorisation should be made from the nearest office of the Bangladesh Bank. It is important that once the permissions have been accorded by Bangladesh Bank, the ADs carry out the transactions only on behalf of the original applicants for whom the permissions have been given.
- Dealing with approved applications
- 5.** The amount released must not exceed the authorised limit. Also, the instructions, if any, given in the approval with regard to the amounts to be released periodically e.g. monthly or quarterly must be strictly adhered to.
- Permission for recurring remittances
- 6.** All authorisations for selling foreign exchange for outward remittances given by the Bangladesh Bank remain valid for a period not exceeding 30 days from the date of approval unless they are expressly stated as valid for a specified longer period or unless they have been revalidated for a further period. The ADs should not effect any remittance against approval of Bangladesh Bank which have lapsed.
- Period of validity of Bangladesh Bank's approval
- 7.** Original copies of all IMP forms, TM forms covering remittances effected by the ADs must be submitted to the Bangladesh Bank alongwith the appropriate Returns as laid down in Chapter 2, Vol. 2. For the disposal of the remaining copies of the IMP forms, please see Para 31(b), Chapter 7.
- Disposal of application forms
- 8.** In the event of any remittance which has already been reported to the Bangladesh Bank on the prescribed return being subsequently cancelled either in full or in part, the ADs must report the cancellation of the outward remittance as an inward remittance in Form C (as applicable, Para- 10). The return in which the reversal of the transaction is reported should be supported by a letter giving the following particulars:
- Cancellation of remittances
- a) The date of the return in which the outward remittance was reported.
 - b) The name and address of the applicant.
 - c) The amount of the sale effected originally.
 - d) The amount cancelled and
 - e) Reasons for cancellation.

SECTION - II

INWARD REMITTANCES

| | |
|---|---|
| General | <p>9. The term "Inward Remittances" includes not only remittance by T.T., M.T., Drafts etc., but also purchases of bills, purchases of drafts under Travellers' Letters of Credit and purchases of Travellers' Cheques. This Chapter does not, however, cover purchases of foreign currency notes and coins which are dealt with in Section - III.</p> |
| Inward remittances-no restrictions | <p>10. The ADs may freely purchase foreign currencies or raise debits to non-resident Taka Accounts of the respective bank branches and correspondents. Remittances equivalent to US\$ 2000 and above should be reported on Form C (See Appendix 5/6) attached to the appropriate schedule (See Chapter 2, Vol. 2). However, declaration on Form C by the beneficiary is not required against remittances sent by Bangladesh nationals working abroad. The purpose of remittances should be clearly stated on the Form C. Where the country of origin of funds and currency in which remittances received are the same, the ADs may submit a consolidated Form C in respect of those remittances attaching therewith a separate list showing details of remittances comprising the amount reported on Form C. Remittances received against exports should be certified and reported on EXP Forms. In case of remittances, received in advance for exports the ADs should obtain a signed declaration from the beneficiary on the back of the "Advance Receipt Voucher" (See Chapter 2, Vol. 2) certifying the purpose of remittance.</p> |
| Reimbursement in foreign currency for Taka bills and drafts | <p>11. There is no objection to the ADs obtaining reimbursement from non-resident banks in freely convertible foreign currency in respect of Taka bills and drafts purchased by them under instructions from such a non-resident bank whether under Letters of Credit or under other arrangements.</p> |
| Cancellation of inward remittances | <p>12. If an inward remittance already reported to the Bangladesh Bank is cancelled, either in full or in part, because of non-availability of beneficiary or for any other reason, the ADs must report the cancellation of the inward remittance as an outward remittance on TM form. The return in which the reversal of the transaction is reported should be supported by a letter giving the (a) reference of the return in which the inward remittance was reported (b) name and address of the beneficiary (c) amount and the reason for cancellation and (d) amount of the purchase as effected originally.</p> |

SECTION - III

**DEALING IN FOREIGN CURRENCY
NOTES AND COINS ETC.**

13. No person, firm or company other than an AD or Authorised Money Changer is permitted to deal in foreign currency in any form. Other persons entering into transactions involving the buying or otherwise acquiring or borrowing from or selling or otherwise transferring or lending to or exchanging with, a person who is not an AD or Authorised Money Changer any foreign currency, will, therefore, be deemed to be contravening the provisions of the FER Act. 1947.

Unauthorised
dealings

14. ADs and money changers may freely buy foreign currency from incoming passengers regardless of nationality and regardless of whether or not a declaration on form FMJ (Appendix 5/7) is produced at the time of encashment. If this form is produced, the amount encashed should be endorsed on it.

Conditions
under
which ADs
/Authorised
Money
Changers may
purchase
foreign
currency

The ADs may also purchase foreign currency notes, coins and other travel instruments freely from Authorised Money Changers without the production of Form FMJ.

15. a) The ADs are permitted to dispose of foreign currency notes etc. by way of sales to other ADs and the general public in accordance with the instructions of the Bangladesh Bank.

Disposal of
foreign currency
notes and coins
by the ADs

b) They may also export foreign currency notes and coins to agents or correspondents abroad for credit to their Foreign Currency Accounts with the prior approval of the Bangladesh Bank and Office of the Chief Controller of Imports & Exports. Applications in duplicate with copy of duly attested agreement should be made to Foreign Exchange Operation Department, Bangladesh Bank, Head Office; approval will be given in the duplicate copy. For reasons of security,

strict confidentiality should be maintained in respect of communication with Bangladesh Bank; this may preferably be done through personal calls on the senior officials of the department.

The ADs' requirements of foreign currency notes

16. In addition to normal purchases from the public, authorised money changers and other authorised dealers, an AD may supplement their holdings of foreign currency notes from abroad with approval from the Bangladesh Bank.

Responsibility for the realisation of the value of foreign currency notes purchased by ADs

17. All purchases of foreign currency notes and coins made by the ADs and Authorised Money Changers are entirely on their own responsibility and they must make their own arrangements for realising the proceeds of surplus foreign currency notes and coins purchased by them which cannot be sold to their customers as permitted under the Regulations. The ADs may realise the value of surplus foreign currency notes and coins by repatriating them through their foreign branches or correspondents and having the proceeds credited to their appropriate Foreign Currency Accounts.

CHAPTER 6

**IMPORT AND EXPORT OF CURRENCY NOTES AND
COINS, FOREIGN EXCHANGE, GOLD, SILVER,
JEWELLERY AND SECURITIES ETC.**

1. (A) In terms of Bangladesh Bank Notification Nos FE-1/03-BB dated 6th January, 2003 and FE-1/04-BB dated 23rd March, 2004 any person may bring into Bangladesh from any place outside Bangladesh without any limit foreign currency notes or bank notes other than-

(i) Un-issued notes and coins.

(ii) Notes legal tender in Bangladesh in excess of Taka 500 in value.

Provided that the concerned person makes a written declaration to the Customs Authorities at the time of arrival, in FMJ Form (See Appendix 5/7) of the entire amount; no declaration will however, be necessary if the amount brought in does not exceed US\$ 5000 or its equivalent in foreign currency and does not exceed Taka 500 in notes legal tender in Bangladesh.

(B) Sending into Bangladesh by post/courier or otherwise of any currency note, bank note or coin by any person from abroad without general or specific permission from the Bangladesh Bank is prohibited.

(C) Any traveller entering into Bangladesh may bring with him at every time Bangladesh currency notes/coins within the limit as prescribed hereunder:

(i) Members of the crew of a ship or an aircraft or the staff of a railway may bring Bangladesh currency notes upto Tk. 500 at any one time.

(ii) An incoming/outgoing passenger may bring in/take out upto Taka 500 (five hundred) in Bangladesh currency at the time of arrival into/departure from Bangladesh.

(iii) Every foreign national travelling on a foreign passport and persons travelling on Bangladesh passports will, while entering into Bangladesh by sea, air or land from any destination outside Bangladesh declares to the Customs authorities, on FMJ Form to be completed in a single copy all currencies if the amounts brought in exceed the limits mentioned at para 1 (A) above.

Import of
foreign
currency notes
and coins

Transit passengers, however, are not required to complete this form. The customs official will return to the declarant the form duly authenticated. Authorised Money Changers and ADs need not ask for this form at the time of encashing the foreign currency and foreign currency instruments to Taka. Foreign nationals should however retain these declarations with themselves so as not to face difficulty in taking out unspent foreign exchange at the time of their departure from Bangladesh.

(D) An incoming person may retain foreign exchange upto US\$ 5000 or equivalent brought in by himself/herself without declaration and take out the same at the time of departure from Bangladesh without endorsement in passport and air ticket. Such amounts may also be deposited in RFC account by a resident Bangladeshi and in NFC account/private non-resident FC account by a non-resident Bangladeshi any time after arrival in Bangladesh.

Amount in excess of USD 5000, brought in by the resident Bangladeshis, should however be encashed or deposited in appropriate foreign currency account within 30 days of arrival. Such amounts brought in by non-resident Bangladeshis can be encashed or deposited in foreign currency account any time after return to Bangladesh. For a foreign national, the entire amount brought in with declaration on Form FMJ or upto USD 5000 brought in without declaration may be taken out freely at the time of departure. Such amounts brought in by foreign nationals can be encashed or deposited in foreign currency account any time after their enter into Bangladesh.

Import of
gold
and silver

2. In terms of Notification No. 1(2) ECS/48 dated 1st July, 1948 issued pursuant to sub-section (1) of Section 8 of the FER Act, 1947 Government have prohibited, except with the general or special permission of the Bangladesh Bank, the import into Bangladesh from any place outside Bangladesh of:

(a) any gold coin, gold bullion, gold sheet or gold ingot whether refined or not, and

(b) any silver bullion, silver sheet or plate which has undergone no process of manufacture subsequent to rolling or any uncurrent silver coin.

Import of gold and silver into Bangladesh from any place outside is, therefore, subject to the Bangladesh Bank's general or specific authorisation. General permission has been accorded by Bangladesh Bank allowing an incoming Bangladesh national to bring in upto 2(two) kilograms of gold or silver in ingot /bullion form at the time of arrival into Bangladesh, subject to payment of duties and taxes as levied by the Govt.

3. Gold, as defined under Section 2 of the FER Act, includes gold in the form of coin whether legal tender or not or in the form of bullion or ingot whether refined or not. Silver, as defined under the same Section of the Act includes silver bullion or ingot, silver sheets and plates which have undergone no process of manufacture subsequent to rolling and uncurrent silver coin which is not legal tender in Bangladesh or elsewhere.

Definitions of gold and silver

4. There are no restrictions under the FER Act on the import of jewellery and precious stones. Import of jewellery and precious stones is, however, subject to the Import Trade Control Regulations.

Import of jewellery and precious stones

5. The terms jewellery and precious stone are deemed to include all articles made wholly or mainly of gold, platinum, diamonds of all kinds, precious or semi-precious stones, pearls, whether or not mounted, set or strung and articles set or mounted with diamonds, precious or semi-precious stones or pearls.

Definitions of jewellery and precious stones

6. There are no restrictions under the FER Act on import of securities into Bangladesh.

Import of Securities

7. (i) Any person may take out of Bangladesh with him foreign exchange issued to him by an AD and endorsed on his passport.

Export of foreign exchange

(ii) General permission has been granted:

(a) to the ADs to send out of Bangladesh cheques, drafts or bills of exchange which have been acquired by them in their normal course of business and within the terms of their authorisation ; and

(b) to a foreign national who is resident in Bangladesh, but is not domiciled in Bangladesh to take or send out of Bangladesh drafts or cheques drawn on their foreign currency accounts.

8. The term foreign exchange as defined under Section 2 of the FER Act, includes cheques, drafts, travellers' cheques, letters of credit, bills of exchange and promissory notes expressed or drawn in foreign currency, or in Bangladesh currency but payable in foreign currency.

9. (a)(i) Any person may take out of Bangladesh, Bangladeshi legal tender notes and coins not exceeding Taka 500 only in value at any one time.

(ii) Currency which has been brought into Bangladesh in the safes of vessels or aircraft or which has been taken on board vessel or aircraft with the permission of the Bangladesh Bank may be taken out of Bangladesh.

(iii) Any person ordinarily resident in Bangladesh may take out foreign exchange not exceeding US\$ 5000 or its equivalent which was brought in without declaration at the time of returning from abroad.

(iv) Any person not ordinarily resident in Bangladesh including Bangladesh Nationals working abroad may take out of Bangladesh any amount in foreign exchange not exceeding the amount declared by him to the Customs Authority on arrival in Bangladesh. However, such a person may take out at the time of leaving Bangladesh foreign exchange not exceeding US \$ 5,000 or its equivalent brought in without declaration to the Customs Authority on his arrival in Bangladesh.

(b) It is not permissible to send currency notes and coins out of Bangladesh by post/courier or any other means.

Export of
Securities

10. Under Section 13(1)(a) of the FER Act, it is not permissible for any person to take or send out any security to any place outside Bangladesh except with permission of the Bangladesh Bank. Residents in Bangladesh who are holders of foreign securities and who wish to send these securities to bank, brokers or agents abroad

for purposes of sale, transfer etc., should apply to the Bangladesh Bank through an AD for the necessary export permit. Permission for transfer of foreign securities will be granted provided the AD gives an undertaking that the securities will be received back in Bangladesh within a specified period or in the case of sale, the foreign currency proceeds will be remitted to Bangladesh.

11. Sub-section 2 of Section 8 of the FER Act prohibits export from Bangladesh of jewellery or precious stones except with the general or special permission of the Bangladesh Bank. Bangladesh Bank, however has accorded general permission to all outgoing and incoming adult female passengers to take out of Bangladesh and to bring into Bangladesh any quantity of personal jewellery worn on their persons or as part of their personal baggages.

Taking out and bringing in jewellery by outgoing and incoming passengers

12. Export of gold jewellery and silver jewellery from Bangladesh may be effected by exporters registered with the office of the CCI&E as per normal EXP procedure (described in Chapter 8). Back to back import LCs may be established by ADs for import of gold, silver and precious stones for manufacture and export of jewellery against export LCs received by registered jewellery exporters operating under the bonded warehouse system, subject to observance of the minimum domestic value addition requirement prescribed in the Jewellery Export Policy formulated by the Ministry of Commerce (10% for gold jewellery, 15% for stone-studded gold jewellery and 25% for silver jewellery). Back to back imports may also be effected against firm export orders in cases where import costs are met out of advances received by the exporter from the foreign buyer, or where the import payment is settled abroad directly by the foreign buyer.

Jewellery Export Scheme

If the cost of imported inputs are prepaid abroad by the foreign buyer or met out of advances received from the foreign buyer, exporters shall be required to repatriate export proceeds to the extent of the local value addition only. In such cases, the total export value and the cost of imported inputs should be shown separately in the EXP Form, and the ADs while forwarding the triplicate copy of the EXP Form shall enclose papers /documents in evidence of prepaid input import/ advance receipt of import costs.

Prior permission of Bangladesh Bank will be required for export of Jewellery on consignment basis or for sale in exhibitions abroad.

CHAPTER 7

SECTION-I

IMPORTS

Import
trade control

1. Import of goods into Bangladesh is regulated by the Ministry of Commerce in terms of the Import and Export (Control) Act, 1950, through Import Policy Order (IPO) in force and Public Notices issued from time to time by the Office of the Chief Controller of Imports and Exports (CCI&E). The instructions contained in this chapter apply to sales of foreign exchange or transfers to non-resident taka accounts against import of goods into Bangladesh.

Registration
of importers

In terms of the Importers, Exporters and Indentors (Registration) Order, 1981 no person can import goods into Bangladesh unless he is registered with the CCI&E or exempted from the provisions of the said Order. Before Letter of Credit Authorisation Form (LCAF) is issued or Letter of credit (LC) is opened or remittance is made for imports into Bangladesh the AD should verify that the importer is registered with the CCI&E or otherwise exempted from such registration. The AD should ensure that the registration number of the importer is invariably furnished on the IMP form. Where the importer is exempted from such registration, a suitable mention of this fact should be made on the IMP form.

Dealing with
known
customer

2. The ADs must ensure that they deal only with known customers having a place of business in Bangladesh and can be traced easily should any occasion arise for this purpose. Opening of LCs and payments for imports into Bangladesh should be made through an AD in the area where the holder of the LCAF is resident (Appendix-4 lists the areas for foreign exchange regulation purposes). In case the importer is a new customer, the AD should obtain certificate from the AD through which the applicant imported earlier to the effect that no bill of entry is due/overdue for submission by the importer.

LC
Authorisation
Form

3(a). The ADs are authorised to issue 'Letter of Credit Authorisation Forms' (LCAFs) in conformity with the IPO allowing imports into Bangladesh. Import permits or clearance permits are not required for imports by the Ministries and Government Departments against specific allocation given to them by the government. But all Ministries and Government Departments except the Ministry of Defense shall duly submit LCAF to their nominated banks before opening LC for the purpose of import. The LCAFs, available with the ADs, are issued in sets of 5 copies each. Of these, the one marked "For Exchange Monitoring Purpose" should be used for opening LC and for effecting remittances. The ADs should be very careful about compliance with the instructions of the IPO and relevant Public Notices in the matters of issuance and disposal of LCAFs.

(b)(i) The ADs will not issue blank LCAFs to their clients. The importer should himself/herself sign the LCAF in the presence of an officer of the AD, an authorised official of the AD should put his/her signature with date and seal on the LCAF, evidencing verification of the importer's signature and import entitlement as per current IPO.

(ii) In no case the ADs will accept authenticated LCAF for opening LC direct from the parties. Normally the AD issuing and authenticating an LCAF would also open the LC but if it requires transfer to another AD this should be done directly by the transferring AD itself. The AD receiving the LCAF must conduct its own verification of the signatures on the LCAF before opening LC.

(c) LCAFs remain valid for remittances for one year subsequent to the month of issuance. For example, if an LCAF is issued on 15th January, 1992 remittances can be made there against upto 31st January, 1993. However, LCAFs issued for import of capital machineries and spares will remain valid for remittances for 18 months subsequent to the month of issuance. The ADs should not, under any circumstance, make remittance against any LCAF after the expiry of the above prescribed validity periods without first obtaining revalidation of the LCAF. They may, however, allow such remittances without obtaining revalidation only against foreign currency funds of Bangladesh nationals working abroad.

4. Appropriate Incoterms should be incorporated in the letter of credit/purchase contract in compliance with the IPO in force. Import shall usually be made on CFR / CPT basis (as the case may be). However, import on FOB basis shall be subject to the provisions mentioned in para 13 of this chapter.

Terms of imports

5. Specific procedural instructions regarding imports under special arrangements or agreements (grants, loans, barter etc.) issued by the Bangladesh Bank from time to time should be followed by the ADs.

Imports under special arrangements

6. It is mandatory to use correct HS Code to indicate the classification of goods to be imported as per First Schedule of the Customs Act, 1969. No bank shall issue LCAF or open LC without quoting correct HS Code in the LCAF and LC or purchase contract (as the case may be). Failure to do so may lead to imposition of penalties by the Customs Authorities. In all cases of doubt, reference should be made either by the AD or the customer direct to the concerned customs authority.

Use of correct HS Code

| | |
|-----------------------------|---|
| Pre-shipment inspection | <p>7. Unless otherwise exempted by the Pre-shipment Inspection Act, 1999, all goods to be imported shall be inspected by an NBR designated Pre-shipment Inspection (PSI) company for quantity, quality, description, classification and price. While importing goods, LC or purchase contracts (in case of import without LC) shall include a clause specifying the name of the PSI company.</p> |
| Endorsement on LCAF | <p>8. (a) When LCs are opened, full particulars thereof must be endorsed on the back of the exchange monitoring copy of the LCAF under the seal and signature of the AD. The Taka equivalent of the LC opened must be endorsed on the LCAF at the ruling BC selling rate (spot), but if a forward exchange cover is provided the conversion should be made at the actual forward rate. Foreign exchange must not be sold ready if a forward sale is outstanding against an LC.</p> <p>(b) Details of amounts remitted, whether under LC or otherwise, should be endorsed on the back of the exchange monitoring copy of the LCAF together with the number of the relative IMP form. Appropriate reference to the LCs, the dates on which these were opened and remittances effected should be noted on the back of the LCAF in order to identify the endorsement against any particular LC opened or remittances effected.</p> <p>(c) Before delivering the import documents to the importers, the AD should invariably endorse on the invoices accompanying the bills the amount both in figures and words that they have remitted from Bangladesh. The endorsement should be under the seal and signature of the ADs. In case of payment on deferred/usance basis, the amount for which the bill has been accepted should be endorsed in the invoices.</p> |
| Cancellation of LCAF | <p>9. On expiry of an LC unutilised partly or wholly, or on cancellation or reversal of sale of foreign exchange, the endorsements made on the back of the LCAF may be cancelled with appropriate remarks, under the seal and signature of the AD.</p> |
| Endorsement made mistakenly | <p>10. In case an endorsement is made mistakenly on a wrong LCAF, the AD may cancel the endorsement provided the endorsement is transferred simultaneously to the appropriate valid LCAF. Endorsement may be transferred only from one valid LCAF to another valid LCAF where both are identical in all respects.</p> |

11. The aggregate amount of foreign exchange sold against an LCAF whether under LC or otherwise, should not exceed the value mentioned in the LCAF, In case where LC was opened and remittance is needed in a floating currency against which no forward booking has been made, the Taka value of the LCAF shall be deemed to have been increased to the extent of appreciation of the foreign currency for the purpose of allowing remittance by the AD.

Amounts for which LC may be opened and remittances made under LCAF

12. Remittance in excess of the value of the LCAF is not permissible without prior approval of the Bangladesh Bank except for payment of normal bank charges of the foreign correspondents. In other words, the ADs need not adjust the amount of bank charges from the LCAF value. Remittances of bank charges should be reported to the Bangladesh Bank as usual with TM forms and necessary supporting documents. The ADs shall endorse the amount of bank charges remitted alongwith the date of remittance on the back of the exchange monitoring copy of the LCAF. They should also quote the approval number and date, if remittance is effected against any specific approval from the Bangladesh Bank.

Remittance in excess of the value of the LCAF

Bank charges of unusual nature i.e., not commonly attributable to transactions against LCs cannot be remitted without Bangladesh Bank's approval. Foreign bank charges in respect of imports in the public sector shall be on the suppliers account and, hence, cannot be remitted from Bangladesh. Bank charges under barter/special trade arrangements (STA) shall be payable in accordance with the relevant provisions therein.

13. In case of import on FOB basis, full LCAF value is not remittable. In other words, freight charges payable on imports on FOB basis are to be adjusted against the relative LCAF value. In case of FOB imports the AD should endorse, beside FOB value, the freight payable in Taka as indicated in the bill of lading etc. In cases where miscellaneous charges i.e. handling charges, cartage/surface transportation, documentation charges etc., are required to be paid by the importers on arrival of goods through the Airlines, the ADs shall also endorse on the exchange monitoring Copy of the LCAFs the amount of such charges as indicated in the airway bill alongwith the freight in Bangladesh Taka. The ADs should also give a certificate to the importers in the form given in Appendix 5/8 to the effect that the amount of freight, handling charges etc. have been endorsed on the relative LCAF. The issue of this certificate is essential as the shipping companies etc. are under instructions not to accept payment of freight in Taka unless the above mentioned certificate is produced to them. In cases where the FOB value and the amount of freight payable in Taka exceeds the value of the LCAF the application should be referred to the

Imports on FOB basis

Bangladesh Bank for consideration with full particulars and supporting documentary evidence.

□

LCAF issued in the name of a person/firm other than applicant

14. An AD may not open LC or make remittances of foreign exchange covering imports into Bangladesh in cases where the exchange monitoring copy of the relevant LCAF has been issued in the name of a person or firm other than that of the applicant. Such requests received by an AD should be referred to the area office of the CCI&E.

□

Remittance of proceeds of dishonoured bills

15. An AD should not remit the proceeds of bills in cases where the name of the importer on the bill of exchange differs from that on the LCAF. As an exception, where goods are imported under documentary collection (DP or DA) basis or even under LC and the original drawee dishonors the bill and the foreign shipper or his local agent finds another buyer for the goods, the AD may make the remittance without prior permission of the Bangladesh Bank provided he certifies that the applicant remitter is the buyer of the goods and provided the remitter is in possession of a valid LCAF covering the import of the goods in question.

Disposal of fully utilised or unutilised LCAF

16. Exchange monitoring copies of the LCAFs submitted by the importers should, when fully utilised, be forwarded by the ADs to the Bangladesh Bank. Exchange monitoring copies of LCAFs, which remain unutilised for the full amount, should also be surrendered by the ADs to the Bangladesh Bank after expiry of the validity period for remittance. Other copies of LCAF are to be disposed of as per instructions laid down in the IPO in force.

□

Remittance against goods imported under penalty

17. An AD may not make remittance in payment of goods if the exchange monitoring copy of a valid LCAF is not produced even though the goods may have been cleared by the Customs. Goods imported in an unauthorised manner are liable to be confiscated by the Government. All applications for remittances of foreign exchange covering such imports should be submitted to the Bangladesh Bank for prior approval and should be accompanied by the attested copy of the Customs Bill of Entry for consumption in Bangladesh, the relative penalty order together with full particulars of the circumstances under which the goods were imported without the requisite LCAF.

18. Selected items as mentioned in the IPO in force may be imported against registered LCAFs without opening LC.

Import against
LCAF without
opening LC

In such cases, the ADs shall stamp " Import without LC" on the upper right corner of the LCAFs. LCAFS so stamped and forms (as per appendix 5/9) duly filled in must be registered by the issuing bank itself.□

□

19. Import bill, unless forward cover has been taken, shall be retired at the rate of exchange prevailing on the date of lodgment in the book of Authorised Dealer.

Applicable
exchange rate
on retirement
of import bill

SECTION - II

LETTERS OF CREDIT AND REMITTANCES AGAINST IMPORTS

20. The ADs may not issue, advise, notify or confirm any LC, authority to purchase, guarantee or similar undertaking covering imports into Bangladesh the implementation of which would involve a payment in Taka to a non resident account or a payment in foreign currency except in accordance with the instructions prescribed hereunder.

LC covering imports

The AD should establish LCs against specific authorisation only on behalf of their own customers who maintain accounts with them and are known to be participating in the trade. Payments in retirement of the bills drawn under LCs must be received by the ADs by debit to the account of the concerned customer or by means of a crossed cheque drawn on the drawee's other bank. These restrictions shall not apply to import of articles for the private use of the importer as permitted in the Import Policy Order.

Terms on which LCs may be opened

21. (i) All LCs and similar undertakings covering imports into Bangladesh must be documentary LCs and should provide for payment to be made against full sets of onboard (shipped) bills of lading, air way bill, railway receipts, truck receipts, post/courier parcel receipts showing despatch of goods covered by the credit to a destination in Bangladesh. All LCs must specify submission of signed invoices and certificates of origin. If any particular LCAF requires submission of any other document or the remittance of exchange at certain periodical intervals or in any other manner, the LC should incorporate those instructions of the LCAF. Besides, following instructions are to be followed by ADs while importing through land ports:

(a) only one port of entry (land port) is to be mentioned specifically in the letter of credit/purchase contract (as the case may be);

(b) ADs shall have to send copies of letter of credit and subsequent amendment(s) if any, including other relevant information to the land port authority;

(c) specimen signatures of the officials working in the import-export desks of the concerned Authorised Dealer bank, contact phone and fax nos. of the ADs are to be sent to all the land ports; □

(d) ADs, through their agents or representatives shall collect certified invoice & bill of entry evidencing entry of goods into Bangladesh from the concerned land ports; □

(e) letters of credit/purchase contracts shall contain inter alia the following payment terms instead of reimbursement authority/debit authority:

"Upon receipt of documents complying with credit terms, we shall effect payment as per instructions of Negotiating Bank/Collecting Bank".

(f) LC covering value more than USD 5000 or equivalent should be sent through SWIFT or other similar arrangements to the advising bank;

(g) NOC(if any) shall contain name of the officials along with P.A. nos. and official seal.

(ii) It is not permissible to open clean or revolving letter of credits or LC with realisation clause (except EPZ companies). Applications for opening such LCs should be referred to the Bangladesh Bank with full particulars.

(iii) The ADs may open transferable LCs for imports into Bangladesh under cash LCAF without reference to the Bangladesh Bank. They may also allow without reference to the Bangladesh Bank amendments that do not violate foreign exchange regulations and IPO in force.

(iv) It is not permissible to open import LCs in favour of beneficiaries in countries from which import into Bangladesh are banned by the competent authority.

22. LC covering import of goods into Bangladesh against valid LCAF should be opened within the period, if any, prescribed in the current IPO.

23. (a) The AD should, before opening an LC, see documentary evidence that a firm order for the goods to be imported has been placed and accepted. The AD should ensure while opening an LC that full description of the goods to be imported are given in each Credit alongwith the unit price of the merchandise.

Period for which LCs may be opened

(b) The ADs should also obtain confidential report on the exporters from their branches or correspondents abroad or in their discretion, satisfy themselves as to the standing of the exporter by consulting standard books of reference issued by international credit agencies of international standing such as Seyds, Dunn and Bradstreet in all cases where the amount of the LC/Contract exceeds BDT 5 lac against proforma invoices issued direct by foreign suppliers and BDT 10 lac against indents issued by local agents of the suppliers. Such reports should be obtained by the ADs themselves and the reports if submitted by the importers should not be accepted. The ADs may also, at their discretion and in their own interest, verify the standing of the beneficiaries even in cases where the value of the credit is lower than the limits mentioned above. Credit report may remain valid for a preiod of maximum twelve months from the date of issuance if no adverse report comes to the notice of the AD. Moreover, credit report of the same supplier collected for one importer may be used for other importers within the same validity. □

LCs to be opened only against firm contracts

Credit report of the foreign suppliers

24. LC may be established providing for payment to the country of origin of goods or any other country except those countries imports from which are prohibited. The LC may provide for payment or reimbursement in any freely convertible foreign currency, in the currency of the country of the beneficiary or of the country of origin/shipment of goods, or by way of credit to the non resident

Approved methods of payment

Taka account of the concerned bank abroad. Payments for imports under barter agreements or under foreign Loans/Grants can be made only in the manner specified for the concerned barter/loan/grant.

Applications
for remittances
against imports

25. An AD may approve on behalf of Bangladesh Bank remittance against imports into Bangladesh provided the conditions set out in section-I and elsewhere in this chapter are complied with and provided also that the documents covering the import, whether under LC or otherwise, are received through the AD concerned. In case of import by post/courier, the ADs may make remittance without prior approval of the Bangladesh Bank only if the parcel is addressed directly to the AD. Where the parcel is addressed to an individual care of the AD/ to the individual direct, prior approval of Bangladesh Bank should be applied for, in the manner laid down in para 28 below.

Remittance
against
discrepant
documents/
documents
received
directly by the
importers

26. ADs may allow remittance against discrepant documents /documents received directly by the importers after the goods have been cleared from the customs, on the basis of the relative LCAF, the authenticated copy of the customs bill of entry for consumption or customs certified invoice in the case of import by post/courier and the relative invoices.

Advance
remittance
against imports

27. (i) Advance remittance for permissible imports of goods and services into Bangladesh may be effected by the Authorised Dealers without prior approval of the Bangladesh Bank, against applications from the importers submitted with signed undertaking in the format of Appendix 5/10 provided that:

a) the purchase contract with supplier specifically requires advance payment;

b) the supplier furnishes repayment guarantee acceptable to the Authorised Dealer from a bank abroad, to be invoked for refund of the amount paid in advance in the event of the supplier's default in delivering the goods or services as per contract. Such guarantee need not however be insisted upon in cases of advance payments up to USD2500 for import of books, journals or life savings medicines.

(ii) Requests for advance remittance where the suppliers are unwilling or unable to furnish the repayment bank guarantee referred to at para 27(i)(b) may be forwarded by the Authorised Dealers, along with their recommendations, for specific decision of Foreign Exchange Policy Department, Bangladesh Bank on merit of each case.

(iii) Authorised Dealers shall report to the Bangladesh Bank the cases where the goods/services against advance payments are not received in Bangladesh within due time.

In addition to usual reporting to Bangladesh Bank, ADs within one week of advance remittance, shall submit attested copies of (i) undertaking (as per Appendix 5/10) (ii) repayment bank guarantee provided by bank abroad (iii) credit report of the guarantee providing bank abroad to the Foreign Exchange Policy Department, Bangladesh Bank, Head Office mentioning the probable date of import of goods/services. However, advance payment for import from ERQ account may be done as per instruction mentioned in chapter 13, section -IV of this guidelines.

28.(a) All applications for payments against imports into Bangladesh (including imports from EPZs) should be made on IMP forms (See Appendix 5/11). The IMP forms must be submitted in duplicate by the importer or his duly authorised agent. In cases where empowered to approve the remittances on behalf of the Bangladesh Bank, the AD shall endorse its approval on the reverse of the IMP form in the space provided for the purpose. In other cases, the AD shall submit the IMP form together with required supporting documents to the Bangladesh Bank for approval.

(b) The AD should mark with a bold letter "G" the IMP form for remittance against an import in the name of a government department or office for which LCs are opened by the AD. In other cases, where LCAFs are issued to private parties and are marked "On Government Account", the IMP forms should be similarly marked with bold "G".

29. In all cases of remittances for imports into Bangladesh, the importer must submit within 4 months from the dates of remittances the relevant authenticated copy of the customs bill of entry. In case of import by post/courier, the importer must submit the invoice certified by the customs authorities in lieu of the authenticated copy of the bill of entry. Where the value of an import by post/courier is less than £ 5 or its equivalent in other foreign currency, the customs authorities will issue a certificate instead of certifying the invoices. In such cases, the certificate may be submitted in place of the certified invoices.

30. The Bangladesh Bank is prepared to consider applications for extension of the time limit beyond 4 months in cases of genuine difficulties, such as delay in the arrival of the ship or difficulties in clearing the goods already landed at a port in Bangladesh etc.

Forms on which applications for remittances should be made

Indication on IMP form for Government Imports

Submission of the authenticated copies of 'Bill of Entry' and 'Certified Invoices'

Extension of time limit for submission of bill of entry etc.

Disposal of
IMP Forms

31. (a) The ADs will obtain invoice, in duplicate, both of which will be certified by them as usual. After recording in the IMP form the particulars of the remittance effected, the original IMP form along with a copy of the customs certified invoice shall be forwarded to the Bangladesh Bank with the usual monthly returns.

(b) The duplicate copy of IMP form will be retained by the AD. Subsequently when the authenticated copy of the bill of entry/customs certified invoice is submitted by the importer, the particulars therein should be matched and checked with those in the IMP form and invoice filed earlier, to see if the merchandise for which remittance was made has been duly received in Bangladesh. If no material discrepancy is detected, the case should be considered closed, with the duplicate IMP form, invoice and custom bill of entry/custom certified invoice filed together for eventual inspection and disposal instruction from inspection team of Bangladesh Bank.

(c) Cases with material discrepancy between the particulars of merchandise for which remittance was made and the merchandise actually received as evidenced by the authenticated copy of bill of entry/customs certified invoice, and cases of non submission of bill of entry/customs certified invoice within four month of remittance should be reported quarterly to the area office of Bangladesh Bank, in proforma as given at Appendices 5/12 and 5/13, by 15th day of the month following the quarters ending March, June, September and December. The ADs should also follow up with the importers the cases of material discrepancies and of non submission of bills of entry/ customs certified invoices within due time. Importer who has failed to submit bill of entry/certified invoice against any earlier remittance for import within the stipulated time (or within the extended period allowed by Bangladesh Bank) will be barred from opening new letter of credit without prior permission of Bangladesh Bank. Bangladesh Bank may instruct AD to abstain from opening new LC in favor of those in whose cases major discrepancy between the description, quantity etc. of goods stated in Bill of Entry/customs certified invoice and the same declared on the eve of remittances of value thereof is detected by the Bangladesh Bank from the quarterly statement of the AD concerned.

(d) In respect of all imports in the public sector the forms should be kept in separate importer-wise folders till final disposal.

Loss of goods

32. In the event goods are completely lost, duplicate copy of the IMP form should be forwarded to the Bangladesh Bank giving full particulars of the loss and the manner in which the insurance claim has been collected. In the event of partial loss, the authenticated copy of the customs bill of entry for the goods actually cleared should be submitted giving full particulars of the loss and the manner in which the insurance claim has been collected.

33. (a) Subject to compliance with other conditions laid down in this chapter and in the current IPO, import LCs may be opened on deferred payment/usance basis in the following cases:

LCs on
deferred
payment
basis

- i) Import of capital machinery on upto 360 days usance basis;
- ii) Industrial raw material imports for own use of industrial importers (including back to back imports discussed in detail in the next section) on upto 180 days usance basis;
- iii) Import of coastal vessels including oil tankers and ocean going vessels including those procured for scrapping on upto 360 days usance basis;
- iv) Import of agricultural implements and chemical fertilizers on upto 180 days basis;
- v) Import of life saving drugs (certified/declared as such by Drugs Administration Authority) on upto 90 days usance basis.

For such deferred payment imports, the prices must be internationally competitive and usance interest, if any, should not be at rate higher than the LIBOR for the relative period or the equivalent rate prevailing in the currency of the country of the supplier.

(b) Instructions regarding opening of import LCs on longer usance terms against supplier's credits obtainable by industrial enterprises in the private sector as per general or specific BOI approval are contained in chapter 15 of this Guidelines.

34. ADs shall make payment of import liabilities as per LC/ contracts (both local and foreign) on maturity. Failure in settlement of import liability as per credit/contract terms may result in punitive actions including revocation of AD licence by Bangladesh Bank.

Payment of
import
liability

SECTION-III**BACK TO BACK LCs**

General

35. The ADs may open back to back (BTB) import LCs against export LCs received by export oriented industrial units operating under the bonded warehouse system, subject to observance of domestic value addition requirement (stated in terms of permissible limit of value of imported inputs as percentage of FOB export value of output) prescribed by the Ministry of Commerce from time to time.

Opening of
back to back
import LC

36. Further to the relevant general instructions in the foregoing sections of this chapter, the following instructions should be complied with while opening back to back import LCs:

(i) Only recognised export oriented industrial units operating under bonded warehouse system will be allowed the back to back LC facility. The unit requesting for this facility should possess valid registration with the CCI&E and valid bonded warehouse licence.

(ii) The master export LC (against which opening of back to back LC is requested) should have validity period adequate to cover the time needed for importation of inputs, manufacture of merchandise and shipment to consignee.

(iii) The back to back LC value shall not exceed the admissible percentage of net FOB value of the relative master export LC (as per prescribed value addition requirement) and the price of goods to be imported must be competitive. For computation of net FOB value of a master export LC, the freight charge, insurance cost and commission if payable by the exporter shall be deducted from the LC value. If the freight element is not shown separately, a certificate from the shipping company or the shipping agent should be asked for.

(iv) The back to back import LCs shall be opened on usance basis for a period not exceeding 180 days. Interest for the usance period shall not exceed LIBOR or the equivalent interest rate of the currency of settlement. Back to back LCs opened against (a) Export Development Fund (EDF) administered by Bangladesh Bank and/or against (b) balances on Non-Resident Foreign Currency Deposit (NFCD) Accounts may be on sight basis subject to the instructions at Para 20, Chapter 13 of this Guidelines

(v) All amendments of the master export LC should be noted down carefully to rule out chances of excess obligation under the back to-back import LC.

(vi) Back to back import LC should not be opened against LCs received for export under Barter/STA, without prior approval of Bangladesh Bank.

37. Inland back to back LCs denominated in foreign exchange may be opened in favour of local manufacturer-cum- suppliers of inputs, against master export LCs received by export oriented manufacturing units operating under the bonded warehouse system, upto value limits applicable as per prescribed value addition requirement/utilisation permit. However, EXP/IMP form will not be applicable in such cases unless EPZ unit is associated.

Inland back to back LC

Back to back LC may in turn be opened for import of necessary inputs, against inland back to back LC in favour of a local manufacturer- cum- supplier operating under the bonded warehouse system, in accordance with the instructions, mutatis mutandis, at para 35 & 36 above.

BTB import LC against inland BTB LC

38. Payment abroad in settlement of usance bill against the back to back import LCs shall be made at maturity, out of proceeds of the relative export repatriated in foreign exchange; the required foreign exchange will be set aside, out of the export proceeds, in a separate foreign currency account in the subsidiary ledger of the AD. Before making remittance against the back-to-back import bill, the AD should see that the authenticated copy of bill of entry for bond in evidence of actual arrival of the relative imports has been submitted. Usance bills against back to back import LCs should be settled at maturity even where for some reason export has not taken place, or where the export proceeds have not been realised, or where the realised export proceeds net of value addition requirement is not adequate to cover the back to back import payment. In such cases post facto approval of Bangladesh Bank (Foreign Exchange Operation Department) will have to be sought for, explaining fully the circumstances of export failure or non-realisation/short realisation of export proceeds, with relevant supporting documents. Cases of failure of export against the relative master LCs should also be reported to the National Board of Revenue (NBR) and the concerned Commissioner of Customs so that they may monitor closely the level of stock of the relative goods in the bonded warehouse. A copy of the letter to NBR reporting the export failure should be submitted to Bangladesh Bank alongwith the application for post facto approval of remittance towards back-to-back import payment. Also, all applications for post facto approval of such remittance in the event of export failure and short realisation/non-realisation of export proceeds should be accompanied by the authenticated copy of the relative bill of entry evidencing actual receipt of the back to back imports.

Payment settlement against BTB LCs

The AD should maintain effective watch on the stock of inputs procured under the back to back arrangement and of finished products made therewith; any indication of illegal disposal of stocks from the bond coming to the knowledge of the AD should immediately be reported to the concerned commissioner of customs and NBR.

Retention of foreign currency in single pool for back to back import payments under bonded warehouse system

39. (i) On encashment of export proceeds equivalent to the portion of value addition, residual portion of export proceeds against different export bills of the same export unit operating under bonded warehouse system may be maintained in foreign currency in a single pool by the ADs . Funds from this pool may be used for different back to back import payments of the same exporting unit on maturity basis to keep minimum involvement of AD's own fund under the exchange position as well as to keep exporter free from debt burden.

Payment of import bills (other than back to back) from direct and deemed export earnings

(ii) If import bills (other than back to back LC) fall due for payment within 30 days from the date of receipt of export proceeds by the exporters/deemed exporters, the ADs may, on application by the manufacturers-cum-exporters retain such proceeds in foreign exchange for a maximum period of 30 days for making such import payments even it exceeds the allowable retention quota limit. However, export proceeds so retained (in excess of the usual retention quota entitlement) shall be encashed compulsorily in Taka if the same is not utilised for such import payment within 30 days from the date of receipt. To identify such transactions distinctly, ADs are required to maintain appropriate register and other necessary records. Furthermore, Head Office /Principal Office shall gather information of retention and utilisation of foreign currency as per Appendix 5/14, shall prepare a consolidated statement as per Appendix 5/15 and submit the same to Foreign Exchange Operation Department, Bangladesh Bank, Head Office on monthly basis.

SECTION-IV

**DEPOSIT OF COUNTERPART FUND IN RESPECT OF
IMPORTS UNDER NON-PROJECT COMMODITY
LOANS/CREDITS/ GRANTS**

- 40.** Counterpart funds against all clean documents except in cases of discrepant documents received on collection basis or negotiated by the foreign banks under reserve, shall be deposited by the designated bank in Bangladesh to Govt. Account No. IV A (or such other account of the Govt. of Bangladesh as prescribed in respect of the relative loan/credit/aid) maintained with the Bangladesh Bank within three working days from the date of receipt of documents; the said period shall be deemed to be inclusive of the date of receipt of documents and the date of deposit of counterpart funds to the Bangladesh Bank.
- Clean documents against LC
- 41.** In cases where due to discrepancy, the negotiating bank abroad sends the documents on collection basis or under reserve or otherwise the bank should forthwith arrange acceptance of the documents by the importers and deposit counterpart funds within 5 days from the date of receipt of the documents. In case of non-acceptance, the bank should return the documents to the negotiating bank or dispose of the documents in accordance with the instructions of the negotiating bank abroad.
- Documents against LC received on collection basis/negotiated under reserve due to discrepancy
- 42.** Under some loans, credits and grants, LCs are not opened by the utilising agencies; instead goods are procured and shipped by the loan giving agencies themselves or by their nominated agencies. After shipment of such goods the documents are mailed either to the Economic Relations Division (ERD) of the Ministry of Finance or to the designated banks, as the case may be, for retirement of documents and clearance of consignment from the customs authorities. On receipt of these documents, the bank should forthwith arrange with the relevant agency to pay the proceeds of the bills within a period of 7 days for deposit to the Bangladesh Bank. The agency should be warned that it would be required to pay interest at penal rate in the event of delay in the deposit of the funds within the stipulated period of 7 days; cases of default should be brought to the notice of the Bangladesh Bank promptly.
- Documents received direct by the ERD or designated banks without opening of LC

Documents against LCs opened by designated banks on application through the banks of the importers

(a) In case of LC opened by the designated bank against application through the importer's bank, the latter must retire the documents not later than 24 hours from the time of receipt thereof from the designated bank. If payment is not made within this time limit, the designated bank will be entitled to recover from the importer's bank any penal interest the former may have to pay to the Bangladesh Bank.

(b) In case, however, the documents are not found in accordance with the terms of the LC, the importer's bank should within 5 days from the date of receipt, either retire the documents or send back the same to the designated bank. Any delay on this score will forfeit their right to raise objection on the ground of discrepancies.

(c) In all the above cases, the designated bank must send the documents to the importer's bank within 24 hours of receipt. For any delay at the designated bank's end, the penal interest relating to the period of delay made by them will have to be borne by them.

(d) The designated bank will deposit Taka funds to the Bangladesh Bank within the time limit as in the foregoing paragraphs. In all cases of delay it will be the responsibility solely of the designated bank to deposit the Taka funds to the Bangladesh Bank at the earliest alongwith interest at prescribed rate.

Application of rate of exchange

43. (a) Counterpart funds under foreign commodity loans, credits and grants where forward contract has been booked will be required to be deposited at the rate at which the relevant contract has been booked.

(b) Counterpart funds under foreign commodity credit agreements with barter component where no forward contract can be booked, are required to be deposited at the B.C. selling rate prevailing on the date of opening of LC.

(c) Unless specified otherwise, in all other cases deposit of counterpart funds will be made at the B.C. Selling rate ruling on the date of lodgement of the bill as applicable to cash import without forward cover facilities.

Penal interest

44. (i) An AD who has either opened an LC as designated bank or forwarded it to the appropriate designated bank should be in all preparedness to follow the schedule for deposit of counterpart funds as mentioned in the foregoing paragraphs. In case of delay in making the deposit within the prescribed period, the funds should be deposited to the Bangladesh Bank alongwith penal interest computed on the following basis:

(a) 5% above the bank rate—for the first seven days beyond the prescribed period.

(b) 6% above the bank rate—for the subsequent period after the expiry of first seven days beyond the prescribed period.

(ii)(a) All designated banks under foreign commodity loans, credits and grants will send, by the 15th of the following month, a monthly statement of all LCs opened (Loan/Credit/Grant wise) as per proforma in Appendix 5/16 to the office of the Bangladesh Bank with which counterpart funds will be deposited.

(b) In case any bill is received by any designated bank/importer's bank on collection basis due to discrepancy in the bills or otherwise, from the negotiating bank abroad/loan giving agency/ERD, notice of retirement should be served upon the importer concerned within 24 hours of receipt of such documents, for retirement of the bills against payment within the prescribed time limit, under advice to the office of the Bangladesh Bank with which counterpart funds will be deposited, as per proforma at Appendix 5/17.

Submission of particulars of LCs opened and discrepant bills

(iii). At the time of deposit of counterpart funds designated banks will furnish to the Bangladesh Bank a statement as per Appendix 5/18.

(iv). Instructions contained in the above paragraphs shall also be applicable in respect of documents received at places where there is no office of the Bangladesh Bank.

(v). LCs opened by the designated banks for imports under loans, credits and grants should not provide for payment on deferred basis.

C H A P T E R 8

SECTION – I

EXPORTS

Exports

1. Govt. Notifications No. 1(6)/ECS/48 and 1(7)/ECS/48 dated 1st July, 1948 issued pursuant to Section 12 of the FER Act prohibit export of any goods directly or indirectly to any place outside Bangladesh, unless a declaration is furnished by the exporter to the Customs Authority or to such other authority as the Bangladesh Bank may specify in this behalf that foreign exchange representing full export value of the goods has been or will be disposed of in a manner and within a period specified by the Bangladesh Bank.

Export
exempted
from
repatriation
of export
proceeds

2. The prohibition mentioned above does not apply to the export of:

(i) bonafide trade samples sent by registered exporter upto the value prescribed in the Export Policy in force;

(ii) personal effects, whether accompanied or unaccompanied, of travellers;

(iii) ships stores and transhipment cargo;

(iv) goods shipped under the order of the Government of Bangladesh or of such officers as may be appointed by the Government in this behalf or of the Military, Naval or Air Force authorities in Bangladesh for Military, Naval or Air Force requirements.

In the case of export by Post, a certificate signed by a Gazetted officer or by any person entitled to use service postage stamp should be pasted on the outer cover of the parcel to the above effect;

(v) gift packets where they are accompanied by a declaration by the sender that the contents of the packet are less than the value as prescribed in the Export Policy in force and that the despatch of the packet does not involve any transaction in foreign exchange; and

(vi) where the packet is covered by a certificate issued by the Bangladesh Bank to the effect that the export of the parcel does not involve any transaction in foreign exchange.

Exemptions as above will be allowed by the Customs Authorities after being satisfied that the relative exports qualify for such exemptions.

3. Foreign exchange regulations regarding exports cover all goods exported to all destinations regardless of whether they are subject to Export Trade Control Regulations. Similarly, nothing in the foreign exchange regulations relieves the exporters from the necessity of complying with the Export Trade Control Regulations prescribed by the Government, including the necessity of obtaining export licences in case of goods the export of which requires such licence.

Export
Trade
Control
Regulations

4. All exports to which the requirement of declaration applies, must be declared on the EXP Form (Appendix 5/19). These forms will be supplied by the ADs to their exporter clients.

Prescribed form
for declaring
exports

5. Payment for goods exported from Bangladesh should be received through an AD in freely convertible foreign currency or in Taka from a non-resident Taka Account. Receipts against exports under various barter and bilateral arrangements should be settled as per instructions issued by the Bangladesh Bank from time to time,

Method of
receiving
payments
against exports

6. The ADs should, before certifying any EXP form, ensure that the exporter is registered with the CCI&E under the Registration (Importers and Exporters) Order 1952. The registration number should be quoted on the relative EXP forms.

Registration
of
exporters

7. (a) Before lodging the EXP forms with the Customs/Postal Authorities, the exporter should get copies of the forms certified by an AD. After receipt of the EXP forms from the exporters for certification purposes, the ADs will see and ensure that each set of the forms is duly filled in. Thereafter, they will record full particulars of the forms in the Export Register to be maintained as per proforma at Appendix 5/20

Certification
of
EXP Forms
by ADs

and assign a number for each set of the EXP forms in the following manner, which is to be inserted in the space provided at the top of each form:

| Exp No. | AD's Code Number | | | | Register Serial | | | | Year | |
|---------|---------------------|--|--|--|--------------------|--|--|--|------|--|
| | | | | | | | | | | |
| | | | | | | | | | | |

The first four boxes of EXP number will bear the branch code prescribed by the Bangladesh Bank for each AD branch and the next 5 boxes are meant for mentioning the serial number of the Export Register (Appendix 5/20) of the branch and the last two boxes are meant for mentioning the last two digits of the year of registration. The ADs will also have to complete the forms themselves by mentioning all the required information /particulars /code number etc. in the forms at the appropriate places and certify the forms in the manner prescribed therein under seal and signature of the authorised official of the AD.

(b) In order to avoid any loss of foreign exchange to the country, ADs shall not certify any EXP form unless they have satisfied themselves with regard to the followings:

(i) arrangements made for realisation of export proceeds within the prescribed period;

(ii) arrangements have been made for receipt of title to goods like Bill of Lading, Airway Bill etc. by the AD on shipment of the underlying goods;

(iii) the EXP form is signed either by the exporter or one holding valid legal power of attorney from the exporter and the terms of the power of attorney are such that both the exporter and the attorney may be held responsible jointly and severally for repatriation of export proceeds;

(iv) Bonafides of the buyers/consignees abroad and their credentials etc. where necessary, ADs should make discreet enquiries in this regard through their correspondents abroad etc., greater care should be taken particularly in cases of shipments against contract alone and shipments on CAD/DA basis. Where ADs doubt the bonafides and standing of the buyers/consignees

abroad or where owing to common interest or otherwise they suspect collusion with the intent of delaying or avoiding repatriation of export proceeds ADs should report such cases promptly to Bangladesh Bank. Similarly, ADs should report to Bangladesh Bank cases where it comes to their knowledge that the exporters are directly or indirectly connected with or have any financial or other interest in the buyer/consignee abroad. Where felt necessary, discreet enquiry about the bonafides and credentials of the charter party should also be made in case the shipment is to be against a charter party Bill of Lading so as to avoid loss of cargo /foreign exchange.

(c) For delay in repatriation or non-realisation of export proceeds, the exporter as well as the AD and its officials certifying the export forms render themselves liable to punitive action under the FER Act. Therefore, in their own interest both exporters and the ADs should be alert and active in ensuring timely repatriation of export proceeds.

8. In exercise of the powers vested in the Bangladesh Bank under Section 20(3) of the FER Act, all carriers whether common or private (Railway, Shipping or Airline companies) and their agents are directed as under:

(i) That in respect of export of goods from Bangladesh (excepting export from Type A industrial units located in the EPZs) to foreign countries by land route or by sea, the Railway Receipts, Bills of Lading and any other documents of title to cargo should be drawn only to the order of an AD designated for this purpose by the respective exporters and delivered to the authorised representatives of the ADs concerned and to none else. However, in case of export of goods, full payment for which value has been received by the exporter in advance through the AD, the Bill of Lading and other documents may be endorsed by the AD in favour of foreign importers and the same may be sent directly to the importers abroad by the AD. There may be cases where goods shipped from Bangladesh to the neighboring countries by land route or even by cargo vessels reach the beneficiary earlier than the relative Bill of Lading, Truck receipts etc. This causes inconveniences and involves payment of demurrage at the port of destination due to delay in receipt of shipping documents. To overcome this problem, Shipping Companies may, at the request of the negotiating bank in Bangladesh, issue Telegraphic Delivery Orders on their agents in the relevant center directing them to deliver the goods to the order of the AD bank's correspondents in the buyers' country. A copy of the telegram /telex/swift message, duly authenticated by the Shipping Company /Agent, should be passed on to the relevant AD who would send his own tested cable /telex/swift instructions to his

Making out
and
delivery of
shipping
documents

overseas correspondent asking the latter to hand over the Delivery Order to the consignee and stating the amount to be realised from the consignee before the Delivery Order is released. The usual shipping documents namely, invoice, bill of lading etc. may be despatched to the correspondent bank as usual.

(ii) In respect of export of goods from Bangladesh (excepting exports from Type A industrial units located in the EPZs) to foreign countries by air, the Airway Bills and any other documents of title to cargo should be drawn to the order of a bank in the country of import nominated by the AD designated for this purpose by the respective exporters and delivered to the authorised representative of the AD. However, in case of export of goods, full payment for which has been received by the exporter in advance through the AD, the AD may allow the Carrier Company to draw the documents to its own (AD's) order and then endorse the documents including the Airway Bill in favour of the foreign importers. The same may be sent directly to the importers abroad by the AD. The above directions shall not apply to exports exempted from repatriation of export proceeds and listed in para 2 of this chapter. Exports of fresh fish, vegetables, fruits, poultry and other goods of perishable nature are also exempted from this direction. The documents of title to cargo like Bill of Lading, Airway Bill in respect of goods shipped from the fully foreign-owned enterprises (Type A industries) in the EPZs may also be drawn in favour of the consignee /LC opening bank.

(iii) In case of negotiation of export bills by using FCRs or HAWBs issued by the freight forwarders, the following additional conditions are to be fulfilled :

(a) the export letter of credit and the export sale contract specifically provide for negotiation of export bill against FCR/HAWB (as the case may be) issued by a freight forwarder;

(b) The freight forwarder issuing the FCR/HAWB is operating in Bangladesh with authorisation from the Bangladesh Bank under Section 18.A of the FER Act, 1947;

(c) ADs will be responsible for satisfying themselves about the arrangement for timely repatriation of proceeds of export bill negotiated against FCR/HAWB.

9. The ADs to whose order the relative Railway Receipts, Bills of Lading etc. are drawn shall endorse the same to the order of their foreign correspondents but in no case they shall make any blank endorsement or endorse it to the order of the consignee unless they have obtained specific or general approval of the Bangladesh Bank thereof. However, in the cases of export from Type A industrial units located in EPZs, Bill of Lading/Airway Bill /other documents of title to cargo drawn to the order of the AD may be blank endorsed or endorsed in favour of the consignees as per terms of the export LC /export contract.

Endorsement of shipping documents by the ADs

10. (i) The EXP Forms are in quadruplicate. In all cases the forms will be completed and signed by the exporter or his authorised agent.

Disposal of EXP forms

(ii) After completing the EXP forms the exporter should submit all copies to the AD for certification. After the forms are certified by the AD, these should be submitted to the Customs/Postal Authorities alongwith the shipping bill at the time of shipment. The Customs Authorities after filling in the portion relating to them and affixing therein their seal and signature will return the duplicate, triplicate and quadruplicate copies to the exporter/his authorised agent. The original copy will be forwarded by the Customs Authority to the respective office of the Bangladesh Bank.

(iii) The exporter must submit all the remaining copies of the EXP Form alongwith the invoices etc. to the AD through whom payment for the goods exported is to be received. An extra copy of the shipper's invoice must be attached to the duplicate & triplicate copy of the EXP form for submission to the Bangladesh Bank. In the event of payment being received through an AD other than the one who certified the EXP forms, the AD negotiating or collecting the export documents should convey the particulars of the EXP form to the AD that had originally certified the EXP form to enable the latter to make a suitable note in the relative export register.

Submission of export documents to ADs

All shipping documents covering goods exported from Bangladesh and declared on EXP form must be passed through the medium of an AD within 14 days from the date of shipment. The copies of the EXP Form and the shipping documents etc. should be submitted to the AD in time to enable it to submit the certified duplicate copy of the EXP Form to the Bangladesh Bank within 14 days from the date of shipment of the goods covered by the form.

Scrutiny of documents

(iv) On receipt of the EXP Form and the documents covering the exports the ADs should compare the signatures appearing on the bills of lading with the specimen signatures of the duly authorised officers of the Steamer Companies on record to ensure genuineness of the documents.

The AD should also compare the relative bill and/or documents with the relative form and satisfy itself that the declaration made on the form is correct and the method of finance stated thereon is a permitted one and that the amount for which the bill is drawn or the invoice is written is not less than the invoice value stated on the form. The invoice value should also be checked against the Taka value taken for Customs purposes as shown on the form, against Taka Value under the space for the shipping bill number. In no case the invoice value should be less than the value declared for Customs purposes. Special care should be exercised in the checking of the invoices with a view to detecting undervaluing of exports. Any suspicious circumstance should be reported to the Bangladesh Bank.

(v) If the difference between the value stated on the EXP form and the amount of the bill/invoice is small and accounted for by legitimate trade charges etc. the AD may accept the bill /documents for negotiation /collection. The details of such adjustments must be given on the relative form and must be authenticated by the AD under its stamp and signature.

(vi) After negotiation of the bill or acceptance of the documents for collection, the ADs should complete the certificates in this behalf in the space provided on the duplicate copy of the EXP Form to the effect that they have negotiated bills/received shipping documents for collection for the value stated on the form.

(vii) Where payment is received in foreign currency or by debit to non-resident Taka account of a bank branch or correspondent abroad the ADs shall certify on the reverse of the triplicate copy of the form retained with them and forward it to the Bangladesh Bank with the usual return. The quadruplicate copy will be retained by the AD for record.

Exports subject to receipt of advance payments or confirmed and irrevocable LC

(viii) In the case of commodities export of which is subject to receipt of advance payment or confirmed and irrevocable LC (such as raw jute), shipments will be allowed by the Customs only on the basis of the certificate of the AD on the EXP forms to the effect that either advance payment or confirmed and irrevocable LC has been received covering export of the goods mentioned on the EXP form.

11. (a) Commission, brokerage or other trade charges due to be paid to foreign importers or agents by exporters in Bangladesh relating to the particular shipment may be deducted from the relative bill amount or the amount of the sale proceeds or remitted from Bangladesh after the full proceeds have been realised only upto a maximum of 5% of the value of the goods. In exceptional cases or where it is customary in any particular trade to pay commission in excess of 5% by deduction from the invoice value of exports, the Bangladesh Bank may consider applications by exporters through their banks and may grant a standing authority to permit payment of commission in excess of 5% of the invoice value. Production of documentary evidence indicating the arrangement necessitating the payment of commission in this manner will be mandatory.

Deduction of commission, brokerage or other trade charges.

(b) In the case of export of books, journals and magazines published in Bangladesh, the exporters can allow without prior approval of the Bangladesh Bank discount upto 33.5% in all of the invoice value. For allowing discount in excess of the 33.5% of the invoice value, the exporters may approach the Bangladesh Bank for prior approval.

12. In EXP form, ADs shall use appropriate incoterms issued by the International Chamber of Commerce. ADs are allowed to use any of the terms as EXW, FCA, FOB, FAS, CFR, CIF, CPT, CIP and DAF provided those are stipulated in the relevant LCs or sales contracts. ADs are however, strongly advised to inform the exporters about the risk and responsibility involved in such cases. While certifying the EXP Forms, the ADs must show the FOB or its equivalent value and cost of freight, insurance and other charges separately on the EXP forms. The ADs, while certifying realisation of the export proceeds will in addition to the certificate in the appropriate column, also indicate on the reverse of the duplicate/triplicate form the FOB equivalent value, insurance and freight separately. For this purpose they may use a rubber stamp as appropriate.

Using appropriate incoterms

13. The period prescribed by the Bangladesh Bank within which full foreign exchange proceeds of exports must be received by exporters is four months (Vide Bangladesh Bank Notification No. FE 1/77-BB dated 16th April, 1977). If the receipt of the full proceeds of any shipment is delayed beyond this period without a special or general authorisation from the Bangladesh Bank, the exporter will be liable to action under the FER Act.

Prescribed period within which payment should be received

Export of raw
jute and jute
goods on
usance
basis

14. General authorisation has been accorded to ADs for allowing exports of raw jute and jute goods on upto 360 days usance basis against irrevocable LCs confirmed at buyer's cost from first class international banks abroad. This requirement of third bank confirmation may be waived if the AD is satisfied about the prospect of receiving payment in time, taking into account the country risk, the counterparty risk (the reputation and financial standing of the buyer) and the reputation and standing of the LC opening bank as ascertained from standard reference sources and/or foreign correspondents of the AD. The AD should also satisfy itself that the export price quoted is internationally competitive and that the usance interest loaded is at a rate commensurate with the prevailing interest rate in the concerned currency.

Reporting of
overdue cases

15. (a) Head Offices/ Principal Offices of the ADs will submit to the Foreign Exchange Operation Department, Bangladesh Bank, Head Office monthly statements showing the total figures of all export bills including partly unrealised relating to all their AD branches outstanding at the end of each month in the proforma prescribed (See Appendix 5/21) by the 10th of the month following the month to which it relates.

(b) Area/Principal Offices of the ADs are required to submit monthly statements of particulars of export bills outstanding beyond the prescribed period of realisation as at the end of each month to the concerned area offices of Bangladesh Bank in the prescribed proforma (See Appendix 5/22). The statement should be prepared as per instructions contained in the reverse of the proforma. The ADs should quote the reference number and date of the Bangladesh Bank's permission in the remarks column in case any extension of time for repatriation of export proceeds has been allowed by the Bangladesh Bank. The statement should be submitted within 10 days from the date of the relevant month closes. ADs should ensure timely submission of the statement and should also ensure inclusion of all overdue export cases in the statement without any omission.

Part drawings
and advance
remittances

16. (i) If it is customary in any particular trade for exporters to draw bills for only a percentage of the invoice value, the balance to be paid after arrival of goods at destination, the ADs may negotiate bills in the part amount provided they obtain an undertaking from the exporters that they will realise the balance within the prescribed period. The ADs should report such part receipts to the Bangladesh Bank on "EXP form Not Attached Voucher" (See Appendix 18 of Vol-2) on the appropriate schedule.

It is the responsibility of the ADs to follow up each such case and to ensure that the balance amount is also realised within the prescribed period. This exemption will not, however, apply in the case of shipments of those goods which are subject to either 100% advance remittance or to the opening of confirmed or irrevocable LC for the full amount of the export.

(ii) Where part of the invoice value has been received in advance by the shipper, the AD while negotiating /collecting documents for the balance, should certify on the duplicate of the EXP Form that part of the amount has been received by them in advance quoting reference to the return on which the receipt was reported on an "Advance Receipt Voucher" (See Appendix 17 of Vol-2).

Partial receipt
of advance
remittance

(iii) The triplicate copy of the EXP Form should be kept outstanding by the AD until the full value of the exports has been received.

17. Where a portion of a consignment is short shipped and the exporter consequently draws a bill or writes an invoice for a quantity less than that entered on the original copy of the relative EXP Form submitted to the Customs, he must make a declaration on the remaining copies of the form submitted to the bank negotiating the bills that the shipment was partially shut out specifying the quantity short shipped.

Short
shipments

In all cases of short shipments, the exporters should give notice of short shipment on the prescribed form in duplicate to the Customs who will forward a certified copy of the notice to the Bangladesh Bank. This notice should bear the number and date of the relative EXP Form in respect of which goods have been short shipped.

18. Where a shipment to be made by a particular vessel is entirely shut out and re-shipped by another vessel, the exporter should apply on the prescribed form in duplicate to the Customs for permission to alter the name of the vessel on the relative EXP form and the shipping bill, stating on the application the number and date of the relative EXP form to which the application relates. The Customs will forward a verified copy of the application to the Bangladesh Bank.

Shipments
shutout
entirely

Where a shipment is entirely shut out and is not being re-shipped immediately by any other vessel, the exporter should give notice accordingly in the prescribed form in duplicate. The Customs will forward a verified copy of the notice in respect of the shipment entirely shut out to the Bangladesh Bank in order that the relative EXP Form may be treated as cancelled.

Shipments lost
or damaged in
transit

19. If shipments from Bangladesh are lost in transit for which payment has not already been received either by a direct remittance or by negotiation of bills under an LC, the AD must see that an insurance claim is made as soon as the loss is known. The triplicate copy of the relative EXP Form should be returned to the Bangladesh Bank with a statement on the reverse thereof, under the stamp and signature of the AD that the shipment has been lost, together with the following particulars regarding the insurance covering the shipment:

(a) Amount of insurance (including currency in which drawn).

(b) Name of the Insurance Company.

(c) Place where the claim is payable. Where the claims are payable in a currency other than Taka, they should be realised through the AD who had certified the duplicate copy of the relative EXP Form and who, on satisfaction of the claim, should certify on the triplicate copy the particulars of the amount collected by itself and forward the copy to the Bangladesh Bank.

Receipts of
advance
remittances
against exports

20. Before paying out money against remittances received from abroad, whether against purchase of foreign currency or debit to a non-resident taka account of a foreign bank in case where purpose of the remittance is stated to be advance receipt for goods to be exported from Bangladesh, the AD should obtain a declaration from the beneficiary on the "Advance Receipt Voucher" certifying the purpose of the remittance.

Shipments on
FOB terms

21. In cases, where exporters arrange insurance cover and freight in Bangladesh but prepare invoices on FOB basis, the ADs should verify from the bills of lading that freight has not been prepaid in Bangladesh. All cases where freight or insurance has been paid in Bangladesh but export documents are on FOB basis should be reported to the Bangladesh Bank.

22. Sometimes exporters are required to submit evidences of export and realisation of export proceeds to various government agencies against direct and deemed exports. In such cases, ADs may issue Proceed Realisation Certificate (PRC) against direct and deemed export (as the case may be) after being confirmed about the realisation of such proceeds. ADs shall use separate proforma for issuance of direct export PRCs and deemed export PRCs.

Export proceed
realisation
certificate
against direct
and deemed
exports

ADs shall follow the instructions in case of issuance of PRCs as under:-

a) ADs shall use prescribed proforma in Appendix 5/23 to issue PRCs for proceeds realised against direct exports while prescribed proforma in Appendix 5/23(A) shall be used to issue PRCs for proceeds realised against deemed exports.

b) ADs shall issue original PRC for the requiring government authority as usual while another copy stamped/typed in bold 'Verification Copy' at the top of the prescribed proforma is to be issued for onward submission to the concerned Area Office of Bangladesh Bank.

c) In case of issuance of PRC against deemed exports, ADs are required to submit additional information such as beneficiary's name, bill reference, paying bank branch's name, realised amount, date of realisation etc. with the monthly Returns in support of the transactions to be reported as per Para 13(a), Chapter 2 of the GFET (Vol-2).

d) ADs shall submit monthly statement embodying a list of issued PRCs with corresponding reporting reference enclosing 'Verification Copy' of PRCs and copy of relevant schedules and additional information as mentioned in above para for post facto checking/verification to the Area Offices of Bangladesh Bank by 15th of the following month. A 'Verification Copy' has to be preserved by the ADs for eventual inspection by Bangladesh Bank inspection team and for verification by other government agencies.

e) Head Office/Principal Branch of the AD shall send updated list of its officials along with their specimen signatures, PA nos. and phone numbers who are authorised to sign PRCs to the Offices of the 'Bond Commissionarate' and 'Duty Exemption and Drawback Office (DEDO)' from time to time for verifying the genuineness of issued PRCs.

ADs are advised to exercise utmost caution in issuing PRCs to avoid any possible misuse. Any irregularity shall be treated as violation of Bangladesh Bank's instructions. ADs are also advised to extend their full co-operation to different government agencies regarding verification of any PRC, if approached. However, ADs shall start issuance of PRCs under the above arrangements for proceeds realised from 1st July, 2009 onwards.

Export of software and data entry/processing services

23. Foreign exchange earnings from export of computer software and data entry/data processing services through compact disk, floppy disk, V-Sat, Internet or other electronic/magnetic media shall be realised and reported to Bangladesh Bank by Authorised Dealer as per following guidelines:

Where export is undertaken in physical form

(a) As in the case of merchandise exports, EXP procedure as described in para 7 shall be followed where export is undertaken in physical form, that is, where computer software and data entry/data processing services are exported in compact disk, floppy disk, Tape etc.

Where export is undertaken in non-physical form

(b) EXP procedure will not be applicable for export undertaken in non-physical form such as V-Sat, Internet or other electronic media. Each sales contract for such export will clearly include the name & address of the foreign buyer, description of the software or data entry/processing services, quantitative description, realisable value and time for receiving the value. Executed export contract will have to be submitted to the Authorised Dealer. Authorised Dealer will maintain a register bearing the title "Register for export of software and data processing/entry through electronic media" to record the above information in each case as per form prescribed in Appendix 5/24. As per term of export contract, bill, invoices etc. against such export(s) will be sent through the AD to the foreign buyer for realisation of export proceeds and value will be received through the AD. Declaration in Form - 'C' shall have to be made for each receipt of export proceeds from such export including any advance receipt to that effect. The AD will record each receipt of export proceeds in the above mentioned register.

Time limit for repatriation of export earnings

(c) Unless specific approval is obtained from Bangladesh Bank, the entire export proceeds in case of both physical and non-physical export, must be repatriated within four months of export as usual. Particulars of overdue exports in physical form shall be reported as per Appendix 5/22 while Appendix 5/25 will be used if exports are undertaken in non-physical form.

SECTION - II

EXPORT FROM THE EXPORT PROCESSING ZONE

24. Export Processing Zones (EPZs) have been established by the Act namely, Bangladesh Export Processing Zone Authority Act, 1980. The following types of industrial units operate in the EPZs:

Principles &
procedures

- (a) Type A: 100 percent foreign owned including those owned by Bangladeshi nationals ordinarily resident abroad;
- (b) Type B: Joint venture projects between foreign and Bangladesh entrepreneurs resident in Bangladesh;
- (c) Type C: 100 percent Bangladeshi entrepreneurs resident in Bangladesh.

The broad guidelines relating to the operation of industrial enterprises in the EPZs are contained in the " Principles and Procedures governing setting up of industries in EPZ" issued by the Bangladesh Export Processing Zone Authority (BEPZA).

25. Exports from EPZs are subject to the usual requirement of declaration of exports in EXP Form and repatriation of export proceeds. For identification, EXP forms for these exports should be rubber stamped or over printed with words " "EXPORT FROM EPZ" in bold letters.

Repatriation of
export proceeds
from the EPZs

26. Procedures to release of foreign exchange to the enterprises against exports made from the EPZs are described in Chapter 13 (Section-V).

Disposal of
export
proceeds

27. Sales of Bangladeshi goods or raw materials to the enterprises in EPZ against payment in foreign currency shall be treated as exports from Bangladesh and normal foreign exchange regulations concerning declaration of exports on EXP Forms and repatriation of proceeds is applicable to these exports to the EPZ enterprises.

Sale of
Bangladeshi
goods to EPZ
enterprises

CHAPTER 9

SECTION -I

FOREIGN INVESTMENT IN BANGLADESH

- General
1. Foreign investors are free to make investment in Bangladesh in the industrial enterprises excepting a few reserved sectors. An industrial venture may be set up in collaboration with local investors or may even be wholly owned by the foreign investors. No permission of the Bangladesh Bank is needed to set up such ventures if the entrepreneurs use their own funds. However, to avail of the facilities and institutional support provided by the Government, entrepreneurs/sponsors may secure registration with the Board of Investment (BOI).
- Issue of shares in favour of non-residents
2. (A) Prior permission of the Bangladesh Bank is not required for issue of shares in favour of non-residents against foreign investment in Bangladesh; general permission is accorded in this behalf subject to the following conditions:
- (a) The industrial venture will have permission from the Registrar of the Joint Stock Companies and Firms(RJSCF)/The Securities and Exchange Commission (SEC) about its capital issue.
- (b) Shares may be issued either against freely convertible foreign exchange brought in from abroad through the banking channel or against import of capital machinery. Payment against such import must be made from abroad. However, foreign exchange thus brought in must be encashed in taka before issuance of shares. In the case of issuance of shares against capital machinery, the machinery have to be cleared from the Bangladesh Customs first.
- (c) Foreign Exchange Investment Department, Bangladesh Bank, Head Office must be informed through the concerned AD about the issue of shares to non-residents pursuant to (a) & (b) above, within 14 days of such issue, alongwith the following documents/papers:
- (i) attested copy of the permission for the capital issue accorded by the RJSCF/SEC;
- (ii) attested copy of the registration, if any, of the foreign investment in the industrial ventures accorded by the BOI;
- (iii) copy of encashment certificate of foreign exchange in Taka authenticated by the AD in case of issue of shares against foreign exchange received from abroad through the banking channel; and
- (iv) for issue of shares against foreign investment in the form of capital machinery, the authenticated copy of bill of entry evidencing clearance of the capital machinery from the Custom Authorities, copies of the related import permit, invoice, bill of lading/air way bill, etc.

(B) Transfer of Bangladeshi shares and securities from one shareholder to another irrespective of their nationality/residency would not require Bangladesh Bank approval. No intimation to Bangladesh Bank is required in case the transfer is effected between residents. However, for the transfer of shares of private/public limited companies not listed in the stock exchanges, from resident to non-resident, non-resident to resident and non-resident to non-resident, Foreign Exchange Investment Department, Bangladesh Bank, Head Office should be informed, through the concerned AD within 14 days, of such transfer along with the following documents:

Transfer of
Bangladeshi
shares/
securities

- a) copy of encashment certificate, authenticated by the concerned AD, of foreign exchange in Taka credited to the account of transferor in case of transfer of shares from resident to non-resident;
- b) attested copy of the permission for the transfer accorded by the RJSCF/SEC;
- c) attested copy of up-to-date Schedule-X.

(C) ADs may open Non-Resident Taka Account (NRTA) in the name of the proposed company/enterprise of foreign investors contemplating to invest in Bangladesh without prior approval of Bangladesh Bank. Such accounts may be credited with inward remittances received from abroad only. Upon registration/commencement of the business, a new account in the name of the company may be opened following usual procedure, However account opened previously should be closed immediately and balances lying therein shall be transferred to the new account. If, for any reason, the proposed investment/incorporation does not take place, the balance of the account, after meeting the required expenses, may be allowed to be repatriated without prior approval from Bangladesh Bank. However, ADs shall report opening and closure of such accounts to Foreign Exchange Investment Department and Foreign Exchange Operation Department of Bangladesh bank immediately along with attested copy of form 'C'/TM form (as the cases may be) with particulars of transactions.

Temporary
Non-Resident
Taka Account
for Foreign
Investors

3. Guidelines for effecting remittance of sales proceeds of non-residents' investment in Bangladesh are as under:

Remittance of
sales proceeds
of non-
residents'
investment
(direct/portfolio)
in Bangladesh

Shares of the public limited companies listed with stock exchange(s)

(A). Prior approval of Bangladesh Bank is not necessary for remitting the sales proceeds of securities held by non-residents. In such cases, repatriable amount must not exceed the market price of securities prevailing in the stock exchange on the date of sales.

Shares of the public limited companies not listed with stock exchange and private limited companies

(B). Prior approval of Bangladesh bank is required for repatriation of sales proceeds of non-residents equity investment in the: (1) public limited companies that are not listed with the stock exchange companies; and (2) private limited companies. There being no established market price for such investment, Bangladesh Bank, while determining the remittable amount, works out the net asset value of the shares on the basis of audited financial statements as on the date of sales and net asset value thus calculated above is considered repatriable. If net asset value so calculated exceeds the face value of the share of the company concerned, capital gain derived therefrom may also be repatriated. However, only the net asset value shall be considered as repatriable/or for re-investment in Bangladesh even if the declared sale value exceeds the net asset value. Prior permission of Bangladesh Bank is not required for sales/transfer of shares of public limited companies not listed with the stock exchange companies by one non-resident to another non-resident.

Portfolio investment by non-residents

4. Non-resident persons/institutions including non-resident Bangladesh nationals may buy Bangladeshi shares and securities in Bangladesh against freely convertible foreign currency remitted from abroad through the banking channel. Transactions relating to such investments including repatriation of dividend/interest earnings and sale proceeds shall be made through a Non-resident Investor's Taka Account (NITA) according to the procedure described in Para-24, Chapter-14.

5. For the purpose of investment through Stock Exchange or in new public issue by non-residents, securities will have the same meaning as defined in section 2(k) of the FER Act, 1947.

6. After the shares/securities have been purchased by the non-resident investor, the related certificates/scripts can be deposited/kept with any person/organisation nominated by the investor. The investor can as well take them outside the country, if he so desires.

SECTION - II

OPERATIONS IN SECURITIES

7. Section 2 of the FER Act defines "security" as shares, stocks, bonds, debentures, debenture stock and Government securities, deposit receipts in respect of securities and units or subunits of unit trusts. "Security" also includes coupons or warrants representing dividends or interest and life or endowment insurance policies. A "foreign security" is defined as a security issued elsewhere than in Bangladesh and any security the principal of or interest on which is payable in any foreign currency or elsewhere than in Bangladesh. Definition of security
8. There is no restriction under the FER Act on the import of securities into Bangladesh. No securities can however be exported or taken out of Bangladesh without general or special permission of the Bangladesh Bank. Residents in Bangladesh who are holders of foreign securities and who wish to send the securities to banks, brokers or agents abroad for the purpose of sale, transfer etc. should apply to the Bangladesh Bank through an AD for necessary export permit. Permission for transfer of such securities will be granted provided the AD gives an undertaking that the securities will be received back in Bangladesh within a specified period, or in the case of sale, the foreign currency proceeds of the sale will be repatriated to Bangladesh. Bangladesh Bank is also prepared to consider applications for the exchange of foreign shares and/or securities held by residents of Bangladesh with Bangladesh shares and/or securities held by residents abroad. Applications for this purpose should be made through an AD or Stock and Share Broker. Such applications would be considered favourably provided the Bangladeshi shares/securities desired to be imported from abroad are approximately of the same market value as foreign shares and/or securities that are desired to be exported. Imports and export of securities
9. In terms of clause (b) of sub-section (1) of Section 13 of the FER Act, transfer of any security or creation or transfer of any interest in a security to or in favour of a person resident outside Bangladesh is prohibited except with the general or special permission of the Bangladesh Bank. It should be noted that this prohibition applies to transfer of (i) all Bangladesh securities (i.e. securities expressed to be payable in Bangladesh currency or registered in Bangladesh) whether held by person resident in or outside Bangladesh, and Transfer of securities to non-residents

(ii) all foreign securities held by persons resident in Bangladesh.

However, in the case of securities registered in Bangladesh, Bangladesh Bank has accorded general permission for issuance and transfer of shares/securities in favour of non-residents against foreign investments in freely convertible foreign exchange or in the form of capital machinery (please see Para 2 of this chapter for details).

The prohibition imposed against transfer or creation of any interest in a security to or in favour of a non-resident in terms of clause (b) of sub-section 13 of the FER Act, precludes the pledging or hypothecating of securities to or in favour of non-residents e.g. as collateral or security for credit facilities abroad (please see Chapter 16, Section- I) or utilising them for forming trusts or settlements, of which a non-resident is the beneficiary.

Other provisions

10. (i) Clauses (c) and (d) of sub-section(1) of Section 13 of the FER Act prohibit, respectively, transfers of securities from registers in Bangladesh to registers outside Bangladesh and the issuing, whether in Bangladesh or elsewhere of securities which are registered or to be registered in Bangladesh, to persons resident outside Bangladesh except with the general or special permission of the Bangladesh Bank.

(ii) For the purpose of Section 13 of the Act, "a person resident outside Bangladesh" or a "non-resident" includes a foreign national for the time being resident in Bangladesh.

Holding /retention of foreign securities

11. Persons resident in Bangladesh who are or become owners of foreign securities are permitted to hold or retain such securities provided they have acquired them in a manner not involving a breach or violation of the foreign exchange regulations. Holders of foreign securities who wish to sell, transfer or otherwise dispose of or deal in securities must, however, ensure that the proposed transactions do not contravene the provisions of the FER Act and the orders issued by the Government of Bangladesh and/or the Bangladesh Bank thereunder and must obtain prior permission of the Bangladesh Bank wherever necessary.

Submission of Return by holders of foreign securities

12. Under the existing foreign exchange regulations all persons resident in Bangladesh who are or become the owners of any security in respect of which the principal, interest or dividend is/ are payable in the currency of any foreign country or in respect of which the owner has the option to acquire the payment of principal, interest or dividend in such currencies, are required to submit a return to the Bangladesh Bank within one month of their acquiring the securities giving certain particulars in respect of the said securities. The specimen of the return in which these particulars are required to be furnished in duplicate is given in Appendix 5/26. Citizens of Bangladesh having dual nationality/persons usually residing outside Bangladesh/foreign nationals for the time being residing in Bangladesh are not required to submit the said return.

C H A P T E R 1 0
COMMERCIAL REMITTANCES
(OTHER THAN FOR IMPORTS)

1. (i) Applications for remittances: Applications for remittances of freight and passage collections by branches or agents of foreign airlines and shipping companies should be made to the ADs on Form TM accompanied by a declaration in Form FP (See Appendix 5/27) along with the following:

Freight and
passage
collections

- (a) Import/export freight manifest.
- (b) Encashment certificate in support of inward remittances received from head office/principal abroad.
- (c) Authenticated copy of the charter party in case of vessel chartered by the principal of the shipping agent in Bangladesh.

The statements mentioned in paras (v) and (vi) below should also accompany the applications.

(ii) Remittance of freight and passage: Remittances of freights and passages collected in Bangladesh may be sent to owners abroad after adjustment of the amount spent for local disbursement and taxes payable. Remittance of passage collections or use thereof for local disbursements are permissible only after the relative journeys have actually been undertaken; collections should not therefore be included in the remittance application or used for local disbursement unless the journeys are undertaken.

(iii) Submission of periodical statement : All foreign airlines & shipping companies are required to submit periodical statements of their disbursement and collection in the prescribed form regardless of whether there is a remittable surplus. The statement is required even from those airlines and shipping companies who bring in funds from abroad to meet their operating expenses in Bangladesh, the amounts brought in from head office/principal abroad should be reported in the FP statement.

(iv) Shipping Companies/Agents are required to charge minimum agency commission for handling vessels at Bangladesh ports at the following rates:

- a) Export Cargo-5% of net freight collections for cargoes booked by the agent directly and 2.50% against those booked by the principal.
- b) Import Cargo-2% of net freight collections.

Agency
commission
for handling
vessels

c) (1) Import Cargoes in tramp/chartered vessel per port per call:

(a) Import cargoes (dry) including bulk/
homogeneous-mixed in tramp/chartered
vessel upto DWAT (Dead Weight All Told):

(i) Upto 10,000 tons
...US\$ 1,000
(ii) above 10,000 tons but
not exceeding 20,000 tons
...US\$ 2,000
(iii) above 20,000 tons
...US\$ 2,500

(b) Tanker/liquid cargo upto DWAT
(Dead Weight All Told):

(i) Up to 10,000
tons...US\$ 1,000
(ii) above 10,000 tons but
not exceeding 20,000
tons...US\$ 1,500
(iii) above 20,000 tons
...US\$ 2,000

(2) Minimum agency commission for tramp/chartered vessels in ballast
calling at Bangladesh ports for bunkering, victualling including landing
of sick crew etc. per call per port US\$ 750

(3) Owner's protecting/husbanding /supervising agent's minimum fees
for tramp/ chartered vessel per call per port.... US\$ 750

Submission of
statement by
foreign
airlines

(v) Foreign airlines are required to submit the following statements on monthly basis:

- (a) Statement of freight/passage collection and disbursement in Bangladesh (See Appendix 5/28).
- (b) Statement of passages sold/tickets issued by the Airlines (See Appendix 5/29).
- (c) Disbursement statement (See Appendix 5/30) supported by cancellation/refund statement (See Appendix 5/31).
- (d) Details of credit bookings of passage and freight realised in cash during the month (See Appendix 5/32).
- (e) Statement of outstanding passage/freight bookings on credit (See Appendix 5/33).

Submission of
statements by
shipping
companies/
agents

(vi) Shipping companies/agents operating in Bangladesh are required to submit the following statements on quarterly basis:-

- (a) Statement of freight/passage collections in respect of foreign vessels and disbursements in Bangladesh in Form Shipping I (See Appendix 5/34).
- (b) Details of credit bookings of passage and freight realised in cash during the quarter in Form Shipping II (See Appendix 5/35).
- (c) Details of outstanding passage and freight booking on credit in Form Shipping III (See Appendix 5/36).

(d) Breakdown of disbursements in Form Shipping IV (See Appendix 5/37) supported by statement of cancellations or refunds of freight/passages in Form Shipping V (See Appendix 5/38).

(e) Statement of passages sold/tickets issued by the Shipping company (See Appendix 5/39).

The returns should be supported by export/import freight manifest and bill of lading. The breakdown of disbursement must also be supported by third party bills/receipts where the amount involved in any particular item of expenditure is Taka 2500 or over. The returns should be submitted within 60 days following the quarter to which the returns relate.

(vii) Collection of freight for transportation of excess baggage : Shipping/Airline Companies or Travel Agents may collect freight in Taka for transportation of excess accompanied as well as unaccompanied baggage including motor car of Bangladesh nationals from destination abroad to Bangladesh without prior permission of the Bangladesh Bank.

(viii) Accepting freight in Taka by shipping companies/airlines : Shipping Companies/Airlines while accepting freight in Bangladesh Taka on exports and imports should be guided by the following instructions:

(a) Freight on Exports: Freight on exports from Bangladesh in local currency shall be accepted only when a certificate from the exporter's bank is produced to the Shipping Companies/Airlines in the following form:

"Certified that EXP Form in respect of shipment to be made by M/s.....(name of the exporter) has been stamped to the effect that the documents in respect of the shipment under this EXP form shall be negotiated/accepted only when these are drawn on CFR/CIF/CPT/CIP basis and not on FOB/FCA/FAS/EXW/DAS basis.

Before issuing the above certificate, the ADs will invariably endorse the relative EXP form in the following manner:

"Certified that documents in respect of the shipment under this EXP form shall be negotiated/accepted only when these are drawn on CFR/CIF/CPT/CIP basis and not on FOB/FCA/FAS/EXW/DAS basis.

While submitting the applications for remittances to the AD, the Shipping Companies will invariably submit therewith the aforesaid bank's certificate alongwith a copy of the relevant bill of lading duly arranged according to the entries appearing on the freight manifest. In case of Airlines, Airway bill is to be submitted together with the certificate of the AD as mentioned above.

(b) Freight on Imports: Freight on imports on FOB basis against LCAFs issued on CFR/CPT/CIF basis only shall be accepted in Bangladesh in the local currency by the shipping companies provided a certificate from the AD as mentioned in this paragraph is produced by the importer to the shipping company concerned. The AD should ensure that in the case of imports on FOB basis against LCAF issued on CFR/CPT/CIF basis, a reasonable margin within the overall limit of the LCAF is reserved to cover the amount of freight so that the overall total does not exceed the amount of the LCAF. With a view to ensuring compliance with the above requirement, the AD should endorse on the LCAF the amount of freight payable in Bangladesh Currency as stated in the bill of lading/airway bill and to issue a certificate in the form prescribed below for presentation to the shipping company/airline in Bangladesh at the time of payment of freight in Bangladesh currency. Shipping companies/airlines are advised that while accepting payment of freight in Bangladesh currency on such imports they should invariably insist on production of the certificate from the ADs on the following form, which should be enclosed with the freight manifest/return at the time of applying for remittance of surplus freight collections:

"Certified that the amount of freight payable in Bangladesh Taka viz. Takaas indicated on the bill of lading no./airway bill no.....datedin respect of..... imported by Messrs..... from..... per mv/ss.....has been duly endorsed on the exchange monitoring copy of the relative LCAF No. datedunder stamp and signature".

2. Remittance of surplus earnings of foreign airlines, shipping companies and courier services companies

Apart from the periodical statements referred to in the foregoing paragraph, applications for remittance of surplus earnings of foreign airlines and shipping companies (in TM form, with declaration as per Appendix 5/5) submitted to the ADs should be accompanied by the following documents:

(A) Airlines

- (i) Dummy P Form duly filled in as per Appendix 5/40.
- (ii) P-2 Form (where applicable) filled in as per Appendix 5/41.
- (iii) Encashment Certificate as per Appendix 5/42, certificate of debit to convertible Taka account as per Appendix 5/43 and certificate of debit to shipping agent's/company's account as per Appendix 5/44 as applicable.
- (iv) Airway Bill in the case of excess baggage, export cargo etc. If freight against export from Bangladesh is accepted in local currency, certificate from Exporter's Bank as per para I(viii) (a) above;
- (v) In the case of payment of freight on import against LCAF, certificate from the concerned ADs as per para 1 (viii)(b) above;

(vi) In the case of issue of tickets against convertible Taka Accounts, letter of authorisation from the concerned account-holder as per para 11 (vi)(b) of Chapter 12 of this publication.

Each form/supporting document will be submitted by the airline/ its GSA to the AD in duplicate.

Examination and Processing by Authorised Dealers

From the above mentioned documents the ADs shall satisfy themselves that the concerned airlines have collected passenger fare/ cargo freight as per routes and fares approved by the Civil Aviation Authority of Bangladesh (CAAB). Moreover, the ADs have to satisfy themselves that the provisions of this chapter and chapter 12 (Travel) relating to issuance of tickets and collection of freight have been duly complied with. All statements/returns/documents submitted to the Bangladesh Bank must show the following at actual :

- (a) fare realised from passengers
- (b) freight against cargo
- (c) number of passengers
- (d) number of cargo challans
- (e) expenses incurred under different heads

This is to mention here that only actual fare realised from passengers and actual freight realised against cargo shall be considered to determine remittable surplus to abroad in compliance with instructions stated in para 1(ii) of this chapter. It would be necessary for the ADs to obtain confirmation in writing from the certificate issuing ADs as to the genuineness of the encashment certificates submitted by the airlines.

To ascertain the expenses of the airlines, the ADs shall examine the statements submitted by the airlines in terms of para 1 (v) of this Chapter [Appendices 5/28-33]. Bills/vouchers issued by the relevant authorities submitted by the airlines in support of the expenses shown in Appendix 5/30 should be examined and written explanation should be obtained in case of major omissions (e.g. landing charge in case of on line carrier) in the statement. If the explanation is not found satisfactory, the matter should be brought to the notice of the Bangladesh Bank immediately.

While determining surplus earnings, the concerned ADs shall satisfy themselves that the agency commission, overriding commission (in the case of issue of tickets and collection of freight by the GSA) as per IATA rules, and taxes at the applicable rate have been deducted. Taxes may not be deducted to the extent exempted by Bilateral Treaties providing for tax exemption or where bank guarantees are furnished as per approval of the tax authorities. Airlines may pay taxes out of funds earlier earmarked for tax on the basis of assessment made by the tax authorities or from their current income. In the latter case, the taxes paid should be shown as an item of expenditure in the disbursement statement of the month in which the taxes have been paid. If expenditure in any month exceeds income, the deficit must be covered by inward remittance.

After determining the surplus earning as per relevant provisions of this chapter and chapter 12, the AD will approve TM Form and remit surplus earnings to the head office of the applicant airline. Thereafter, within fifteen days of the following month of effecting remittance, the ADs shall submit to the Bangladesh Bank one set of all the relevant papers including copies of each form/document and approved TM Form for post facto examination.

(B) Shipping Companies

(i) Encashment certificate in support of remittance from abroad by head office/principal;

(ii) Import/export freight manifests and bills of lading mentioned in the manifests;

(iii) In the case of arrival in Bangladesh ports of vessel chartered by the foreign principal of Bangladeshi shipping agent, attested copy of the relevant charter party;

(iv) In the case of export cargo, statement regarding tax liability in prescribed form (Appendix 5/45) duly signed by the taxation and customs authorities. The shipping company/its agent shall prepare this statement in quadruplicate and submit it to the tax authorities. The concerned Deputy Commissioner of Taxes will put his signature and seal on those and return three copies to the concerned shipping company or his agent. The shipping company/agent will submit those 3 (three) copies to the concerned office of the customs authorities who will put there signatures and seal alongwith name and full address on those and return two copies to the shipping company/agent who will submit these to the AD. The authorised officer of the AD will put his signature and seal mentioning name and address on both copies, retain one copy and return the other to the shipping company/agent;

(v) Forms as per para 1 (vi) above and declarations as per para 1 (viii)(a) and para 1 (viii)(b) above;

(vi) Bill/voucher in support of expenses shown in Form Shipping IV (App. 5/37) for all expenses of Tk. 2500/00 or more per item.

Each form, statement and supporting bills/vouchers shall be submitted to the AD in duplicate.

Examination and Processing by Authorised Dealer:

In determining total income, freight received against export on CFR/CIF/CPT/CIP basis, freight received against import on FOB basis and fund received by way of inward remittance from head office/principal of local shipping agent are to be added. The surplus earning is to be determined by deducting expenses shown in Form Shipping IV from the total income. Expenses relating to port charges and custom charges as per disbursement statement (Form Shipping IV) are to be checked with the bills issued by the concerned port authority. The ADs shall satisfy themselves that freight brokerages have been reflected in Form Shipping IV.

In the case of export of non-jute and non-traditional goods (including export of jute yarn and jute carpet by private sector jute mills and jute carpet manufacturers) 0.50% of total income is payable to Bangladesh Shippers' Council as freight brokerage on account of service charge. This freight brokerage is also required to be shown in the disbursement statement as an expense. The AD shall also ensure that agency fees and commission as per para 1 (iv) above have been shown at serial no 8 of the Disbursement Statement. Taxes shown in Disbursement Statement should be checked with particulars furnished for determination of tax liability as per Appendix 5/45. Since income tax on account of Feeder Freight is not shown in the Appendix referred to above, remittance of surplus earnings may be allowed only on receipt of supporting document to the effect that income tax has been paid on this account. Any advance payment made to the Master of the ship, payment towards bunker supply, expenses incurred in connection with hotel bill or charter hire should also be shown separately in the Disbursement Statement. For each item of expense amounting to Tk. 2500/00 and above, the relevant bills should be checked. In each case of remittance of surplus earnings, the ADs should obtain a certificate from the Shipping Company/Agent that all the expenses have been shown in the disbursement statement, and that omission of any expense from the said statement shall render the applicant liable for action against violation of Foreign Exchange Regulations. The AD shall approve the TM Form for the amount of surplus earnings found in order and after effecting remittance forward one full set of the papers alongwith approved TM Form to the concerned area office of the Bangladesh Bank within 15 days of the following month of such remittance for post facto examination.

(C) Courier Services

A foreign courier service company/its agent shall submit to the AD monthly statements for the purpose of remittance of surplus earnings to Head Office/Principal abroad. The monthly statement, certified by a registered chartered accountant and its supporting documents should contain information relating to each collection in Bangladesh against outward despatches; volume/weight of the documents/parcels despatched, mode of despatch, office abroad (with name of city and country) through which documents/parcels have been delivered, amount of commission and the amount payable to the principal on account of charges. The surplus earnings shall be determined by deducting from gross collections (i) the local agent's commission for handling inward and outward documents/parcels (ii) taxes payable on gross collections as applicable and (iii) audit fees and other expenses. Remittance applications should also be accompanied by invoices raised by head office/principal abroad for the claimed amount. The ADs shall satisfy themselves that the terms and conditions of the

relative sanction letter issued by Bangladesh Bank to the applicant company/agent have been duly fulfilled. As in the case of remittance of surplus earnings of airlines and shipping companies, the application and all other papers shall be submitted to the AD in duplicate. After recoding approval in TM Form and effecting remittance, the AD shall forward one full set of all papers including copy of approved TM Form to the concerned area office of the Bangladesh Bank for post-facto examination within 15 days of the following month of effecting remittance.

3. Permission under 18A/18B of the FER Act, 1947

Before taking up for processing a remittance application, the AD shall check whether the concerned airline, shipping company, courier service company/their local agents have valid approval (with up to date renewal) of Bangladesh Bank under Section 18A/18B of the FER Act.

4. Undertakings for adjustment/repatriation of excess amount

In all cases of remittances of surplus earnings, undertakings shall be obtained from the applicants to the effect that in the event of detection, on post facto scrutiny, of any excess remittance, the excess amount will be repatriated/adjusted from subsequent remittable amount.

5. Submission of monthly return to Bangladesh Bank

All the above mentioned remittances shall be reported in the usual monthly returns submitted by the ADs to the Bangladesh Bank.

Operating expenses of Bangladesh Shipping Corporation and Bangladesh Biman

Submission of statement by Bangladesh Shipping Corporation

6. (i) Bangladesh Shipping Corporation and Bangladesh Biman are allowed to make remittances to meet bonafide disbursements in foreign ports/foreign stations without prior approval of the Bangladesh Bank.

(ii) Bangladesh Shipping Corporation is required to submit the following periodical statements/returns in regard to their foreign operations:

(a) Consolidated quarterly statement showing income and expenditure in respect of foreign shipping agents as per Appendix 5/46.

(b) Consolidated quarterly statement showing income and expenditure in foreign exchange by foreign agents as per Appendix 5/47.

(c) Consolidated quarterly statement showing balances held abroad with banks, main agents and other credit agencies as per Appendix 5/48.

(d) A copy of the monthly report of cash foreign exchange earnings and expenditure submitted to Ministry of Finance.

Returns as at (a) to (c) above should reach Bangladesh Bank, Head Office, Dhaka within two months following the quarter to which returns relate and returns at (d) above by 20th of the following month.

(iii) Bangladesh Biman is required to submit a consolidated monthly statement of foreign exchange earnings and expenditure as per Appendix 5/49.

Submission of statement by Bangladesh Biman

7. All private shipping companies in Bangladesh are required to submit the following quarterly statements/returns :

Statements/ returns to be submitted by private shipping companies

(a) Statement of earnings and expenditure in Bangladesh in respect of vessels owned by private shipping companies as per Appendix 5/50.

(b) Statement showing earnings and expenditure of foreign agents of Bangladeshi shipping companies as per Appendix 5/51.

(c) Consolidated statement of earnings, disbursements and net amount repatriated to Bangladesh as per Appendix 5/52.

(d) Statement showing debits and credits to foreign currency account maintained by shipping companies with banks abroad as per Appendix 5/53.

The statements should reach Foreign Exchange Operation Department, Bangladesh Bank, Head Office, Dhaka within two months following the quarter to which those relate.

Charter of foreign aircraft

8. Persons or firms holding permission of the appropriate ministry of the Government to charter non-resident-owned aircraft may apply for remittance approval of Bangladesh Bank in TM form alongwith the permission letter of the Govt. The application should be accompanied by a copy of the charter agreement together with an undertaking that a detailed account of all disbursements made for the account of the owners will be submitted to the Bangladesh Bank within 15 days of the expiry of the period of the agreement.

If the application is approved, a permit will be issued to cover any advance payments required under the terms of the Charter but the remittance of the total amount agreed upon will not normally be sanctioned until the final accounting of disbursements etc. is made available to the Bangladesh Bank.

Charter of
foreign ships

9. Persons or firms resident in Bangladesh intending to remit foreign exchange in favour of non-resident owners of ships on account of charter hire shall apply to the ADs.

The documents to be furnished alongwith the application are :

- (i) TM Form duly filled in;
- (ii) Permission from the Ministry of Shipping/Directorate General of Ports and Shipping for charter of the concerned non-resident owned ship;
- (iii) Waiver certificate from the D.G., Ports & Shipping;
- (iv) Contract (Charter party/Agreement) between the ship owner and the charterer;
- (v) Contract between the exporter and the charterer (where the exporter is not the charterer himself);
- (vi) Freight prepaid bill of lading;
- (vii) Bank certificate in support of CPT/CFR/CIF/CIP export as per proforma prescribed vide para 1 (viii)(a) above;
- (viii) Freight/cargo manifest issued by the Shipping Agent;
- (ix) Mate's receipt issued by the Captain/Master of the concerned ship; and
- (x) Bangladesh Bank's permission to the Shipping Agent to handle the concerned Non-resident owned ship at Bangladesh ports as per provisions of section 18A of the FER Act, 1947.

If the above documents are found in order, the total quantity of goods shipped shall be determined from the concerned bills of lading, cargo/freight manifest and Mate's receipt. Thereafter, the total freight shall be determined by applying the rate of freight mentioned in the charter party (agreement concluded between the ship-owner and the charterer) to the aforesaid quantity of goods. To be certain that the goods shipped have been exported on CFR/CPT/CIF/CIP basis, it would be necessary to examine certificates issued by the concerned banks. Net charter freight is required to be determined by deducting freight tax at prescribed rate, freight brokerage, port dues etc. and other local expenses relating to the chartered ship from the total freight. In the event of remittance of foreign exchange by the concerned non-resident ship owner for the purpose of said local expenses, net remittable charter freight shall be determined by adjustment of the amount so remitted from abroad. After determination of net charter hire on the basis of the above procedure, the AD shall approve the TM form and effect remittance to the non-resident owner. Before allowing remittance of charter hire, the AD shall obtain from the charterer an undertaking that the charterer shall submit to the AD the final Income-Expenditure Statement alongwith required documentary evidences within one month from the date of remittance of charter hire.

Further, an undertaking is to be obtained from the charterer to the effect that if on subsequent scrutiny the remittance is seen to be in excess of amount actually payable, the excess amount will be repatriated through normal banking channel.

10. In case the charterer is a private Bangladeshi shipping company, the AD, before effecting remittance, shall satisfy itself that the concerned shipping company has no surplus earnings abroad or the surplus earnings kept abroad is not sufficient to meet the concerned charter hire.

11. The charterer shall submit to the concerned AD a final Income-Expenditure Statement relating to the charter alongwith documentary evidences within one month from the date of approval of the remittance. Each of the above documents/statements and related papers shall be obtained in duplicate and one set of the same alongwith approved TM Form shall be sent by the AD to the relevant area office of the Bangladesh Bank, for post-facto examination.

Income-Expenditure statement of the chartered foreign ship company

12. To effect payment of freight charges to foreign ship-owners for ships chartered by the importers in Bangladesh, ADs shall have to observe the following conditions to remit such charges :

Import through chartered ship : payment of freight charges to ship-owner abroad

- (a) the relevant Bill of Entry has been submitted as proof that the goods have been arrived in the country;
- (b) the ADs should satisfy themselves that the unit value of the imported goods including freight is competitive with the value of such goods imported on CFR basis in the respective period;
- (c) Import Policy Order in force has been meticulously complied with ;
- (d) authorisation from the Directorate of Shipping has been obtained (if general waiver has not been accorded) ;
- (e) TM Form is duly filled in.

Remittances against export claims

13. The ADs may remit export claims not exceeding 10% of the repatriated export proceeds on the following counts:

- (a) Short weight claim;
- (b) Quality claim;
- (c) Part shipment.

In these cases the exporters will be required to apply to the AD in the form given in Appendix 5/54. The TM Forms in these cases shall be approved by the concerned ADs. Genuineness of the claim should in these cases be established by examination of the following documents:

(a) Short-weight Claim

- (1) Proceeds Realisation Certificate (PRC);
- (2) Debit Note from the buyer;
- (3) Weighment Certificate/Note from a recognised weighing body;
- (4) LMD Certificate (for shipping weight basis shipment) in the case of raw jute.

(b) Quality Claim

- (1) Proceeds Realisation Certificate (PRC);
- (2) Debit Note from the buyer;
- (3) Test Report from a recognised test house or an Arbitration Certificate from an approved body of arbitrators.

(c) Part Shipment

- (1) Proceeds Realisation Certificate (PRC);
- (2) Debit Note from the buyer;
- (3) Contract in original;
- (4) Arbitration award from a recognised arbitrator as referred to in the contract.

14. In the following cases the ADs may effect remittances in settlement of commercial claims in respect of exports without prior approval of the Bangladesh Bank:

(i) Claims on export of jute goods by mills controlled by the Bangladesh Jute Mills Corporation (BJMC) provided:

- (a) The remittance application of the mill concerned is supported by a genuineness certificate about the claims issued by the BJMC.
- (b) The proceeds realisation certificate is submitted alongwith the application.

(ii) While receiving application from the exporter for approval of remittance on account of quality claim against export of raw jute and jute goods, No Objection Certificate/recommendation issued by the Directorate of Inspection of Jute and Jute goods should be asked for alongwith other prescribed documents. No remittance application against quality claim on export of raw jute and jute goods should be considered without this No Objection Certificate/recommendation.

15. The ADs will submit to the Bangladesh Bank all the documents under various types of export claims as mentioned in paras 13 & 14 above for post facto examination, within 15 days from the date of remittance.

16. Applications (Appendix 5/54) from exporters for export claim remittance of more than 10% of repatriated export proceeds, supported by documents mentioned in para 13 above, should be forwarded to the Bangladesh Bank alongwith TM Form for prior approval. Such applications for remittance against other types of claim settlements on exports should also be forwarded similarly to Bangladesh Bank for prior approval, duly supported by the relevant documents as listed below:

(i) Amicable Settlement:

- (a) Proceeds Realisation Certificate.
- (b) Debit Note from the buyer.
- (c) Certificate from the Chamber of Commerce in the country of import.
- (d) Correspondence in original exchanged between the shipper and the buyer. Original cables should be produced if cable charges are included in the Debit Note.

(ii) Commission:

- (a) Proceeds Realisation Certificate.
- (b) Debit Note.
- (c) Agreement regarding the payment of commission.

(iii) Cancellation of the Contract:

- (a) Debit Note.
- (b) Contract.
- (c) Correspondence in original passed between buyer and shipper.
- (d) Arbitration Certificate, or Chamber of Commerce's Certificate for claims settled amicably.

(iv) Freight against Exports:

- (a) Proceeds Realisation Certificate.
- (b) Debit Note.
- (c) Contract.
- (d) Bill of Lading.

(v) Inspection Fee, Arbitration Fee, Survey and Analysis Fee etc. :

- (a) Proceeds Realisation Certificate.
- (b) Debit Note from the institution claiming fees.
- (c) Report from the above institution in support of the claim.

(vi) Miscellaneous Claims like Refund of Export Duty:

- (a) Proceeds Realisation Certificate.
- (b) Debit Note.
- (c) Contract.
- (d) Correspondence.

17. In addition to the export claims mentioned above, remittance on account of the undermentioned claims in respect of raw jute are also allowed subject to fulfillment of documentation prescribed for each type of claims.

(i) Invoice back and Resale:

(Remittance is allowed after resale of the goods is completed. Resale price is adjusted from invoiced back claim).

- (a) Original arbitration award (including appeal award, if any).
- (b) Documentary evidence to show that:
 - (i) Shipper had advised the Bangladesh Bank about buyer's exercising the option of invoicing back the parcel.
 - (ii) Prior permission from the Bangladesh Bank was obtained for resale of the invoiced back goods.
- (c) Receipts, bills, vouchers etc. in support of miscellaneous charges included in the claim.
- (d) Account sale or resale note.
- (e) Resale Contract.

(For resale, maximum commission is 1% and no commission is allowed if the goods are resold to the same party who has invoiced back the parcel).

(ii) Default:

- (a) Original Contract.
- (b) Correspondence in original exchanged between the shipper and the buyer regarding non-shipment.
- (c) Original arbitration award or amicable settlement certificate.
- (d) Documentary evidence in support of market difference of claims.
- (e) Shipper's explanation for non-fulfillment of the contract.

(iii) Moisture Claim:

- (a) Proceeds Realisation Certificate.
- (b) Debit Note.
- (c) Original Contract.
- (d) Original Arbitration Award or Test Report or Analysis Report.

(iv) Late Shipment Penalty:

- (a) Original Contract.
- (b) Copy of Bill of Lading.
- (c) Shipper's explanation showing reasons for late shipment.
- (d) BJA's letter declining to issue Unavoidable Delay Certificate.

(v) Difference for payment received at sight instead of after sight (Usance) basis:

- (a) Original Contract.
- (b) Correspondence showing at whose instance the payment was made at sight.
- (c) Banker's confirmation that the proceeds were realised at sight showing the date of realisation and particulars of returns in which the transaction was reported.
- (d) The basis on which the difference is claimed and evidence in support thereof.

(vi) Freight rebate (or difference in rebate):

- (a) Original Contract.
- (b) Copy of Bill of Lading.
- (c) Shipping company's certificate of payment (if freight paid abroad and rebate paid in Bangladesh).

(vii) Refund against overpricing:

- (a) Original Contract.
- (b) Correspondence exchanged between buyer and seller in this regard.

18. All cases of discounts claimed by the importers on account of discrepancies in documents, short shipment, late shipment, conservative arrest, quality issue etc. in respect of shipment of readymade garments should be submitted (as per prescribed format shown in Appendix 5/55) to the Discount Committee through Foreign Exchange Operation Department for recommendation/decision. However, before referring such case to the Committee, AD must be satisfied about the genuineness and merit of the case.

Discount claims
for shipment of
Readymade
Garments

19. For any other type of export claims not covered above, the exporter's application should be forwarded by the AD to Bangladesh Bank with full information and supporting documents.

20. ADs should furnish monthly statements of export claim remittances (as per Appendix- 5/56), mentioning remittances allowed by themselves during a month under general authority given to them as well as those allowed with prior Bangladesh Bank approval, by the 7th day of the following month.

Claim
settlement
under marine
insurance
policies

21. For remittances on account of settlement of claims arising under Marine Insurance Policies, the ADs are required to submit the following documents to the Bangladesh Bank with Form TM duly filled in alongwith a declaration as per Appendix 5/57 for approval:

Marine Policies:

- (i) Shippers' invoices relating to shipment against which claim is made.
- (ii) Proceeds Realisation Certificate.
- (iii) Bill of Lading.
- (iv) Claim Note.
- (v) Original Insurance Policy/ Certificate.
- (vi) Survey Report.
- (vii) Short Contents Certificate from the Customs Authorities of the country of import in case claim is made for short delivery of goods.

General
Average
Payment

22. There is a General Average Act when an extraordinary sacrifice or expenditure is intentionally and reasonably made or incurred for the common safety for the purpose of preserving from peril the property involved in a common maritime adventure. To protect a ship and a major portion of its cargo from peril, the captain may declare General Average. To determine losses arising from General Average Act the captain then appoints an Adjuster. The General Average Adjuster sends report to the concerned parties stating therein the amount of loss, the share of each in the loss and the destination to which the share is to be remitted. In this context the insurance companies may apply to the AD for remittance abroad of the amount representing the shares of consignees insured by them, with the following document :

- (i) Final Report of the General Average Adjuster
- (ii) Marine Cargo Policy
- (iii) Copy of Letter of Credit (LC)/contract
- (iv) Bill of Lading
- (v) Invoice
- (vi) Average guarantee
- (vii) TM Form and declaration as per Appendix 5/57
- (viii) Declaration from Shadaharan Bima Corporation alongwith the list showing names of the insurance companies concerned with the General Average.

Before allowing remittance the ADs shall satisfy themselves that the names of the company mentioned in the Marine Policy, of the ship, of the consignor and the consignee, the quantity of goods and price mentioned in the invoice, bill of lading no. and the quantity of goods mentioned therein, the quantity of goods and value mentioned in the LCs/contract the quantity of goods and value mentioned in the Average Guarantee etc. are consistent with the details contained in the General Average Adjuster's report. If all the documents and papers are found in order, the ADs may approve TM Form and effect remittance on account of the General Average contribution applied for. All the papers and documents are to be preserved for eventual post facto checking by inspection team of the Bangladesh Bank.

23. Prior permission of the Bangladesh Bank is required by persons or firms in Bangladesh who wish to employ the services of agents abroad, whether on regular or intermittent basis. Applications for this purpose should be made by letter giving full details of the nature and value of the business transacted in the past by the applicant, the existing arrangements and the nature of the proposed arrangements to be made with the overseas agents and where approved, applications for remittances should be made on TM Form quoting reference of the approval of the facility by the Bangladesh Bank.

Employment of overseas agents etc.

24. Prior approval of Bangladesh Bank is not required by the residents in Bangladesh for opening of offices/subsidiary companies abroad. They are however required to report the same to Bangladesh Bank within one month of opening of such offices, as per Appendix 5/58. Companies/firms shall, through ADs, regularly submit to the Foreign Exchange Investment Department of Bangladesh Bank, Head Office periodical statements of accounts of these offices/subsidiary companies abroad; any net surplus of earning over routine current expenses/net profit of such offices are to be promptly repatriated to Bangladesh.

Opening of branches or subsidiary companies abroad

Remittance of upto US\$ 30,000 or equivalent may be made annually to meet current expenses of such offices opened abroad by a commercial or industrial concern. Such remittance may only be made in the names of concerned offices/subsidiary companies abroad. The ADs shall examine following papers before effecting remittances:

(1) approval letter of the competent authority of the country concerned for opening the office in that country.

(2) lease agreement relating to the premises.

The AD shall satisfy itself about the actual necessity of remitting funds by examining the actual and/or estimated incomes and expenses of the office/subsidiary company abroad as revealed from its audited accounts and the other papers; and remit funds to the extent found necessary, subject to the prescribed ceiling. Before effecting remittances for subsequent years the ADs shall verify the renewed lease agreement (if applicable) and other related vouchers.

Remittance of
royalty and
technical fees

25. No prior permission of the Bangladesh Bank or BOI is required by the enterprises for entering into agreement involving remittance of royalty, technical knowhow or technical assistance fees, operational services fees, marketing commission etc. if the total fees and other expenses connected with technology transfer do not exceed the following limits:

(a) for new projects, not exceeding 6% of the cost of imported machineries;

(b) for ongoing concerns, not exceeding 6% of the previous years' sales as declared in the income tax returns.

The ADs may remit such royalty and other fees without prior approval of the Bangladesh Bank. ADs may remit such fees at rates exceeding the above limits without prior approval of Bangladesh Bank, provided specific approval of BOI has been obtained for the higher rates by the applicant company. In processing all such remittance applications the ADs should ensure that:

(i) The applicant company is registered and operating in Bangladesh.

(ii) The application for remittance is submitted by the company concerned as per Appendix 5/59 in triplicate, alongwith a copy of the relative contract duly registered with BOI. All relevant documents are to be submitted in triplicate also.

(iii) The information in the application is verified by the Auditors of the company and the correctness thereof certified by the Auditors in the space provided for the purpose. An additional statement showing the basis and actual calculation of the amount payable duly certified by the Auditors should be submitted with the application.

(iv) The ADs will exercise proper scrutiny to ensure that the amount to be remitted does not exceed the net remittable amount as certified by the Auditors and the limit generally prescribed or

specifically approved by the BOI. In case of doubt the AD should obtain clarification from the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka.

(v) Before allowing the remittance the AD should obtain from the applicant an undertaking to the effect that in case of wrong or excess remittance the amount remitted in excess of the entitlement will be repatriated to Bangladesh immediately on demand by the Bangladesh Bank.

After allowing the remittance the AD will forward one copy of the application alongwith its supporting documents within 15 days of remittance to the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka for post facto checking. Another copy of application shall be attached to the relative Form TM while reporting the remittance to the Area Office of the Bangladesh Bank in the monthly summary statement/returns. Third copy of the application shall be forwarded to the Board of Investment for information and record.

The ADs will ensure that the remittance is allowed strictly as per above norms and shall maintain company-wise records properly so as to facilitate their inspection by the Bangladesh Bank.

26. While making remittances of recurrent nature like royalty fees the ADs should also ensure compliance with the following:

(a) The recurrent fees etc. will be remittable through one nominated bank only. Prior intimation should be sent to Bangladesh Bank for changing the nominated bank. A statement certified by the existing nominated bank with regard to remittances made up to date is to be forwarded to the Bangladesh Bank and the proposed new nominated bank branch.

(b) In case of a new project, the fees will be remitted by the bank through which the machineries for the project have been imported. The relevant import documents (copy of Bill of Entry, Invoice etc.) will be preserved by the bank. If a change is required at a latter stage, intimation should be sent to Bangladesh Bank and the proposed bank as described in the preceding paragraph.

(c) While effecting the remittance, the Bank should satisfy themselves about the genuineness of the papers (copies of the royalty/technical assistance agreements, documentary evidences regarding training and consultancies, papers regarding new projects indicated at 'b' above) the bank should also preserve the papers for eventual examination by Bangladesh Bank inspection teams.

Remittance of cost of training and consultancy services

27. Industrial enterprises producing for local markets may remit through their nominated ADs upto 1% of annual sales as declared in their previous years' income tax return towards costs of training and consultancy services as per relevant contract with the foreign trainer/consultant, and prior approval of Bangladesh Bank will not be required for such remittances. In this connection industrial enterprises will mean firms and companies engaged in manufacturing or processing or assembling.

Remittance of profit of branches of foreign firms other than financial institutions

28. ADs may without prior Bangladesh Bank approval remit abroad the profits of branches of foreign firms and companies. The foreign firm/company operating in Bangladesh should for this purpose submit application to its nominated AD duly supported by the following documents/information:

(A) Submission of Documents

(i) Audited Balance Sheet and Profit and Loss Account for business done in Bangladesh for the relevant period.

(ii) Consolidated audited Balance Sheet and Profit and Loss Account of the company/firm (head office) for the corresponding period.

(iii) Year-wise reconciliation of head office accounts for the period for which profit remittance is applied for.

(iv) Documents regarding payment of taxes in Bangladesh:

(a) A certificate from the Auditors in Bangladesh that tax provision made in the accounts for the period in question is sufficient to meet all tax liabilities in Bangladesh; or,

(b) Copies of final assessment orders and forms in respect of all taxes for the period duly certified and stamped by the Department concerned.

(v) Full particulars about additions to fixed assets of the company in Bangladesh, if any, during the period and source of funds for financing such additions.

(vi) Particulars of outstanding borrowings in Bangladesh of the company/firm.

(vii) Permission letter of the relevant Government Authorities for carrying on business in Bangladesh and the terms and conditions thereof.

(B) Examination of Documents

The ADs, shall examine and process the applications for profit remittance as follows:

(i) All past losses should be adjusted either to profit and loss account or general reserve account.

(ii) Additions to fixed assets, furniture and fixture, office equipments, cars etc. will be deducted from net profit before arriving at the remittable profit. If the additions are financed out of depreciation, disposals during the year and/or non-repatriable funds received from abroad, no deduction for these will be made from the profit.

(iii) Profit on sale of small fixed assets items like furniture, fixture and equipment and profit on sale of investments in stocks, shares, bonds, securities etc. may be treated as admissible items of remittable profit.

(iv) The entire amount of the profit on sale of fixed assets acquired for running the normal business activities of the concern as well as profit on sale of investments in share, securities etc. acquired out of undistributed remittable profit will also be treated as remittable.

(v) Profit on sale of immovable properties such as land, building, etc. shall be deducted from remittable profit unless prior permission of Bangladesh Bank has been obtained on application alongwith (a) Auditor's certificate about current market value of the immovable property sold (b) balance sheet and other papers of the relevant period establishing the book value of the property on the date of sale (c) copy of agreement of sale certified by the Auditor (d) papers regarding tax assessment/tax payment on the capital gains from the sale.

(vi) Net amount of cash subsidy, if any, granted by the Govt. shall be deducted from profit.

(C) Further to the requirements of sub-paras (A) and (B) above, applications for remittance of profits of Sterling Tea Estate Companies should fulfill the following:

(i) The companies will prepare accounts in Taka and apply for remittance in Taka.

(ii) The Auditors should certify that the computation of remittable profit and the entire income for the year has been earned on business authorised by the Memorandum and Articles of Association of the company and accrued in Bangladesh and that all losses and revenue liabilities have been adjusted before arriving at the remittable profit. The Auditors must also certify that in their opinion the accompanying financial statements present fairly the financial position of the company as of date and the results of its operations and changes in financial position for the year ended, are in conformity with the generally accepted accounting principles applied on a business consistent with that of the preceding year and the deviations, if any, have been reported.

Remittance of
profits of
Sterling Tea
Estate
Companies

(iii) Certified copies of assessment orders and evidence of payment of all income and other taxes or a certificate from the Auditors of the company that adequate provision has been made to meet all tax liabilities in Bangladesh, both for the previous years as well as current year together with the calculation sheet duly certified by the Auditors showing how the tax provision figure has been arrived at, should be produced.

(D) The firm/company will keep the Foreign Exchange Investment Department, Bangladesh Bank, Head Office informed beforehand about its nomination of AD and about any subsequent change in such nomination. The AD shall determine the Taka amount of the remittable profit after examining the remittance application in terms of sub-paras (B) and (C) above and effect remittance of equivalent foreign exchange. After making the remittance the AD shall forward the remittance application and supporting papers/documents in original to the Foreign Exchange Investment Department, Bangladesh Bank for post facto checking within one month of effecting remittance. Another copy of the remittance application alongwith the approved TM Form shall be forwarded, to the concerned area office of the Bangladesh Bank with the monthly returns of the AD.

Remittance of profit of banks, insurance companies and other financial institutions

29. Foreign banks and financial institutions operating in Bangladesh may remit profits to their head offices abroad through their nominated ADs without prior Bangladesh Bank approval. Foreign insurance companies operating in Bangladesh may likewise remit the shareholders' portion of profits through their nominated ADs without prior Bangladesh Bank approval. The basis for computation of remittable profit and the documents on which the calculations should be based shall be as follows :

(A) Documents:

(a) Audited Balance Sheet and Profit & Loss Account in respect of operation of the foreign bank/insurance company/financial institution in Bangladesh for the relevant year;

b) (i) Copies of final assessment orders and forms in respect of all taxes for the period duly certified and stamped by the taxation authority or (ii) certificate from the Auditors in Bangladesh that tax provision made in the accounts for the period is sufficient to meet all tax liabilities;

c) Certificate authenticated by the Auditor showing particulars of additions to fixed assets in Bangladesh, if any, during the period alongwith the amount of depreciation made, sale proceeds of fixed assets disposed of, and the amount of non-repatriable funds received from abroad to finance capital expenditure during the period;

- d) Auditor's certificate with regard to the income accrued and shown in the books of accounts but not actually realized on the date of remittance;
- e) In case of insurance companies, Actuary's valuation report relating to the period for which remittance is to be sent, and approval letter from Controller of Insurance regarding remittance of shareholders' portion of profits for the period;
- f) Auditor's certificates regarding adequacy of (i) capital and reserves and (ii) provisioning against classified loans, advances and other assets required in terms of applicable laws and regulations; mentioning clearly both the required and the actual levels of capital, reserves and provisions;
- g) An undertaking from the applicant foreign bank/insurance company/ financial institution that any amount determined by Bangladesh Bank as having been remitted in excess of the amount actually remittable shall be repatriated immediately on demand.

(B) Computation of Remittable Profit:

Upon being satisfied about the consistency of the amount applied for remittance with the facts and figures in the documents listed above, profits as per audited accounts may be remitted after making necessary deductions on the following counts:

- a) Tax:** Tax assessed by the taxation authority or in the event assessment is not completed on the date of remittance, the amount of tax as provided for in the books of accounts and certified by the auditors as adequate in accordance with the tax laws;
- b) Additions to Fixed Assets:** Costs of fixed assets, furniture and fixtures, office equipment, cars etc. acquired/ bought during the year minus cost of assets financed out of depreciation, sale proceeds of assets and those bought with non-repatriable funds from abroad as shown in the Auditor's certificate referred to in para 29(A)(c) above;
- c) Profits on Sale of Immovable Assets:** Any amount of profit in excess of Tk. 10,000 (Ten thousand) arising out of sale of immovable assets (land, building etc.) included in the profit;
- d) Income receivable:** Any unrealised receivable against an adversely classified asset e.g. interest earning credited to interest suspense account;
- e) Irregular Income:** Excess amount of interest and commission/charges etc. realised and included in the Profit & Loss Account as detected by the Bangladesh Bank inspection teams ;
- f) Shortfalls in Capital & in provision requirements:** Any shortfall in capital & reserves in Bangladesh and any shortfall in maintenance of provisions against classified loans, advances and other assets as required in terms of laws and regulations by Bangladesh Bank/other relevant regulatory authorities from time to time;
- g) Past accumulated losses :**All accumulated previous losses.

Submission of documents to Bangladesh Bank for post facto checking

30. Attested copies of all papers/documents related to remittance of profits of foreign banks, financial institutions and insurance companies are to be forwarded to the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka by the AD, within one month of remittance, for post facto checking; retaining the originals in their records for inspection by Bangladesh Bank officials. Any sum remitted in excess (as may be determined by the Bangladesh Bank during post facto checking) shall have to be repatriated immediately.

Remittance of dividend to non-resident shareholders

31. (a) The ADs are allowed to remit dividends (both final and interim) to the non-resident shareholders on receipt of the application in the prescribed form (Appendix 5/60) in triplicate from the companies concerned duly certified by their Auditors and supported by the following documents :

(i) Attested copy of the certificate of incorporation of the company (to be submitted only once).

(ii) Audited Balance Sheet and Profit & Loss Account of the Company for the year to which the dividend relates.

(iii) Copy, certified by the Auditor, of the Board resolution declaring the dividend.

(iv) List of non-resident shareholders to whom dividend is payable.

(v) Certificate from the Auditor of the company to the effect that the taxes payable by the non resident shareholder on account of the dividend earned has been deducted.

(vi) Auditor's certificate to the effect that the provision for income tax and/or any additional liability (such as surcharge etc.) in connection with such taxes made in the accounts of the company is sufficient to meet all past and present tax liabilities of the company in Bangladesh upto the period for which remittance of dividend is applied for i.e. the provision should cover not only current year but also the previous years for which taxes have not yet been finally assessed and paid.

(vii) Final income tax assessment order as and when obtained.

(viii) Before allowing remittance the ADs should ensure that the applicant has given undertaking to the effect that in case of remittance of any ineligible amount, the amount so remitted will be repatriated to Bangladesh on demand by the Bangladesh Bank/by the AD.

(b) Each company will apply for dividend remittances through one nominated AD whose name should be communicated beforehand to the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka.

Any change in the nominated AD bank should likewise be notified to the Bangladesh Bank well in advance.

(c) While allowing remittance of dividend the ADs should satisfy themselves that profit shown in the Balance Sheet and Profit & Loss Account has arisen out of the normal trading/business activities of the company or out of past accumulated reserves which were remittable. In arriving at the profit out of which dividend has been declared and applied for remittance, ADs should in particular verify to ensure that all previous losses/tax liabilities, if any, have been fully adjusted against current year's net profit or against general/revenue reserve. Also, any cash subsidy granted by Govt. to the company should be deducted from profit in arriving at the divisible profit, unless allowed otherwise by the Bangladesh Bank.

(d) Remittance of dividend should be approved in Taka first and be effected after converting the Taka into equivalent foreign exchange at the rate ruling on the date of remittance.

(e) Within one month of effecting remittance of dividend, one full set of the application, audited annual Balance Sheet and Profit and Loss Account and all other papers shall be forwarded by the AD to the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka for post facto checking. Another copy of the application form should be attached to the relevant TM Form while reporting the remittance to the relevant area office of the Bangladesh Bank in the monthly returns. The third copy of the application form and copies of other papers should be retained by the AD for its record.

(f) The ADs will maintain separate company wise record of payment of dividends to the non-resident shareholders either by remittance or for credit to the Non-resident Investor's Taka Account (NITA, see Ch 14) as the case may be, under the above general permission, so as to facilitate their inspection by the Bangladesh Bank.

(g) Remittance of pre-liberation dividend will, however, require prior approval of the Bangladesh Bank. Such application should be forwarded by the ADs to the General Manager of Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka on TM Form alongwith all requisite documents for approval.

(h) Dividend warrants can be freely exported to the non-resident shareholders of both Bangladesh and foreign controlled companies provided the shares have been issued against payments in foreign exchange received through the banking channel or against payments out of NITA in the name of the shareholder in accordance with the general approval of the Bangladesh Bank accorded in this behalf.

(i) For joint venture enterprises, Bangladesh Bank shall allow remittance of the foreign partner's/collaborator's share of profits on submission of application alongwith audited Balance Sheet, Profit

Export of
dividend
warrants

Remittance of
profits to
foreign partner
in joint venture

& Loss Account etc. and other papers as per instructions contained in this paragraph.

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| Subscriptions to foreign media services | 32 (a) On applications from the local newspapers, ADs may remit foreign exchange towards cost of subscription of news items, features, articles of foreign news agencies. Remittance should be made on the basis of (i) contracts entered into between the applicant and the foreign news agency and (ii) NOC of the Ministry of Information. |
| Cost/fees for Reuter monitors | (b) ADs may remit abroad costs/fees on account of their own subscription to foreign media services such as Reuter monitor service, without prior Bangladesh Bank approval. |
| Cost/fees for SWIFT | (c) ADs may remit abroad costs/fees on account of their own subscription to SWIFT service provider without prior Bangladesh Bank approval. |
| Advertisement of Bangladeshi products in mass media abroad | 33. ADs may without prior Bangladesh Bank approval effect remittance towards cost of advertisement of Bangladeshi products in mass media abroad. Remittance applications from the companies/firms in Bangladesh should be supported by the invoice from the foreign mass media concerned, and the applicant will have to submit copy of the advertisement within one month of its issuance. The AD shall preserve the invoice, application and advertisement copy for post facto checking by inspection officials of Bangladesh Bank. |
| Bank charges and sundries | 34. The ADs may effect remittances towards settlement of dues to foreign banks of bank charges, cost of cables & other incidental charges arising in their normal course of the business without prior Bangladesh Bank approval. All such remittances should be reported to the Bangladesh Bank on TM Forms alongwith appropriate return. |

35. Outward remittance required by the Local Satellite Channel Distributors toward their Principals abroad may be remitted by the ADs subject to obtaining prior permission from Bangladesh Bank. It is mandatory that the annual audited balance sheet of the local distributor will have clear information about the income received from this sector. In that case, amount determined after adjustment of commission receivable by the agent/distributor as mentioned in the contract, government tax and others, if any, from the gross income, can be remitted abroad after obtaining permission from Bangladesh Bank. To obtain permission for remittance, the concerned authorised dealer bank shall submit the following documents to the Bangladesh Bank after proper scrutiny thereof:

Outward remittance by local satellite channel distributor to principal abroad

- (a) A statement containing information on monthly collection of fees by individual cable operator; government tax paid by the cable operators; amount receivable by the local agent/distributor as fees; other deductibles (if any) and amount to be remitted in favour of the foreign principal(s);
- (b) Copy of permission of the Bangladesh Bank under Section 18A of the Foreign Exchange Regulation Act, 1947;
- (c) Copy of the monthly statement of revenue collected from the local customers by the agent/distributor;
- (d) Copy of invoice received from the foreign principal(s) (based on the statement of monthly collections).
- (e) The auditors' certificate on outward remittance stating whether tax at source is deductible or not, if so whether tax at source has been deducted or not;
- (f) Copy of TIN Certificate and copy of documents pertaining to the payment of deducted income tax;
- (g) An undertaking by Chief Executive of the agent/distributor (as per Appendix 5/61) to the effect that in case of excess remittance to the foreign principal(s) due to error in calculation or by mistake or otherwise, the amount so remitted will be brought back/repatriated/adjusted;
- (h) Audited Balance Sheet, Profit and Loss A/C Statement and other financial statements for the year to which the remittance relates;
- (i) Number of imported Decoder(s)/IRD(s) by the distributor from the principal (as per Letter of Permission from the Office of Chief Controller of Export and Import, Commercial Invoice and Packing List) and a detailed list of cable operators to whom the Decoder(s)/IRD(s) was(were) distributed.

On being satisfied about the genuineness/correctness of the documents listed above, the authorised dealer bank on behalf of the agent/distributor shall apply to the Foreign Exchange Operation Department along with TM Form and all other necessary/relevant documents for sending remittance abroad. Remittance can only be made after obtaining approval from the above mentioned department.

C H A P T E R 1 1

PRIVATE REMITTANCES

Transfer of
assets of foreign
nationals
retiring from
Bangladesh

1. Foreign nationals leaving Bangladesh permanently after expiry of period of service in terms of relevant employment contracts, may transfer abroad their genuine savings out of salaries/benefits clearly stated in the employment contracts duly approved by the Board of Investment (BOI). They shall also be eligible to transfer abroad the retirement benefits such as provident fund, pension, gratuity due as per employment contracts approved by the BOI.

2. The ADs may, without prior approval of Bangladesh Bank, effect remittance of retirement benefits and savings including sale proceeds of investments in government securities made in accordance with para 5 below (but not including sale proceeds of real assets such as household articles, real estates and other real assets, requests if any for remittance of such sale proceeds should be forwarded to Bangladesh Bank); as per instructions in the following paragraphs.

3. (A) Application and supporting documentation.

Application as per proforma at Appendix 5/62 duly filled in by the applicant and his employer should be accompanied by :

(I) TM Form duly filled in and signed by the applicant.

(II) (a) A certificate from the employer showing:

(i) Net salary and allowances for each year,

(ii) Provident Fund and leave salary paid on retirement,

(iii) Bonus and other gratuitous payments for each year,

(iv) Whether the cost of passage for self and family is being paid by the employer.

A certified true copy of the employment contract approved by BOI/the appropriate Department of the Govt. of Bangladesh should be produced in support of the above.

Where any of the above payments are not covered by the original service contract, a certified copy of the resolution of the board of directors of the employer company allowing the payment and approval thereof from the Govt. Department which originally approved the employment of the foreign national should be submitted.

In case of persons employed in the private sector, certified true copies of the relative permission letters for employment issued by the appropriate Govt. Department should be attached,

(b) Bank's encashment certificate in support of receipt of funds, if any, from abroad.

(c) AD's certificate in regard to the applicant's investment in Govt. securities made for availing of the income tax relief showing also the amount realised from the sale proceeds and income accrued on the investments,

(d) Bank's certificate showing:

(i) Total amount of remittances made on account of family maintenance.

(ii) Total amount of remittances made on account of leave salary.

In case where the period of stay exceeds 10 years, the bank's certificate should cover the period of last 10 years.

(e) Statements of transactions in bank account for the last one year prior to the date of the application with explanation of sources of credit entries of Tk. 500 or more other than those relating to receipt of salaries and allowances.

(f) Application for transfer of actuarial reserve and relative insurance record in respect of insurance policy, if any, is required to be submitted through the insurance company concerned.

The statements/certificates mentioned in the sub-paras (b), (c), (d), (e) and (f) above are to be prepared by the ADs themselves on the basis of their own records.

(g) Clearance certificate in respect of income tax and other taxes payable.

(h) For remittance of pension/ provident fund/gratuity on account of an employee retiring from a foreign-owned/foreign controlled organisation, a certificate signed jointly by the employer organisation and its nominated AD that the relevant pension fund/retirement fund out of which the retirement benefits are payable are maintained in Bangladesh and that no remittance towards contribution to any retirement fund maintained abroad has been made in respect of the applicant employee.

(B) Examination and processing of applications

(I) Before effecting remittance of retirement benefits the ADs should verify with reference to the terms of employment contract approved by the competent government department (currently BOI) that the benefits applied for remittance are indeed due as per terms of the employment contract. In case of applicants retiring from foreign owned/foreign controlled companies, the ADs shall satisfy themselves, with reference to the certificate mentioned at para 3(A)(II)(h) that the relative pension/retirement funds are maintained locally.

(II) Before effecting remittance of funds representing savings, the ADs shall carefully examine the applications and supporting documents to satisfy themselves that the amount applied for remittance are the genuine savings out of the applicant's own legitimate earnings in Bangladesh. For this purpose they will look into the information on earnings of the applicant such as approved salary, allowance, bonus etc., debits for the applicant's local expenses out of such earnings, outward remittances already made or to be made; and inward remittances received from abroad, if any. Details of credits to bank account of the applicant during the preceding one year at least should be scrutinised to ascertain that only the items of the applicant's own legitimate earnings have been included in arriving at the amount of savings applied for remittance.

If on the basis of the above examination there emerges sufficient grounds to believe that the amount applied for remittance is in excess of the applicant's possible genuine savings, the AD shall effect remittance only to the extent of its own estimate of the applicant's genuine savings and thereafter refer the case to Foreign Exchange Operation Department, Bangladesh Bank for further consideration regarding the excess amount, with such additional explanation /representation as the applicant may wish to furnish.

(III) Pension payments: In cases where pension is payable at regular intervals after the initial lumpsum payment of retirement benefits, the ADs shall effect remittances of regular pension payments provided that life certificate in respect of the pensioner issued by the paying banker abroad is produced and the AD is satisfied on the basis of documentary evidence that the relative pension fund is maintained locally.

4. Remittances effected in accordance with the above instructions will be reported by the ADs to the concerned area office of Bangladesh Bank in the usual monthly returns. The ADs shall maintain full records of cases of remittance of retirement benefits and savings of foreign nationals disposed of by them, for eventual examination by the inspecting officials of Bangladesh Bank.

Investments
by foreign
nationals in
certificates/
securities etc.

5. All requests for investment by foreign nationals in Bangladesh Govt. securities such as defense savings certificate etc., for the purpose of claiming income tax relief against investment allowance should be submitted through the applicant's bank to the Bangladesh Bank for prior approval. While forwarding the application to the Bangladesh Bank, the bank will furnish a certificate to the following effect on the application form:

- (i) The investment is proposed to be made out of the applicant's genuine savings in Bangladesh.
- (ii) The applicant does not have local borrowings and overdrafts.
- (iii) The proposed investment is for qualifying for tax relief against the investment allowance allowed by income tax authorities.

If, however, the applicant has local borrowings and overdrafts, full details thereof should be furnished viz.,

- (i) The date on which the, loan /overdraft was obtained;
- (ii) The purpose for which the loan /overdraft was obtained; and
- (iii) The amount of loan/overdraft outstanding as on the date of application for investment in Govt. securities.

6. Application for remittance of sale proceeds of real assets such as household articles and real estates, should be forwarded to the Bangladesh Bank with the following documents /certificates:

Remittance of
sale proceeds
of real assets

- (i) Statement of sale proceeds realised in respect of locally purchased articles of value Tk. 500 or more mentioning:
 - a) Description,
 - (b) Purchase price,
 - (c) Date of purchase,
 - (d) Date of sale, and
 - (e) Sale proceeds realised.

Relative sale receipts or their certified true copies should be produced. (ii) A statement of sale proceeds realised in respect of articles imported/ brought from abroad of value Tk. 500 or more mentioning (a) Description (b) landed cost in Bangladesh (c) date of import (d) date of sale (e) sale proceeds realised. Relative import documents and relative sale receipts or their certified true copies should be produced.

Legacies and other distribution of assets from the estates of deceased persons

7. Application for remittance of legacies and other distributions from estates of deceased persons due to beneficiaries resident outside Bangladesh should be forwarded to the Bangladesh Bank. Such applications should contain the following information and supporting documents:

(i) Name, nationality and place of residence of the deceased at the time of his death. If the deceased person was resident of Bangladesh the period of such residence should be stated.

(ii) A copy of the relative clauses in the Will after probate has been granted or if the deceased died intestate, in the Letters of Administration; in both cases authenticated by a Notary Public, any Court, Judge or Magistrate in Bangladesh or in the country of residence of the deceased if he died abroad.

When making applications a full statement of the assets of the deceased in Bangladesh should be given including a statement of bank account and all other assets. The balance in the bank accounts representing income earned during the year should be stated separately in cases where the deceased was a person resident outside Bangladesh. The amounts which are not allowed to be remitted to the beneficiaries will be permitted by the Bangladesh Bank to be credited to a blocked account in the name of the executor or administrator with a bank in Bangladesh. If any security, shares and real estate which have been specifically bequeathed to persons resident outside Bangladesh are to be transferred to such beneficiaries, the application should also contain full particulars of such securities, shares and real estate.

Family remittance facility

8. (a) Foreign nationals who are resident in Bangladesh and who have an income in Bangladesh are permitted to make monthly remittances to the country of their domicile out of their current savings up to 50% of their net income to cover their commitments abroad.

(b) This remittance facility is not available to foreign born wives of Bangladesh nationals.

(c) The AD bank branch that receives the pay checks from the employer for credit of the personal account of the foreign national shall process and approve such remittance applications submitted as per Appendix 5/63 along with TM Form and attested copy of the employment contract duly approved by the BOI or other relevant Govt. authority (renewed/ revalidated up to date, where needed).

(d) Salary on which remittance entitlement is calculated would exclude monetary value of various facilities, such as, free house, transport, servants, boarding etc., as also cash payments towards conveyance, entertainment, house rent etc. The term 'net income' would in this context signify gross income of the applicant less all compulsory deductions such as, income tax, provident fund and pension fund, house rent and other deductions which are of a fixed nature. Bonus or commission receivable by foreign nationals cannot be added for calculating monthly entitlement in anticipation of the grant of bonus or commission, the inclusion will be made only after the net amount of bonus or commission has been actually paid by the employers and will be spread over the subsequent twelve months.

(e) Net salary (as calculated in terms of the preceding para) of the foreign nationals payable for the period of leave admissible to them as per their service contract duly approved by the Govt. will be remittable. In Such cases a declaration from the employer to be obtained to the effect that leave for which remittance is claimed has been earned exclusively on service tendered in Bangladesh. Such remittance should be effected on approach by the employer. The employer should also be advised that the remittance for the remaining period will not be admissible should the employee return to Bangladesh earlier than the period for which it was intended for.

Remittance
of leave
salaries of
foreign
nationals

Family remittance facility will not be admissible for the period for which leave salary will be availed of.

(f) Foreign exchange may be released for short travels abroad during approved employment period of the foreign national and his/her spouse and other family members; amounts so released should be adjusted from the monthly remittance entitlement, or from the leave salary remittable as per sub-para (e) above. Such release of foreign exchange would be against tickets evidencing confirmed date of travel within two weeks from the date of issuance of foreign exchange in TCs.

Foreign
exchange
issuance
against family
remittance
facility/leave
salary for travel
abroad

(g) Remittances effected in accordance with the above instructions will be reported to the Bangladesh Bank in the usual monthly returns of the ADs. The ADs shall maintain full records of such remittances, for eventual examination by inspection officials of Bangladesh Bank as also for reference while processing applications for remittance of savings on retirement from Bangladesh.

Membership fees, fees for application, registration, admission, examination, etc.

9. The ADs may release foreign exchange towards remittance of membership fees of foreign professional and scientific institutions. They are also allowed to remit fees for application, registration, admission, examination (TOEFL, SAT etc.) in connection with admission into foreign educational institutions on the basis of written application or demand notice/letter from the concerned foreign institution showing the amount to be remitted. The draft/TT etc. to be issued for such remittances should be payable direct to the Institution concerned and the transaction should be reported to the Bangladesh Bank supported by Form TM in the usual monthly return.

Release of foreign exchange for study abroad

10. Prior approval of Bangladesh Bank is required to release foreign exchange for study of Bangladeshi students abroad at school level. However, ADs are allowed to release foreign exchange for admission and study by Bangladesh nationals in regular courses such as undergraduate, post graduate, language course pre-requisite to bachelor degree & professional diploma/certificate courses in recognised institutions abroad subject to verification of bonafides according to the following drill:

(A) Application and required papers

- (i) Application (Appendix 5/64) duly filled in;
- (ii) Original and photocopy of admission letter issued by the educational institution in favour of the student (such as the I-20 in the case of US institutions);
- (iii) Original and photocopy of estimate relating to annual tuition fee, board and lodging, incidental expenses etc. issued by the concerned educational institution (I-20 in case of US institutions);
- (iv) Attested copies of educational certificates of the applicant; and
- (v) Valid Passport.

(B) Examination and processing by AD

- (a) After scrutinising the application and the supporting documents submitted, the AD shall issue foreign exchange as per estimate furnished by the educational institution subject to adjustment with travel entitlement. On application from the concerned student, expenses in transit not exceeding US dollar 200 or its equivalent in other freely convertible currency may be allowed out of travel entitlement described in para 1 of chapter 12 of this Guidelines.

(b) In each case of sale of foreign exchange, the front page of the original letter of estimate/acceptance letter issued by the concerned educational institute should bear clearly the round stamp of the foreign exchange issuing bank branch and also the signature of the officer of the said branch.

(c) After verifying the original copies of papers referred to in para (A) above, the foreign exchange issuing ADs would attest the photocopy thereof and preserve the same. Thereafter, the original copies would be returned to the applicant.

(d) Foreign exchange payable to the educational institution should be issued in favour of the institution concerned in the form of TT/MT/Draft. If payment on account of board and lodging/incidental expenses etc. are not required compulsorily to be in favour of the educational institution, foreign exchange on these counts may be issued in favour of the student in the form of TC/Draft etc. Educational institutions sometimes require applicants to send advance amounts for processing of applications, retention of seats etc. If the papers of the foreign educational institution clearly state such requirement, advance remittance may be effected.

(e) The facility of purchase of foreign exchange/remittance will not be admissible for more than one academic year at a time.

(f) For each release of foreign exchange subsequent to the first release, the current progress report and current estimate of the educational institution should be taken into consideration. The ADs shall maintain separate file for each student with all relevant papers in readiness for perusal by inspecting officials of Bangladesh Bank.

(g) All purchases of foreign exchange throughout the entire duration of a course of study pursued abroad should be from one AD bank branch. For any intended change in this respect, the relevant file shall be transferred direct to the concerned new AD branch on written request by the student. Under no circumstance should the file be handed over to the student.

11. Consular fees collected by foreign embassies in Bangladesh Taka and deposited in a Taka Account maintained with an AD solely for depositing the consular fee collections may be remitted abroad without prior Bangladesh Bank approval; the AD shall report such remittance in the usual monthly returns alongwith the relevant TM Form to the concerned area office of the Bangladesh Bank.

Remittance of
consular fees

Remittance of immigration visa processing fees, evaluation fees, right of landing fee

12. Immigration visa processing fees and evaluation fees for evaluation of educational certificates, demanded by foreign Immigration Authorities from resident Bangladesh nationals applying for immigration visa, may be remitted by ADs as per demand notes of the Foreign Immigration Authorities, on approach by the applicants. Besides, ADs may also allow remittance on account of 'right of landing fee/permanent residence fee' required for resident Bangladesh nationals finally proceeding abroad for migration. Such fees may be remitted in favour of Immigration Authority abroad upon establishment of bonafide of the demand. While processing the case of remittance on account of right of landing fee/permanent residence fee, ADs are advised to obtain the following papers/documents from the applicant:

- (i) application of the candidate;
- (ii) copy of passport;
- (iii) fee schedule;
- (iv) letter from authority (demand note/offer letter);
- (v) Nikah-nama (for spouse who has been selected);
- (vi) copy of Medical Report;
- (vii) money receipt for medical check-up.

Such remittances shall be reported to the area offices of Bangladesh Bank in the usual monthly returns alongwith relevant TM Forms.

Family maintenance abroad by resident

13. Applications for remittance of moderate amounts of foreign exchange for maintenance of family members (dependent parents, spouses and children) living abroad may be forwarded by ADs to the Bangladesh Bank for consideration and prior approval. Each application should be supported by a certificate issued by the relevant Bangladesh Embassy regarding residency of the beneficiaries, extent of income abroad alongwith the Embassy's recommendation as to moderate requirement for family maintenance purpose. The certificate should also indicate the purpose for which the family member(s) went abroad, reasons for continued residence abroad and the probable period of stay abroad.

Registration/participation fee for attending training, seminar, workshop abroad

14. ADs may release registration/participation fee of the Officials of Govt., Autonomous/Semi-autonomous institutions etc., employees of banks and financial institutions operating in Bangladesh, Faculty Members of nationally recognised banking training institutions for attending training/seminar/workshop abroad in the form of FTT/FDD only favouring organising institutions

abroad on the basis of the invitation letter received in the names of the applicants or their employer institutions. Before releasing foreign exchange for the said purpose, ADs shall have to obtain letter from the concerned ministry/department/competent authority authorising the officials/employees/faculties to attend the programme abroad with a request to release foreign exchange as participation/registration fees. Remittance for the above purpose shall have to be repored with TM Form. ADs are also advised to collect and retain copies of completion certifiante, travel documents from the applicant upon return to Bangladesh for eventual inspection by the Bangladesh Bank.

15. ADs may allow remittance of subscription fee for academic/research journals to be procured from abroad by public universities and medical colleges, recognised national research/training institutions, University Grants Commission (UGC) approved private universities and Govt. approved private medical colleges upto USD 3000 (three thousand) or equivalent for an institution per calendar year against prduction of invoice/relevant supporting documents subject to establishment of bonafides. Such remittances are to be reported to Bangladesh Bank alogwith TM Form

Remittance
for academic/
research
journal
subscription

16. Applications for remittances by private individuals for purposes other than those mentioned above should be made on Form TM on which full details of the purpose of the remittance should be stated and full documentary evidence in support of the application should be attached. The ADs must satisfy themselves regarding the bonafides of each case through their personal knowledge of the applicant, if any, or evidence which the applicant may be able to produce. After thus satisfying themselves, the ADs should certify the application and forward it to the Bangladesh Bank for consideration. In each case the nationality of the applicant should be stated and if the applicant is not a resident in Bangladesh, the country of residence of the applicant should be clearly stated. If the applicant is a foreign national, the period of residence in Bangladesh and his intention as to future residence should be declared. Particulars of any permit obtained by him for making monthly remittances to his country of domicile should be given.

Other private
remittances

CHAPTER - 12

TRAVEL

Release of foreign exchange: endorsement on passport and ticket

1. (i) The amount of foreign exchange released by an AD to a traveller with the approval of the Bangladesh Bank or under general authority given to the ADs by Bangladesh Bank should be recorded by them on the traveler's valid passport as well as ticket under their stamp and signature at the time of release of such exchange. Release of foreign exchange in excess of USD 200 or equivalent will require valid visa. However, while issuing foreign exchange to the Diplomats/Privileged persons/UN personnel, Govt. officials travelling on official duties, such endorsement in their passports need not be made. The AD should verify to satisfy itself that the ticket covers a journey to be undertaken not later than two weeks after the date on which exchange is issued. No exchange should be sold against tickets, which do not specify the date of departure.

Release of foreign exchange for travel abroad

(ii) The ADs may release foreign exchange upto US\$ 1000 or equivalent per person during a calendar year to Bangladesh nationals proceeding by air to destinations in SAARC member countries and Myanmar; within this annual limit, upto US\$ 500 or equivalent may be issued per person for overland travels to the aforesaid countries. Also for visits of Bangladesh nationals to destinations in countries other than those mentioned above, upto US\$ 3000 per person may be issued during a calendar year. However, foreign exchange in the form of cash must not exceed US\$ 2000 at any one instance. For resident Bangladesh nationals proceeding abroad against one way ticket for valid job or migrating abroad, the release of foreign exchange shall not exceed the half of the un-used balance of the annual travel entitlement of the person concerned in the calendar year. Irrespective of foreign exchange entitlement, the outgoing passenger is permitted to take upto Bangladesh Taka 500 in cash at each time.

The above limits are indicative. Bangladesh Bank will authorise release of foreign exchange for travel abroad beyond these indicative limits upon submission of documents regarding the bonafides of the expenses. Application for such authorisation should be sent to Foreign Exchange Operation Department of Bangladesh Bank.

(iii) The annual quotas mentioned above are for adult passengers. For minors (below 12 years in age) the applicable quota will be half the amount allowable to adults.

(iv) While releasing foreign exchange for travel abroad, the AD should verify and satisfy itself that any foreign exchange released for an earlier travel was utilised with the journey being actually undertaken or was duly encashed unutilised.

(v) The travel entitlements mentioned above may be utilised also by way of international cards issued in the names of the persons concerned. Instructions relating to the issue and use of such cards are laid down at Chapter 19.

(vi) While releasing foreign exchange for travel purposes the ADs should ensure that:

(a) the intending traveller is a client of the AD bank or is sufficiently well known to the AD bank for it to be satisfied about the bonafide of the application;

(b) the intending traveller is in possession of a confirmed air ticket (where applicable) for journey to be undertaken;

(c) the amount released is endorsed on the passport and air ticket (where applicable) of the traveller with indelible ink, with the signature and name of the AD branch embossed in the passport and ticket (where applicable);

(vii) In each case of release of foreign exchange for travel abroad, photocopies of first six pages, page bearing visa on the passport (if available), the page recording endorsement of foreign exchange and photocopies of the pages of ticket showing name of the passenger, route and date of journey and endorsement of foreign exchange alongwith the relative TM Form should be sent to Bangladesh Bank alongwith report of the transaction in the usual monthly returns.

2. All applications for foreign exchange for travel abroad on health grounds should be submitted in form as at Appendix 5/65, in duplicate. Upto US\$ 10,000 or equivalent may be released by the AD on the basis of the recommendation of the Medical Board set up by the Health Directorate or on the basis of the need established through recommendation of appropriate medical specialists and the cost estimate of the foreign medical institution. Request for release of foreign exchange exceeding US\$ 10,000 for treatment abroad should be forwarded by the AD with supporting documents to Bangladesh Bank (Foreign Exchange Operation Department) which will authorise release upon verification of the bonafides of the expenses.

Release of foreign exchange for travel on health ground

3. For official or semi-official visits abroad by the officials of Government/Autonomous/Semi-autonomous institutions etc., ADs may release foreign exchange as per entitlements fixed by the Ministry of Finance/respective competent authority from time to time. In such cases, the applicant for foreign exchange shall be required to submit the Competent Authority's Order/Notification /Circular authorising the travel abroad.

Official or semi-official visits by employees of government / autonomous / semi-autonomous bodies

Release of foreign exchange for attending seminars, conferences and workshops abroad

4. Authorised Dealers may release foreign exchange to private sector participants for attending seminars, conferences and workshops abroad at the scale of upto (i) USD 200 per diem for SAARC member countries or Myanmar and (ii) USD 250 per diem for other countries. Foreign exchange may be released only for the actual period of the seminar/workshop/conference to be held on the basis of invitation letters received in the names of the applicants or their employer institutions. Photocopy of the invitation letter and all other related documents should be kept in record by the ADs for post facto scrutiny by the inspection officials of Bangladesh Bank. Release of foreign exchange beyond the above mentioned indicative limits will be allowed by Bangladesh Bank upon submission of requests supported by documented proof of the expenses. Application for such release should be sent to Foreign Exchange Operation Department of Bangladesh Bank.

Release of foreign exchange by debiting convertible Taka Account for travel abroad

5. Foreign exchange may be released to private individuals as well as to officials of Govt., Autonomous and Semi-autonomous bodies for undertaking educational tours, attending seminars, workshops etc. abroad by debit to convertible Taka accounts of foreign NGOs and International Bodies at their request. In the cases of officials of Government/Autonomous/Semi-autonomous bodies, the application for release of foreign exchange should be accompanied by the permission letter of the competent authority authorising their proposed travel abroad.

Issue of TCs and foreign currency notes to foreign nationals

6. The ADs may issue foreign currency TCs to foreign nationals without any limit and foreign currency notes upto USD 2000 per person against surrender of equivalent amounts in foreign currencies. The TCs and foreign currency notes should, however, be delivered only on production of a ticket for a destination outside Bangladesh and the amount issued should be endorsed on the relative passports. In case of travel by car, the ADs may accept export-cum-import permits in lieu of tickets.

Business travel entitlement for new exporters

7(i). Upto US\$ 6000 or equivalent may be issued by an AD to a new exporter for business travel abroad, against recommendation letter from Export Promotion Bureau (EPB). Genuine requirements for higher amounts will be considered by Bangladesh Bank on applications submitted through ADs with supporting documents.

(ii) Importers are entitled to a business travel quota @ 1% of their imports settled during the previous financial year while non-exporting producers for the local market are entitled to such business travel quota @ 1% of their turnover of the preceding financial year as declared in their tax return; subject in both cases to annual upper ceiling of US\$ 5000. The same business organisation engaged in imports as well as production shall be allowed such business travel quota entitlement only on one count. Bangladesh Bank will grant release of foreign exchange for travel abroad beyond the above mentioned indicative limit upon submission of documentary proof of the expenses. Application for such release should be sent to Foreign Exchange Operation Department of Bangladesh Bank.

Business travel entitlement for importers and non-exporting producers

8. Attention of all persons granted foreign exchange for travel should be drawn to sub-section (3) of Section 4 of the FER Act. No person acquiring foreign exchange for travel may use it for purposes other than living or travelling expenses in the country for which exchange is issued and in case of special allotment, for purposes other than those for which exchange is sanctioned. On return, unspent amounts brought back (with declaration in FMJ form for amounts more than US\$ 5000) may freely be encashed to Taka or may be retained in RFCD accounts, upto US\$ 5000 may be retained in hand.

Disposal of unspent foreign exchange by returning residents

9. ADs may allow re-conversion into foreign exchange of the unspent Taka funds of foreign tourists (i.e. foreign nationals on temporary visit to Bangladesh except those on employment in Bangladesh) on production of the certificate evidencing the encashment of foreign currency brought in by the tourist. Re-conversion shall be allowed by the same AD with which the foreign currency was encashed earlier, on the strength of the original encashment certificates which will be retained by the AD while allowing re-conversion. The FMJ Form containing the declaration of the foreign exchange brought in at the time of arrival should be asked for and retained by the AD where re-conversion exceeds US\$ 5000. Likewise a Money Changer may also allow such re-conversion upto USD 500 in cash provided conversion of foreign currency was done by itself earlier. Like the ADs, money changers shall preserve original encashment certificate in its record while doing so.

Re-conversion of unspent taka into foreign exchange by foreign tourists

Besides, to facilitate returning foreign tourists/non-resident Bangladesh nationals general permission has been accorded to re-convert their unspent Bangladesh Taka upto USD 100 or its equivalent at the bank booths situated at the departure lounges of international airports in Bangladesh upon presentation of encashment certificate. While providing such reconversion facility, the bank both will have to preserve the original encashment certificate/true copy of the encashment certificate attested by the

AD/money changer itself issued against conversion of foreign currency into local currency earlier and copy of the boarding card of the passenger wherein passport number, date of issue of passport, nationality and amount of re-converted foreign currency are to be recorded.

Release of foreign exchange for Hajj

10. The Government of Bangladesh announces each year the scale at which foreign exchange may be issued to intending pilgrims for performing Hajj. Release of foreign exchange should be made as per instructions to be issued for this purpose by Bangladesh Bank each year.

Issuance of tickets for travel abroad

11. Airlines/Shipping Companies and their authorised Travel Agents have been given general authority to issue tickets for travel abroad subject to the following instructions:

(i) Travel abroad by resident Bangladesh nationals

Tickets against payment in Bangladesh Taka may be issued by the Airlines / Travel Agents for these travels on completion of P Form (Appendix 5/40) in duplicate and production of valid passport with valid visa, involving journey by a route and at a fare approved by the Civil Aviation Authority of Bangladesh (CAAB). In case of travel abroad by officials of Govt./Autonomous/Semi-autonomous bodies/Public sector corporations or Local Government Agencies on official duty or as member of official delegation, tickets shall be issued preferably on Bangladesh Biman.

If the passport of the intending traveller shows that the traveller is employed with any Govt./Autonomous/Semi-autonomous bodies or public sector agencies, the Airline/Travel Agent may issue ticket only if the Order or NOC from the concerned administrative Ministry/Division /Department authorising the travel is produced.

The above provision of issuance of ticket against payment in Taka would also be applicable for those foreign nationals who work in Bangladesh with the approval of the competent authorities of the Government of Bangladesh and draw their pay and allowances in Bangladesh Taka; or whose costs of travel abroad, as per terms of their service, are to be borne by the employing organisation /agency. In such cases, attested photocopies (in duplicate) of sanction letters of the competent authorities of the Govt. of Bangladesh and service contract should be asked for before issuing tickets and submitted to the ADs alongwith monthly statement.

(ii) Travel of Bangladesh nationals to destinations outside the country on employment

The Airline /Travel Agent should ask for the following documents before issuing /okaying tickets for such travels:

(a) Form P or P-2, (Appendix 5/41) as the case may be, duly completed.

(b) Valid passport with valid visa. In case the passport shows that the intending traveller is employed with Govt. or with any Public Sector Agency/Autonomous body, Order/NOC from the concerned administrative Ministry authorizing the travel abroad should be produced.

(c) Clearance from The Bureau of Manpower Employment and Training (BMET) in the form of endorsement in passport.

(d) Visa/entry permit issued by the concerned country's Embassy/High Commission in Bangladesh duly attested by the BMET.

In case entry permit or visa including group visa is issued from abroad, the same should be attested by the Bangladesh Mission in that country as well as by the BMET.

In case the entry permit or visa does not bear attestation by Bangladesh Mission abroad, the genuineness of the employment is to be certified in clear terms by the BMET.

(iii) Travel abroad by Bangladesh nationals against tickets/PTAs received from abroad

Passages may be booked by the Airlines/Travel Agents for the above category of travels on completion of P-2 Form and production of valid passport with valid visa by the passengers subject to the condition that the journey will be undertaken exactly for the routes for which tickets /PTAs have been received. If the intending traveller is employed with the Govt. or with any public sector agency or autonomous body, instructions of sub-para (iv) below should be followed. In case the PTAs are meant for travel of Bangladeshi scholars/students for studies abroad, instructions of sub-para (v) below should be followed.

(iv) Travel by Officials of the Govt. and of Public Sector Agencies including autonomous/semi-autonomous bodies against PTAs received from abroad where cost of ticket is paid/borne by foreign Government Agencies, UN organisations, international non-profit organisations like International Committee of Red Cross, British Council, Ford Foundation, Commonwealth Secretariat, Colombo Plan Secretariat, OIC Secretariat, foreign universities etc. for attending conference, seminars etc. or for any other purpose abroad:

Airlines/Travel Agents may book passages for these travels on production of the following documents/particulars to them by the travelers concerned:

(a) A photocopy or an authenticated copy of Order/NOC from the administrative Ministry concerned authorising the travel abroad. In cases where the visits are sponsored by any other Ministry, a photocopy or authenticated copy of clearance from the sponsoring Ministry should also be produced. These Orders/NOCs should be retained by the Airlines for their records.

(b) Valid Passport, with valid visa where required.

(v) Travel by Bangladeshi Scholars/Students for studies abroad against PTAs received from abroad where cost of ticket is paid by foreign governments/foreign universities/internationally reputed non-profit institutions like British Council, Ford Foundation, Commonwealth Secretariat, Colombo Plan Secretariat, OIC Secretariat etc.

Passages may be booked by the Airlines/Travel Agents for the above categories of travels on production of photocopy or authenticated copy of Order/NOC from the Ministry which has sponsored the travel and valid passport with valid visa. If the intending traveller is employed with Government or with any public sector agency/autonomous/ semi-autonomous body, copy of the Order/NOC from the administrative ministry concerned authorising the travel should be asked for before booking the passage. The Airline should retain the Order /NOC for their record.

(vi) Travel by foreign nationals, foreign diplomats and privileged persons against encashment of foreign currency notes /TCs /Drafts or against inward remittance from abroad or by debit to private foreign currency accounts/convertible Taka accounts maintained by foreign nationals/firms/companies/organisations with ADs in Bangladesh or against PTAs /tickets received from abroad

Airlines/Travel Agents may issue tickets for the above category of travels for journeys originating from abroad or from Bangladesh if the person undertaking the travel is the account holder himself, his/her spouse/children or an employee of the Firm/Mission/Company /Organisation maintaining the foreign currency account/convertible Taka account subject to completion of P-2 Form by the traveller concerned and observance of the following drill:

(a) For issuance of tickets against encashment of foreign currency notes /instruments /TTs /MTs etc. or against encashment of foreign exchange from private foreign currency account, encashment certificate issued by an AD in the proforma prescribed at Appendix 5/42 should

invariably be produced by the traveller concerned to the Airline /Travel Agent. The passage should be booked within one month from the date of issue of the encashment certificate. However, encashment certificate issued by Money changers will not be acceptable for issuing tickets in this regard.

Booking of passage against encashment of foreign exchange from foreign currency accounts maintained by Bangladesh nationals is admissible only for passengers holding Bangladesh passports. Airlines /Travel Agents should not issue tickets in favour of any foreign national against encashment of foreign exchange from foreign currency accounts maintained by Bangladesh nationals without prior approval of the Bangladesh Bank. Off-line airlines also should not issue tickets against encashment of foreign exchange from foreign currency accounts of Bangladesh nationals without prior approval of the Bangladesh Bank.

(b) In case of issuance of tickets by debit to convertible Taka account, the cost of passage should be accepted in the form of Account Payee cheques/Pay Orders drawn on the relevant convertible Taka account in favour of the Airline/Travel Agent. Where the account holder is not a Foreign Mission, International Organisation, diplomat or a privileged person, a certificate from the bank concerned in the proforma as at Appendix 5/43 certifying that the account on which the cheque/pay order has been drawn is a convertible Taka account and also stating the account number and the amount to be debited, will have to be produced alongwith the Cheque/Pay Order. In cases where the account-holder is a foreign diplomatic mission, diplomat/privileged person or expatriate personnel of UN and its affiliated agencies or IMF, IBRD, IDA or other international or regional financial or loan giving agency or their expatriate personnel, a declaration should be obtained by the Airline /Travel Agent/Shipping Company from the concerned organisation /person showing the name of the bank with which the convertible Taka account is maintained, the account number and the amount debited towards cost of passage. The concerned Airline /Travel Agent /Shipping Company should submit these declarations to the ADs alongwith their usual monthly passage statements. The Airline/Travel Agent shall also obtain a certificate from the account-holder stating his/her relationship with the passengers in case ticket is to be issued in favour of spouses or children; and in case of issuance of ticket in favour of officers/staff of foreign missions/organisations, certificate from the mission or the organisation stating that the intending traveller is their employee should be asked for. Airlines /Travel Agents will submit these certificates to the ADs alongwith their usual passage statements.

(c) Passages may be booked for travel of foreign diplomats/privileged persons and other foreign nationals in Bangladesh against PTAs/Tickets received from abroad. Tickets may also be issued to foreign tourists against approved credit cards brought in by them from abroad. Issuance of tickets for travel by foreigners not falling within the above categories would require prior approval of the Bangladesh Bank.

(vii) Travel by ship's crew of Bangladesh origin

(a) In case of ship's crew of Bangladesh origin proceeding abroad to join vessels abroad, tickets may be issued against PTAs received from abroad as well as by debit to the foreign Shipping Company's account maintained in Bangladesh in the name of the Shipping Company or Shipping Agent. For issuance of tickets against foreign Shipping Company's account, payment of cost of passage should be received by Account Payee Cheques drawn on the Shipping Company's account. The concerned Shipping Agent/Company should furnish certificate from its bank as per proforma at Appendix 5/44 stating the name of the bank with which the account is maintained, the name of the foreign Shipping Company and the amount to be debited. The certificate should be submitted to the AD alongwith the usual monthly passage statements of the Airline.

(b) Before issuing tickets favouring ship's crew of Bangladesh nationality, the Airline/Travel Agent must satisfy itself on the basis of documentary evidence that the crew possesses valid CDC and clearance issued by Shipping Master of Government of Bangladesh about the recruitment abroad. Copy of the Shipping Master's Clearance should be forwarded alongwith the usual monthly passage statement to the AD.

(viii) Travel by ship's crew of foreign nationality

Outward passages of foreign ship's crew of foreign nationality may be booked against inward remittances or by debit to foreign Shipping Company's account maintained in Bangladesh in the name of the Shipping Company/Shipping Agent. For booking of passages against inward remittances, the Shipping Agent/Company should produce encashment certificate from the concerned bank in the proforma at Appendix 5/42 and the drill as contained in sub-para vi(a) should be followed. In case of booking of passages against payment from foreign Shipping Company's account, bank certificate in the proforma at Appendix 5/44 should be produced and the relevant instructions of sub-para vii(a) above should be followed.

(ix) Travel against rebated tickets issued by Airlines/Shipping Companies

(a) Tickets against free passages (i.e. 100% rebated) allowed by the Airlines/Shipping Companies favouring their own employees including family members or to their Travel Agents may be issued subject to completion of P-2 Form by the traveller concerned.

(b) In respect of partly rebated passages allowed by the Airlines/Shipping Companies to their own employees including family members or to their Travel Agents, tickets may be issued on completion of P Form by the traveller concerned for travel abroad once a year.

12 . (a) (i) Before passages can be booked in terms of paragraph 11 above, the intending travellers shall be required to fill in and submit the P Form/P-2 Form to the Airline/Travel Agent/ Shipping Company booking the passage. These should be forwarded to the ADs by the airlines while reporting the sales of tickets in the monthly passage statements.

Booking of
Passage

(ii) Airlines should in their own interest exercise utmost care in booking passage strictly in accordance with the guidelines given in the above paragraph. For any irregularity/discrepancy in booking passage under this authority delegated to them, the concerned officials of the Airline or the Travel Agent will be liable for penal action under the FER Act, 1947.

(iii) Airlines will furnish monthly passage statements to the AD in respect of passages sold/tickets issued under the authority given in the above paragraph in the usual proforma together with the documents as indicated in foregoing paragraphs as per prescribed time schedule.

(iv) If the Airline/Shipping Company/Travel Agent has any reason to doubt in any case the genuineness of the certificates/documents produced to them by the intending traveller, they should immediately get in touch with the concerned area office of Bangladesh Bank for instructions.

(v) Bangladesh Bank reserves the right to inspect at any time the books and records of the Airlines, Shipping Companies and the Travel Agents to ensure compliance with the instructions issued by Bangladesh Bank.

(b) Booking of passage in cases not covered by the general authority given to the Airlines/Shipping companies/Travel agents at paragraph 11 above would require prior approval of Bangladesh Bank in Form P/Form P-2. Bangladesh Bank's approvals in these forms shall remain valid for travel for 3 calendar months from the date of approval. Travel on international sectors should commence within the validity of P Form/P-2 Form failing which such tickets will require revalidation even though the journey on domestic sectors against such tickets had been performed within the validity of the forms.

Booking of
passage for
outward
journey

13. (i) Booking of passage may be made for outward journey by a route and at a fare approved by the Civil Aviation Authority of Bangladesh(CAAB). Fare ceilings on various routes are notified by the CAAB from time to time for guidance of the Airlines and the Travel Agents.

(ii) No ticket for outward journey from Bangladesh should be issued by an Airline/Shipping Company or Travel Agent which do not specify the actual date of departure. If an application is made subsequently to the Airline/Shipping Company or Travel Agent to alter or amend the date of departure they should examine such tickets with a view to determining whether any exchange has been drawn against such tickets. Where foreign exchange has been drawn against the ticket, no extension of date of departure should be granted without specific approval of the Bangladesh Bank in each case.

Booking of
inward
passages

14. (a) Booking of inward passages against payment in Taka for persons holding Bangladesh passports who proceeded abroad on one way tickets would require prior Bangladesh Bank approval in Form P. Booking of inward passages against payment in Taka for foreign nationals would also require prior Bangladesh Bank approval in Form P.

(b) Airlines/Shipping Companies/their Travel Agents may issue Prepaid Ticket Advices (PTA) in favour of foreign guests invited by Govt./Autonomous/Semi-autonomous organisations, UN organisations, local agencies of International organisations in Bangladesh. These PTAs may be issued against application by the concerned organisation in the Form prescribed at Appendix 5/66.

15. Refunds against cancelled/unutilised tickets/vouchers should be made only after the passenger produces his/her passport, and after being satisfied that any foreign exchange issued has been encashed with an AD or the entry has been duly cancelled by an AD or that the document bears no evidence of any exchange issued to the holder. Sometimes exchange is drawn by one passenger on behalf of a group of persons travelling together.

Refund against
cancellation of
tickets

In such cases if any member of the group cancels his/her booking, no refund of passage money should be made unless his/her quota of exchange has been refunded to or encashed with an AD and necessary evidence to this effect is produced to the Airline/Shipping Company/Travel Agent. This requirement of encashment of unutilised foreign exchange applies in all cases. Refunds by the Airline/Shipping Company/Travel Agent should invariably be made by cheques drawn on the official account of the Airline/Shipping Company/Travel Agent concerned with a bank in Bangladesh. In all other cases, no refund should be granted against part or whole cancellation of ticket unless prior approval of the Bangladesh Bank is obtained.

However, where a passenger once undertakes the foreign travel it should be construed that the foreign exchange released to him/her has been utilised for the purpose for which it was released. Airlines/Shipping Companies/Travel Agents may, in such cases allow refund of the cost of the cancelled/unutilised portion of tickets without insisting on production of passport of the passenger concerned if it is otherwise evident that the passenger undertook the foreign travel and stayed back abroad for any reason.

16. In all cases of bookings made against payments in Taka, whether single or round trip, no refund should be granted outside Bangladesh. In all such cases refunds should be made only in Bangladesh in Taka to the Bangladeshi nominee/ authorised person of the passenger concerned. All tickets/vouchers etc., must be marked accordingly. Airlines and Shipping Companies should also ensure that such refunds are not given in the form of exchange vouchers or in any other form which can be used for further transportation. All such refunds must be made either by cheque or by actual cash payment in Bangladesh.

No refund
outside
Bangladesh

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|---|---|
| Performance of journey from one place to another outside Bangladesh | 17. Passages for journeys to be performed from one place out of Bangladesh to another place out of Bangladesh i.e. for performance of journey wholly outside Bangladesh should not be booked against Bangladesh Taka without the prior permission of the Bangladesh Bank in Form P. |
| Adjustment of cost of passage | 18. Airlines/Shipping Companies/Travel Agents may make adjustment upto Tk. 600 without prior approval of the Bangladesh Bank towards cost of passages approved on Form P within the validity of the form, if the fare changes upward or downward. |
| Acceptance of fare difference | <p>19. Airlines/Shipping Companies/Travel Agents may accept freight in local currency for the excess baggage (accompanied or unaccompanied) only in the following cases without prior approval of Bangladesh Bank:</p> <p>(a) Freight for transportation from foreign countries to Bangladesh of accompanied as well as unaccompanied baggage by the returning Bangladesh nationals on freight to pay basis;</p> <p>(b) Freight on samples, advertisement materials and presentations imported into Bangladesh on freight to pay basis as per provisions of Import Policy Order in force.</p> <p>In both the cases, two sets of dummy P Forms alongwith the monthly statements are to be submitted to the ADs.</p> |
| Acceptance of freight of excess baggage | (c) Shipping/Airline Companies or Travel Agents may collect freight in Taka for transportation of excess accompanied as well as unaccompanied baggage of passengers from Bangladesh to destination abroad without prior permission from the Bangladesh Bank. |
| Acceptance of Taka freight on FOB imports | (d) Freight in Taka may be accepted by the Airlines/Shipping Companies/Travel Agents without prior Bangladesh Bank approval for FOB imports into Bangladesh as per instructions contained in para 1(viii), Chapter 10. |
| Acceptance of freight in Taka against export samples | (e) Airlines/Shipping Companies may accept freight in Bangladesh Taka from registered exporters against dispatch of bonafide trade |

samples of exportable items from Bangladesh without prior approval of the Bangladesh Bank on the basis of Customs Clearance Certificate for dispatch of the article. Where the value of trade sample exceeds the prescribed limit indicated in chapter 8, para 2(i) of this Guidelines, export permit from the Office of the CCI&E and recommendation of the EPB should also be asked for. While accepting freight in Taka in respect of consignments of such export samples, the Airline/Shipping Company will obtain a declaration (Appendix 5/67) from the exporter concerned to the effect that the parcel contains bonafide trade sample without involving any payment in foreign exchange. The Airlines/Shipping Companies while submitting their returns to the AD will indicate the number and date of the Customs Clearance Certificate and Export Permit from the office of the CCI&E, reference number and date of EPB's recommendation and the Registration Number of the exporter concerned with date.

20. Cases of booking of passage /freight not covered in this Chapter may be referred to Bangladesh Bank for instructions.

Reference to
Bangladesh
Bank

21. Airlines and Shipping Companies should furnish to the ADs monthly returns of all passages sold, tickets issued or handed over by them as also of refunds and cancellations as per instructions in Chapter 10. Although Travel Agents are not required to submit monthly returns, they should maintain records of all passages sold by them as per appendices 5/29 and 5/39.

Reporting to
Bangladesh
Bank

C H A P T E R 13

SECTION-I

PRIVATE FOREIGN CURRENCY ACCOUNTS

Opening of FC
accounts with
ADs in
Bangladesh

1. (i) The ADs may without prior approval of the Bangladesh Bank open foreign currency accounts in the names of (a) Bangladesh nationals residing abroad (b) foreign nationals residing abroad or in Bangladesh and also foreign firms registered abroad and operating in Bangladesh or abroad (c) Foreign missions and their expatriate employees. Bangladesh Bank may specially allow opening of foreign currency accounts not covered by this general authorisation.

(ii) Foreign exchange earned through business done or services rendered in Bangladesh can not be put into these accounts. Credits to a foreign currency account may be made against inward remittance of foreign exchange in any form or transfer from another foreign currency account or non-resident Taka accounts of banks abroad.

(iii) Payments may be made freely abroad from these foreign currency accounts to the extent of balances lying therein. Local disbursements may also be made freely in Taka from such foreign currency accounts.

(iv) No payment in foreign exchange may be made to or on behalf of any resident in Bangladesh out of the foreign currency accounts opened as per the above arrangement. However, this restriction will not apply in case of foreign diplomats and privileged persons or any other person or firm who have specific authority from the Bangladesh Bank to accept such payments. Bills of the local contractors of the foreign missions in Bangladesh may also be settled in foreign currency from the balances of the foreign currency accounts of such missions. In such cases the beneficiary of the bill will have to encash the foreign currency with any AD within one month from the date of receipt.

(v) Any payment received in foreign exchange by the ADs on behalf of residents of Bangladesh must not be retained in foreign exchange but must be converted into Taka unless the AD is satisfied that the payee has the general/ special permission of the Bangladesh Bank to retain the foreign exchange.

(vi) The ADs maintaining foreign currency accounts under this authority can pay interest on such accounts being maintained in the form of term deposits for the period of one/three/six/twelve months at the prevailing eurocurrency deposit rates. ADs may apply interest on prevailing eurocurrency deposit rates also on non-resident foreign currency accounts not specifically maintained as term deposit, for balances not less than USD 1000, Pund Sterling 500 or equivalent in other currency lying in the accounts for one month or longer period.

2. (i) Bangladesh nationals working and earning abroad including self employed Bangladeshi migrants proceeding abroad on employment may open foreign currency accounts even without initial deposits. They may operate the accounts themselves or nominate other persons in Bangladesh for this purpose. The accounts can be opened in Pound Sterling, US Dollar, Euro or Japanese Yen at the option of the prospective account holder and maintained as long as the account holder desires. These accounts would ordinarily be fed from remittances by account holders themselves but funds sent by other wage earners may also be placed to the credit of such accounts. ADs may also raise credits to such accounts with the proceeds of convertible foreign exchange viz. currency notes, travellers' cheques, drafts etc. brought into Bangladesh by the account-holders while on temporary visit to Bangladesh provided such foreign exchange in excess of US \$5000 (or its equivalent) has been duly declared by them to the Customs on Form 'FMJ' at the time of their arrival.

FC Accounts of
Non-resident
Bangladeshis

(ii) Payments may be made freely abroad from these foreign currency accounts to the extent of balances lying therein. Local disbursements may also be made freely in Taka from such foreign currency accounts. Funds lying to the credit of FC accounts of Bangladesh nationals can be utilised for import of goods and commodities as per instructions issued by the CCI&E and Bangladesh Bank.

(iii) Interest on such accounts can be applied as mentioned in 1(vi) of this chapter.

3. ADs may open foreign currency accounts in the names of the Diplomatic Bonded Warehouse (duty free shops) licenced by the Custom Authorities on following conditions:

FC Accounts of
Diplomatic
Bonded
Warehouse

a) Convertible foreign currency (notes and coins, travellers' cheques, drafts, cheques or credit card settlements) received only on account of sale of merchandise may be credited to these accounts.

b) Foreign exchange may be remitted abroad only for the purpose of import of merchandise by the bonded warehouse. For the same purpose foreign exchange may also be transferred from such accounts to foreign currency accounts maintained with other ADs.

For meeting local expenses, foreign exchange from these accounts may be encashed freely at current exchange rate. The requirement of encashment of at least 50% of the gross profit (sale price of merchandise minus purchase price of merchandise) of the Bonded Warehouse in foreign exchange should be duly fulfilled.

c) Monthly statement of purchase, sale and foreign exchange transaction related thereto alongwith bank certificate concerning encashment in Taka shall be submitted to the Bangladesh Bank in prescribed form (See Ch. 2, Vol. 2).

FC accounts of local and joint venture contracting firms

4. Foreign currency accounts in the names of local and joint venture contracting firms employed to execute projects by foreign donors/international donor agencies may also be opened by the ADs as per terms of the approved contract with the government authority without prior permission of the Bangladesh Bank. Only foreign exchange received from the donors/donor agencies to meet expenses of the project can be credited to these accounts. All expenses in foreign exchange as per relevant contract may be met from these accounts. These accounts should be closed as soon as the transactions relating to the project are concluded.

5. Foreign nationals residing in Bangladesh are allowed to maintain and operate their foreign currency accounts abroad.

FC Accounts of resident Bangladesh nationals working with foreign / international bodies

6. Foreign currency accounts may be opened in the names of resident Bangladesh nationals working with the foreign/international organisations operating in Bangladesh provided their salary is paid in foreign currency. Such account may be credited only with the foreign currency portion of the salary and debited for all approved current transactions like cost of travel, education for children, treatment etc. Local disbursements may also be made freely in Taka from such foreign currency accounts. Foreign currency accounts may also be credited with consultancy fees/honoraria received in foreign currency by the above mentioned category of residents, debits to such accounts being subject to same conditions as mentioned above.

7. It will be in order for the ADs to issue cheque books to foreign currency account-holders.

8. In terms of Government Notification No. 1(8)-EF/58 dated 20th August, 1958 issued under Section 9 of the FER Act, all citizens of Bangladesh and other persons residing in Bangladesh continuously for six months or more who became owner of any foreign exchange whether held in Bangladesh or abroad are required to sell such foreign exchange to an AD within one month of the date of acquisition by them of such foreign exchange. This provision of repatriation of foreign exchange will not, however, apply to the following cases viz:

(i) Foreign exchange held abroad by foreign diplomats and foreign nationals employed in Embassies and Missions of foreign countries in Bangladesh.

(ii) Foreign exchange held abroad by foreign nationals or foreign business houses, except to the extent representing earnings abroad in respect of business conducted in Bangladesh or services rendered while in Bangladesh.

(iii) Foreign exchange held by Bangladesh nationals in accounts abroad which were opened and credited while the account holders were working abroad as resident outside Bangladesh.

(iv) Foreign contractors or consultants working in Bangladesh under contract with any government department or public sector agency or in a project under any loan, credit or grant, where the relevant contract provides for payment of their fees and emoluments partly or entirely in foreign exchange abroad.

(v) Expatriate employees of foreign contractors or consultants as mentioned in sub-para (iv) above where the terms of their employment provide for payment of their salaries partly or entirely in foreign exchange abroad.

(vi) Foreign nationals stationed in Bangladesh as employees of foreign concerns situated abroad and receiving part of their emoluments in Bangladesh for subsistence and the balance abroad for meeting other expenses, including maintenance of their families, will not also be required to repatriate the portion of their emoluments received abroad.

Besides the above mentioned exemptions from repatriation requirement, there are exemptions from surrender (encashment) requirement in respect of (i) portion of repatriated export proceeds that is allowed to be credited to the exporters retention quota account (please see chapter 13, section -IV), (ii) foreign exchange brought in at the time of return from abroad that can be credited to RFCD account (please see chapter 13, section-III) and (iii) upto US\$ 5000 brought in undeclared at the time of return from abroad that can be retained at hand (please see chapter 6).

For the purposes of the aforesaid Notification the term "residents in Bangladesh" excludes citizens of Bangladesh in foreign countries so long as they stay outside Bangladesh but includes foreign nationals who reside continuously in Bangladesh for six months or more.

Payments by
foreign
nationals in
foreign
currencies

9. Payments in foreign currency by foreign nationals residing in Bangladesh to or on behalf of residents of Bangladesh whether Bangladeshis or foreign nationals are prohibited except to a firm like a gift shop or an establishment like a hotel holding a valid authorised money changer's licence. Foreign nationals should not, therefore, directly or indirectly, make foreign currency available to the residents or to other persons on their behalf against payment in Taka. Such payments are prohibited even from their foreign currency accounts which they are permitted to maintain and operate from Bangladesh.

Foreign
currency
accounts for
Initial Public
Offerings
(IPO)

10. ADs may open foreign currency accounts titled 'FC Account for IPO' in the name of issuing company only to collect subscription for IPO from non-resident Bangladeshis. The AD shall preserve the copy of the approval of the Securities and Exchange Commission (SEC) for floatation of shares and shall immediately inform opening of such account to the Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka. In the event of over-subscription, excess amount should be refunded back in the same currency. Such accounts should also be closed immediately after the remittance is effected and reported the same to the above mentioned department with a summary of transactions made through this account as per Appendix 5/ 68.

SECTION - II**NON-RESIDENT FOREIGN CURRENCY DEPOSIT ACCOUNT**

11. All non-resident Bangladesh nationals and persons of Bangladesh origin including those having dual nationality and ordinarily residing abroad may maintain interest bearing time deposit accounts named "Non-Resident Foreign Currency Deposit (NFCD) Account" with the ADs.

Opening of
account

12. Bangladesh nationals serving with Embassies/High Commissions of Bangladesh in foreign countries and also the officers/staff of the government/semi-government departments/nationalised banks and employees of body corporate posted abroad or deputed with international and regional agencies like IMF, World Bank, IDB, ADB etc. during their assignments abroad may open such accounts. Crew members of the Bangladeshi shipping companies are not entitled to open such accounts, but shore staff posted abroad may open such accounts. Accounts may also be opened with funds transferred from existing foreign currency accounts maintained by the wage earners with the ADs in Bangladesh.

13. The accounts are in the nature of term deposits maturing after one month, three months, six months and one year. The accounts may be maintained in US Dollar, Pound Sterling, Euro or Japanese Yen; initially with minimum amount of US\$ 1000 or pound sterling 500 or equivalent. Accounts may be opened against remittances in other convertible currencies after conversion of those into US Dollar, Pound Sterling, Euro or Japanese Yen.

How to open
the account

14. These accounts may be maintained as long as the account holders desire. Eligible persons are also allowed to open such accounts at any time after return to Bangladesh.

15. Eligible Bangladesh nationals may send application (as per Appendix 5/69) alongwith a set of specimen signatures of the opener of the account to an AD in Bangladesh duly verified by Bangladesh Mission abroad, or a reputable bank or any other person known to the AD in Bangladesh. The application forms may be had from Bangladesh Missions abroad and from the ADs in Bangladesh or their branches abroad. No set of specimen signatures will be required to be enclosed with the application form if the application is submitted to an AD with whom the applicant has already been holding a foreign currency account. In such case a reference to the respective FC account number will serve as self-introduction and the account opening branch will verify the signature with the specimen signature maintained for the FC account.

Interest on deposits

16. The ADs will pay interest on deposits into the accounts at the eurocurrency deposit rates. In case of premature repayments, the interest amount will be forfeited to the depositing AD. The interest on deposits into this account is exempted from the tax payable under Income Tax Ordinance.

17. The ADs in Bangladesh may at their option sell foreign exchange deposits (in US Dollars only) to the Bangladesh Bank without any lower limit at the Bangladesh Bank's buying rate and repurchase the principal and interest at the Bangladesh Bank's selling rates prevailing on the day of repurchase. The ADs may also invest abroad the amounts deposited with them and pay interest to the depositors out of earnings from such investments.

Repatriation of principal & interest

18. The account holder can freely repatriate the balance and the interest accrued thereon in foreign exchange to the country of his residence or anywhere he chooses and may at his option, convert the balance into local Taka at the prevailing exchange rate.

19. Foreign nationals and companies/firms registered and/or incorporated abroad, banks, other financial institutions including institutional investors and 100% foreign owned (A-Type) industrial units in the Export Processing Zones in Bangladesh, are also allowed to open and maintain NFCD accounts with the ADs. The minimum amount of time deposits in such cases should be US\$ 25,000 or its equivalent in Pound Sterling, Euro or Japanese Yen. Other terms and conditions in respect of these account-holders will be the same as those mentioned above for NFCD accounts of non-resident Bangladesh nationals.

Utilisation

20. The ADs may utilise 50% of the balances of NFCD accounts for (i) discounting of usance export bills of Type A and Type B units of EPZs and (ii) payment of back to back LC opened on sight basis. Amounts so utilised should immediately be replenished on realisation of respective export proceeds.

Reporting

21. Seperate monthly statements summarising currency wise the transactions in the NFCD accounts of all AD branches of a bank should be submitted from the head offices/ principal offices of the banks to the Foreign Exchange Operation Department at the Head Office of Bangladesh Bank, as per proforma at appendix 5/70, by the 15th of the month following that which it relates.

SECTION - III**RESIDENT FOREIGN CURRENCY
DEPOSIT ACCOUNT**

22. Persons ordinarily resident in Bangladesh may open and maintain Resident Foreign Currency Deposit (RFCD) accounts with foreign exchange brought in at the time of their return from travel abroad. Any amount brought in with declaration to Customs Authorities in form FMJ and upto US \$ 5000 brought in without any declaration, can be credited to such accounts. However, proceeds of export of goods or services from Bangladesh or commission arising from business deals in Bangladesh shall not be credited to such accounts.

23. Balances in these accounts shall be freely transferable abroad. Fund from these accounts may also be issued to account-holders for the purpose of their foreign travels in the usual manner (i.e. with endorsement in passport and ticket, upto US \$ 2000 in the form of cash currency notes and the remainder in the form of TC & or other currencies.)

24. These accounts may be opened in US Dollar, Pound Sterling Euro or Japanese Yen and may be maintained as long as the account holders desire. While depositing foreign exchange for credit to such account the depositor shall furnish written declaration, mentioning the date of return from abroad and the amount of foreign exchange brought in, that the foreign exchange (i) is not a receipt against export of goods or services from Bangladesh, (ii) is not a commission due from abroad arising from business deal in Bangladesh. The ADs will credit the foreign exchange presented by the depositor to the RFCD account only after examining the passport of the depositor and the FMJ form (if the amount exceeds \$ 5000 or its equivalent) and after being satisfied about the correctness of the declaration.

25. ADs may issue International Card against the balance held in the RFCD account favouring the account holders (Please, see Chapter-19).

International
Card

26. Interest in foreign exchange shall be payable on balances in such accounts if the deposits are for a term of not less than one month and the balance is not less than US \$ 1000 or £ 500 or its

equivalent. The rate of interest shall be one quarter percent (0.25%) less than the rate at which interest is paid on balances of bank in their foreign currency clearing accounts maintained with the Bangladesh Bank.

27. The head offices/principal offices of the banks shall prepare currency-wise consolidated monthly statements of transactions in the RFCD accounts in all their AD branches (as per Appendix 5/71) and send the same to Foreign Exchange Operation Department, Bangladesh Bank, Head Office by the 15th day of the following month.

SECTION- IV

EXPORTER'S RETENTION QUOTA (ERQ) ACCOUNT

28. (a) Merchandise exporters are entitled to a foreign exchange retention quota of 50% of repatriated FOB value of their exports. However, for exports of goods having high import content (low domestic value-added) like POL products including naphtha, furnace oil and bitumen, readymade garments made of imported fabrics, electronic goods etc. the retention quota is 10% of the repatriated FOB value.

Retention quota
for merchandise
exporters

(b) Retention quota account may also be opened and maintained in the names of deemed exporters for supplying inputs against inland back to back letter of credit denominated in foreign currency. Since foreign exchange earned from direct export is to be shared among direct and deemed exporters, ADs are obliged for the meticulous compliance of the followings:

Retention quota
for deemed
exporters

(i) the total amount credited to the direct exporter's retention quota account together with foreign exchange paid to the deemed exporter against supply of input must not exceed the net repatriated FOB export value of the direct exporter; and

(ii) the foreign exchange shall be credited to the retention quota account of the deemed exporter only after settlement of the amount against back-to-back LC for deemed export.

(c) Exporters of computer software and data entry/processing services may retain 50% of export earnings repatriated in foreign exchange in ERQ accounts.

Retention quota
for export of
software and data
entry/processig
services

(d) Service exporters other than those mentioned at para 'c' above may retain 5% of their repatriated earnings in ERQ accounts.

Retention quota
for service
exporters

However, foreign exchange earnings on account of indenting commission or agency commission for export from Bangladesh cannot be credited to such accounts since these incomes originate from Bangladesh sources.

Eligible
currency and
utilisation

29.(i) Foreign exchange out of the retention quota may be maintained in FC accounts with the concerned ADs in US Dollar, Pound Sterling, Euro or Japanese Yen upon realisation of the export proceeds. Balances in these accounts may be used by the exporters for bonafide business purposes, such as business visits abroad, participation in export fairs and seminars, establishment and maintenance of offices abroad, import of raw materials, machineries and spares etc. without prior approval of Bangladesh Bank. It should be noted that since exporters will use foreign exchange from the retention quota for business visits abroad, no separate business travel quota will be admissible (other than for new exporters as per para 7(i), chapter 12). Foreign exchange from the exporter's retention quota cannot be used for investment abroad by the exporter.

Term deposit
and interest
thereon

(ii) Foreign exchange out of exporter's retention quota may also be kept as interest bearing renewable term deposits with the concerned ADs in Bangladesh in US Dollar, Pound Sterling, Euro or Japanese Yen, with minimum balances of US\$ 2,000 or its equivalent. Periods of such term deposits may be determined in accordance with normal banking practices/normal banking considerations. Interest on such deposits may be allowed at rates comparable to the prevailing euro deposit rates for the relevant currency.

Advance
payment
against import
using ERQ
accounts

(iii) ADs may effect advance payment not exceeding USD 5,000 or its equivalent from the Exporters' Retention Quota Account against bonafide business purposes provided the relevant contract/proforma invoice stipulates for such payment subject to the following terms and conditions:

(a) The ADs shall have to be satisfied that repayment guarantee is not obtainable from the supplier against the remittance to be made in advance;

(b) Import Policy Order (IPO) in force shall have to be meticulously followed;

(c) The ADs shall, at their own responsibility, have to arrange for repatriation of the remittance made in advance in case the entry of goods into the country is not effected within the stipulated time;

(d) While opening Back to Back L/C, the ADs should adjust the value of advance payment to ensure that the value addition requirement as stipulated in the IPO is not breached ; and

(e) Before effecting the advance payment, the ADs must obtain Form of Undertaking (Appendix 5/10) duly signed by the importer.

International
card

30. International cards may be issued to the exporters against balances held in ERQ accounts. The arrangements for issuance of international cards and use thereof by exporters are described in chapter-19.

SECTION - V**FOREIGN CURRENCY ACCOUNTS FOR THE EPZ COMPANIES**

31. The following procedures shall apply to release of foreign exchange to the enterprises against exports made from the EPZs:

Disposal of
proceeds

(i) 100% of repatriated export proceeds of a Type A industrial unit in EPZ may be retained in FC account in the name of the unit with an AD in Bangladesh. Balances in the FC account may freely be used to meet all foreign payment obligations including import payment obligations of the unit and payment obligations in foreign exchange to BEPZA. Balances from the FC account will also be freely encashable for local disbursements or for crediting Taka account maintained with an AD for meeting Taka payment obligations like wages, rents, rates, taxes etc. Taka account maintained with ADs by Type A units in EPZ may be credited only with encashments of funds from FC accounts or of other inward remittances from abroad. However, receipts from Taka sales of factory refuses and of unusable portion of raw materials of Type A industries may be credited to the Taka accounts provided the permission letter of BEPZA for the sale and evidence of payment of duties/taxes on sale proceeds are produced to the AD. Balances in these Taka accounts cannot be converted to foreign exchange and may only be used for meeting local expenses.

(ii) Upto 80% of the repatriated export proceeds of Type B and Type C units other than those in the garments sector may be retained in FC Accounts maintained in the names of the units with their ADs; for a Type B or Type C unit in the garments sector, upto 75% of the repatriated export proceeds may be credited to FC account maintained in the name of the unit with an AD. The remainder of the export proceeds should be encashed to taka at the prevailing exchange rate. All foreign payment obligations of Type B and Type C units including import payment and repayments of foreign loans may be met out of the balances in their FC accounts; payment obligations in foreign exchange of a type B unit to the BEPZA may also be settled from balances in its FC account. Balances in the FC accounts of the Type B and Type C units are freely encashable to Taka for local disbursements.

C H A P T E R - 14

SECTION - I

CONVERTIBLE AND NON-CONVERTIBLE

TAKA ACCOUNTS

| | |
|-------------------------------------|---|
| General | <p>1. ADs may open convertible Taka accounts in the names of foreign organisations/nationals viz., diplomatic missions, UN organisations, non-profit international bodies, foreign contractors and consultants engaged for specific projects under the Govt./Semi Govt. agencies and the expatriate employees of such missions/organisations who are resident in Bangladesh.</p> |
| Credits to convertible taka account | <p>2. These accounts may be credited with foreign currency brought in or remitted from abroad or transferred from a foreign currency account or another convertible Taka account. For transfer from another convertible Taka account, the Taka amount from the transferor's account would be converted into foreign currency for transfer and credit to the recipient account by reconversion into Taka. No money emanating from a business originating in Bangladesh and otherwise repatriable to Bangladesh can be credited to these accounts.</p> |
| Debits to convertible taka account | <p>3. A convertible Taka account may be debited for payments in foreign currency abroad, for local expenses, for transfers to foreign currency accounts or other convertible Taka accounts or for credits to a non-convertible Taka account.</p> |
| Interest Bearing STD Accounts | <p>4. The ADs may open Taka STD (7-30 days special notice) accounts in the names of foreign diplomatic missions and their expatriate personnel, foreign airlines and shipping lines operating in Bangladesh, international non-profit organisations including charitable organisations, UN organisations and their respective expatriate personnel and pay interest thereon provided that the amount of interest accrued on balances of these accounts will be disbursed locally in non-convertible Taka and that no part of the earned interest will be remittable abroad at any stage.</p> |
| Non-convertible Taka Account | <p>5. Foreign organisations/their expatriate personnel mentioned at para 1 above may maintain non-convertible Taka accounts with ADs without prior BB approval. These accounts may be credited with funds from convertible Taka accounts, with remittances from abroad, and with Taka received from authorised sources including interests from STD accounts. These accounts may freely be debited for local expenses. No remittance abroad or transfer to an foreign currency account/convertible Taka account may be made by debit to a non-convertible Taka account.</p> |

SECTION : II

PRIVATE NON-RESIDENT TAKA ACCOUNTS

6. (i) The accounts of individuals, firms or companies resident outside Bangladesh are designated as non-resident accounts and are treated as accounts of countries of permanent residence of the account holders. ADs should establish the countries of permanent residence of all account-holders and mark the accounts of all non-resident persons, firms or companies as non-resident accounts; indicating clearly the countries of their permanent residence as established. Where any doubt exists whether an account is to be treated as non-resident, reference should be made to the Bangladesh Bank for decision, giving relevant details.

Non-resident
accounts

(ii) In terms of Section 5 of Article II of the schedules appended to the United Nation (Privileges and Immunities) Act, 1948, the accounts of United Nations and its organisations are free from financial controls. The ADs should therefore treat such accounts maintained with them as resident accounts. However, the instructions contained in this Chapter will equally apply to the expatriate employees of the UN and its organisations in Bangladesh except that their convertible Taka accounts will be credited with (i) funds from official accounts of UN organisations in Bangladesh, (ii) remittances from abroad, (iii) foreign exchange encashed with an AD in Bangladesh and (iv) funds from other convertible Taka accounts.

7. It is provided in Section 20 (1)(a) of the FER Act that any person who has been resident in Bangladesh shall be treated as still resident in Bangladesh until the Bangladesh Bank by general or special order directs otherwise. All nationals of Bangladesh who go out of Bangladesh for any purpose viz. employment, study, business tour, pleasure trip etc. are required to be treated as non-resident for the purpose of Section 5 of the Act, for so long as they remain outside Bangladesh except in the case of accounts of persons holding office in the Service of Bangladesh who go abroad or who are already abroad and residing outside Bangladesh for the time being either on duty or on leave. Such persons will not, therefore, be able to instruct persons in Bangladesh to make any payment on their behalf to persons in Bangladesh. Such payments, if made, will constitute an offence under the FER Act, and will be punishable under the provisions of the said Act. If persons proceeding abroad find that they have to make certain payments to a person in Bangladesh, they must obtain prior approval of the Bangladesh Bank before doing so.

Change of
residence

However, when such persons come to Bangladesh on temporary visits their accounts may be treated as "Resident" during the period of their stay in Bangladesh. The ADs will, however, ensure that such accounts are immediately redesignated as "Non-resident" after the account-holders leave the country.

It would, however, be in order for the ADs to raise debits and credits to the accounts of such persons during their absence from Bangladesh for the following:

(a) Debits:

(i) Payments on account of insurance premium, club bills or other payments in Bangladesh of a regular nature for which the ADs hold standing instructions from their customers provided the payments are supported by bills and vouchers.

(ii) Government and Municipal dues in Bangladesh provided payments are supported by official claims.

(iii) Debits representing payments in Bangladesh for cost of passages by air or by sea.

(iv) Other payments by cheques drawn in favour of payees resident in Bangladesh.

(v) Debits on account of purchase of shares of public limited companies and/or securities of the Government of the People's Republic of Bangladesh provided such shares/securities are purchased and retained by the ADs themselves for and on behalf of the account holder so long as he resides outside Bangladesh. In case the shares/securities are required to be disposed of, the sale proceeds should be credited to the non-resident account.

(vi) Debits on account of disbursements in Bangladesh to resident Bangladesh nationals to the extent of funds received from abroad through banking channel.

(vii) Debits on account of repayments of instalments of loan direct to a financial institution in Bangladesh from which the account holder had obtained loan.

(viii) Debits in reversal of previous credits.

(b) Credits:

- (i) Receipts on account of salary, allowances, bonus, commission etc.,
- (ii) Dividend and interest income on investments in shares and securities,
- (iii) Income from landed property and agricultural rent,
- (iv) House rent and sale proceeds of properties on the basis of documentary evidence,
- (v) Interest accrued on the amounts lying in the non-resident accounts,
- (vi) Sale proceeds of shares of public limited companies and/or securities of the Government of the People's Republic of Bangladesh purchased under Sub-para (v) of para (2) (a) above,
- (vii) Remittances received from abroad through banking channel,
- (viii) Refund of amount previously debited or over-charged.

In these cases, the AD must satisfy himself that the credit falls under any one of the exempted categories and represents the purpose which it purports to do before passing it through the account.

When a person domiciled in Bangladesh leaves Bangladesh to take up permanent residence in another country his account should be treated as an account of the country of his new domicile; similarly, when a foreign national residing in Bangladesh leaves Bangladesh permanently, his account should be treated as an account of the country of his permanent domicile.

8. (a) New non-resident accounts in the names of persons or firms or companies other than banks may be opened only with prior approval of the Bangladesh Bank. The application for approval should give the full name and permanent address of the applicant and the purpose for which such an account is required and the manner in which it will be kept in funds.

New
non-resident
accounts of
persons other
than banks

(b) Non-resident Taka accounts may, however, be opened without prior approval of the Bangladesh Bank for crediting the proceeds of inward remittances sent through banking, and postal channels. To the extent the funds credited represent the proceeds of foreign currency, the same may be freely disbursed locally.

Accounts of
foreign
nationals
resident in
Bangladesh:
Form QA 22

9. The accounts of all foreign nationals who are resident in Bangladesh and the accounts of companies or firms (other than banks) whose head office or controlling interests are outside Bangladesh but are operated on by persons in Bangladesh may be treated as resident accounts. The account-holders or persons in Bangladesh authorised to operate on such accounts must sign Form QA-22 (See Appendix 5/72). Form QA-22 should be obtained by the ADs in duplicate and a copy thereof forwarded to the Bangladesh Bank for record as and when the account is opened. Prior approval of the Bangladesh Bank for opening such accounts is, however, not necessary. This form is an undertaking that the signatory will not provide any foreign currency against reimbursement in Taka and that any transaction on the account not directly connected with the signatory's business in Bangladesh or which represents remittance from abroad will be reported to the Bangladesh Bank on Form A-7 (Appendix 5/73). Declaration on Form QA-22 need not be taken from members of foreign embassies, legations, consulates and foreign government officials in Bangladesh. Permission has also been given to banks which are not ADs to open taka accounts of foreign nationals in their books subject to their signing certificates on Form QA-22.

Form QA-22
not
Required from
Non-residents

10. In the case of non-resident accounts, declarations on Form QA-22 are not necessary.

Responsibility
of ADs
regarding
irregular
operation on
accounts

11. Notwithstanding the fact that a constituent has signed Form QA-22 the AD must take all reasonable steps to ensure that the constituent is not making foreign exchange available to any person in Bangladesh other than an AD against reimbursement in Taka or is not by any other means contravening the provisions of the Act. Any irregularity should immediately be brought to the notice of the Bangladesh Bank.

Joint accounts
of residents
and non-
residents

12. An account held jointly by a resident and a non-resident should be treated as a resident accounts if it is operated solely by the resident or jointly by the resident and the non-resident. If the joint account is to be operated by the non-resident only, it is to be treated as non-resident account.

Operations on
non-resident
accounts of
persons, firms
and companies
other than
banks

13. Unless prescribed otherwise by the Bangladesh Bank in respect of any particular non-resident Taka account of persons, firms and companies other than banks, all operations on such accounts shall be governed by the rules given below.

Transactions on such accounts should be covered by a Form A-7 (See Appendix 5/73) except for transactions which are specifically exempted from the completion of Form A-7 as given below. Wherever prior approval of the Bangladesh Bank is required, it should be obtained on Form A-7.

(I) Credits and debits not subject to report on Form A-7.

(a) Credits:

Refunds of amounts previously debited or overcharged.

(b) Debits:

(i) Payments in respect of postage, telegram charges, storage or safe custody charges, club bills and other sundry payments where the amount does not exceed Tk.2000 per month

(ii) Debits in reversal of previous credits.

(iii) Debits in respect of approved remittances in foreign exchange.

(iv) Payments for disbursements in Bangladesh from the accounts which are opened in terms of para 8(b) of this Chapter and which are fed entirely by remittance from outside Bangladesh.

(v) Debits as mentioned in Para 7 (a)(i) to (viii) excepting Para 7(a)(iv).

(II) Credits and debits subject to report on Form A-7 but not subject to prior approval of the Bangladesh Bank:

(a) Credits:

Proceeds of cheques drawn on banks outside Bangladesh or of remittance received from abroad in favour of the non-resident account holder or proceeds of foreign currency brought in physically during temporary visits to Bangladesh with declaration on form FMJ with submission of encashment certificate issued by an AD. However, for USD 5000 or below Form FMJ will not be required

(b) Debits:

1. Cheques drawn in favour of payees resident in Bangladesh not exceeding Tk. 5,000 in any one month;

2. Transactions referred to in Para 7 (a)(iv) provided the value of the cheque does not exceed Tk. 20,000 in any one month.

All other credits and debits require prior approval of the Bangladesh Bank. Form A-7 in respect of the credits and debits to private non-resident accounts which require to be reported to the Bangladesh Bank should be forwarded to the Foreign Exchange Policy Department, Bangladesh Bank.

Responsibility
of submitting
Form A-7:
Credits to
private non-
resident
accounts

14. In the case of credits to a non-resident account the receiving bank, i.e. the bank who credits a non-resident account in his books is responsible for ensuring that Form A-7 has been completed and approved by the Bangladesh Bank or an AD as permissible before crediting funds to private non-resident accounts. In order that no difficulty may arise in doing so, the following procedure is suggested for adoption by all banks:

A cheque or draft received for the credit to a non-resident account of a company, firm or person unless accompanied by Form A-7 should not be passed through the clearing, but should be sent by the receiving bank to the paying bank stating that a non-resident account is being credited and requesting in exchange a pay-slip accompanied by Form A-7 duly completed by the drawer or by the paying bank on his behalf and approved by the Bangladesh Bank or the AD as permissible.

A similar practice should be followed in the case of bank cheques which represent payment of remittances from abroad for credit to the resident accounts of foreign nationals who have completed Form QA-22.

Responsibility
of submitting
Forms A-7:
Debits to
non-resident
accounts

15. In the case of debits to non-resident accounts, cheques representing payments other than those mentioned in paragraph 13(I)(b)(i), (ii), (iii), (iv) & (v) should be returned by the paying bank with the remarks "Non-resident account, Approved Form A-7 required". The collecting bank will then arrange with the customer, for whom the payment is drawn, to submit Form A-7 for approval.

SECTION : III

NON-RESIDENT BLOCKED TAKA ACCOUNTS

- 16.** Section 6 of the FER Act confers powers on the Bangladesh Bank to "block" accounts in Bangladesh of any person resident outside Bangladesh and to direct that payment of any sum due to a non-resident may be made only to such a blocked account. Powers of the Bangladesh Bank to block non-resident accounts
- 17.** A blocked account means an account opened as a blocked account at any branch or office in Bangladesh of a bank authorised in this behalf by the Bangladesh Bank or an account blocked by the order of the Bangladesh Bank. Definition of a blocked account
- 18.** A blocked account may not be opened in the name of a resident of Bangladesh unless it is held jointly with a non-resident. No blocked account may be opened by an AD or an existing "free" account blocked except under directions from the Bangladesh Bank. Opening of blocked accounts
- 19.** Sub-section (1)(b) of Section 6 of the FFR Act provides that where the Bangladesh Bank has directed that any payment due to a non-resident may be made to a blocked account in his name with a bank in Bangladesh, the crediting of the sum due to the blocked account shall, to the extent of the sum credited, be a good discharge to the person making the payment. Payment to blocked account
- 20.** Payments in discharge of liabilities to non-residents, remittance of which outside Bangladesh cannot be approved by the Bangladesh Bank under the current foreign exchange regulations, notwithstanding that they may have arisen legitimately and lawfully, will be allowed to be made only to blocked accounts. For instance, any payment of a capital nature due to a non-resident or a payment due to a Bangladesh national who has emigrated to another country will be permissible only into a blocked account in the name of the beneficiary. Items payable to blocked accounts
- 21.** Bank accounts and securities belonging to Bangladesh nationals and foreign nationals residing permanently in Bangladesh who emigrate to foreign countries, should be treated as blocked. For blocking the accounts and securities of intending emigrants the Bangladesh Bank will issue necessary instructions to their banks. Bangladeshi emigrants-blocking of accounts

Sometimes Bangladesh nationals who had gone abroad for purposes other than migration take up permanent residence in a foreign country. As and when such cases of their clients come to the knowledge of the ADs, it will be their responsibility to report these to the Bangladesh Bank for instructions as to whether or not the bank accounts/securities of the person concerned should be blocked. In such cases pending receipt of instructions from the Bangladesh Bank, the securities should be immobilised and no operation on the bank account should be allowed without its prior approval.

Operations on
blocked
accounts

22. The Bangladesh Bank may issue special instructions regarding operations on individual blocked accounts. In the absence of any such special instruction, no payment into or withdrawal from blocked accounts may be made unless prior approval of the Bangladesh Bank has been obtained.

Use of
blocked
balance

23. Balances held in blocked accounts may be invested in "approved securities" expressed to be payable in Taka or may be placed on fixed deposit with the bank in which the account is held subject to prior approval of the Bangladesh Bank. The shares or securities in which investment is permitted by the Bangladesh Bank must be bought through the bank with whom the blocked account is kept and registered in the name of the account-holder, the address being his permanent residential address outside Bangladesh. Alternatively, securities so purchased may be registered in the names of the banks keeping the blocked accounts or their nominees in Bangladesh. The securities may not be held in bearer form and may not be sold or transferred out of the name of the stock-holder without prior permission of the Bangladesh Bank.

SECTION : IV**NON-RESIDENT INVESTOR'S TAKA ACCOUNTS (NITA)**

24. (i) In respect of portfolio investment in Bangladesh (as mentioned in Para-4, Chapter 9) the non-resident investor (non-resident person/institutions including non-resident Bangladesh nationals) shall open a NITA with any AD in Bangladesh, with freely convertible foreign currency remitted from abroad through normal banking channel or by transfer of funds from the non-resident investor's foreign currency account, if any, in Bangladesh;

(ii) Balances in the NITA may freely be used to buy Bangladeshi shares/securities. These balances are also freely transferable to the Foreign Currency Account (opened as per instructions at chapter 13, para 1 & 2) of the same person with the respective AD as well as remittable abroad in equivalent foreign exchange. Transfer and outward remittances will be reported to the Bangladesh Bank in the monthly statements of NITA and returns alongwith the TM Form approved by the ADs respectively in terms of this general authorisation.

(iii) The NITA can be operated by the account-holder himself or by a nominee, including the AD itself. Purchase and sale of shares/securities listed in a stock exchange in Bangladesh shall be made only through a member/registered broker of the exchange.

Purchase of new public issues not yet listed in a stock exchange may, however, be made directly from the company issuing the stock/security.

(iv) Dividends/interest earnings on the shares/securities bought through the NITA, net of taxes payable on such earnings of the non-resident holder, received from the issuing company/institution may be credited to the NITA. In these cases (unless the payment is accompanied by a certificate from the issuing company's auditor that the tax payable on the earning of the non-resident holder has been withheld and the net post-tax amount has been paid for credit to the NITA) the AD will ensure that an amount representing taxes payable on the earning of the non-resident holder is withheld from the gross amount received (for eventual payment to the tax authorities) and only the net post-tax amount is credited to the NITA.

(v) Sale proceeds of the shares/securities purchased through the NITA (net of taxes payable, if any, on the capital gain) may also be credited to the NITA. Before crediting the sale proceeds of the stocks/shares held by the non-resident into the NITA, the AD shall ensure that the tax payable (if any) on the capital gain is withheld from the sale proceeds for eventual payment to the tax authorities.

- (vi) No local funds from any sources other than those mentioned at (i), (iv) and (v) above can be credited to NITA.
- (vii) The AD must ensure that NITA is debited or credited for purchase or sale of shares at the prices prevailing in the stock market on the day of the relative purchase/sale.
- (viii) Relevant instructions contained in The Securities and Exchange Commission (SEC) Notifications regarding placements, allotments and issuance of right shares/bonus shares are to be meticulously complied with.
- (ix) No loan facilities shall be allowed by the ADs in the Non-resident Investor's Taka Accounts.
- (x) Incidental expenses related to sales and purchases of shares/securities and to operation of the accounts may be debited to NITA.

In addition to the routine reporting regarding inward and outward remittance to and from the NITAs in the usual monthly returns, the ADs will furnish monthly statements of transactions in the NITAs, as per prescribed proforma (Appendix 5/74), to the Foreign Exchange Investment Department of Bangladesh Bank, Head Office, Dhaka. The ADs will also submit with the monthly statements their own certificates/certificates from the auditors of the concerned companies regarding payment/withholding or exemption of taxes payable on the capital gains and on dividend/interest earnings of the non-resident holders, as applicable.

CHAPTER - 15

BORROWING ABROAD BY RESIDENTS

1. All proposals for borrowing from abroad by private sector industrial enterprises in Bangladesh (including supplier's credits, financial loans from institutions or individuals and debt issues in capital markets abroad) shall require prior authorisation of the Board of Investment (BOI). Procedures in details for obtaining such credit facilities have been embodied in the Notification No. BOI/R&IM1/4(39)/81(Part)/1209 of Board of Investment (BOI) issued on 10th December, 1998 (Appendix 6/1).

Borrowing
abroad by
private sector
industrial
enterprises

Applications as per proforma at the Annexure-A of Appendix 6/1 for approval of proposals for borrowing from abroad should be submitted to the Board of Investment with the analyses and supporting documents.

In each case of supplier's credit/loan from abroad approved by BOI, a copy of the loan agreement should be forwarded by the concerned AD to 'External Debt and Grant Section', Foreign Exchange Policy Department, Bangladesh Bank, Head Office, Dhaka.

However, short term credit accommodations of up to one year duration from suppliers/buyers abroad are, however, subject to the guidelines/instructions issued by Bangladesh Bank in regard to settlements for current commercial transactions.

2. Repayment installments of interest and principal against the supplier's credits/loans from abroad availed of in terms of general/specific authorisation of the BOI as mentioned in the foregoing may be remitted abroad by the ADs without prior reference to Bangladesh Bank provided that:

Remittance
towards
repayment

(i) The amounts of interest and installments of principal repayment are remitted only by the AD through whom the foreign credit was originally received;

(ii) In case of loan received in convertible foreign exchange, the AD while reporting to Bangladesh Bank the remittance of interest/principal repayment installment in the usual monthly return must furnish a certificate stating the date(s) and amount(s) of receipt of loan funds and mentioning the monthly returns/schedules in which those receipts were originally reported to Bangladesh Bank. A copy of the relevant credit agreement and a copy of the repayment schedule should also be forwarded;

(iii) In case of foreign loan availed of in the form of supplier's credit the borrower must submit to the AD the attested copy/copies of bill(s) of entry evidencing actual arrival of the relative capital goods in Bangladesh before any installment of interest/principal can be remitted. Attested copy/copies of the bill(s) of entry alongwith

copy of the relative credit agreement and repayment schedule should be forwarded to the Bangladesh Bank by the AD while reporting remittance of installment of principal /interest in the usual monthly returns/schedules.

Borrowing
abroad by
public sector
entities

3. Borrowing abroad by public sector entities requires approval of the Government. All such borrowings on commercial (non-concessional) terms also require specific approval of the Hard Term Loan Standing Committee.

Guarantee
towards
repayments of
foreign supplier's
credit

4. Issuance of repayment guarantees against foreign suppliers' credits shall be subject to the instructions at Para 9, Chapter 16.

Short term
supplier's credit
from abroad

5. Availing of short term suppliers' credits from abroad in the form of imports under deferred payment LCs will be subject to compliance with the instructions at Para-33, Chapter 7 (Import).

Remittances
towards
repayment of
interest and
principal
installments
against past
foreign loans/
suppliers'
credits

6. Remittances towards repayment of interest and principal installments against past foreign loans/suppliers' credits availed in terms of specific approvals other than those covered in the preceding paragraphs (such as past marine vessel procurements under the erstwhile Pay as You Earn Scheme) will be subject to such prior permission requirement as prescribed in the original approvals, until and unless decided otherwise by Bangladesh Bank on approach in each case.

CHAPTER 16

SECTION - I

LOANS, OVERDRAFTS AND GUARANTEES

- 1.** Grant of credit facilities in Taka to non-residents, to companies (other than banking companies) controlled directly or indirectly by persons resident outside Bangladesh and to residents against guarantees or collateral lodged outside Bangladesh, the extension of loans and overdrafts in foreign currencies and the giving of guarantees on behalf of residents of Bangladesh in favour of non-residents or on behalf of non-residents in favour of residents are all regulated under sections 3, 4, 5, 18 and 20 of the FER Act. This Chapter contains the general regulations covering the granting of such loans, overdrafts, credit facilities and guarantees.
- Restriction on lending
- 2.** The ADs may provide short term credit facilities for a period not exceeding 2 weeks to their branches and correspondents abroad only by way of overdrafts arising in the latter's non-resident Taka accounts, if any, on account of negotiation of LCs opened by them for import from Bangladesh.
- Loans and overdrafts to non-resident bank branches and correspondents
- 3.** The ADs should not grant Taka loan against overseas guarantees or collateral outside Bangladesh without prior approval of the Bangladesh Bank. Applications should be made on Form L (See Appendix 5/75). The applicant is required to state the purpose for which the credit facilities are required, the period for which the facilities would be needed, the value of his stocks and assets in Bangladesh and reasons why borrowing against an overseas guarantee or collateral outside Bangladesh is necessary. He is also required to state in what manner the proposed loan or overdraft is expected to be paid off.
- Trading & commercial loans and overdrafts
- 4. (A)** By virtue of Section 18(2) of the FER Act, no person resident in Bangladesh may grant any loan, advance or credit facility to any company (other than banking company) which is controlled whether directly or indirectly, by persons resident outside Bangladesh except with the approval of Bangladesh Bank. For the purpose of Section 18(2) of the FER Act, the word "Company" includes a firm, branch or office of a company or firm. Pursuant to this provision, Bangladesh Bank has accorded general authorisation to banks for extending to foreign owned/controlled industrial and trading firms/companies operating in Bangladesh Taka working capital loans necessary for their operation in due
- Working capital loans for foreign owned or controlled firms

Term lending in
Taka to foreign
owned/
controlled
companies

course of business, according to prevailing credit norms and on the basis of normal banker customer relationship.

(B) Term loans in Taka for capacity expansion/BMRE of foreign owned/controlled industrial firms may be extended/renewed by banks without prior Bangladesh Bank approval provided that:

(i) the term loan in Taka does not exceed, as percentage of total term borrowing, the percentage of equity of the firm/company held by Bangladesh nationals and firms/companies not owned or controlled by foreigners, and

(ii) total debt of the firm/company does not exceed the 50:50 debt equity ratio.

The prevailing credit norms and regulatory provisions regarding lending including single party exposure limits etc. will have to be duly complied with, and the term loan facilities extended will have to be reported post facto to General Manager, Foreign Exchange Investment Department (FEID), Bangladesh Bank, Head Office, Dhaka in proforma prescribed at Appendix 5/75. Term borrowing proposals not conforming with the stipulations in the above paragraph may as before be forwarded to General Manager, Foreign Exchange Policy Department (FEPD), Bangladesh Bank, Head Office, Dhaka for consideration and specific decision.

Besides, if requested, Bangladesh Bank may give consent to term borrowing proposals not conforming with the stipulations in above.

(C) A company is deemed to be controlled directly or indirectly by persons resident outside Bangladesh-

(a) if it is a branch office of a company incorporated outside Bangladesh;

(b) in the case of partnership, if

(i) 50% or more of the capital of the partnership is owned by foreign nationals or,

(ii) the majority of the partners are foreign nationals; and

(c) in case of companies incorporated in Bangladesh, if

(i) 50% of the shares or more are owned by foreign nationals or,

(ii) 50% or more of the directors in the Board of company are foreign nationals. In the case of equal share holding or equal representation on the Board of Directors, a company is deemed to be foreign controlled if its Chairman is a foreign national.

(D) The ADs will maintain and carefully preserve separate company wise records of loans/ overdrafts granted to the foreign or foreign controlled companies.

(E) Head Offices/Principal offices of the ADs are also required to submit a consolidated statement (See Appendix 5/76) as of 31st December each year showing local borrowing facilities allowed to foreign or foreign controlled companies in Bangladesh to the General Manager, Foreign Exchange Investment Department, Bangladesh Bank, Head Office, Dhaka.

5. (a) ADs may grant credit facilities against goods intended for export from Bangladesh to companies and business houses controlled by persons resident outside Bangladesh without prior approval of the Bangladesh Bank. Business houses controlled by persons resident outside Bangladesh may be given credit facilities, without Bangladesh Bank's approval against pledgement of merchandise like jute, hides and skin which are mainly exported from Bangladesh.

Loans against commodities intended for export from Bangladesh

(b) Purchases by the ADs of usance bills covering imports into Bangladesh result in the payment by them in foreign currency or a payment in Taka to a non-resident account, whereas, they do not receive payment for the bills from the importer pending maturity and thus the transactions result in the extension of credit facilities to the importer in Bangladesh. ADs may extend such facilities to foreign owned or controlled firms on banker customer relationship and normal banking practices.

Purchase of usance bills

6. (a) Applications for credit facilities in Taka to any person, whether resident in Bangladesh or otherwise, for purposes other than trading or commercial against overseas guarantee or collateral outside Bangladesh should be referred to Bangladesh Bank for prior approval. The application should be made in Form L (Appendix 5/75)

Private loans/overdrafts against guarantees or collaterals lodged outside Bangladesh

Prior Bangladesh Bank approval will however not be required for Taka advances by way of purchase of cheques in freely convertible currencies drawn by foreign embassies/international organisations/foreign nationals employed therein on their bank accounts abroad, provided that (i) the Authorised Dealer is fully satisfied about collectibility of cheque proceeds in foreign currency within four weeks of purchase, (ii) the expected collection period is fully factored in while deciding the purchase price in Taka, and (iii) the purchases are with recourse to drawers of the cheques for any difficulty in collection.

Taka advance against cheque purchase

| | |
|--|--|
| Loan for investment | (b) No credit facility should be given to foreign nationals for dealings in shares and securities, purchase of cars etc. without prior approval of Bangladesh Bank. Applications in form L may in such cases be forwarded to Bangladesh Bank for consideration. |
| Loans and advances by the ADs in foreign currency | 7. ADs should not grant any loan or overdraft in foreign currencies whether secured or unsecured except with the prior approval of Bangladesh Bank. Applications for this purpose should be made by letter giving full details of the purpose for which such loans or overdrafts in foreign currency are required, particulars of the guarantee or collateral, if any, and the proposed mode of repayment of the loan or overdraft. |
| Guarantees on behalf of residents in favour of non-residents | 8. ADs may furnish guarantees to non-residents on behalf of residents only within the authority set out in the following paragraphs: i) ADs may issue bid bonds/performance bonds on behalf of suppliers in Bangladesh in favour of international agencies inviting tenders for supply of goods/services. In such cases ADs should ensure genuineness of the tender/supply contract/work order etc. before issuing of bond/guarantee. |
| Minor Guarantees | ii) ADs may freely give guarantees on behalf of their customers in their ordinary course of business in respect of missing documents, authentication of signature, release of goods on Trust Receipts and defects in documents negotiated under LC or otherwise. |
| Export guarantee | iii) ADs may furnish performance bonds or guarantees in favour of overseas buyers on account of Bangladeshi exporters without prior approval of the Bangladesh Bank subject to usual banking norms and the following conditions: (a) the tender floated by the foreign buyer calls for bank guarantee/performance bond; (b) the tenderer is a bonafide importer/user/trader of the commodity/product concerned; |

- (c) there is no export ban in Bangladesh on the commodity/product to be supplied;
- (d) the past performance of the exporter is considered satisfactory by the AD.

The remittance, if any, to the beneficiary as a result of invocation of the bond or guarantee can be made subject to report to the Bangladesh Bank.

9. ADs have to take prior permission from Foreign Exchange Policy Department, Bangladesh Bank before issuing any guarantee on behalf of industrial concerns under public/private sector favouring foreign suppliers towards repayment of suppliers' credits.

10. (a) Subject to such conditions as may be imposed by Banking Regulations and Policy Department from time to time, ADs may issue Taka guarantees on behalf of foreign or foreign controlled companies/firms operating in Bangladesh in favour of residents in Bangladesh: (i) against 100% cash deposit and/or where the guarantee is required to be submitted with tender documents in lieu of earnest money deposit, subject to the condition that validity of the guarantee issued in lieu of earnest money will be limited to the period within which the decision regarding acceptance or rejection of the tender is taken, (ii) against adjustment of the amount from the overdraft limit, if any, allowed to the company/firm concerned.

(b) An AD may without prior approval of Bangladesh Bank, issue guarantee, bid bond or performance bond in foreign currency on behalf of a non-resident firm/company favouring residents in Bangladesh provided a back to back guarantee covering the guaranteed amount from an overseas correspondent or other bank abroad is held by the AD. The AD should satisfy itself about the bonafides of the overseas guarantee before issuing its own guarantee/bid bond/performance bond there against.

(c) In all other cases not specified above prior approval of the Bangladesh Bank is required for issuing guarantees on behalf of non-residents in favour of the residents in Bangladesh. Applications for these cases should be made by letter in duplicate giving full particulars of the guarantee/bond, the period, purpose and the method by which the AD will be reimbursed in the event of the guarantee/bond being invoked.

Repayment
guarantees
against
suppliers'
credits

Guarantee on
behalf of
non-residents
in favour of
residents in
Bangladesh

Guarantee favouring local project authorities on behalf of residents.

11. ADs may issue, on behalf of residents, bid bonds/performance bonds/guarantees in foreign currency in favour of local project authorities against goods/services procurement tenders financed by international/foreign donor agencies, on the condition that in case the guarantee is invoked the claim there against would be paid only in Taka equivalent and not in any other currency.

Guarantee favouring a non-resident on behalf of another non-resident

12. Non-resident international agencies may demand bank guarantees from non-resident contractors against supply of materials/downpayment for the ongoing projects in Bangladesh financed by them. Such guarantee on behalf of a non-resident contractor in favour of the non-resident beneficiary may be issued by an AD against 100% counter guarantee from a reputed international bank abroad, or against 100% cash collateral in foreign exchange received from abroad through banking channel.

Guarantees and pledging of collateral in favour of overseas bank branches and correspondents

13. ADs may not, without prior approval of Bangladesh Bank, furnish guarantees to or hold collaterals on behalf of overseas bank branches or correspondents in respect of credit facilities or guarantees to be extended by them or for any other purpose. All applications to Bangladesh Bank should be made by letters giving details of the purpose for which guarantee is to be furnished or collateral deposited. Prior approval is not however, necessary in cases where the ADs are satisfied that the amount of the fixed deposit or other collateral held by them represents funds remitted to Bangladesh through normal banking channel from the country of residence of the borrower.

Renewals of loans, overdrafts and guarantees

14. In cases where the extension of loans or overdrafts or guarantees require prior approval of the Bangladesh Bank, the renewal of such loans, overdrafts or guarantees shall also require prior approval of the Bangladesh Bank.

LCs to finance imports or exports not barred

15. Nothing in this chapter shall affect the establishment of LCs in accordance with the provisions of Chapter 7 and the advice, confirmation and negotiation of credits established by non-resident banks to finance exports from Bangladesh.

16. Non-bank Financial Institutions (NBFIs) operating in Bangladesh licenced under the Financial Institutions Act, 1993 may obtain loan from abroad subject to prior approval of the Bangladesh Bank under the following conditions :

- (i) For obtaining such loan, effective rate of interest will have to be consistent with foreign loans availed of by residents with prior approval of Bangladesh Bank;
- (ii) Repayment period (including grace period) will not be less than five years;
- (iii) Loan thus obtained (in FC) from abroad shall be used as security to obtain Taka loan from any bank in Bangladesh. Taka loans so obtained shall be used for lending to 'manufacturing industries and infrastructure sector (other than real-estate)' only.

While applying to Bangladesh Bank for such approval, NBFIs shall submit the following papers/information with application:

- a. Reason for obtaining foreign loan, debt-equity ratio (existing and after obtaining proposed foreign loan), source and currency of repayment, particulars of security against foreign loan, particulars of taka loan obtained so far (if any) along with amount, tenure and particulars of security lodged thereof;
- b. Specimen copy of draft loan agreement;
- c. Specific information regarding effective interest rate factoring in all fees & expenses, tenure, rate of down payment etc.;

Besides, prior permission from Bangladesh Bank will have to be obtained by NBFIs for obtaining Taka loan from entities controlled by non-residents like DEG, FMO etc. While applying to Bangladesh Bank for such loan, it is to be ensured that effective interest rate for proposed loan is competitive with similar loans availed of by other resident entities during the recent past. Since, interest rates in such cases are determined by adding premium with Treasury Bill Rate, tenure of Treasury Bill and rate of premium are to be mentioned separately with such application.

Obtaining
foreign loan by
Non-bank
Financial
Institutions

SECTION - II**CREDIT FACILITIES TO INDUSTRIES IN EXPORT
PROCESSING ZONES**

17. (A) 100% foreign owned enterprises in the EPZs known as Type A industries may obtain short term foreign currency loans from overseas banks and financial institutions subject to the following conditions:

(i) The loan shall be received through an AD in Bangladesh; and the loan proceeds will be credited to the FC account maintained by the AD in the name of the Type A unit, to be used for financing import of capital machinery and raw materials, payment of interest/service charges, repayment of loans and for crediting Taka account for meeting local expenses;

(ii) Only assets fully owned by the Type A industry may be lodged as collaterals for such loans;

(iii) Repayment of principal and interest on the loan shall be remitted out of the balances available in the FC account without prior Bangladesh Bank approval. No fund may be provided from the AD's own resources for such repayment except with prior approval of Bangladesh Bank;

(iv) In case the loan is called up by the creditor, the assets charged to foreign lender will be allowed to be sold only in foreign exchange and proceeds, after paying off all local liabilities in Bangladesh, may be remitted abroad with Bangladesh Bank's approval;

(v) No Taka loan against repatriable short term foreign currency loan will be allowed to a Type A industry.

(B) Type B industries (joint venture projects) may also obtain such loans subject to conditions applicable to Type A industries as indicated above, except that Type B industries will not be permitted to mortgage/hypothecate their fixed assets, raw materials in favour of any non-resident. The ADs may, however, issue guarantee to overseas banks/financial institutions for short term foreign currency loans brought into Bangladesh by Type B industries, subject to prior approval of the Bangladesh Bank.

18. Taka loan may be granted to a joint venture (Type B) industrial unit in EPZ upto 100% of short term foreign currency loan brought in and encashed to Taka. Loan in Taka for procurement of capital machineries for setting up a Type B industry, not exceeding the local partners' share of ownership of the unit, may be extended on normal banker-customer relationship. Prior Bangladesh Bank approval should be obtained by the AD while providing foreign exchange for import of the machineries out of the Taka loan. Repayments of the Taka loans alongwith interests should be received out of the foreign exchange earnings of the unit.

Taka loans to
Type B units

19. ADs may extend credit facilities to Type C industries (100% locally owned) as admissible to such industries outside EPZ.

Taka loans to
Type C units

20. In establishing import LCs on account of Type A, B and C units in the EPZs ADs shall bear in mind the position that the import payments may be made only out of the foreign exchange earnings of the concerned units or out of their borrowings abroad credited in their FC accounts, and that no funds from the AD's own foreign exchange resources can be used for this purpose. Before opening inputs import LC against an export LC or export order received by an EPZ unit the AD should satisfy itself completely about the clarity of the conditions in the export order/LC, the standing and credit of the foreign buyer and the ability of the exporting unit for timely execution of the export order. In opening inputs import LCs on account of Type B and Type C units, domestic value addition requirements prescribed for the respective items by the Ministry of Commerce should also be abided by.

Opening of
import LCs on
account of EPZ
units

Import payments against the LCs should be scheduled in a manner that payment obligations do not fall due before receipt of export proceeds. In all cases of opening inputs import LCs on accounts of units in the EPZ, ADs should satisfy themselves that necessary arrangements have been made by the opener that in case of shortfall or delay in export receipts, foreign exchange would be made available from external sources.

21. In the case of joint venture (Type B) projects in the EPZs, the foreign partners will have to arrange their contributions in foreign exchange from own or borrowed sources outside Bangladesh and the local partners shall contribute their shares in local currency. In the event, however, the contributions as per joint venture project agreements made by the foreign partners are not sufficient to cover the cost of machinery and equipment, the shortfall may be made up, with prior Bangladesh Bank approval, by conversion of Taka into foreign currency upto an amount not exceeding the local partners' shares/contributions referred to above.

Discounting of
accepted
usance
bills of EPZ
units (Type A
and B)

22. Balances in NFCD accounts may be utilised for discounting usance bills drawn by Type A and Type B units of EPZs for supplying raw materials under back to back (BTB) arrangement and accepted by ADs operating outside EPZs. However, utilisation of NFCD fund for the above purpose including payment for BTB sight LCs (as mentioned in Chapter 7) will not exceed 50% of total NFCD balance of the concerned bank.

Working
capital loan to
B and C Type
units

23. For working capital, in addition to pre-shipment non-funded facility through BTB LC and post shipment finance through bill discounting as mentioned in para 22 of this chapter, an AD may grant working capital loan from its own source on banker customer relationship considering repayment capacity of the B and C type units up to the extent of value of inputs required for four months production. However, loans so advanced should be adjusted from export receivables within shortest possible time. The amount of importables is to be determined on the basis of export performance of the concerned unit during the previous year while for the new concern the AD should refer to the production capacity as determined by BEPZA.

C H A P T E R 1 7

**OPENING OF OFFICE AND APPOINTMENT OF
AGENTS IN BANGLADESH BY NON-RESIDENTS:
REPATRIATION OF EARNINGS OF COMMISSION,
FEES ETC.**

1. In terms of Section 18 B of the FER Act, 1947 [vide Foreign Exchange Regulation (Amendment) Ordinance, 1976] all persons resident outside Bangladesh, foreign nationals residing in Bangladesh and foreign companies (other than banking companies) not incorporated in Bangladesh are required to obtain permission from the Bangladesh Bank to establish in Bangladesh any place of business for trading, commercial or industrial activities.

Permission requirement for opening office in Bangladesh by non-residents for trading/commercial/industrial purposes

2. In terms of Section 18 A of the FER Act, 1947, permission of Bangladesh Bank will have to be obtained by any person (which includes individuals, firms, business organisations or concerns incorporated or not) to enable the person concerned to act or accept an appointment to act as an agent in trading and commercial transactions or as a technical or management adviser of any person resident outside Bangladesh or of a person resident in Bangladesh but not citizen of Bangladesh.

Permission requirement for accepting appointment as agents of non-residents

3. For obtaining permission under section 18A/18B of FER Act, 1947, application from the person/firm shall have to be submitted-signed by appropriate/authorised person along with the documents / papers as described in Appendix 6/3 to the concerned Area Offices of Bangladesh Bank addressing to the General Manager [in case of Head Office, application to be addressed to the General Manager, Foreign Exchange Investment Department] through any Authorised Dealer. All organisations approved under section 18A/18B must have to ensure regular submission of statement as stated in the approval letter.

Application Procedure and Documents

4. Information on foreign exchange receipts

Buying Agents, Indenting houses/Agents, Recruiting Agents, Trademarks/Patent Agents and Attorneys, Local Agents, Shipping Agents, Freight Forwarding Agents, Pre-shipment Inspection Agents, Satellite Distributors, etc, and others who

act as Agents or Consultants of non-residents are required to submit to the Bangladesh Bank, the following documents/information in respect of their foreign exchange earnings:

Buying Agents,
Indenting
houses/Agents,
Local Agents,
Freight
Forwarding
Agents

4.1(a) Quarterly statement as per prescribed format (Appendix 5/77-80 respectively) as on end March, June, September and December each year showing commission earnings in foreign exchange. The statement should reach the respective area office of Bangladesh Bank within 60 days from the close of each quarter.

(b) A copy of each agency agreement entered into by them with the foreign suppliers.

4.2 In other cases (such as Courier Services, General Sales Agents, etc). the periodical statements pertaining to commission earnings as prescribed in the approval letter need to be submitted to the respective Area Office of Bangladesh Banks within the stipulated time.

Recruiting
Agents:

4.2. (a) Quarterly statement as per prescribed form (See Appendix 5/81) showing the amounts of foreign exchange received on account of services rendered to foreign employers. The aforesaid statement will reflect the position at the end of March, June, September and December each year and should reach the concerned area office of Bangladesh Bank within 30 days from the close of each quarter.

(b) A copy of each agreement entered into with foreign employers.

Trademarks/
Patent Agents
and Attorneys

4.3. (a) Quarterly statement in the prescribed form (See Appendix 5/82) showing the foreign exchange receipts on account of govt. fees and their own professional charges. The statement should show the position as at the end of March, June, September and December each year and reach the concerned area office of Bangladesh Bank within 30 days from the close of each quarter.

(b) A copy of each agency agreement entered into by them with foreign clients.

4.4 (a) Quarterly statement in the prescribed form (See Appendix 5/83) showing the amounts of foreign exchange received on account of services rendered to oil companies and non-residents for the quarters ending March, June, September and December each year. The statements should reach the concerned area office of Bangladesh Bank within 30 days from the close of each quarter.

(b) A copy of each agreement accepting appointment as agent/representative/consultant of foreign oil company/non-resident firm.

4.5 In the event of submitting the above mentioned documents/statements to Bangladesh Bank, the ADs shall properly examine the genuineness of original agreement and send only the photocopies of those duly attested by the bank's competent official.

4.6 In evidence of foreign exchange repatriation into Bangladesh, the AD's usual encashment certificate bearing the amount, date of repatriation, purpose of the remittance, the name of the remitter and mentioning monthly return in which the relevant transaction has been reported should be submitted with the relevant quarterly statements.

Agents,
representatives
of foreign oil
companies and
non-resident
firms

Verification by
the ADs

Submission of
encashment
certificate in
case of inward
remittances

C H A P T E R 1 8

SECTION - I

INSURANCE BUSINESS

| | |
|---------------------------------------|--|
| General | <p>1. Foreign exchange regulations governing insurance business entered into and completed in Bangladesh are set out in this chapter. Branches and agencies in Bangladesh of insurance companies whose head offices are situated abroad are, from foreign exchange regulations viewpoint, regarded as resident in Bangladesh and are subject to the same instructions as insurance companies registered in Bangladesh.</p> |
| | <p><u>Life Insurance</u></p> |
| Types of policies which may be issued | <p>2. (i) Insurance policies on the lives of residents of Bangladesh may be issued only in Taka. (ii) Existing Taka life policies may not be converted into foreign currency policies except with the prior approval of the Bangladesh Bank. Similarly, the records of an existing Taka policy may not be transferred to an office outside Bangladesh.</p> |
| Collection of premia | <p>3. (i) Premia on Taka policies on the lives of non-residents may be accepted in Taka if made by cheques drawn on a non-resident Taka account with an AD or if made out of funds remitted from abroad by the policy-holder through an AD.</p> <p>(ii) Premia collected on Taka policies must be credited to the insurance company's resident account. The remittance of such collections by the branches of non-resident companies to their overseas head office or branches is not permitted.</p> |
| Assignments | <p>4. Policies may not be assigned by a resident in Bangladesh to a non-resident or by one non-resident to another non-resident in a different country without the prior approval of the Bangladesh Bank. There is, however, no objection to technical assignments of life policies to the head offices of overseas insurance companies as security for Taka loans granted by the branch in Bangladesh.</p> |

5. (i) The maturity proceeds or surrender value of Taka policies will be paid in Taka only.

(ii) The proceeds at maturity of Taka endowment policies or annuities held by foreign nationals who are temporarily resident in Bangladesh or who having been temporarily resident in Bangladesh have left Bangladesh, may not be transferred for payment outside Bangladesh without the prior approval of the Bangladesh Bank.

Payments of
claims

6. Bangladesh nationals may buy life insurance policies in foreign exchange while residing abroad. On their permanent return to Bangladesh they may continue to pay the premia from foreign currency accounts maintained in Bangladesh. Remittance facility may also be allowed for premia payments provided:

(a) The foreign currency policy abroad was taken while the policyholder was resident abroad;

(b) Nominee or assignee of the policy is a resident;

(c) The holder furnishes undertaking that the proceeds of the policy will be received in Bangladesh through normal banking channel;

(d) Declaration is furnished by the applicant as per proforma at Appendix 5/84;

(e) The AD shall keep note of maturity date of the policy and inform Bangladesh Bank about non-repatriation of proceeds of the policy at maturity immediately in any such case.

7. Life and endowment policies which fall within the definition of securities cannot be taken or sent out of Bangladesh without the prior approval of the Bangladesh Bank. Applications for export of life policies should be made to the Bangladesh Bank giving full description of the policy and reasons for its export.

Export of
policies

Non-Life Business

8. Exporters in Bangladesh may obtain insurance cover for shipments on CIF basis, the policies may be expressed in Taka or in foreign currency. For FOB/CFR export shipments, the insurance covers are arranged by the overseas buyers.

Marine
policies-
exports

9. (i) Exports from and imports into Bangladesh under the public sector are required compulsorily to be insured with the Sadharan Bima Corporation (SBC). Private sector exporters and importers may take out policies from SBC or from any approved private sector insurance company in Bangladesh.

Marine policies-imports

(ii) The insurance policies on account of imports into Bangladesh should be expressed in Taka except that in case of imports for projects/industries which are financed by foreign loans/grants, policies may be expressed in foreign currency if the terms of the loans/grants so require.

Marine policies-coastal shipments

(iii) Coastal shipments between places in Bangladesh may be insured only in Taka.

10. (a) Insurance cover on non-marine risks (excluding life) inside Bangladesh may be issued only in Taka. Nothing in this paragraph shall affect the operation of the warehouse to warehouse clause in marine insurance policies.

(b) Insurance cover on assets outside Bangladesh owned by residents of Bangladesh may be issued in Taka or in the currency of the country in which the assets are situated.

Insurance of baggage and valuables in transit

(c) Insurance of baggages and valuables in transit is subject to the same regulations as applicable to marine insurance policies.

Currency in which policies may be issued for non-marine risks (excluding life)

11. (i) Claims on foreign currency policies may be paid to non-resident beneficiaries in the currency in which the policy is issued. Where a remittance from Bangladesh is required for this purpose, an application must be made to the Bangladesh Bank on Form TM accompanied by a declaration as per Appendix 5/57.

Currency in which policies may be issued-other risks

(ii) Claims on foreign currency policies whose beneficiaries are residents of Bangladesh may ordinarily be paid in Taka. Where the beneficiary requires payment in the currency of the policy, permission from Bangladesh Bank should be applied for on Form TM accompanied by declaration as per Appendix 5/57. The beneficiary must explain in the declaration why payment in foreign currency is required.

- | | |
|---|---|
| (iii) All risks insurance policies on the assets of residents may be issued only in Taka. | All risks insurance |
| (iv) Household policies can be issued only in Taka. | Household policies |
| (v) The issue of personal accident policies is subject to the same conditions as life policies. | Personal accident insurance |
| (vi) Policies under the Workmen's Compensation Act and Merchant Shipping Act can be issued only in Taka. | Policies under Workmen's Compensation Act and Merchant Shipping Act |
| 12. (i) Premia on Taka policies of non-residents may be accepted in Taka if made by cheque drawn by the non-resident policy holder on his non-resident Taka account with an AD or if the payment is remitted from abroad by the policy holder through an AD. Insurer should not accept payment in Taka from resident accounts in such cases. | Method of collection of premia on (non-life business) Taka policies |
| (ii) Premia on foreign currency policies issued by the Insurance Companies in respect of foreign nationals resident in Bangladesh can be collected out of remittable Taka funds of the policy holder or through a remittance received from abroad. In respect of foreigner residing abroad the premia can be collected only through remittance from abroad. | Premia collection-foreign currency policies |
| 13. Claims against Taka policies can be paid in Taka only, regardless of whether the beneficiary is a resident or otherwise. | Method of settlement of claim (non-life business) |

SECTION - II
REINSURANCE

14. Remittance facilities for reinsurance (non-life) abroad will be allowed to the insurance companies operating in Bangladesh by ADs without prior Bangladesh Bank approval subject to the following conditions:

(i) Remittances of Premia-Facultative Reinsurance:

(a) Application for this purpose should be made on Form TM accompanied by a declaration in the form given in Appendix 5/85.

(b) The application is supported by evidence in the nature of cover note etc., in respect of reinsurance effected.

(c) In case of applicant insurance companies other than the SBC, a certificate from SBC that the applicant has fulfilled the requirement of obtaining reinsurance cover through SBC to the extent statutorily prescribed.

(ii) Settlement of Account- Treaty Reinsurance:

(a) The application is supported by a proforma statement of account signed by the Manager of the applicant company or an officer holding a power of attorney and duly confirmed by the reinsurer.

(b) The applicant company has submitted quarterly statements of its reinsurance account to the Bangladesh Bank through the AD.

(c) Proceeds certificate in case any amount of claim has been received in cash and the same is being accounted for through the statement of account.

(d) Applications for this purpose should be made on Form TM accompanied by a declaration in the form in Appendix 5/86.

Reinsurance-
life: remittance
of premia

15. Remittance of premia towards reinsurance of life business done by an insurance company in Bangladesh under treaty arrangement with foreign reinsurers may be allowed by the ADs on application in TM Form alongwith declaration as per Appendix 5/86 subject to:

(a) Submission of Bordereaux.

(b) Furnishing of undertaking by the insurance company to repatriate receipts in settlement of claims under the reinsurance through an AD.

(c) A proforma statement of account signed by the authorised official of the insurance company.

CHAPTER 19

PAYMENT THROUGH INTERNATIONAL CARDS

1. Payment in foreign exchange may be made through International Card (debit/credit/pre-paid as the case may be) of internationally recognised issuing company against the following entitlements:

International cards

i) Balance in exporters' retention quota account [Ref : Para 28, Chapter 13].

ii) Annual personal travel quota entitlement of individual [Ref : Para 1, Chapter 12].

iii) Balances held in Resident Foreign Currency Deposit (RFCD) accounts [Ref : Chapter 13, Section-III].

iv) Foreign exchange entitlement (fixed by the Government for each person intending to perform Hajj) of approved private Hajj Agencies for meeting food/lodging expenses of the pilgrims in Saudi Arabia.

v) Foreign exchange entitlement fixed by the Ministry of Finance/competent authority for official or semi-official visits abroad by the officials of Government/Autonomous/Semi-autonomous institutions etc. [Ref: Para 3, Chapter 12].

vi) Per diem foreign exchange entitlement for private sector participants for attending seminars, conferences, workshops abroad arranged by recognised international bodies [Ref : Para 4, Chapter 12].

vii) Balances held in private foreign currency accounts [Ref : Para nos. 1, 2 and 6, Chapter 13].

viii) Personal entitlement fixed by the Government of Bangladesh in each year for intending pilgrims for performing Hajj [Ref : Para 10, Chapter 12].

Instructions relating to issuance of international cards are outlined below:

2. International Credit/Debit Card may be issued against the balances held in the exporters' retention quota (ERQ) foreign currency account as per entitlement mentioned in Para 28, Chapter 13 of this Guidelines. International cards may be issued in favour of upto three (3) top level executives of an exporting firm/organisation holding ERQ accounts. An exporting firm/organisation may avail of the card facility from one card issuing bank only. It will be upto the card issuing bank to accept or decline a request from an ERQ account holding exporting firm/organisation for issuance of international cards. Cards issued against ERQ accounts may be used only for meeting the bonafide business purposes of the exporting firm/organisation as mentioned in Para 29(i), Chapter 13 (Section - IV) of this Guidelines.

International credit/debit card against ERQ accounts

International credit/debit card against RFCD accounts

3. International Credit/Debit Card may be issued against the balances held in RFCD accounts opened and maintained as per instructions mentioned in Chapter 13 (Section III) of this Guidelines by authorised dealers in Bangladesh.

□

International credit/pre-paid card against travel quota entitlement .

4. ADs may issue international Credit/Pre-paid Card against the annual personal travel quota entitlements of the prospective card holders as per Para 1, Chapter 12 of this Guidelines. While issuing card, the AD shall endorse on the passport, the value for which the card is issued. ADs are advised to establish effective control to ensure utilisation of foreign exchange issued for (1) SAARC countries & Myanmar and (2) Other than SAARC countries & Myanmar in the respective areas.

□

International credit/pre-paid card against govt. officials etc.

5. International Credit/Pre-paid Card may be issued favoring Officials of Government/Autonomous/Semi-autonomous institutions etc. for official/semi official visits abroad against foreign exchange entitlement fixed by the Ministry of Finance/competent authority from time to time as mentioned in Para 3, Chapter 12 of this Guidelines. In such case, the prospective card holder shall be required to submit the letter of sanction for limit of foreign exchange and the Competent Authority's Order authorising the travel. While issuing the card, the AD shall endorse an amount not exceeding the entitlement (as fixed by the Government/Competent Authority) on the passport. □

□

International credit/pre-paid card for private sector officials.

6. International Credit/Pre-paid Card may be issued favouring private sector participants for attending seminars, conferences and workshops abroad arranged by recognised international bodies as per entitlement mentioned in Para 4, Chapter 12. While issuing the card, the AD shall endorse an amount not exceeding the entitlement (as stated in the above Para of the GFET) on the passport. □

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International debit card against private foreign currency accounts

7. International Debit Card may be issued against the balances held in Private Foreign Currency Accounts (accounts opened and maintained as per Para nos. 1, 2 & 6, Chapter, 13).

8. In each year Government declares general permission for releasing foreign exchange favouring private sector Hajj Agencies to meet food, lodging etc. expenses of the pilgrims in Saudi Arabia against foreign exchange entitlement fixed for each individual. Foreign exchange within the approved limit under general authorisation may be issued in favour of approved private sector Hajj Agencies operating in Bangladesh by the ADs in the form of Debit/Pre-paid Card besides cash/TC/FDD/FTT under the following arrangements:

- (a) Hajj pre-paid card as issued within the said entitlement fixed by the Government for the respective year shall be used in Saudi Arabia only. Unused balance (if any) shall be encashed into Taka after return to Bangladesh and the card will be invalidated;
- (b) The ADs shall have to be satisfied that endorsement of the same entitlement has not already been made/will not be made on the pilgrim pass/passport by another AD.

While issuing the card, the AD shall endorse an amount not exceeding Hajj entitlement (as fixed by the Government) on the pilgrim pass/passport.

9. International Prepaid Card may be issued to intending pilgrims (individual resident Bangladesh Nationals) for meeting expenses in Saudi Arabia while performing Hajj as per entitlement declared by the Government in each year [Para 10, Chapter 12] for using in Saudi Arabia only. While issuing the card, the AD shall endorse an amount not exceeding Hajj entitlement (as fixed by the Government) on the passport/pilgrim pass.

Hajj pre-paid card as issued within the said entitlement fixed by the Government for the respective year shall be used in Saudi Arabia only. Unused balance (if any) shall be encashed into Taka after return to Bangladesh and the card will be invalidated.

International debit/pre-paid card against Hajj entitlement (for private sector Hajj Agencies)

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International pre-paid card against Hajj entitlement (for individuals)

Payment of mobile phone roaming bill

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Other instructions

10. Subject to entitlement in each of the categories mentioned above, International Card holder may pay their mobile phone roaming service utilisation bill to mobile phone operators in Bangladesh through International Card. For realisation of roaming bills, the mobile phone operators are advised to specify the followings in their bills:

- i) category of area (SAARC/Non-SAARC including Myanmar);
- ii) name of the country;
- iii) amount of security deposit of the customer (if any, specifying area and country as above)

11. The following requisites, instructions etc. shall have to be meticulously complied with while issuing such international cards :

- i) A declaration from the intending card holder stating that he is not availing himself of any International Credit/Debit/Pre-paid Card from any other AD against the same account or the same entitlement;
- (ii) In case the card is issued by a bank against any ERQ/RFC/FC account maintained in another bank, an authorisation has to be obtained from the prospective card holder allowing the card issuing bank to have lien and debit authority for the said account from the bank maintaining that account;
- (iii) Effective control system must be ensured by the issuing bank to guard against unwanted drawings in excess of the entitlement or balance in the respective foreign currency accounts (as the case may be). To facilitate monitoring towards limiting the liabilities on account of card use, the FC account holding ADs may from time to time advise the card issuing bank about the credit balances of the FC account;
- (iv) The cards shall have to be withheld/invalidated as soon as the fund available in the ERQ/RFC/FC account is fully utilised/exhausted unless there is reasonable prospect of replenishment;
- (v) In cases of issuances of International Cards against ERQ/RFC/FC accounts, the amount of the respective card shall be under lien so that under no circumstances related account is overdrawn. Yet for any unforeseen reason, if any account becomes overdrawn at any point of time, the same shall have to be immediately reported to the Bangladesh Bank clarifying the reason and remedial measure thereof;
- (vi) All records, documents, account statements relating to issuance and use of cards should be kept ready and available for inspection/examination by Bangladesh Bank as and when required.

12. Information about issuance of card(s) shall have to be submitted to Foreign Exchange Operation Department, Bangladesh Bank, Head Office, Dhaka as per proforma given in Appendix-5/87 within 15th of the following month on monthly basis. Issuance of International Cards and release of foreign exchange thereagainst under the different categories of entitlement as mentioned above shall have to be reported to Bangladesh Bank [Foreign Exchange Operation Department, and Statistics Department] by the Head Office/Country Office of ADs by 15th of the following month with usual monthly returns according to the instructions furnished in appendix-5/88. Besides, a statement of utilisation/payment of foreign exchange against international cards has to be submitted on monthly basis as per Appendix 5/89 by the Head Office/Country Office by 15th of the following month.

Reporting

APPENDIX 1

Foreign Exchange Regulation Act, 1947

(VII of 1947)

FOREIGN EXCHANGE REGULATION ACT, 1947
ACT NO. VII OF 1947
11TH MARCH, 1947

(As modified upto 30th April, 2002)

An Act to regulate certain payments, dealings in foreign exchange and securities and the import and export of currency and bullion.

WHEREAS it is expedient in the economic and financial interests of Bangladesh to provide for the regulation of certain payments, dealings in foreign exchange and securities and the import and export of currency and bullion;

It is hereby enacted as follows :

1. (1) This Act may be called the Foreign Exchange Regulation Act, 1947.

Short title,
extent and
commencement

(2) It extends to the whole of Bangladesh and applies to all citizens of Bangladesh and persons in the service of the Republic wherever they may be.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpretation

(a) "authorised dealer" means a person for the time being authorised under section 3 to deal in foreign exchange;

(b) "currency" includes all coins, currency notes, bank notes, postal notes, money orders, cheques, drafts, traveller's cheques, letters of credit, bills of exchange and promissory notes;

(c) "foreign currency" means any currency other than Bangladesh currency;

(d) "foreign exchange" means foreign currency and includes any instrument drawn, accepted, made or issued under clause (13) of Article 16 of the Bangladesh Bank Order, 1972, all deposits, credits and balances payable in any foreign currency and any draft, traveller's cheque, letter of credit and bill of exchange expressed or drawn in Bangladesh currency but payable in any foreign currency;

(e) "foreign security" means any security issued elsewhere than in Bangladesh and any security the principal of or interest on which is payable in any foreign currency or elsewhere than in Bangladesh;

- (f) "gold" includes gold in the form of coin, whether legal tender or not, or in the form of bullion or ingot, whether refined or not;
- (g) "Bangladesh currency" means currency which is expressed or drawn in Bangladesh Taka;
- (h) "owner", in relation to any security, includes any person who has power to sell or transfer the security or who has the custody thereof or who receives, whether on his own behalf or on behalf of any other person, dividends or interest thereon and who has any interest therein and in a case where any security is held on any trust or dividends or interest thereon are paid into a trust fund, also includes any trustee or any person entitled to enforce the performance of the trust or to revoke or vary, with or without the consent of any other person, the trust or any terms thereof, or to control the investment of the trust moneys;
- (i) "prescribed" means prescribed by rules made under this Act;
- (j) "Bangladesh Bank" means the Bangladesh Bank established under clause (1) of Article 3 of Bangladesh Bank Order, 1972;
- (k) "security" means shares, stocks, bonds, debentures, debenture stock and Government securities, as defined in the securities Act, 1920, deposit receipts in respect of deposits of securities, and units or sub-units of unit trust, but does not include bills of exchange or promissory notes other than Government promissory notes;
- (l) "silver" means silver bullion or ingot, silver sheets and plates which have undergone no process of manufacture subsequent to rolling and uncurrent silver coin which is not legal tender in Bangladesh or elsewhere;
- (m) "transfer" includes, in relation to any security, transfer by way of loan or security.

Authorised
Dealers in
Foreign
Exchange

- 3.** (1) The Bangladesh Bank may, on application made to it in this behalf, authorise any person to deal in foreign exchange.
- (2) An authorisation under this section-
 - (i) may authorise dealings in all foreign currencies or may be restricted to authorising dealings in specified foreign currencies only;
 - (ii) may authorise transactions of all descriptions in foreign currencies or may be restricted to authorising specified transactions only;

- (iii) may be granted to be effective for a specified period, or within specified amounts, and may in all cases be revoked for reasons appearing to it sufficient by the Bangladesh Bank.

(3) An authorised dealer shall in all his dealings, in foreign exchange comply with such general or special directions or instructions as the Bangladesh Bank may from time to time think fit to give, and, except with the previous permission of the Bangladesh Bank an authorised dealer shall not engage in any transaction involving any foreign exchange which is not in conformity with the terms of his authorisation under this section.

(4) An authorised dealer shall, before undertaking any transaction in foreign exchange on behalf of any person, require that person to make such declarations and to give such information as will reasonably satisfy him that the transaction will not involve, and is not designed for the purpose of, any contravention or evasion of the provisions of this Act or of any rules, directions or orders made thereunder and where the said person refuses to comply with any such requirement or makes only unsatisfactory compliance therewith, the authorised dealer shall refuse to undertake the transaction and shall, if he has reason to believe that any such contravention or evasion as aforesaid is contemplated by the person, report the matter to the Bangladesh Bank.

4. (1) Except with the previous general or special permission of the Bangladesh Bank, no person other than an authorised dealer shall in Bangladesh and no person resident in Bangladesh other than an authorised dealer shall outside Bangladesh, buy or borrow from, or sell or lend to, or exchange with, any person not being an authorised dealer, any foreign exchange.

Restrictions on
dealing in
Foreign
Exchange

(2) Except with the previous general or special permission of the Bangladesh Bank, no person whether an authorised dealer or otherwise, shall enter into any transaction which provides for the conversion of Bangladesh currency into foreign currency or foreign currency into Bangladesh currency at rates of exchange other than the rates for the time being authorised by the Bangladesh Bank.

(3) Where any foreign exchange is acquired by any person other than an authorised dealer for any particular purpose, or where any person has been permitted conditionally to acquire foreign exchange, the said person shall not use the foreign exchange so acquired otherwise than for that purpose or, as the case may be, fail to comply with any condition to which the permission granted to him is subject, and where any foreign exchange so acquired cannot be so used or, as the case may be, the conditions cannot be complied with, the said person shall without delay sell the foreign exchange to an authorised dealer.

Restrictions on payments

(4) Nothing in this section shall be deemed to prevent a person from buying from any post office, in accordance with any law or rules made thereunder for the time being in force, any foreign exchange in the form of postal orders or money orders.

5. (1) Save as may be provided in and in accordance with any general or special exemption from the provisions of this sub-section which may be granted conditionally or unconditionally by the Bangladesh Bank, no person in or resident in Bangladesh shall—

- (a) make any payment to or for the credit of any person resident outside Bangladesh;
- (b) draw, issue or negotiate any bill of exchange or promissory note or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person resident outside Bangladesh;
- (c) make any payment to or for the credit of any person by order or on behalf of any person resident outside Bangladesh;
- (d) place any sum to the credit of any person resident outside Bangladesh;
- (e) make any payment to or for the credit of any person as consideration for or in association with—
 - (i) the receipt by any person of a payment or the acquisition by any person of property outside Bangladesh;
 - (ii) the creation or transfer in favour of any person of a right whether actual or contingent to receive a payment or acquire property outside Bangladesh.
- (f) draw, issue or negotiate any bill of exchange or promissory note, transfer any security or acknowledge any debt, so that a right (whether actual or contingent) to receive a payment is created or transferred in favour of any person as consideration for or in association with any matter referred to in clause (e).

(2) Nothing in sub-section (1) shall render unlawful—

- (a) the making of any payment already authorised either with foreign exchange obtained from an authorised dealer under section 4 or with foreign exchange retained by a person in pursuance of an authorisation granted by the Bangladesh Bank;
- (b) the making of any payment with foreign exchange received by way of salary or payment for services not arising from business in, or anything done while in Bangladesh.

(3) Nothing in this section shall restrict the doing by any person of anything within the scope of any authorisation or exemption granted under this Act.

(4) For the purposes of this section "security" also includes coupons or warrants representing dividends or interest and life or endowment insurance policies.

6. (1) Where an exemption from the provisions of section 5 is granted by the Bangladesh Bank in respect of payment of any sum to any person resident outside Bangladesh and the exemption is made subject to the condition that the payment is made to a blocked account-

Blocked
Accounts

- (a) the payment shall be made to a blocked account in the name of that person in such manner as the Bangladesh Bank may by general or special order direct, and
- (b) the crediting of that sum to that account shall, to the extent of the sum credited, be a good discharge to the person making the payment.

(2) No sum standing at the credit of a blocked account shall be drawn on except in accordance with any general or special permission which may be granted conditionally or otherwise by the Bangladesh Bank.

(3) In this section "blocked account" means an account opened as a blocked account at any office or branch in Bangladesh of a bank authorised in this behalf by the Bangladesh Bank, or an account blocked, whether before or after the commencement of this Act, by order of the Bangladesh Bank.

7. (1) Where in the opinion of the Government it is necessary or expedient to regulate payments due to persons resident in any territory, the Government may, by notification in the official Gazette, direct that such payments or any class of such payments shall be made only into an account (hereinafter referred to as a special account) to be maintained for the purpose by the Bangladesh Bank or an authorised dealer specially authorised by the Bangladesh Bank in this behalf.

Special
Accounts

(2) The credit of a sum to a special account shall, to the extent of the sum credited, be a good discharge to the person making the payment:

Provided that where the liability of the person making the payment is to make the payment in foreign currency, the extent of the discharge shall be ascertained by converting the amount paid into that currency at such rate of exchange as is for the time being fixed or authorised by the Bangladesh Bank.

(3) The sum standing to the credit of any special account shall from time to time be applied-

- (a) where any agreement is entered into between the Government and the Government of the territory to which the aforesaid notification relates for the regulation of payments between persons resident in Bangladesh and in that territory, in such manner as the Bangladesh Bank having regard to the provisions of such agreement, may direct, or
- (b) where no such agreement is entered into, for the purpose of paying wholly or partly, and in such order of preference and at such times as the Government may direct; debts due from the persons resident in the said territory to persons resident in Bangladesh or in such other territories as the Government may, by order, specify in this behalf.

Restrictions on
import and
export of certain
currency and
bullion

8. (1) The Government may, by notification in the official Gazette, order that subject to such exemptions, if any, as may be contained in the notification, no person shall, except with the general or special permission of the Bangladesh Bank and on payment of the fee, if any, prescribed bring or send into Bangladesh any gold or silver or any currency notes or bank notes or coins whether Bangladesh or foreign.

Explanation: The bringing or sending into any part or place in the territories of Bangladesh of any such article as aforesaid, intended to be taken out of the territories of Bangladesh without being removed from the ship or conveyance in which it is being carried, shall nonetheless be deemed to be bringing or as the case may be, sending, into the territories of Bangladesh of that article for the purposes of this section.

(2) No person shall, except with the general or special permission of the Bangladesh Bank or the written permission of a person authorised in this behalf by the Bangladesh Bank, take or send out of Bangladesh any gold, jewellery or precious stones, or Bangladesh currency notes, bank notes or coins or foreign exchange.

(3) The restrictions imposed by sub-sections (1 and 2) shall be deemed to have been imposed under section 16 of the Customs Act, 1969, without prejudice to the provisions of section 23 of this Act, and all the provisions of that Act shall have effect accordingly.

Acquisition by
Government of
Foreign
Exchange

9. The Government may, by notification in the official Gazette, order every person in, or resident in Bangladesh—

(a) who owns such foreign exchange as may be specified in the notification, to offer it, or cause it to be offered for sale to the Bangladesh Bank on behalf of the Government or to such person, as the Bangladesh Bank may authorise for the purpose, at such price as the Government may fix, being a price which is in the opinion of the Government not less than the market rate of the foreign exchange when it is offered for sale;

- (b) who is entitled to assign any right to receive such foreign exchange as may be specified in the notification, to transfer that right to the Bangladesh Bank on behalf of the Government on payment of such consideration therefor as the Government may fix:

Provided that the Government may by the said notification or another order exempt any person or class of persons from the operation of such order:

Provided further that nothing in this section shall apply to any foreign exchange acquired by a person from an authorised dealer and retained by him with the permission of the Bangladesh Bank for any purpose.

10. (1) No person who has a right to receive any foreign exchange or to receive from a person resident outside Bangladesh a payment in Taka shall, except with the general or special permission of the Bangladesh Bank, do or refrain from doing any act with intent to secure-

Duty of persons entitled to receive foreign exchange etc.

(a) that the receipt by him of the whole or part of that foreign exchange or payment is delayed, or

(b) that the foreign exchange or payment ceases in whole or in part to be receivable by him.

(2) Where a person has failed to comply with the requirement of sub-section (1) in relation to any foreign exchange or payment in Taka, the Bangladesh Bank may give to him such directions as appear to be expedient for the purpose of securing the receipt of the foreign exchange or payment as the case may be.

11. The Government may, by notification in the official Gazette, impose such conditions as it thinks necessary or expedient on the use or disposal of or dealings in gold and silver prior to, or at the time of, import into Bangladesh.

Power to regulate uses etc. of imported gold and silver

12. (1) The Government may, by notification in the official Gazette, prohibit the export of any goods or class of goods specified in the notification from Bangladesh directly or indirectly to any place so specified unless a declaration supported by such evidence as may be prescribed or so specified is furnished by the exporter to the prescribed authority that the amount representing the full export value of the goods has been or will within the prescribed period be, paid in the prescribed manner.

Payment for exported goods

(2) Where any export of goods has been made to which a notification under sub-section (1) applies, no person entitled to sell, or procure the sale of, said goods shall, except with the permission of the Bangladesh Bank, do or refrain from doing any act with intent to secure that-

- (a) the sale of the goods is delayed to an extent which is unreasonable having regard to the ordinary course of trade, or
- (b) payment for the goods is made otherwise than in the prescribed manner or does not represent the full amount payable by the foreign buyer in respect of the goods, subject to such deductions, if any, as may be allowed by the Bangladesh Bank, or is delayed to such extent as aforesaid:

Provided that no proceedings in respect of any contravention of this sub-section shall be instituted unless the prescribed period has expired and payment for the goods representing the full amount as aforesaid has not been made in the prescribed manner.

(3) Where in relation to any such goods the said period has expired and the goods have not been sold and payment therefor has not been made as aforesaid, the Bangladesh Bank may give to any person entitled to sell the goods or to procure the sale thereof, such directions as appear to it to be expedient for the purpose of securing the sale of the goods and payment therefor as aforesaid, and without prejudice to the generality of the foregoing provision, may direct that the goods shall be assigned to the Government or to a person specified in the directions.

(4) Where any goods are assigned in accordance with sub-section (3), the Government shall pay to the person assigning them such sum in consideration of the net sum recovered by or on behalf of the Government in respect of the goods as may be determined by the Government.

(5) Where in relation to any such goods the value as stated in the invoice is less than the amount which in the opinion of the Bangladesh Bank represents the full export value of those goods, the Bangladesh Bank may issue an order requiring the person holding the shipping documents to retain possession thereof until such time as the exporter of the goods has made arrangements for the Bangladesh Bank or a person authorised by the Bangladesh Bank to receive on behalf of the exporter payment in the prescribed manner of an amount which represents in the opinion of the Bangladesh Bank the full export value of the goods.

(6) For the purpose of ensuring compliance with the provisions of this section and any orders or directions made thereunder the Bangladesh Bank may require any person making any export of goods to which a notification under sub-section (1) applies to exhibit contracts with his foreign buyer or other evidence to show that the full amount payable by the said buyer in respect of the goods has been or will within the prescribed period be, paid in the prescribed manner.

13. (1) No person shall, except with the general or special permission of the Bangladesh Bank:-

- (a) take or send any security to any place outside Bangladesh;
- (b) transfer any security or create or transfer any interest in security to or in favour of a person resident outside Bangladesh;
- (c) transfer any security from a register in Bangladesh to a register outside Bangladesh or do any act which is calculated to secure, or forms part of a series of acts which together are calculated to secure, the substitution for any security which is either in, or registered in Bangladesh, of any security which is either outside or registered outside Bangladesh;
- (d) issue, whether in Bangladesh or elsewhere, any security which is registered or to be registered in Bangladesh, to a person resident outside Bangladesh.

(2) Where the holder of a security is a nominee, neither he nor any person through whose agency the exercise of all or any of the holder's rights in respect of the security is controlled shall, except with the general or special permission of the Bangladesh Bank, do any act whereby he, recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions, unless both the person were, immediately before the substitution, resident in Bangladesh.

(3) The Bangladesh Bank may, for the purpose of securing that the provisions of this section are not evaded, require that the person transferring any security and the person to whom such security is transferred shall subscribe to a declaration that the transferee is not resident outside Bangladesh.

(4) Notwithstanding anything contained in any other law, no person shall, except with the permission of the Bangladesh Bank-

- (a) enter any transfer of securities in any register or book in which securities are registered or inscribed if he has any ground for suspecting that the transfer involves any contravention of the provisions of this section, or
- (b) enter in any such register or book, in respect of any security, whether in connection with the issue or transfer of the security or otherwise, an address outside Bangladesh except by way of substitution for any such address in the same country or for the purpose of any transaction for which permission has been granted under this section with knowledge that it involves entry of the said address.

(5) For the purposes of this section-

- (a) "holder" in relation to a bearer security means the person having physical custody of the security; provided that, where a bearer security is deposited with any person in a locked or sealed receptacle from which the person with whom it is deposited is not entitled to remove it without the authority of some other person that other person shall be deemed to be the holder of the security;
- (b) "nominee" means a holder of any security (including bearer security) or any coupon representing dividend or interest who, as respects the exercise of any right in respect of the security or coupon, is not entitled to exercise those rights except in accordance with the instructions given by some other persons and a person holding a security or coupon as a nominee shall be deemed to act as nominee for the person who is entitled to give instructions either directly or through the agency of one or more persons, as to the exercise by the holder of the security or coupon of any right in respect thereof and is not, in so doing, himself under a duty to comply with instructions given by some other persons;
- (c) "security" also includes coupon or warrant representing dividend or interest, and life or endowment insurance policies;
- (d) "A person resident outside Bangladesh" includes a foreign national for the time being resident in Bangladesh.

Custody of securities

14. (1) The Government may, by notification in the official Gazette, order every person by whom or on whose behalf a security or document of title to security specified in the order is held in Bangladesh to cause the said security or document of title to be kept in the custody of an authorised depository named in the order;

Provided that Bangladesh Bank may by order in writing permit any such security to be withdrawn from the custody of the authorised depository subject to such conditions as may be specified in the order.

(2) No authorised depository may part with any security covered by an order under sub-section (1) without the general or special permission of the Bangladesh Bank except to, or the order of, another authorised depository.

(3) Except with the general or special permission of the Bangladesh Bank, no authorised depository shall-

- (a) accept or part with any security covered by an order under sub-section (1) whereby the security is transferred into the name of a person resident outside Bangladesh, or

- (b) do any act whereby he recognises or gives effect to the substitution of another person as the person from whom he directly receives instructions relating to such security unless the person previously so instructing him and the person substituted for that person were immediately before the substitution resident in Bangladesh.

(4) Except with the general or special permission of the Bangladesh Bank, no person shall buy, sell or transfer any security or document of title to a security, covered by an order under sub-section (1) unless such security or document of title has been deposited in accordance with the order.

(5) Except with the general or special permission of the Bangladesh Bank, no capital money interest or dividend in respect of any security covered by an order under sub-section (1) shall be paid in Bangladesh except to or to the order of the authorised depository having the custody of the security.

(6) For the purposes of this section-

- (a) "authorised depository" means a person notified by the government to be entitled to accept the custody of securities and document of title to securities and
- (b) "security" shall include coupon.

15. The Government may, by notification in the official Gazette, order that except with the general or special permission of the Bangladesh Bank no person shall in Bangladesh issue any bearer security or coupon or so alter any document that it becomes bearer security or coupon.

Restrictions on
issue of bearer
securities

16. (1) Subject to any exemptions that may be contained in the notification, the Government may if it is of opinion that it is expedient so to do for the purpose of strengthening its foreign exchange position by notification in the official Gazette:-

Acquisition by
government of
foreign securities

- (a) order the transfer to itself of any foreign securities specified in the notification at a price so specified, being a price which is, in the opinion of the Government not less than the market value of the securities on the date of the notification, or
- (b) direct the owner of any foreign securities specified, in the notification to sell or procure the sale of the securities and thereafter to offer or cause to be offered the net foreign exchange proceeds of the sale to the Bangladesh Bank on behalf of the Government or to such person as the Bangladesh Bank may authorise for the purpose, at such price as the Government may fix, being a price which is in the opinion of the Government not less than the market rate of the foreign exchange when it is offered for sale.

(2) On the issue of a notification under clause (a) of sub-section (1),—

- (a) the securities to which the notification relates shall forthwith vest in the Government free from any mortgage, pledge or charge, and the Government may deal with them in such manner as it thinks fit,
- (b) the owner of any of the securities to which the notification relates and any person who is responsible for keeping any register or book in which any of these securities are registered or inscribed or who is otherwise concerned with the registration or inscription of any of those securities, shall do all such things as are necessary or as the Government or the Bangladesh Bank may order to be done, for the purpose of securing that—
 - (i) the securities and any documents of title relating thereto are delivered to the Government and in the case of registered or inscribed securities, that the securities are registered or inscribed in the name of the Government or of such nominee of the Government as it may specify, and
 - (ii) any dividend or interest on those securities becoming payable on or after the date of the issue of the notification are paid to the Government or its nominee as aforesaid and where in the case of any security payable to bearer which is delivered in pursuance of the said notification, any coupon representing any such dividend or interest are not delivered with the security, such reduction in the price payable therefor shall be made as the Government thinks fit:

Provided that where the price specified in the notification in relation to any security is ex-dividend or ex-interest, this sub-clause shall not apply to that dividend or interest or to any coupon representing it.

(3) A certificate signed by any person authorised in this behalf by the Government that any specified securities are securities transferred to the Government under this section shall be treated by all persons concerned as conclusive evidence that the securities have been so transferred.

Restrictions on
settlement

17. (1) No person resident in Bangladesh shall, except with the general or special permission of the Bangladesh Bank, settle any property, otherwise than by will upon any trust under which a person who at the time of the settlement is resident outside Bangladesh elsewhere than in territories notified in this behalf by the Bangladesh Bank, will have an interest in the property or exercise, other than by will, any power for payment in favour of a

person who at the time of the exercise of the power is resident outside Bangladesh elsewhere than in such notified territories.

(2) A settlement or power as aforesaid shall not be invalid except in so far as it confers any right or benefit on any person who at the time of the settlement or the exercise of the power is resident outside Bangladesh, elsewhere than in territories notified by the Bangladesh Bank.

18. (1) Except with the general or special permission of the Bangladesh Bank, no person resident in Bangladesh shall do any act whereby a company, which is controlled by person resident in Bangladesh ceases to be so controlled.

Certain provisions as to companies

(2) Except with the general or special permission of the Bangladesh Bank, no person resident in Bangladesh shall lend any money or security to any company, not being a banking company which is by any means controlled, whether directly or indirectly by persons resident outside Bangladesh elsewhere than in the territories notified in this behalf by the Bangladesh Bank.

In this sub-section "company" includes a firm, branch or office of a company or firm.

18. A (1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the general or special permission of the Bangladesh Bank, act or accept an appointment to act as an agent in the trading or commercial transactions, or as a technical or management adviser or any other employee, in Bangladesh (whether or not a citizen of Bangladesh) of a person resident in Bangladesh (but not a citizen of Bangladesh) or of a company (other than a banking company) not incorporated under any law in force in Bangladesh.

Restriction on Agents

(2) A person acting or holding an appointment to act as an agent or as an adviser or any other employee in Bangladesh of a person or company referred to in sub-section (1) immediately before the commencement of the Foreign Exchange Regulation (Amendment) Ordinance, 1976 (Ord. No. LXXVI of 1976) may continue to so act for a period not exceeding six months from such commencement unless the Bangladesh Bank has, upon an application made in this behalf in such form and containing such particulars as the Bangladesh Bank may direct, granted him permission to continue to so act thereafter.

Explanation: For the purpose of this section, the term "person" shall include a firm, or a business organisation or concern whether incorporated or not.

Restrictions on
Foreign.
Companies

18.B (1) Notwithstanding anything contained in any other law for the time being in force, no person resident outside Bangladesh (whether or not a citizen of Bangladesh) nor a person who is not a citizen of, but resident in, Bangladesh nor a company (other than a banking company) not incorporated under any law in force in Bangladesh shall, except with general or special permission of the Bangladesh Bank, continue or establish in Bangladesh a branch, office or any other place of business for carrying on any activity of a trading, commercial or industrial nature.

(2) Any such person or company carrying on any activity of the nature referred to in sub-section (1) immediately before the commencement of the Foreign Exchange Regulation (Amendment) Ordinance, 1976 (Ord. No. LXXVI of 1976), may except in the case of a person or company carrying on any activity of the nature referred to in sub-section (1) or having a branch, office or other place of business for carrying on such activity in pursuance of any permission or licence granted by the Government, continue to so carry on such activity for a period not exceeding six months from such commencement unless the Bangladesh Bank has, upon an application made in this behalf, granted him permission to continue to so carry on such activity thereafter.

(3) Where no application under sub-section (2) has been made by any such person or company the Bangladesh Bank, may, by order, direct such person or company to discontinue such activity or to close down such branch, office or place of business, as the case may be, on the expiry of such period as may be specified in the direction.

Power to
call for
information

19. (1) The Government or the Bangladesh Bank may, at any time by notification in the official Gazette direct owners subject to such exceptions, if any, as may be specified in the notification, of such foreign exchange or foreign securities as may be so specified, to make a return thereof to the Bangladesh Bank within such period and giving such particulars, as may be so specified.

(2) The Government may by order in writing require any person to furnish it or any person specified in the order with any information, book or other document in his possession, being information, book or document which the Government considers it necessary or expedient to obtain and examine for the purposes of this Act and may, at any time, by notification in the official Gazette, direct that the power to make such order shall for such period as may be specified in the direction, be exercised by the Bangladesh Bank.

(3) On a representation in writing made by a person authorised in this behalf by the Government or the Bangladesh Bank and supported by a statement on oath of such person that he has reason to believe that a contravention of any of the provisions of this Act has been or is being or is about to be committed in any place or that evidence of the contravention is to be found in such place, a district magistrate, a Upa-Zilla magistrate or a magistrate of the first class, may by warrant, authorise any police officer not below the rank of sub-inspector—

- (a) to enter and search any place in the manner specified in the warrant, and
- (b) seize any books or other documents found in or on such place.

Explanation: In this sub-section, "place" includes a house, building, tent, vehicle, vessel or aircraft.

(3A) A police officer authorised under sub-section (3) may search any person who is found in or whom he has reasonable ground to believe to have recently left or to be about to enter such place and to seize any article found in the possession of or upon such person and believed by the police officer so authorised to be evidence of the commission of any offence under this Act.

(3B) A police officer authorised under sub-section (3) shall conduct any search under that sub-section or under sub-section (3A) in accordance with the provisions relating to search in the Code of Criminal Procedure, 1898 (V of 1898)

V of 1898.

(4) The provisions of sub-section (1), (2) and (3) of section 54 of the Income-tax Act, 1922 (XI of 1922) shall apply in relation to information obtained under sub-section (2) of this section as they apply to the particulars referred to in that section, and for the purposes of such application—

XI of 1922.

- (a) the said sub-section (3) shall be construed as if in clause (a) thereof there was included reference to a prosecution for an offence under section 23 of this Act, and
- (b) persons to whom any information is required to be furnished under an order made under sub-section (2) of this section shall be deemed to be public servants within the meaning of that section.

19. A. (1) The government or the Bangladesh Bank may, at any time, cause an inspection to be made, by one or more of its officers, of the books of accounts and other documents of any person, firm or business organisation or concern required to submit to the Bangladesh Bank any return, statement or information under this Act and, where necessary, direct all such books of accounts and other documents to be seized.

Power of
Inspection

(2) Every such person, firm, business organisation and concern shall produce books of accounts and other documents and furnish such statements and information to such officer or officers in connection with the inspection under sub-section (1).

(3) Failure to produce any books of accounts or other documents or to furnish any statement or information required under sub-section (2) shall be deemed to be contravention of the provisions of this Act.

Supplementary
Provisions

20. (1) For the purposes of this Act and of any rules, directions or orders made thereunder:—

- (a) until the Bangladesh Bank by general or special order otherwise directs, any person who has at any time after the commencement of this Act been resident in Bangladesh shall be treated as still being resident in Bangladesh and if such direction is given in relation to any such person the Bangladesh Bank may by the same or a subsequent direction, declare the territory in which he shall be treated as being resident;
- (b) in the case of any person to whom clause (a) does not apply the Bangladesh Bank may by general or special order declare the territory in which he shall be treated as being resident;
- (c) in the case of any person resident in Bangladesh who leaves Bangladesh the Bangladesh Bank may give a direction to any bank that until the direction is revoked, any sum from time to time standing to the credit of that person and any security held on his behalf at any office or branch of that bank in Bangladesh specified in the direction, shall not be dealt with except with the permission of the Bangladesh Bank;
- (d) any transaction with a branch of any business whether carried on by a body corporate or otherwise, shall be treated in all respects as if the branch were a body corporate resident where the branch is situated;
- (e) the making of any book entry or other statement recording a debt against a branch of any business in favour of the Head Office or any other branch of that business shall be treated as the acknowledgement of a debt whereby a right is created in favour of a person resident where the head office or other branch is situated.

(2) Nothing in this Act relating to the payment of any price or sum by the Government shall be construed as requiring the Government to pay that price or sum otherwise than in Bangladesh currency or otherwise than in Bangladesh.

(3) The Bangladesh Bank may give directions in regard to the making of payments and the doing of other acts by bankers, authorised dealers, travel agents, carriers, whether common or private stock brokers and other persons who are authorised by the Bangladesh Bank to do anything in pursuance of this Act in the course of their business, as appear to it to be necessary or expedient for the purpose of securing compliance with the provisions of this Act and any rules, orders or directions made thereunder.

21. (1) No person shall enter into any contract or agreement which would directly or indirectly evade or avoid in any way the operation of any provision of this Act or of any rule, direction or order made thereunder.

Contracts in
evasion of this
Act

(2) Any provision of, or having effect under this Act, that a thing shall not be done without the permission of the Government or the Bangladesh Bank, shall not render invalid any agreement by any person to do that thing, if it is a term of the agreement that that thing shall not be done unless permission is granted by the Government or the Bangladesh Bank as the case may be; and it shall be an implied term of every contract governed by the law of any part of Bangladesh that anything agreed to be done by any term of that contract which is prohibited to be done by or under any of the provisions of this Act except with the permission of the Government or the Bangladesh Bank, shall not be done unless such permission is granted.

(3) Neither the provisions of this Act nor any term (whether expressed or implied) contained in any contract that anything for which the permission of the Government or the Bangladesh Bank is required by the said provisions shall not be done without that permission, shall prevent legal proceedings being brought in Bangladesh to recover any sum which, apart from the said provisions and any such term, would be due, whether as a debt, damages or otherwise, but-

(a) the said provisions shall apply to sums required to be paid by any judgement or order of any Court as they apply in relation to other sums; and

(b) no steps shall be taken for the purpose of enforcing any judgement or order for the payment of any sum to which the said provisions apply except as respects so much thereof as the Government or the Bangladesh Bank, as the case may be, may permit to be paid; and

(c) for the purpose of considering whether or not to grant such permission, the Government or the Bangladesh Bank, as the case may be, may require the person entitled to the benefit of the judgement or order and the debtor under the judgement or order to produce such documents and to give such information as may be specified in the requirement.

(4) Notwithstanding anything in the Negotiable Instruments Act, 1881 (XXVI of 1881), neither the provisions of this Act or of any rule, direction or order made thereunder, nor any condition, whether express or to be implied having regard to those provisions, that any payment shall not be made without permission under this Act, shall be deemed to prevent any instrument being a bill of exchange or promissory note.

XXVI of 1881

22. No person shall, when complying with any order or direction, under section 19, or when making any application or

False statement

declaration to any authority or person for any purpose under this Act, give any information or make any statement which he knows or has reasonable cause to believe to be false, or not true, in any material particular.

Grant of
Immunity in
certain cases

22. A. (1) The Government may, if it is of the opinion (the reason for such opinion being recorded in writing) that with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, the contravention of any of the provisions of this Act or of any rule, direction or order made or given thereunder it is necessary or expedient so to do, grant such person immunity from prosecution under this Act or any other law for the time being in force, and may also grant such person immunity from imposition of any penalty under this Act, subject to the condition of his making full and true disclosure of the whole circumstances relating to such contravention.

(2) An immunity granted to, and accepted by the person concerned under sub-section (1) shall, to the extent to which the immunity extends, render him immune from prosecution for any offence or, as the case may be, from imposition of any penalty under this Act to which the immunity relates.

(3) If the Government is satisfied that any person to whom immunity under sub-section (1) was granted has not complied with any of the conditions subject to which the immunity was granted or is willfully concealing anything or giving false evidence, it may record a finding to that effect and thereupon the immunity so granted shall be deemed to have been withdrawn and such person may be tried for the offence to which the immunity relates and shall be also liable to such penalty as he would have been liable to but for the grant of immunity under this section.

Penalty and
Procedure:

23. (1) Whoever contravenes, attempts to contravene or abets the contravention of any of the provisions of this Act or of any rules, direction or order made thereunder shall notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898) be tried by a Tribunal constituted by Section 23A and shall be punishable with imprisonment for a term which may extend to four years or with fine or with both and any such Tribunal trying any such contravention may, if it thinks fit and in addition to any sentence which it may impose for such contravention, direct that any currency, security, gold or silver or goods or other property in respect of which the contravention has taken place shall be confiscated.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), any offence punishable under this section shall be cognizable for such period as the Government may from time to time, by notification in the Official Gazette, declare.

(3) A tribunal shall not take cognizance of any offence punishable under this section and not declared by the Government under the preceding sub-section to be cognizable for the time being or of an offence punishable under section 54 of the Income-tax Act, 1922 (XI of 1922), as applied by section 19, except upon complaint in writing made by a person authorised by the Government or the Bangladesh Bank in this behalf.

Provided that where any such offence is the contravention of any of the provisions of this Act or of any rule, direction or order made thereunder which prohibits the doing of an act without permission and is not declared by the Government under the preceding sub-section to be cognizable for the time being, no such complaint shall be made unless the person accused of the offence has been given an opportunity of showing that he had such permission.

(4) Where the person guilty of an offence under this Act is a company or other body corporate, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the offence shall also be guilty of the same offence and liable to the same punishment.

23. A. (1) Every Sessions Judge shall, for the areas within the territorial limits of his jurisdiction be a Tribunal for trial of an offence punishable under section 23.

Tribunal, its powers, etc

(2) A Tribunal may transfer any case for trial to an Additional Sessions Judge within its jurisdiction who shall, for trying a case so transferred, be deemed to be a Tribunal constituted for the purpose.

(3) A Tribunal shall have all the powers of a Magistrate of the First Class in relation to criminal trials, and shall follow as nearly as may be the procedure provided in the Code of Criminal Procedure, 1898 (Act V of 1898), for trials before such Magistrate, and shall also have powers as provided in the said Code in respect of the following matters, namely: –

- (a) directing the arrest of the accused;
- (b) issuing search warrants;
- (c) ordering the police to investigate any offence and report;
- (d) authorising detention of a person during police investigation;
- (e) ordering the release of the accused on bail.

(4) All proceedings before a Tribunal shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Penal Code (Act XLV of 1860), and for the purposes of section 196 thereof, and the provisions relating to the execution of orders and sentences in the Code of Criminal Procedure, 1898 (Act V of 1898) shall, so far as may be, apply to orders and sentences passed by a Tribunal.

(5) As regards sentences of fine, the powers of a Tribunal shall be as extensive as those of a Court of Session.

(6) The Bangladesh Bank or any other person aggrieved by a judgement of a Tribunal may, within three months from the date of the judgement, appeal to the High Court Division.

(7) Save as provided in the preceding sub-section, all judgements and orders passed by a Tribunal shall be final.

Burden of
proof
in certain cases

24. (1) Where any person is tried for contravening any provision of this Act or of any rule, direction or order made thereunder which prohibits him from doing any act without permission, the burden of proving that he had the requisite permission shall be on him.

(2) If in a case in which the proof of complicity of a person resident in Bangladesh with a person outside Bangladesh is essential to prove an offence under this Act, then after proof of the circumstances otherwise sufficient to establish the commission of the offence, it shall be presumed that there was such complicity, and the burden of proving that there was no such complicity shall be on the person accused of the offence.

Power to
government to
give direction

25. For the purposes of this Act the Government may from time to time give to the Bangladesh Bank such general or special directions as it thinks fit, and the Bangladesh Bank shall, in the exercise of its functions under this Act, comply with any such directions.

Bar of legal
proceedings

26. No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done under this Act or any rule, direction or order made thereunder.

Powers to make
rules.

27. The Government may, by notification in the Official Gazette, make rules for carrying into effect the provisions of this Act.

APPENDIX 2

**Notifications issued by the Government of the People's
Republic of Bangladesh and the erstwhile Government of
Pakistan under Foreign Exchange Regulation
Act, 1947 (VII of 1947)**

**NOTIFICATIONS ISSUED BY THE ERSTWHILE
GOVERNMENT OF PAKISTAN UNDER THE FOREIGN
EXCHANGE REGULATION ACT, 1947 (VII OF 1947)**

**NOTIFICATION NO. 1 (2) ECS/48,
DATED THE 1ST JULY, 1948
AS AMENDED UPTO 5TH NOVEMBER, 1949**

In exercise of the powers conferred by sub-section (1) of section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of the Notification of the Government of India in the Finance Department No. 12(11)-F1/47 dated the 25th March, 1947, the Central Government is pleased to direct that except with the general or special permission of the State Bank of Pakistan, no person shall bring or send into the provinces of Pakistan from any place outside Pakistan:

Import of gold
and silver.

- (a) any gold coin, gold bullion, gold sheets or gold ingot whether refined or not;
- (b) any silver bullion, any silver sheets or plates which have undergone no process of manufacture subsequent to rolling, or any uncurrent silver coin;
- (c) any coin which is legal tender in India.

**NOTIFICATION NO. 1(6) ECS/48,
DATED THE 1ST JULY, 1948
AS AMENDED UPTO 25TH APRIL, 1958.**

Export Control.

In exercise of the powers conferred by sub-section (1) of section 12 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government is pleased to prohibit the export otherwise than by post of any goods either directly or indirectly to any place outside Pakistan other than any of the countries or territories in the Schedule appended hereto unless a declaration is furnished by the exporter, in a manner prescribed in this behalf by the State Bank of Pakistan, to the Collector of Customs or to such other person as the State Bank of Pakistan may specify, that an amount representing the full export value of the goods has been or will be disposed of in a manner and within a period specified by the State Bank of Pakistan.

Provided that this prohibition shall not apply to the export of:

1. Bonafide trade samples;
2. Personal effects, whether accompanied or unaccompanied, of travellers;
3. Ships stores and transshipment cargo;
4. Goods shipped under the order of the Central Government or of such officers as may be appointed by the Central Government in this behalf or of the Military, Naval or Air Force authorities in Pakistan for Military, Naval or Air Force requirement.
5. Goods included in Open General Licence No. 7 published with the late Ministry of Commerce and Education (Commerce Division) Notification No. 335/460/42 dated 22nd October, 1952, as modified from time to time, or such other Export Open General Licence, as may be in force for the time being, and exported to Iran by land;
6. Gift packets where they are accompanied by a declaration by the sender that the contents of the packet are less than Rs. 50/- in value and that the despatch of the packet does not involve any transaction in foreign exchange.

SCHEDULE

1. Afghanistan.

**NOTIFICATION NO 1 (7) ECS/48,
DATED THE 1ST JULY, 1948
AS AMENDED UPTO 18TH NOVEMBER, 1954**

In exercise of the powers conferred by sub-section (1) of section 12 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) the Central Government is pleased to prohibit the export by post of any goods either directly or indirectly to any place outside Pakistan other than any of the country or territories in the schedule appended hereto unless a declaration, in a form prescribed by the State Bank of Pakistan, for the purpose, is furnished by the exporter to the Postal Authorities at the time of despatch that an amount representing the full export value of the goods has been or will be disposed of in a manner and within a period specified by the State Bank of Pakistan.

Export by Post.

Provided that this prohibition shall not apply:

- I. Where the postal packet is covered by a certificate issued by the State Bank of Pakistan or by an authorised dealer that the export of the parcel does not involve any transaction in foreign exchange;
2. Where the postal packet is accompanied by a declaration by the sender that the contents of the parcel are less than Rs. 50/ in value and that the despatch of the parcel does not involve any transaction in foreign exchange; and
3. Where the parcels are despatched either under the orders of the Central Government or of the Military, Naval or Air Force authorities in Pakistan accompanied by a certificate to the effect that the parcel does not involve any transaction in foreign exchange signed by a Gazetted Officer or by any person entitled to use service postage stamps, which should be pasted on the outer cover of the parcel;
4. Where the postal packet or parcel consists of goods included in Open General Licence No. 7, published with the late Ministry of Commerce and Education (Commerce Division) Notification No. 335 and 460/42 dated 22nd October, 1952 as modified from time to time, or such other Export Open General Licence as may be in force for the time being, and exported to Iran by land.

SCHEDULE

1. Afghanistan.

**NOTIFICATION NO. F. 1/1-EF/49,
DATED THE 9TH APRIL, 1949**

In exercise of the powers conferred by Section 15 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government is pleased to order that, except with the general or special permission of the State Bank of Pakistan, no person shall, in the Provinces of Pakistan, issue any bearer security or coupon, or so alter any document that it becomes a bearer security or coupon.

**NOTIFICATION NO. F. 1(8)-EF/49
DATED THE 2ND MAY, 1949**

Import of
Currency notes.

In exercise of the powers conferred by sub-section (1) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the Central Government, in supersession of this Ministry's Notification No. 1(3)-ECS/48 dated the 1st July, 1948 is pleased to order that, except with the general or special permission of the State Bank of Pakistan, no person shall bring or send into the Provinces of Pakistan from any place outside Pakistan any currency notes or Bank notes, whether unissued or in circulation.

**NOTIFICATION NO. 1 (1)-2 EF/56,
DATED THE 1ST AUGUST, 1956
AS AMENDED UPTO 20TH NOVEMBER, 1956**

In exercise of the powers conferred by sub-section (1) of Section 19 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of this Ministry's Notification No. 1(5) ECS/48 dated the 1st July, 1948 the Central Government is pleased to direct that all persons resident in Pakistan who are or who may hereafter become the owners of any securities in respect of which the principal, interest or dividends is or are payable in the currency of any foreign country or in respect of which the owner has the option to require the payment of principal, interest or dividends in such currency shall be the 31st December, 1956 or in the case of a person hereafter becoming such owner, within one month of the date of his so becoming make a return to the State Bank of Pakistan in the form prescribed in this behalf by the State Bank of Pakistan giving the following particulars with respect of such securities namely:—

- (a) the full name and address of the owner by whom or on whose behalf the return is made;
- (b) a description of the security in full, including particulars as to whether it is a bearer bond, registered or inscribed stock, etc.;
- (c) the nominal amount of the security;
- (d) whether the security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loans or advances, if any, which have been taken against the security and the currency in which the names and addresses of the persons from whom they have been taken;
- (e) the place in which and the name of the person with whom the security is deposited;
- (f) the full name and address of the person for whose account the security is held (in case a person other than the owner is making the return).

Provided that this order shall not apply to persons not being citizens of Pakistan who have obtained the permission of the State Bank of Pakistan in this behalf.

**NOTIFICATION NO. 3(2)-5.EF/52,
DATED THE 18TH JULY, 1952
AS AMENDED UPTO 28TH NOVEMBER, 1957.**

In exercise of the powers conferred by Section 27 of the Foreign Exchange Regulation Act, 1947, the Central Government is pleased to make the following rules-

1. Short Title and Commencement:— (1) These rules may be called the Foreign Exchange Rules, 1952. (2) They shall come into force at once.

2. Interpretation: In these rules unless there is anything repugnant in the subject or context: —

- (a) "the Act" means the Foreign Exchange Regulation Act, 1947;
- (b) all other words and expressions shall be assigned the meaning as in the Act.

3. In the case of export of goods or class of goods specified in the notification issued under Section 12 (1) of the Act,

- (1) the authority to whom the declaration has to be submitted by the exporter shall be the Collector of Customs or such other person as the State Bank may from time to time by notification in the official Gazette specify for this purpose;
- (2) the period within which the amount representing the full export value of goods will have to be paid, shall be the period specified from time to time by the State Bank for this purpose generally or otherwise by notification in the official Gazette with reference to any country or countries;
- (3) the manner in which the amount representing the full export value of the goods will have to be paid, shall be the manner specified from time to time by the State Bank for this purpose generally or otherwise by the notification in the official Gazette with reference to any country or countries.

4. All powers vested in the State Bank under the Act shall be exercised and all functions entrusted to the State Bank under the Act shall be performed in the name of the Bank by such officers of the State Bank as may be notified from time to time by the State Bank in the official Gazette with reference to such officers' names or designations,

5. Any order, direction, communication issued by the State Bank in exercise of the powers vested under the Act shall be deemed to

have been properly issued, communicated to, or served on the person or persons concerned,-

- (i) if it is sent to the address known to the State Bank of such person or persons by registered post with acknowledgement due, or
- (ii) if it is published in any two prominent daily Newspapers, including one in urdu in West Pakistan and one in Bengali in East Pakistan, circulating in the area in which such person. or persons reside or carry on business, or
- (iii) if it is personally tendered to such person or persons for acceptance, whether accepted or refused and an endorsement or statement of the tendering employee of the Bank as to the acceptance or refusal shall be sufficient proof of such acceptance or refusal.

**NOTIFICATION NO, 1(8)-EF/58,
DATED THE 20TH AUGUST, 1958**

In exercise of the powers conferred by Section 9 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), and in supersession of this Ministry's Notification No. 3(2)-4-EF/52 dated the 14th June, 1952 the Central Government is pleased to order that every citizen of Pakistan in Pakistan and every other person residing continuously for six months or more in Pakistan who owns or who may hereafter become the owner of any foreign exchange whether held in Pakistan or abroad expressed in the currency of any country or territory, excepting the country or territory specified in the Schedule appended hereto, shall before the expiration of one month from the date of this Notification or in the case of a person hereafter becoming such owner, within one month of his so becoming, offer such foreign exchange or cause it to be offered for sale to an authorised dealer, being a person authorised by the State Bank of Pakistan for the purpose, against payment in Pakistan currency at the rate for the time being authorised by the State Bank of Pakistan in pursuance of sub-section (2) of Section 4 of the said Act for the conversion into Pakistan currency of the foreign currency in which such foreign exchange is expressed:

Provided that this order shall not apply to foreign exchange held by authorised dealers within the scope of their authority or to any person authorised under any permission, general or otherwise granted by the State Bank of Pakistan to hold the foreign exchange.

2. The provisions of this Notification shall not apply to the following cases, namely: –

- (i) Foreign exchange held abroad by foreign diplomats and foreign nationals employed in Embassies and Missions of foreign countries in Pakistan.
- (ii) Foreign exchange held abroad by foreign nationals or foreign business houses, except to the extent that it represents their earnings abroad in respect of business conducted in Pakistan or services rendered while in Pakistan.
- (iii) Foreign exchange held in UK by residents in Pakistan provided the amount does not exceed £100 in all or in USA provided the amount does not exceed \$ 280 in all, provided further that the total amount held in UK and USA does not exceed the equivalent of £100.

Explanation: "Residents in Pakistan" includes foreign nationals residing continuously in Pakistan for six months or more, but does not include citizens of Pakistan in foreign countries during the period of their stay outside Pakistan.

SCHEDULE

1. Afghanistan.

**NOTIFICATIONS ISSUED BY THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF BANGLADESH UNDER THE
FOREIGN EXCHANGE REGULATION ACT, 1947 AS
ADAPTED IN BANGLADESH.**

MINISTRY OF FINANCE

Finance Division

External Finance Wing

**NOTIFICATION NO. MF/EF-V(AT)/1(30)/82-817
DATED THE 14TH DECEMBER, 1985**

In exercise of the powers conferred by sub-section (3) of Section 23 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of this Ministry's Notification No. MF/EF/2G-S (296)/72-75/1038 dated the 20th September, 1975, the Government is pleased to authorise the following officers of the Exchange Control Department of Bangladesh Bank to make complaints in writing of offences punishable under the said Section 23.

- (1) A General Manager.
- (2) A Deputy General Manager.
- (3) A Joint Director.
- (4) A Deputy Director.
- (5) An Assistant Director.
- (6) An Officer.

বহিঃঅর্থ অনুবিভাগ।

শাখা-৫

বিজ্ঞপ্তি

তারিখ, ২২শে অগ্রহায়ণ ১৪০২/৬ই ডিসেম্বর ১৯৯৫

নং এম, এফ/ই, এফ-৫/১(১৬)/৯৩/২৩৬-১৯৪৭ সালের বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন (১৯৪৭ সালের ৭নং আইন ১৯৮৬ সালের ৩০ জুন পর্যন্ত সংশোধিত) এর ১৯ ধারার (২) উপ-ধারায় প্রদত্ত ক্ষমতাবলে সরকার নির্দেশ দান করিলেন যে উক্ত উপ-ধারার অধীনে আদেশ জারীর ক্ষমতা ১৯৯৬ সালের ৩১ ডিসেম্বর তারিখ পর্যন্ত বাংলাদেশ ব্যাংক কর্তৃক প্রয়োগ করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

মোঃ জিল্লুর রহমান

উপ-সচিব-২ (বহিঃঅর্থ)

বাংলাদেশ জাতীয় সংসদ
ঢাকা, ১৫ ফাল্গুন, ১৪০৯/২৭শে ফেব্রুয়ারী, ২০০৩

২০০৩ সালের ২ নং আইন

Foreign Exchange Regulation Act, 1947 এর অধিকতর সংশোধনকল্পে প্রণীত আইন।

যেহেতু নিম্নবর্ণিত উদ্দেশ্যসমূহ পূরণকল্পে Foreign Exchange Regulation Act, 1947 (Act VII of 1947) এর অধিকতর সংশোধন সমীচীন ও প্রয়োজনীয় ;

সেহেতু এতদ্বারা নিম্নরূপ আইন করা হইল :

১। সংক্ষিপ্ত শিরোনাম ও প্রবর্তন। - (১) এই আইন The Foreign Exchange Regulation (Amendment) Act., 2003 নামে অভিহিত হইবে।

২। ইহা ৩০শে এপ্রিল, ২০০২ খ্রিষ্টাব্দ মোতাবেক ১৭ই বৈশাখ, ১৪০৯ বঙ্গাব্দ তারিখে কার্যকর হইয়াছে বলিয়া গণ্য হইবে।

৩। Act VII of 1947 এর Section 23 এর সংশোধন। - Foreign Exchange Regulation Act, 1947 (VII of 1947) এর Section 23 এর "two years" শব্দগুলির পরিবর্তে "four years" শব্দগুলি প্রতিস্থাপিত হইবে।

কাজী রকিবউদ্দীন আহমদ
সচিব

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
বহিঃ অর্থ অনুবিভাগ
শাখা-৫
বিজ্ঞপ্তি

তারিখ ২৪শে ফেব্রুয়ারী ১৯৯৭

নং এম.এফ/ই, এফ-৫/১(১৬)৯৭/অংশ-
১৫৭-১৯৪৭ সালের বৈদেশিক মুদ্রা নিয়ন্ত্রণ
আইন (১৯৪৭ সালের ৭নং আইন ১৯৮৬
সালের ৩০ জুন পর্যন্ত সংশোধিত) এর ১৯
ধারার (২) উপ-ধারায় প্রদত্ত ক্ষমতাবলে
সরকার নির্দেশ দান করিলেন যে, উক্ত উপ-
ধারার অধীনে আদেশ জারীর ক্ষমতা ১৯৯৭
সালের ৩১ ডিসেম্বর তারিখ পর্যন্ত বাংলাদেশ
ব্যাংক কর্তৃক প্রয়োগ করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

পাটওয়ারী নেছার উদ্দিন আহমেদ
উপ-সচিব

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
বহিঃ অর্থ অনুবিভাগ
শাখা-৫
বিজ্ঞপ্তি

তারিখ, ২৩শে ডিসেম্বর ১৯৯৭

নং এম.এফ/ই, এফ-৫/১(১৬)৯৭/অংশ/২৪৫-
১৯৪৭ সালের বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন
(১৯৪৭ সালের ৭নং আইন ১৯৮৬ সালের ৩০
জুন পর্যন্ত সংশোধিত) এর ১৯ ধারার (২)
উপ-ধারায় প্রদত্ত ক্ষমতাবলে সরকার নির্দেশ
দান করিলেন যে, উক্ত উপ-ধারার অধীনে
আদেশ জারীর ক্ষমতা ১৯৯৮ সালের ৩১
ডিসেম্বর তারিখ পর্যন্ত বাংলাদেশ ব্যাংক কর্তৃক
প্রয়োগ করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

পাটওয়ারী নেছার উদ্দিন আহমেদ
উপ-সচিব

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
ব্যয়-নিয়ন্ত্রণ অনুবিভাগ
শাখা-৭
বিজ্ঞপ্তি

তারিখ, ৩১ই মার্চ ২০০৪

নং অম/অবি/ব্যগনি-৭(বৈঃমুঃ-১)/২০০৪/৫৪-
১৯৪৭ সালের বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন
(১৯৪৭ সালের ৭নং আইন ১৯৮৬ সালের ৩০
জুন পর্যন্ত সংশোধিত) এর ১৯ ধারার (২)
উপ-ধারায় প্রদত্ত ক্ষমতাবলে সরকার নির্দেশ
দান করিলেন যে, উক্ত উপ-ধারার অধীনে
আদেশ জারীর ক্ষমতা ২০০৬ সালের ৩১
ডিসেম্বর তারিখ পর্যন্ত বাংলাদেশ ব্যাংক কর্তৃক
প্রয়োগ করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

সম্পদ বড়ুয়া
উপ-সচিব (ব্যগনিঃ-২)

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
বহিঃ অর্থ অনুবিভাগ
শাখা-৫
বিজ্ঞপ্তি

তারিখ, ২১শে মার্চ ১৯৯৯

নং এম.এফ/ই, এফ-
৫/১(১৬)৯৭/অংশ-১৪/১(৩)-১৯৪৭ সালের
বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন (১৯৪৭ সালের
৭নং আইন ১৯৮৬ সালের ৩০ জুন পর্যন্ত
সংশোধিত) এর ১৯ ধারার (২) উপ-ধারায়
প্রদত্ত ক্ষমতাবলে সরকার নির্দেশ দান
করিলেন যে, উক্ত উপ-ধারার অধীনে আদেশ
জারীর ক্ষমতা ২০০১ সালের ৩১ ডিসেম্বর
তারিখ পর্যন্ত বাংলাদেশ ব্যাংক কর্তৃক প্রয়োগ
করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

পাটওয়ারী নেছার উদ্দিন আহমেদ
উপ-সচিব

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
বহিঃ অর্থ অনুবিভাগ
শাখা-৫
বিজ্ঞপ্তি

তারিখ, ১৫ই মে ২০০১

নং এম.এফ/ই, এফ-
৫/১(১৬)৯৭/অংশ/৬৩(৩)-১৯৪৭ সালের
বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন (১৯৪৭ সালের
৭নং আইন ১৯৮৬ সালের ৩০ জুন পর্যন্ত
সংশোধিত) এর ১৯ ধারার (২) উপ-ধারায়
প্রদত্ত ক্ষমতাবলে সরকার নির্দেশ দান
করিলেন যে, উক্ত উপ-ধারার অধীনে আদেশ
জারীর ক্ষমতা ২০০৩ সালের ৩১ ডিসেম্বর
তারিখ পর্যন্ত বাংলাদেশ ব্যাংক কর্তৃক প্রয়োগ
করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

টি, আই, এম, মোস্তাফিজুর রহমান
উপ-সচিব (বঃঅঃ)

অর্থ মন্ত্রণালয়, অর্থ বিভাগ
ব্যয়-নিয়ন্ত্রণ শাখা-৭
বিজ্ঞপ্তি

তারিখ, ১১ অক্টোবর ২০০৬

নং অম/অবি/ব্যগনি-৭(বৈঃমুঃআইন-
১)/২০০৪/৬০-১৯৪৭ সালের বৈদেশিক মুদ্রা
নিয়ন্ত্রণ আইন (১৯৪৭ ৭নং আইন ১৯৮৬
সালের ৩০ জুন পর্যন্ত সংশোধিত) এর ১৯
ধারার (২) উপ-ধারায় প্রদত্ত ক্ষমতাবলে
সরকার নির্দেশ দান করিলেন যে, উক্ত উপ-
ধারার অধীনে আদেশ জারীর ক্ষমতা ৩১-
১২-২০০৯ তারিখ পর্যন্ত বাংলাদেশ ব্যাংক
কর্তৃক প্রয়োগ করা হইবে।

রাষ্ট্রপতির আদেশক্রমে

তাহমিনা বেগম
উপ-সচিব (ব্যগনিঃওপঃ-২)

APPENDIX 3

**Notifications issued by the Bangladesh Bank and the
erstwhile State Bank of Pakistan under Foreign Exchange
Regulation Act, 1947 (VII of 1947)**

**NOTIFICATION ISSUED BY THE ERSTWHILE STATE
BANK OF PAKISTAN UNDER THE FOREIGN EXCHANGE
REGULATION ACT, 1947 (VII OF 1947)**

**NOTIFICATION NO. F E 17/48-SB
DATED THE 1ST JULY, 1948
AS AMENDED UPTO 7TH MAY, 1953**

In pursuance of sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the State Bank of Pakistan is pleased to permit:

Export of
cheques, drafts,
foreign exchange
etc.

- (a) Authorised Dealers to send out of the provinces of Pakistan cheques, drafts or bills of exchange which have been acquired in the normal course of their business and within the terms of their authorisation.
- (b) Any person to take or send out of the Provinces to States which have acceded or accede to Pakistan foreign exchange without limit.
- (c) Any person maintaining an account in accordance with the provisions of the Notification of the State Bank of Pakistan No. F E 56/53-SB dated the 7th May, 1953, to take or send out of the Provinces and the Capital of the Federation cheques or drafts drawn on such account.

**NOTIFICATION NO. FE 28/49-SB
DATED THE 14TH MAY, 1949**

In pursuance of the Notification of the Government of Pakistan in the Ministry of Finance No.1(2)ECS-48 dated the 1st July, 1948 (restricting the bringing or sending into the Provinces of Pakistan of gold and silver) and in supersession of the Notification of the State Bank of Pakistan No. FE 10/48-SB dated the 1st July, 1948, the State Bank of Pakistan is hereby pleased to give general permission to the bringing or sending of any such gold or silver as is specified in the Government notification referred to, by sea or air into any port in the Provinces of Pakistan, provided the gold or silver is on through transit to a place outside Pakistan and is not removed from the carrying ship or aircraft except for the purpose of transshipment.

Import of Gold
and Silver in
transit.

**NOTIFICATION NO. FE 30/49-SB
DATED THE 5TH NOVEMBER, 1949**

Import of India
Coin.

In pursuance of the Notification of the Government of Pakistan No. 1(2)-ECS/48 dated the 1st July, 1948 as amended by Notification of the Government of Pakistan No. 1(14) FE/49 dated the 5th November, 1949, the State Bank of Pakistan is pleased to permit any person to bring into the provinces or the Capital of the Federation from any place outside Pakistan any coin which is legal tender in India not exceeding in all rupees five in value at any one time.

**NOTIFICATION NO. FE 38/50-SB
DATED THE 23RD OCTOBER, 1950**

Export of
Foreign
Exchange.

In pursuance sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), the State Bank of Pakistan is pleased to permit-

- (i) any person to take out of the provinces and the Capital of the Federation with him foreign exchange issued to him by an Authorised Dealer in Pakistan and endorsed on his passport;
- (it) any person, other than a person to whom foreign exchange is issued for travelling purposes only, to send out of the Provinces and the Capital of the Federation foreign exchange issued to him by an Authorised Dealer for any purpose other than travelling.

**NOTIFICATION NO. FE 72/59-SB
DATED THE 21ST JANUARY, 1959**

Export of
Jewellery by
post

In exercise of the powers conferred by sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of its Notification No. FE/20/48-SB dated the 1st July, 1948 the State Bank of Pakistan is pleased to permit any person to export out of Pakistan precious stones or jewellery other than articles made wholly or mainly of gold, to any country without limit provided the packet containing the precious stones or jewellery is despatched in the manner prescribed in the Government of Pakistan, Ministry of Finance Notification No. 1(6)-ECS/48 dated the 1st July, 1948 and No. 1(7) ECS/48 dated the 1st July, 1948.

**NOTIFICATION NO. FE 73/59-SB
DATED THE 25TH FEBRUARY, 1959**

In pursuance of the Central Government Notification No. 1 (8)EF/58 dated the 20th August, 1958 and in supersession of the State Bank of Pakistan Notification No. FE 52/52-SB dated the 18th September, 1952 the State Bank of Pakistan is pleased to authorise all dealers for the time being authorised by the State Bank of Pakistan to undertake foreign exchange business, to purchase foreign exchange for the purpose of the said Notification.

**NOTIFICATION NO. FE 74/59-SB
DATED THE 25TH FEBRUARY, 1959**

In pursuance of sub-section (1) of Section 4 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of the State Bank of Pakistan Notification No. FE 56/53-SB dated the 7th May, 1953 the State Bank of Pakistan is pleased to direct that the prohibitions imposed by that sub-section shall not apply to the operation on an account expressed in a foreign currency held in accordance with para 2 of the Government of Pakistan, Ministry of Finance Notification No. 1 (8) EF/58 dated the 20th August, 1958 by a foreign national who is, or is resident, in any Province of Pakistan but is not domiciled in Pakistan.

**NOTIFICATION NO. FE 1/63-SB
DATED THE 14TH OCTOBER, 1963**

In pursuance of clause (a) of sub-section (1) of Section 20 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in partial modification of the State Bank of Pakistan Notification No. FE 13/48-SB dated the 1st July, 1948 the State Bank of Pakistan is pleased to direct that a person, other than a person holding any office in the service of Pakistan and residing outside Pakistan for the time being either on duty or on leave, being domiciled in, or a national of Pakistan who is for the time being resident outside Pakistan, shall, unless otherwise authorised or exempted under the said Act, be treated, for purposes of Section 5 of the said Act, as a person resident outside Pakistan, for so long as he is so resident.

**NOTIFICATION ISSUED BY THE BANGLADESH BANK
UNDER FOREIGN EXCHANGE REGULATION ACT, 1947
AS ADAPTED IN BANGLADESH**

**NOTIFICATION NO. FE 1/77-BB
DATED THE 16TH APRIL, 1977**

In pursuance of Rule 3 of the Foreign Exchange Rules, 1952 and all other powers enabling it in this behalf under the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of the State Bank of Pakistan Notification No. FE 53/53- SB, dated the 8th January, 1953 as amended from time to time the Bangladesh Bank is pleased to notify as follow:—

1. A declaration required to be submitted under sub-section (1) of Section 12 of the FER Act, 1947 (VII of 1947) shall be submitted by the exporter—

- (a) when goods are exported otherwise than by post, to Collector of Customs;
- (b) when goods are exported by Post Master of the Post Office at which the goods are posted for export.

2. For export of goods to any country an amount representing the full export value of the goods shall be paid within four months from the date of shipment or posting as the case may be.

3. An amount representing the full export value of any goods exported to any country shall be paid through an Authorised Dealer in Bangladesh in any freely convertible foreign currency in which an Authorised Dealer maintains accounts or in Bangladesh Taka from a non-resident bank account.

**NOTIFICATION NO. FE/83-BB
DATED THE 25TH MAY, 1983**

In pursuance of sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), and in supersession of the Bangladesh Bank notification No. FE 1/78-BB dated the 12th July, 1978, the Bangladesh Bank is pleased to permit :-

Export of
precious Stones
and Jewellery

- (a) a person, being an adult female person permanently residing in Bangladesh, to take personal jewellery at any one time out Bangladesh to the countries specified in the Schedule below upto 3 tolas in weight, and to other countries upto 10 tolas in weight which is worn on her person or which forms part of her personal baggage;

Provided that the gold content of the jewellery so taken out or proposed to be taken out does not exceed $2\frac{1}{4}$ tolas and $7\frac{1}{2}$ tolas in weight respectively;

Provided further that, unless the said person takes up permanent residence abroad, the jewellery so taken out shall be brought back on her return journey to Bangladesh or within a maximum period of 5 years from the date, it is taken out from Bangladesh, whichever is earlier;

- (b) any person in Bangladesh but not ordinarily resident herein to take out of Bangladesh precious stones and jewellery previously brought by such person from abroad into Bangladesh with the permission of the proper officer of the Customs without limit and precious stones and jewellery other than articles made wholly or partly of gold purchased in Bangladesh upto a further Taka 15,000 in value.

THE SCHEDULE

- | | |
|---------------|------------|
| 1. India. | 4. Nepal. |
| 2. Pakistan, | 5. Bhutan. |
| 3. Sri Lanka. | 6. Burma. |

**NOTIFICATION NO. FE 1/84-BB
DATED THE 22ND MARCH, 1984**

IMPORT OF CURRENCY

Import of
Currency

In pursuance of the Notification of the erstwhile Central Government of Pakistan No. FI(8) EF/49 dated the 2nd May, 1949 and in supersession of Bangladesh Bank Notification No. FE 1/81-BB Dhaka, the 2nd February, 1981, Bangladesh Bank is pleased to permit any person to bring into Bangladesh from any place outside Bangladesh without any limit any currency notes or bank notes other than-

- (i) Un-issued notes, and
- (ii) Notes legal tenders in Bangladesh in excess of Taka 100 in value:

Provided that he makes a written declaration to the Customs Authorities at the time of arrival, in the form prescribed by Bangladesh Bank of the entire amount; no declaration will, however, be necessary if the amount brought in does not exceed—

- (1) US \$ 750 or its equivalent by a person ordinarily resident in Bangladesh.
- (2) US \$ 1000 or its equivalent by a person ordinarily resident outside Bangladesh including Bangladesh nationals working abroad. However, if a Bangladesh national working abroad intends to take the benefit of the Wage Earners' Scheme for encashment of foreign exchange brought in by him, he will have to make declaration even if it does not exceed US \$ 1000 or its equivalent.
- (3) Notes legal tender in Bangladesh upto Tk. 100 in value.

**NOTIFICATION NO. FE 1/85-BB
DATED THE 28TH MARCH, 1985**

In pursuance of rule 4 of the Foreign Exchange Rules, 1952 and in supersession of State Bank of Pakistan Notification No. EF-2/69-SB, dated the 4th December, 1969 Bangladesh Bank is pleased to notify that all powers vested in the Bangladesh Bank under the Foreign Exchange Regulation Act, 1947 (VII of 1947), as adapted in Bangladesh, shall be exercised and all functions entrusted to the Bangladesh Bank under the said Act, shall be performed in the name of Bangladesh Bank by the following officers of the Exchange Control Department of the Bangladesh Bank namely:

- (1) General Managers.
- (2) Deputy General Managers.
- (3) Joint Directors/Joint Managers.
- (4) Deputy Directors/Deputy Managers.
- (5) Assistant Directors/Assistant Managers.
- (6) Officers.

**NOTIFICATION NO. FE-1/86- BB
DATED THE 25TH FEBRUARY, 1986**

EXPORT OF CURRENCY

Export of
Currency

In pursuance of sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of Bangladesh Bank Notification No. FE-2/81-BB dated the 2nd February, 1981, Bangladesh Bank is pleased to permit as follows :-

- (1) Any person may take out of Bangladesh, Bangladesh Bank Notes and Bangladesh Coins not exceeding in all Tk. 100 (Taka one hundred only) in value at any one time.
- (2) Currency which has been brought into Bangladesh in the safes of vessels or aircraft or which has been taken on board vessels or aircraft with the permission of Bangladesh Bank may be taken out of Bangladesh.
- (3) Any person ordinarily resident in Bangladesh may take out foreign exchange not exceeding US \$ 150 or its equivalent.
- (4) Any person not ordinarily resident in Bangladesh including Bangladesh Nationals working abroad may take out of Bangladesh any amount in foreign exchange not exceeding the amount declared by him to the Customs Authority on arrival in Bangladesh in terms of Bangladesh Bank Notification No. FE-1/84-BB dated the 22nd March, 1984; however, such a person may take out foreign exchange not exceeding US \$ 150 or its equivalent even if no declaration covering such amount has been made by him to the Customs Authority on his arrival in Bangladesh.

বাংলাদেশ ব্যাংক
প্রজ্ঞাপন নং বৈমু-১/৯১/বা ব্যা
৩১শে জ্যৈষ্ঠ, ১৩৯৮ (১৫ই জুন, ১৯৯১)

কারেন্সী নোট আমদানী

বাংলাদেশ ব্যাংকের ২২শে মার্চ, ১৯৮৪ তারিখের নোটিফিকেশন নং এফই-১/৮৪-বিবি এতদ্বারা নিম্নরূপভাবে সংশোধিত হইলঃ-

- (ক) নোটিফিকেশনটির পঞ্চদশ ছত্রে উল্লেখিত "US \$ 750" এর স্থলে "US \$ 1000" পাঠ করিতে হইবে, এবং
- (খ) নোটিফিকেশনটির সপ্তদশ এবং ত্রয়োবিংশ ছত্রে উল্লেখিত "US \$ □
□ 1000" এর স্থলে "US \$ 2500" পাঠ করিতে হইবে।

বাংলাদেশ ব্যাংক
প্রজ্ঞাপন নং বৈমু-২/৯১/বা ব্যা
২০শে শ্রাবণ, ১৩৯৮ (৫ই আগষ্ট, ১৯৯১)

কারেন্সী নোট আমদানী

বাংলাদেশ ব্যাংকের ৩১শে জ্যৈষ্ঠ, ১৩৯৮ (১৫ই জুন ১৯৯১) তারিখের প্রজ্ঞাপন নং বৈমু-১/৯১/বা ব্যা এতদ্বারা নিম্নরূপভাবে সংশোধিত হইল :-

প্রজ্ঞাপনটির 'ক' উপ-অনুচ্ছেদের দ্বিতীয় ছত্রে "US \$ 1000" এর স্থলে "US \$ 2500" পাঠ করিতে হইবে।

বাংলাদেশ ব্যাংক
প্রজ্ঞাপন নং বৈমু-১/৯২/বা ব্যা
ঢাকা, ৯ই আষাঢ়, ১৩৯৯ (২৩শে জুন, ১৯৯২)

কারেন্সী নোট আমদানী

বাংলাদেশ ব্যাংকের ৩১শে জৈষ্ঠ, ১৩৯৮ (১৫ই জুন ১৯৯১) তারিখের
প্রজ্ঞাপন নং বৈমু-১/৯১/বা ব্যা এতদ্বারা নিম্নরূপভাবে সংশোধিত হইল :-

প্রজ্ঞাপনটির 'উপ-অনুচ্ছেদ (খ) এর দ্বিতীয় ছত্রের "US \$ 2500" এর স্থলে
"US \$ 5000" পাঠ করিতে হইবে।

বাংলাদেশ ব্যাংক
প্রজ্ঞাপন নং বৈমু-২/৯২/বা ব্যা
ঢাকা, ৯ই আষাঢ়, ১৩৯৯ (২৩শে জুন, ১৯৯২)

কারেন্সী নোট রপ্তানী

বাংলাদেশ ব্যাংকের ২৫শে ফেব্রুয়ারী, ১৯৮৬ তারিখের নোটিফিকেশন নং
- এফই -১-৮৬-বিবি এতদ্বারা নিম্নরূপভাবে সংশোধিত হইল :-

(ক) নোটিফিকেশনটির উপ-অনুচ্ছেদ (৩) -এ "US \$ 150" এর স্থলে
"US \$ 2500" পাঠ করিতে হইবে, এবং

(খ) নোটিফিকেশনটির উপ-অনুচ্ছেদ (৪)-এ "FE-1/84-BB dated
 the 22nd March, 1984" এর স্থলে বৈমু-১/৯২-বা ব্যা তারিখ ৯ই
আষাঢ়, ১৩৯৯ (২৩শে জুন, ১৯৯২) এবং "US \$ 150" এর স্থলে
"US \$ 5000" পাঠ করিতে হইবে।

**NOTIFICATION NO. FE-1/93-BB
DATED THE 12TH JULY, 1993
(28TH ASHAR, 1400)**

IMPORT OF CURRENCY

In pursuance of the Notification of the erstwhile Central Government of Pakistan No. F1 (8) - EF/49 dated the 2nd May, 1949 and in supersession of Bangladesh Bank Notification No. FE-1/84-BB, FE-1/91-BB, FE-2/91-BB and FE-1/92-BB dated the 22nd March, 1984, the 15th June, 1991, the 5th August, 1991 and the 23rd June 1992 respectively Bangladesh Bank is pleased to permit any person to bring into Bangladesh from any place outside Bangladesh without any limit any currency notes or bank notes other than-

- (1) Un-issued notes, and
- (2) Notes legal tenders in Bangladesh in excess of Taka 300 in value:

Provided that the concerned person makes a written declaration to the Customs Authorities at the time of arrival, in the form prescribed by Bangladesh Bank of the entire amount; no declaration will, however, be necessary if the amount brought in does not exceed-

- (1) US \$ 2500 or its equivalent by a person ordinarily resident in Bangladesh.
- (2) US \$ 5000 or its equivalent by a person ordinarily resident outside Bangladesh including Bangladesh nationals working abroad.
- (3) Notes legal tender in Bangladesh upto Tk. 300 in value.

**NOTIFICATION NO. FE 2/93-BB
DATED THE 12TH JULY, 1993
(28TH ASHAR, 1400)**

EXPORT OF CURRENCY

In pursuance of sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947) and in supersession of Bangladesh Bank Notification No. FE-2/92-BB dated the 9th Ashar, 1399 (23rd June, 1992), Bangladesh Bank is pleased to permit as follows:-

- (1) Any person may take out of Bangladesh, Bangladesh Bank notes and Bangladesh Coins not exceeding in all Tk. 300 (Taka three hundred only) in value at any one time.
- (2) Currency which has been brought into Bangladesh in the safes of vessels or aircraft or which has been taken on board vessels or aircraft with the permission of Bangladesh Bank may be taken out of Bangladesh.
- (3) Any person ordinarily resident in Bangladesh may take out foreign exchange not exceeding US \$ 2500 or its equivalent which was brought in without declaration at the time of returning from abroad.
- (4) Any person not ordinarily resident in Bangladesh including Bangladesh Nationals working abroad may take out of Bangladesh any amount in foreign exchange not exceeding the amount declared by him to the Customs Authority on arrival in Bangladesh. However, such a person may take out at the time of his leaving Bangladesh foreign exchange not exceeding US \$ 5000 or its equivalent brought in without declaration to the Customs Authority on his arrival in Bangladesh.

**NOTIFICATION NO. FE 1/94-BB
DATED THE 12TH NOVEMBER, 1994**

EXPORT OF CURRENCY

In pursuance of sub-section (2) of Section 8 of FER Act 1947 (VII of 1947) and in partial modification of Bangladesh Bank's Notification No. FE-2/93-BB dated the 12th July 1993, Bangladesh Bank has been pleased to decide that any person may, at the time of departure from Bangladesh, take out Bangladeshi legal tender notes and coins not exceeding Tk. 500/- in value.

**NOTIFICATION NO. FE-2/94-BB
DATED THE 12TH NOVEMBER, 1994**

IMPORT OF CURRENCY

In pursuance of the erstwhile central Government Notification No. F.1(8)-EF/49 dated the 2nd May, 1949 and in supersession of Bangladesh Bank Notification No. FE 1/93-BB dated the 12th July, 1993 (28th Ashar, 1400) Bangladesh Bank is pleased to permit any person to bring into Bangladesh from any place outside Bangladesh without any limit any currency notes or bank notes other than:-

- (1) Unissued notes, and
- (2) Notes legal tender in Bangladesh in excess of Taka 500 in value;

Provided that the concerned person makes a written declaration to the Customs Authority at the time of arrival, in the form prescribed by Bangladesh Bank, of the entire amount; no declaration will, however, be necessary if the amount brought in does not exceed:-

- (a) US Dollar 5000 or equivalent in foreign exchange;
- (b) Taka 500 in notes legal tender in Bangladesh.

**NOTIFICATION NO. FE-3/94-BB
DATED THE 17TH DECEMBER, 1994
(3rd Kartik, 1401)**

In pursuance of sub-section (2) of Section 8 of the Foreign Exchange Regulation Act, 1947 (VII of 1947), and in supersession of the Bangladesh Bank notification No. FE/83-BB dated the 25th May, 1983 the Bangladesh Bank is pleased to permit any adult female person to bring into/take out at the time of arrival into/departure from Bangladesh any quantity of personal jewellery worn on her person or as part of her accompanying personal baggage.

**NOTIFICATION NO. FE-1/96-BB
DATED THE 14TH JANUARY, 1996
(1ST MAGH 1402)**

In exercise of the powers conferred by Section 8 of the Foreign Exchange Regulations Act, 1947 (VII of 1947) read with the erstwhile Central Government Notification No. 1(2)-ECS/48 dated the 1st July, 1948 and further to Bangladesh Bank's Notification No. FE-1/94-BB dated the 17th December 1994 (3rd Kartik, 1401), Bangladesh Bank has decided that:

- (i) A Bangladesh national returning from abroad may bring into Bangladesh upto 2 (two) kilograms of gold or silver in bullion/ingot form subject to payment of duties and takes as levied by the Government;
- (ii) Export of gold and silver jewellery from Bangladesh and import of gold/silver/precious stones for manufacture and export of jewellery may be effected subject to the terms and conditions laid down in the relative Foreign Exchange Circulars issued by Bangladesh Bank from time to time.

বাংলাদেশ ব্যাংক

প্রজ্ঞাপন

ঢাকা, ২৩শে পৌষ ১৪০৯/৬ই জানুয়ারী ২০০৩

কারেন্সী নোট আমদানি ও রপ্তানি

নং এফই-১/০৩-বিবি-বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন ১৯৪৭ এর ৮(১) ধারা ও ২রা মে, ১৯৪৯ তারিখের সরকারী প্রজ্ঞাপন নং এফ ১(৮)-ইএফ/৪৯ দ্বারা অর্পিত এখতিয়ারসূত্রে বাংলাদেশ ব্যাংকের ১২ই নভেম্বর, ১৯৯৪ তারিখের প্রজ্ঞাপন নং এফই-২/৯৪ বিবি এবং একই আইনের ৮(২) ধারা দ্বারা অর্পিত এখতিয়ারসূত্রে বাংলাদেশ ব্যাংকের ১২ই জুলাই ১৯৯৩ তারিখের প্রজ্ঞাপন নং এফই-২/৯৩-বিবি এবং ১২ই নভেম্বর, ১৯৯৪ তারিখের প্রজ্ঞাপন নং এফই-১/৯৪-বিবি এর অতিক্রমণে বাংলাদেশে কারেন্সী নোট আমদানি ও বাংলাদেশ হইতে কারেন্সী নোট রপ্তানির বিষয়ে নিম্নোক্তরূপ অনুমতি জ্ঞাপিত হইল :

১। কারেন্সী নোট আমদানি-

বিদেশ হইতে বাংলাদেশে আগমনকালে কোন ব্যক্তি নিম্নোক্ত বর্ণনার নোট ব্যতীত অন্যান্য কারেন্সী নোট যে কোন পরিমাণে সংগে আনিতে পারিবেন :

- (ক) প্রচলনে আসে নাই (unissued) এরূপ কারেন্সী নোট, এবং
- (খ) পাঁচশত টাকার অধিক পরিমাণের বাংলাদেশী কারেন্সী নোট।

আনীত সমুদয় পরিমাণের জন্য আগমনকালে শুল্ক কর্তৃপক্ষের নিকট বাংলাদেশ ব্যাংকের নির্ধারিত ফরমে ঘোষণা প্রদান করিতে হইবে; তবে আনীত পরিমাণ নিম্নরূপ সীমা অতিক্রম না করিলে কোন ঘোষণা প্রয়োজন হইবে না :

- (১) মার্কিন ডলার ৩০০০ অথবা অন্য বৈদেশিক মুদ্রায় সমতুল্য পরিমাণ;
- (২) বাংলাদেশী কারেন্সী নোট অনধিক পাঁচশত টাকা পরিমাণ।

২। কারেন্সী নোট রপ্তানি -

(ক) কোন ব্যক্তি বাংলাদেশ হইতে বিদেশে গমনকালে অনধিক পাঁচশত টাকা মূল্যের বাংলাদেশী কারেন্সী নোট বা মুদ্রা সংগে লইয়া যাইতে পারিবেন;

(খ) বিদেশে কর্মরত বাংলাদেশী নাগরিকসহ বাংলাদেশে নিবাসী নহেন এরূপ ব্যক্তিগণ বাংলাদেশে আগমনকালে শুল্ক কর্তৃপক্ষের নিকট বাংলাদেশ ব্যাংকের নির্ধারিত ফরমে ঘোষণা প্রদান করিয়া আনীত সমুদয় বৈদেশিক মুদ্রা, বা এরূপ ঘোষণা ব্যতিরেকে আনীত অনধিক মার্কিন ডলার ৩০০০ বা সমতুল্য পরিমাণ বৈদেশিক মুদ্রা, বাংলাদেশ ত্যাগকালে সংগে লইয়া যাইতে পারিবেন;

(গ) বিদেশ হইতে প্রত্যাগমনকালে সংগে আনীত অনধিক মার্কিন ডলার ৩০০০ (বা সমতুল্য পরিমাণ অন্য বৈদেশিক মুদ্রা) কোন নিবাসী বাংলাদেশী নাগরিক পরবর্তীতে বিদেশ গমনকালে সংগে লইয়া যাইতে পারিবেন;

(ঘ) অন্য বিদেশী গন্তব্যের উদ্দেশ্যে নৌ-যান বা উড়োজাহাজে বহনকৃত ও ট্রানজিটে বাংলাদেশে আগত কারেন্সী নোট-চালান, এবং বাংলাদেশ ব্যাংকের অনুমোদনক্রমে নৌযানে বা উড়োজাহাজে উত্তোলিত কারেন্সী নোট চালান বাংলাদেশের বাহিরে লইয়া যাওয়া যাইবে।

মো. আ. মা. কাজেমী
ডেপুটি গভর্নর

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বাংলাদেশ ব্যাংক

প্রজ্ঞাপন নং- এফই-১/০৪-বিবি

ঢাকা, ০৯ চৈত্র, ১৪১০ (২৩ মার্চ, ২০০৪)

কারেন্সী নোট আমদানি ও রপ্তানি

বাংলাদেশ ব্যাংকের ২৩ পৌষ, ১৪০৯ (০৬ জানুয়ারী, ২০০৩) তারিখের প্রজ্ঞাপন নং- এফই-১/০৩-বিবি এতদ্বারা নিম্নরূপভাবে সংশোধিত হইল :-

প্রজ্ঞাপনটির ০১ অনুচ্ছেদের ‘খ(১)’ উপ-অনুচ্ছেদের প্রথম ছত্রে এবং ০২ অনুচ্ছেদের ‘খ’ উপ-অনুচ্ছেদের তৃতীয় ছত্রে ও ‘গ’ উপ-অনুচ্ছেদের প্রথম ছত্রে “মার্কিন ডলার ৩০০০” এর স্থলে “মার্কিন ডলার ৫০০০” পাঠ করিতে হইবে।

স্বাক্ষরিত

মো. আ. মা. কাজেমী
ডেপুটি গভর্নর

APPENDIX 4

List of Bangladesh Bank's Offices and Their Jurisdictions

**FOREIGN EXCHANGE POLICY DEPARTMENT,
BANGLADESH BANK, HEAD OFFICE, DHAKA:**

- (1) Dhaka
- (2) Narayangonj
- (3) Munshigonj
- (4) Narsingdi
- (5) Gazipur
- (6) Manikgonj
- (7) Mymensingh
- (8) Netrokona
- (9) Kishoregonj
- (10) Tangail
- (11) Jamalpur
- (12) Sherpur
- (13) Faridpur
- (14) Rajbari
- (15) Brahmanbaria

BANGLADESH BANK, CHITTAGHONG:

- (1) Chittagong
- (2) Cox's Bazar
- (3) Bandarban
- (4) Rangamati
- (5) Khagrachhari
- (6) Noakhali
- (7) Feni
- (8) Laxmipur
- (9) Comilla
- (10) Chandpur

BANGLADESH BANK, KHULNA:

- (1) Khulna
- (2) Satkhira
- (3) Bagerhat
- (4) Kushtia
- (5) Meherpur
- (6) Chuadanga
- (7) Jessore
- (8) Jhenidah
- (9) Magura
- (10) Narail
- (11) Gopalganj

BANGLADESH BANK, BARISAL:

- (1) Barisal
- (2) Jhalakathi
- (3) Barguna
- (4) Patuakhali
- (5) Pirojpur
- (6) Bhola
- (7) Shriatpur
- (8) Madaripur

BANGLADESH BANK, SYLHET:

- (1) Sylhet
- (2) Sunamgonj
- (3) Habigonj
- (4) Moulvi Bazar

BANGLADESH BANK, RAJSHAHI:

- (1) Rajshahi
- (2) Natore
- (3) Chapai Nawabgonj
- (4) Pabna

BANGLADESH BANK, BOGRA:

- (1) Bogra.
- (2) Joypurhat
- (3) Rangpur
- (4) Nilphamari
- (5) Lalmonirhat
- (6) Kurigam
- (7) Gaibandha
- (8) Dinajpur
- (9) Panchagar
- (10) Thakurgaon
- (11) Serajgonj
- (12) Naogaon

APPENDIX 5

Specimen Forms of Applications, Declaration etc. other than Periodic Returns & Schedules

| | |
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| See Chapter 2 | Para 5 |
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Serial No.....

Date :

ENCASHMENT CERTIFICATE

(Commercial name of the Money Changer)

(Operating under the Money Changer's Licence No..... dt.
issued by Bangladesh Bank)

Certified that we have encashed today the following amounts of foreign currency notes and coins from Mr./Ms.
..... an/a national, whose passport no. is
..... and whose date of last arrival in Bangladesh as recorded by immigration authorities in his passport is :

| Name of currency | Amount | Rate of exchange applied in conversion to Taka | Amount paid in Taka |
|------------------|--------|--|---------------------|
| | | | |

Authorised Signature and Seal

MONTHLY RETURNS OF MONEY CHANGER

Name of the Money Changer

Statement of particulars of sales and purchases of foreign exchange for the month of

Name of foreign currency(separate statement is to be submitted for each foreign currency)

Part -1 : Purchase of Foreign Exchange

| Sl. No. | Date of Purchase | Particulars of the Seller | | | Particulars of Purchase (Amount) | | | Receipt /Encashment Certificate issued | |
|---------|------------------|---------------------------|--------------|-------------|-----------------------------------|----|-------|--|------|
| | | Name | Passport No. | Nationality | Cash | TC | Total | No. | Date |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Part -2: Sale of Foreign Exchange

| Sl. No. | Date of Sale | Particulars of the Buyer | | | Particulars of Sales (Amount) | | |
|---------|--------------|--------------------------|--------------|-------------|--------------------------------|----|-------|
| | | Name | Passport No. | Nationality | Cash | TC | Total |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |

Part -3: Particulars of Transactions with Authorised Dealer Bank

In the Foreign Currency Account of (Name of the Money Changer)

| Date | Opening Balance | Credits | | | Debits | | | Closing Balance (2+3+4+5)- (6+7+8+9) | |
|------|-----------------|-----------------|---------------|--|--------------------------------|------------------------------|---|--|--------------------|
| | | Deposit of Cash | Deposit of TC | Received from Foreign Currency Account of other Money Changers | Issue of Cash Foreign Currency | Payment to Blank TC Supplier | Payment to Foreign Currency Account of other Money Changers | | Encashment to Cash |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

Part -4: Statement of Stock of Cash Foreign Exchange and Blank TC

| Date | Opening Balance | | Closing Balance | |
|------|-----------------|----------|-----------------|----------|
| | Cash | Blank TC | Cash | Blank TC |
| 1 | 2 | 3 | 4 | 5 |

Certification of Authorised Dealer Bank:

This is to certify that the information furnished on Part -3 are in order with records/books of accounts maintained in this branch.

Signature of Authorised Person of the Authorised Dealer

Date : Seal

Signature of Authorised Person of the Money Changer

Date : Seal

APPROPRIATENESS MEMO

Customer Name : (**Internal Credit Rating**

Transaction Details :

Date :

Products : **Commodity Derivatives**

What is the customer's annual import volume (amount and in USD terms) of the commodity that he/she wants to hedge? Please provide monthly import figures of the last one year.

Why is the customer doing these transactions? How do the transactions fit the customer's business?

What is the company's general view toward derivatives and how does the company use them?

Does the client have formal/informal derivatives policies? What are they?

Does the customer have the legal authority to enter into derivatives transactions? Is the company allowed to use derivatives under the terms of its constituent documents? Is there any limitation on specific types of derivatives, or caveats over capacity (e.g. "only if hedging")?

How has the client used derivatives in the past and in what new areas are they applying derivatives? Are recent derivatives transactions consistent with the past; if not, why?

How sophisticated is the company? Do they have their own pricing models? Do they build their own spreadsheets? Do they have access to market data (e.g. *Reuters, Telerate, and Bloomberg*)?

At what level are derivatives approved at the company? How active is senior management in decision making and/or monitoring derivatives activity?

Is there evidence of "doubling up" or similar activity to erase earlier losses?

Is documentation complete? Are we comfortable as a credit matter with incomplete documentation?

.....
Dealing Officer/Treasury Marketing Officer

.....
Corporate Banking Officer/
Relationship Manager

.....
Head of Corporate Banking/
Relationship Head

| | |
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| See Chapter 4 | Para 14 |
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| APP. 5 | 4 |
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CUSTOMER'S SUITABILITY AND APPROPRIATENESS
[Periodic Review] (*Preferably annual*)

From: [Head of Corporate Banking/Relationship Head]

Date:

Re: Customer's Suitability and Appropriateness

I/we have determined the following with regard to the customer identified below:

1. Identity of Client - []. This client has been designated as a [Market Participant (e.g banks)/Non-Professional Counterparty (customers)].
2. Summary of Client's past trading history with [authorised dealer] and (to the extent known) with other banks and financial institutions –
3. Summary of the type and tenor of transactions which we expect the Client to enter into with [authorised dealer] in future and why the Client would enter into such transactions –
4. Description of the Client's personnel with trading authority and their trading experience –
5. Description of the Client's risk management and control processes, including senior management involvement –
6. Any additional notes/remarks as are relevant or necessary –

.....
Dealer

.....
Corporate Banking Officer/
Relationship Manager

FORM T M
Travel and Miscellaneous
Purposes (other than import)

APPLICATION FOR PERMISSION UNDER FOREIGN EXCHANGE
REGULATION ACT TO PURCHASE FOREIGN EXCHANGE FOR THE
PURPOSE SPECIFIED BELOW

To

(Name & address of the Bank
 to which application is made)

I/We wish to purchase/remit for the under
 (Amount in figures and words stating currency)

mentioned purpose:-

I/We hereby declare that the statements made by me/us on this form are true and that I/we have not already obtained exchange nor have I/we made any other application for the purpose.

** A. For Travel Purposes:*

I/We desire to travel to for the purpose of

The journey will be undertaken by
 (Name of the Air/Shipping Company)

My/Our Passport Nos, date & place of issue are given below:-

- (a)
- (b)
- (c)

**B. For miscellaneous purposes other than travel and import:*

- (a) Reason for payment
- (b) Name & address of beneficiary
- (c) Country receiving payment

.....

Signature, Name and Address
of the Applicant

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| See Chapter 5 | Para 2 |
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Declaration to be signed by the traveller/remitter

- (a) That I/we recognise that in the event of any misrepresentation or suppression of any material fact, I/we shall be liable to action under the Foreign Exchange Regulation Act, 1947.
- (b) That the foreign exchange released to me/us shall be used for expenses incurred by means in foreign country/countries for
- *(i) my/our living and travelling expenses for business purposes.
- *(ii) my/our enroute expenses for travel abroad.
- *(iii) my/our living expenses and medical treatment.
- (c) I/We am/are aware that exchange issued to me/us under this form for travel purposes may only be taken out by me/us on my/our departure from Bangladesh and may not be sent out by post or through the medium of any other person or by any other means.
- (d) That if the travel has not been undertaken for the purpose mentioned above, or if any unspent foreign exchange remaining in my/our possession or at my/our disposal or which could not be utilised for the purpose for which it was granted, will be sold by me/us to an Authorised Dealer in foreign exchange in Bangladesh immediately on my/our return to Bangladesh.
- *(e) I/We declare that the payment mentioned against 'b' above is due to be made by me/us for which documentary evidence is enclosed and assume full responsibility for complying with the provisions of the Foreign Exchange Regulation Act, 1947 and rules, orders and directives issued thereunder.

Signature of the applicant

Certificate of approval of the Bangladesh Bank (if required).
(Valid for three calender months from the date of approval).

Date of approval.

Seal & Signature of the Bangladesh Bank Official

(Certificate by Authorised Dealer)

- *(a) We have issued Notes & CoinsT/C L/C
Total..... as per Bangladesh Bank approval dated.....
and endorsed the amount released in the traveller's passport after examining the ticket covering the passage.
- *(b) We have effected remittance of
(State amount)
- in terms of Paraof GFET/Bangladesh Bank's
approval No. datedby.....on.....(TT/MT/Draft)

| | |
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| See Chapter 5 | Para 2 |
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| Cage to be completed by Authorised Dealer indicating Code No. as per Code list circulated by the Bangladesh Bank. | | | | | | | | | | | | | | | | | |
|---|---------------------------|--|--|--|---------|----------|--|----------|----------------------------|--|--|--|--|--|--|--|--|
| Month | Country receiving payment | | | | Purpose | Category | | Currency | Amount in foreign currency | | | | | | | | |
| | | | | | | | | | | | | | | | | | |

*Signature and Stamp of the
Authorised Dealer*

I/ we hereby certify having received the exchange issued to me/us as above.

Signature(s) of the Applicant(s)

* *Strike out items not applicable.*

DECLARATION FOR REMITTANCE RECEIVED FROM FOREIGN COUNTRY OF AMOUNT EQUIVALENT TO US \$ 2000/- AND ABOVE

I/We do hereby declare that I/we have received remittance of _____

(Amount and Currency in figures and in words)

_____ remitted or

to be remitted by _____ on account of _____
(name and address of remitting bank)

_____ for the purpose of _____
name and address of remitter) (purpose of remittance)

(Name of Applicant)

Nationality _____

Date Address _____

Signature and Stamp of the applicant

From 'C' : Inward Remittance of Tk. equivalent to us \$ 2000/-and above.

| Month | Country making Payment | | | | Purpose | | | Amount in (State Currency) | | | | | | | |
|-------|------------------------|--|--|--|---------|--|--|----------------------------|--|--|--|--|--|--|--|
| | | | | | | | | | | | | | | | |

Coded by _____

Checked by _____

Purpose of remittance _____

We hereby certify that we are satisfied as to the identity of the applicant and that we have seen documentary evidence which satisfies us as to the bonafides of the declaration made on this form.

Date

*Signature and Stamp of the
Authorised Dealer*

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| See Chapter 5 | Para 10 |
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(Space for use by the Bangladesh Bank)

BANGLADESH BANK
Foreign Exchange Policy Department

Date

Assistant Director

Note: Full details must be given for all remittances which are of capital nature. In the case of amounts for investment in Bangladesh in shares or business, the reasons why the investment is required must be clearly indicated. In the case of the remittance of the sale proceeds of securities the name of the true owner of the securities must be given and also the approximate date of purchase.

বৈদেশিক মুদ্রা ঘোষণা ফর্ম
(FOREIGN EXCHANGE DECLARATION FORM)

FMJ FORM

(১৯৪৭ সালের বৈদেশিক মুদ্রা নিয়ন্ত্রণ আইন এর ৮(১) ধারা অনুযায়ী বাংলাদেশ ব্যাংক কর্তৃক প্রবর্তিত)
(Prescribed by Bangladesh Bank under Section 8(1) of the Foreign Exchange Regulation Act, 1947)

এই ফর্মটি বাংলাদেশে আগমনকারী ব্যক্তি কর্তৃক পূরণ করিতে হইবে।

This form is to be filled in by a person entering Bangladesh.

পূর্ণ নাম

জাতীয়তা

Full name

Nationality

পাসপোর্ট নং-

ইস্যুর তারিখ

ইস্যুর স্থান

Passport No.

Date of Issue

Place of Issue

বাংলাদেশে ঠিকানা

Address in Bangladesh:

পেশা

Profession

ঘোষণা
DECLARATION

সঙ্গে আনীত বৈদেশিক মুদ্রা/ব্যাংক ড্রাফট/ট্রাভেলার্স চেক

Currency/Bank Draft/Traveller's Cheque brought in

বৈদেশিক মুদ্রান নাম

পরিমাণ

Name of Currency

Amount

আমি, নিম্নস্বাক্ষরকারী, এতদ্বারা প্রত্যয়ন করিতেছি যে, উপরে প্রদত্ত তথ্যসমূহ সঠিক।

I, as named above, hereby solemnly declare that the information given above is correct.

কাষ্টমস অফিসারের স্বাক্ষর:

ঘোষণাকারীর স্বাক্ষর

Signature of Customs Official

Signature of Declarant

তারিখ

তারিখ

Date:

Date:

.....cont'd to page -2

| | |
|---------------|------------|
| See Chapter 6 | Para -1(A) |
|---------------|------------|

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| APP. 5 | 7 |
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Information for Declarant

ঘোষণাকারীর জন্য জ্ঞাতব্য

1. An incoming/outgoing passenger may bring in/take out upto Taka 500 (five hundred) in Bangladesh currency at the time of arrival into/departure from Bangladesh.

১. বাংলাদেশে আগমন/বাংলাদেশ হইতে বহির্গমনকালে কোন ব্যক্তি বাংলাদেশী মুদ্রা অনধিক ৫০০ (পাঁচশত) টাকা আনিতে/লইয়া যাইতে পারিবেন।

2. Any amount of foreign currency may be brought in by an incoming passenger with declaration to the customs authorities in Form FMJ. No declaration, however is necessary for amounts brought in upto US\$ 5000/= or equivalent. For a foreigner, the entire amount brought in with declaration or upto US\$ 5000/= brought in without declaration may be taken out freely at the time of departure. Upto US\$ 5000/= brought in without declaration by a Bangladeshi may also be retained and taken out freely while proceeding abroad. Amount in excess of US\$ 5000/= brought in by the resident Bangladeshis should, however, be encashed or deposited in appropriate foreign currency account within 30 days of arrival. Such amounts brought in by non-resident Bangladeshis can be encashed or deposited in foreign currency account any time after return to Bangladesh.

২। শুষ্ক কর্তৃপক্ষের নিকট এফএমজে ফরমে ঘোষণা প্রদান করিয়া যে কোন পরিমাণ বৈদেশিক মুদ্রা বাংলাদেশ আগমনকালে সংগে আনা যাইতে পারে। তবে আনীত বৈদেশিক মুদ্রার পরিমাণ অনধিক মাঃডঃ ৫০০০/- বা সমতুল্য পরিমাণ হইলে শুষ্ক কর্তৃপক্ষের নিকট ঘোষণা প্রদান আবশ্যিক হইবে না। বিদেশীগণের ক্ষেত্রে ঘোষণা প্রদান করিয়া আনীত সমুদয় বৈদেশিক মুদ্রা এবং ঘোষণা প্রদান ব্যতিরেকে আনীত অনধিক মাঃডঃ ৫০০০/- বাংলাদেশ ত্যাগকালে অবাধে প্রত্যাবাসনযোগ্য হইবে। ঘোষণা প্রদান ব্যতিরেকে আনীত অনধিক মাঃডঃ ৫০০০/- বাংলাদেশী নাগরিকের ক্ষেত্রেও রক্ষণযোগ্য এবং বাংলাদেশ হইতে বহির্গমনকালে সংগে বহনযোগ্য হইবে; এতদতিরিক্ত যে কোন অংক নিবাসী বাংলাদেশীগণের ক্ষেত্রে বাংলাদেশে আগমনের ৩০ দিনের মধ্যে টাকায় ভাঙাইতে/প্রযোজ্য ধরনের বৈদেশিক মুদ্রা হিসাবে জমা করিতে হইবে। অনিবাসী বাংলাদেশী কর্তৃক আনীত এইরূপ অংক বাংলাদেশে ফেরত আসিবার পর যে কোন সময় টাকায় ভাঙাইতে পারিবেন অথবা বৈদেশিক মুদ্রা হিসাবে জমা করিতে পারিবেন।

3. Encashment of foreign exchange brought in should be done with licensed money changers/Authorised Dealer bank branches.

৩। সংগে আনীত বৈদেশিক মুদ্রা টাকায় নগদায়ন লাইসেন্স প্রাপ্ত মানিচেঞ্জার/অনুমোদিত ডিলার ব্যাংক শাখার মাধ্যমে সম্পাদন করিতে হইবে।

4. An incoming/outgoing adult female passanger may bring in/take out any quantity of personal jewellery worn on her person or as part of her accompanying personal baggage.

৪। বাংলাদেশে আগমন/বাংলাদেশ হইতে বহির্গমনকালে কোন প্রাপ্ত বয়স্কা মহিলা যাত্রী স্বীয় পরিধানে অথবা ব্যক্তিগত ব্যাগেজের অংশরূপে যে কোন পরিমাণ ব্যক্তিগত অলংকারাদি সংগে আনিতে/লইয়া যাইতে পারিবেন।

| | |
|---------------|---------|
| See Chapter 7 | Para 13 |
|---------------|---------|

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| APP. 5 | 8 |
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**FORM OF CERTIFICATE TO BE ISSUED BY THE
AUTHORISED DEALER IN CASE OF IMPORT ON
FOB BASIS WHERE FREIGHT IS TO BE PAID IN
BANGLADESH TAKA**

| | |
|--|--|
| CERTIFICATE | |
| <p>Certified that the amount of freight payable in Bangladesh Taka (Amount)</p> <p>as indicated on the Bill of Lading No. dated the in respect of imported by Messrs</p> <p>from per s. s..... has been duly endorsed on the Exchange Monitoring Copy of the relative L.C. Authorisation Form No. dated the under our stamp and signature.</p> <p>Date</p> <p align="right"><i>Signature and Stamp of the Authorised Dealer</i></p> | |

| | |
|---------------|---------|
| See Chapter 7 | Para 18 |
|---------------|---------|

| | |
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| APP. 5 | 9 |
|--------|---|

DECLARATION FOR IMPORT UNDER LCAF REGISTRATION
INFORMATION ABOUT IMPORT WITHOUT LC

1. LCAF issuing bank..... branch..... for import without LC
2. LCAF No., Date....., Value.....
3. Name of the goods according to Purchase Contract/Purchase Order.....
HS Code Number
4. Value of Import Consignment Quantity
5. Expected date of shipment..... Port of Loading
6. Expected arrival date at Bangladeshi Port
7. Condition for payment of Import Bill: DP/DA fordays from presentation/acceptance

Name and signature of the authorised
person of the AD with date

Name and signature of the
authorised person of the importer

**BANGLADESH BANK
FOREIGN EXCHANGE POLICY DEPARTMENT**

FORM OF UNDERTAKING

(To be furnished by the importer for making advance remittances for permissible imports of goods and services).

In consideration of Bangladesh Bank permitting me/us an advance remittance ofto.....I/we hereby undertake that the amount so remitted by me/us will be used solely for the purpose of payment for the goods/services described below to be imported into Bangladesh fromin accordance with the regulations in force regarding such imports. I/We declare that the goods/services will be imported by me/us on or about and I/we undertake to produce to the Bangladesh Bank documentary evidence in respect of goods/services so imported including the authenticated copy of the Customs Bill of Entry for goods and supplier's invoice in original. I/We further declare that the amount paid by me/us in advance will be deducted from the invoice value of the goods (CFR)/services imported and that the deduction will be shown on the invoice.

| Name and address of the supplier | Invoice Value | | Description | | Country of origin | | Particulars of L.C. Authorisation Form | |
|----------------------------------|---------------|----------|-------------|----------|-------------------|----------|--|----------|
| | Goods | Services | Goods | Services | Goods | Services | Goods | Services |
| | | | | | | | | |

Signature and Stamp of the Importer

Name of the Importer _____

Address _____

Registration Number with CCI & E _____

Date

*Signature and Stamp of the
Authorised Dealer*

See Chapter 7 Para 28(a)

APP. 5 11

| | | | |
|--------|-----------|-----------|------|
| IMP No | AD's Code | Serial No | Year |
| | | | |

**Form IMP
For Imports only**

[Original copy for Bangladesh Bank and duplicate for AD's matching with Authenticated Copy of Bill of Entry/Customs certified invoice]

**FORGEING EXCHANGE REGULATION ACT, 1947
Application for Permission under Section 4/5 of the Foreign Exchange Regulation Act, 1947
to Purchase Foreign Exchange for Payment of Imports.**

Name and address of the Authorised Dealer effecting the remittance _____
I/We, the undersigned hereby apply for permission to remit _____
(Amount in foreign currency in figures and in words)

_____ to _____
(Name and address of the beneficiary)
for goods imported/to be imported by me/us as per details given below against LC/Contract No..... Date :

| | | | | | | |
|---------------------------------|------------------------------|----------------------|-------------|-------------------|---|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| LC Authorisation Form Number | Registration No. with the AD | Description of goods | HS Code No. | Quantity of goods | Invoice value in Foreign Currency (fob/cfr/cpt/cif) | Country of origin |
| | Date | | | Unit | | |
| | | | | | | |

| | | | | |
|------------------|---|---|-----------------------------|--|
| 8 | 9 | 10 | 11 | 12 |
| Port of Shipment | Name of Steamer/Airline and date of shipment (if goods are sent by post state so) | Port of importation in Bangladesh or name of country of ultimate destination if other than Bangladesh | Indentor's name and address | Indentor's Registration No. with CCI &E. |
| | | | | |
| | | | | |

1. I/We declare:

- (a) That the above payment is due and that I/we have not already obtained exchange for payment of (any of) these goods, nor have I/we made any other application for that purpose.
 - (b) The amount of Foreign Exchange mentioned above represents the correct prevailing market price for these goods on the date of contract in country of Export.
 - (c) That I/we am/are neither connected with the exporters abroad directly or indirectly nor do I/we have any financial or other interest in the exporters abroad.
2. I/We certify that the above import is covered by a valid L.C. Authorisation Form.
3. I/We undertake to clear the goods for consumption in Bangladesh within four months of the date of this application and shall, before the expiry of that period, surrender to the Bangladesh Bank through yourselves the AUTHENTICATED COPY/IES OF THE CUSTOMS' BILLS OF ENTRY FOR CONSUMPTION IN BANGLADESH or certified invoice/s covering the above goods, along with the Duplicate copy of this form (See note (a) below).
4. I/We declare that the statements made in this application are true to the best of my/our knowledge and belief.
5. I/We assume full responsibility for complying with the provisions of the Foreign Exchange Regulation Act, 1947 and rules, orders and directions made or issued thereunder.

Full name and address

of the applicant

Registration No. with C.C.I. & E.Date

.....
Signature and Stamp of the Importer

(This form shall be signed by the Importer or his authorised Agent)

(To be completed by the authorised Dealer)

1. We hereby certify that the statements made by the applicant in this form are to the best of our knowledge correct and that we have seen documentary evidence in support thereof.

2. The remittance has been made in accordance with method of payment as per existing Foreign Exchange Regulations.

Date

Signature and Stamp of the Authorised Dealer

See Chapter 7 Para 28(a)

APP. 5 11

BANGLADESH BANK APPROVAL (If required)
(Valid for 30 days from the date of approval)

Approved for
(Amount in words & figures)

Approval No. Date
(Seal and signature)

| (CODING OF THE TRANSACTION BY AUTHORISED DEALER) | | | | | | | | | |
|--|---------------------------|----------------------------|-----------|-------------------|----------|----------------------|--------------|----------|--------|
| Month | Country Receiving Payment | Country of origin of goods | Commodity | Quantity of goods | | Place of importation | Type of LCAF | Currency | Amount |
| | | | | Unit | Quantity | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

Coded by _____

Checked by _____

Date

Signature and Stamp of the Authorised Dealer

NOTES FOR IMPORTERS: (PLEASE READ CAREFULLY)

- (a) 'IMP' Forms are in sets of two forms in each. The importer should complete and sign both copies of the forms and hand them over to the Authorised Dealer (Bank) through whom the remittance is being made without separating the individual copies.
- (b) The form should be completed in every required detail. There should be no alterations or deletions in the wording of the form except where provided. The form should be signed by the Importer or his Authorised Agents holding Power of Attorney from the original importer. Importers are advised that a false statement on this form constitutes an offence under Section 22 of the Foreign Exchange Regulation Act, 1947. Omission of essential information constitutes a false declaration.
- (c) The attention of Importers is drawn to sub-section 3 of the Section 4 of the Foreign Exchange Regulation Act, 1947. Exchange sanctioned for a particular purpose must be utilised for that purpose only and all conditions attaching to the sanction must be complied with. If any of the prescribed conditions cannot be fulfilled and as a result the exchange cannot be utilised in whole or in part for the purpose for which it was sanctioned, the unutilised amount must immediately be refunded through an Authorised Dealer in foreign exchange in Bangladesh.

NAME OF THE BANK _____

ADDRESS OF THE BRANCH _____

STATEMENT OF CASES WITH MATERIAL DISCREPANCIES BETWEEN PARTICULARS IN IMPORT DOCUMENTS AND IN THE AUTHENTICATED COPY OF BILL OF ENTRY/CUSTOMS CERTIFIED INVOICE AS AT THE QUARTER ENDED ON.

| IMP form No. | Name of Importer with full address | Item of import (in brief) | Invoice value | Amount remitted with date | Source of Foreign Exchange (cash/loan/grant/barter etc) | Month of return/schedule in which the transaction was reported to Bangladesh Bank | Details of discrepancy between particulars in the import documents and the copy of bill of entry/customs certified invoice | Whether taken up with the importer (please quote letter No. & date) | Explanation if any submitted by the importer | Other remarks, if any |
|--------------|------------------------------------|---------------------------|---------------|---------------------------|---|---|--|---|--|-----------------------|
| 1 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

We certify that all outstanding cases of material discrepancies in the import documents including those pending from the previous quarters have been listed in the above statement

Authorised Signature with Seal

Date

NAME OF THE BANK _____

ADDRESS OF THE BRANCH _____

**STATEMENT OF NON-RECEIPT OF AUTHENTICATED COPY OF BILL OF ENTRY/CUSTOMS
CERTIFIED INVOICE WITHIN DUE TIME AS AT THE QUARTER ENDED ON**

| IMP form No. | Name of Importer with full address | Item of import (in brief) | Invoice value | Amount remitted with date | Source of Foreign Exchange viz (cash/loan/grant/barter and so forth) | Month of return/schedule in which the transaction reported to Bangladesh Bank | Whether taken up with the importer (please mention letter No. & date) | Brief account of explanation, if any, submitted by importer | Other remarks |
|--------------|------------------------------------|---------------------------|---------------|---------------------------|--|---|---|---|---------------|
| 1 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

We certify that all outstanding cases of non-receipt of import documents within the specified period including cases pending from the previous quarters have been listed in the above statement

Authorised Signature with Seal

Date

**MONTHLY STATEMENT OF RETENTION AND USE OF FOREIGN EXCHANGE RECEIVED FROM
DIRECT/DEEMED EXPORT FOR PAYMENT OF IMPORT LIABILITIES FOR THE MONTH OF**

.....Bank,Branch

| Name and address of the exporting firm | Foreign exchange received from direct/deemed export in the month under report | Balance of unutilised portion of foreign exchange retained from direct/deemed export of the previous month for payment of import bills | Amount of foreign exchange utilised from column nos. 2 and 3 for payment of import bill during the month under report | Amount of foreign exchange retained but not used for payment of import bill within 30 days of receipts | | Closing balance of foreign exchange retained as on the end of month {(2+3)-(4+5+6)} |
|--|---|--|---|--|-----------------------------------|---|
| | | | | Amount encashed | Credit to Retention Quota Account | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

Name and signature of the authorised person

Date :

**MONTHLY STATEMENT OF RETENTION AND USE OF FOREIGN EXCHANGE RECEIVED FROM
DIRECT/DEEMED EXPORT FOR PAYMENT OF IMPORT LIABILITIES FOR THE MONTH OF**

.....Bank, Head Office

| Foreign exchange received from direct/deemed export in the month under report | Balance of unutilised portion of foreign exchange retained from direct/deemed export of the previous month for payment of import bills | Amount of foreign exchange utilised from column nos. 1 and 2 for payment of import bill during the month under report | Amount of foreign exchange retained but not used for payment of import bill within 30 days of receipts | Closing balance of foreign exchange retained as on the end of month {(1+2)-(3+4+5)} |
|---|--|---|--|---|
| | | | Amount encashed | Credited to Retention Quota Account |
| 1 | 2 | 3 | 4 | 5 |
| | | | | 6 |

Name and signature of the authorised person

Date :

**STATEMENT OF L/Cs OPENED UNDER LOANS/CREDITS/GRANTS
REQUIRING DEPOSITS OF COUNTERPART TAKA FOR THE MONTH
OF**

Name of the Designated Bank

| SI. No. | L/C No. & Date | Name & address of importer | Identifying name of Loan/credit/grant under which L/C was opened | Amount of L/C opened. | | Last date of shipment under the L/C. | Probable date of receipt of import documents in Bangladesh | Indicate the arrangements made with importer for deposit of Counterpart Funds on receipt of import documents. | Any other remarks |
|---------|----------------|----------------------------|--|-----------------------|---------------------|--------------------------------------|--|---|-------------------|
| | | | | In foreign currency | In Bangladesh Taka. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

(To be submitted to the Bangladesh Bank by the 15th of every month).

Seal & Signature of the Designated Bank

Date

STATEMENT OF DISCREPANT BILLS RECEIVED ON COLLECTION BASIS

| Sl. No. | Name & Address of the importer | Name & address of importer's bank | Bill No. & date | Identification of the loan/ credit/grant | Description of goods | Date of receipt of the documents by designated bank | Date of acceptance of documents | Bill amount | | | |
|---------|--------------------------------|-----------------------------------|-----------------|--|----------------------|---|---------------------------------|------------------|--------------------------|-----------------|--|
| | | | | | | | | Foreign currency | Rate of exchange applied | Bangladesh Taka | |
| 1 | | | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| | | | | | | | | | | | |

Date

Signature & Seal of the Designated Bank

SATEMENT OF DEPOSIT OF COUNTERPART TAKA FUNDS.

| Sl. No. | Name and address of the importer | L/C No. & date | Identification of the Loan/Credit/Grant | Description of goods | Date of negotiation of bills/documents | Date of receipt of documents in Bangladesh | Bill No. & date | *Bill amount | | | Date of deposit of counterpart Taka funds | Reasons for delay, if any, in depositing counterpart Taka funds |
|---------|----------------------------------|----------------|---|----------------------|--|--|-----------------|------------------|--------------------------|-----------------|---|---|
| | | | | | | | | Foreign Currency | Rate of exchange applied | Bangladesh Taka | | |
| 1 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| | | | | | | | | | | | | |

* If forward cover is taken, indicate the month in which the forward sale has been reported as per para 8 of Chapter- 4, section-II of this Guidelines.

Date

Signature & Seal of the Designated Bank

EXP FORM

(Statutory declaration to be furnished by exporters under FE Regulation Act, 1947 before shipment of goods. An incorrect declaration constitutes offence under the said Act)

| | | | | | |
|--|--|--|--|--|--|
| ORIGINAL | | | | | |
| (To be submitted to the Customs with duplicate, triplicate and quadruplicate duly completed and certified by the Authorised Dealers) | | | | | |

| | | | |
|---------|-----------|---------------|-------------|
| EXP NO. | AD's code | Serial Number | Serial Year |
| | | | |

Name and address of the Authorised Dealer _____

I/We, the undersigned hereby declare that I/we am/are the sellers/consignors of the goods described below in respect of which this declaration is made out and that the particulars given in the following items are true and that the invoice value declared in SI.No.5 in case of firm contract is full value as contracted with the buyers/in case of consignment sale, is a fair value of the goods which are being shipped on consignment sale.

| Sl. No. | Items | Particulars (to be filled in by Exporter) | Code No. (to be filled in by Authorised Dealer) | | | |
|---------|---|---|---|-----|-----------|---------|
| 1. | Commodity to be exported | | | | | |
| 2. | Country of destination | | | | | |
| 3. | Port of destination | | | | | |
| 4. | Quantity | Unit (bales/tons/lbs. etc.) | | | | |
| | | Volume Weight/number etc.) | | | | |
| 5. | Value | Currency | | | | |
| | | Incoterm Used | | | | |
| | | Invoice Value | | FOB | Insurance | Freight |
| | | CMT value (if applicable) | | | | |
| 6. | Terms of sale (firm contract/LC or Consignment sale) | | | | | |
| 7. | Name & address of importer/consignee | | | | | |
| 8. | Name of carrying vessel | | | | | |
| 9. | Bill of Lading/Railway Receipt/Airway Bill/Truck Receipt/ Post Parcel Receipt | No.: Date: | | | | |
| 10. | Port of shipment/Post Office of despatch | | | | | |
| 11. | Land Custom Post | | | | | |
| 12. | Shipment date | | | | | |
| 13. | Name of the exporter (in block letter) with address. | | | | | |
| 14. | CCI &E's Registration Number and date of the exporter | | | | | |
| 15. | Sector (Public or Private) under which the Exporter falls | | | | | |

Coded by

Checked by

Authorised Signature & Stamp of the Exporter with date.

(Signature of authorised official of the bank).

| | |
|---------------|--------|
| See Chapter 8 | Para 4 |
|---------------|--------|

| | |
|--------|----|
| APP. 5 | 19 |
|--------|----|

Certificate of Authorised Dealer

Certified that the above exporter(s) is/are known to us, that he/they is/are bonafide businessman/men in Bangladesh and that he/they has/have made arrangements with us for the realisation of the export proceeds of the goods declared on this form within four months from the date of shipment and that we are satisfied with the said arrangements. We have also satisfied ourselves about the bonafides of the importers/consignees abroad and their credentials etc.

*We undertake to ensure that export proceeds against shipment on firm contract shall be received by us within the stipulated period of four months. In the event of non-compliance due to reasons beyond our control we shall furnish to the Bangladesh Bank a full explanation as to the reasons and circumstances resulting in our inability to comply.

*We undertake that in the event of non-realisation of export proceeds against shipment on consignment sale within the stipulated period of four months, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a full explanation as to the circumstances resulting in non-realisation. We further undertake that in the event of short realisation, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a fully documented account sale certified by the consignees/Chamber of Commerce of the country of import.

*(Strike out the portion not applicable and authenticate with initials).

Date _____

*Stamp and Signature of
Authorised Dealer.*

(TO BE COMPLETED BY CUSTOMS/POST OFFICE)

1. Month in which this item is included in the Customs/Post Office Return _____
2. Value assessed by the Customs/Post Office _____
3. Shipping Bill/Airway Bill/Post Parcel Receipt No _____ Dt. _____

Seal

Signature of custom officer

Date _____

CERTIFICATE BY AUTHORISED DEALER

(Applicable where advance payment or irrevocable or confirmed Letter of Credit is required in cover of the shipment.)

1. An irrevocable/confirmed Letter of credit No. _____
for _____ on _____ has been opened covering the shipment described on page No. 1.
2. Remittance for _____ has been received as per method No _____ as indicated below on _____ and has been allocated against the shipment described on page-1.
 - (i) in Taka from a Non-Resident Bank A/C.
 - (ii) in Foreign Currency on _____ Amount _____
(State Currency)

Date _____

*(Signature of the Stamp of
Authorised Dealer.*

EXP FORM

(Statutory declaration to be furnished by exporters under FE Regulation Act, 1947 before shipment of goods. An incorrect declaration constitutes offence under the said Act)

| | | | | | |
|---|--|--|--|--|--|
| DUPLICATE | | | | | |
| (To be returned to the Authorised Dealer within 14 days from the date of shipment alongwith customs certification and relative document for negotiation). | | | | | |

| | | | |
|---------|-----------|---------------|-------------|
| EXP NO. | AD's code | Serial Number | Serial Year |
| | | | |

Name and address of the Authorised Dealer _____

I/We, the undersigned hereby declare that I/we am/are the sellers/consignors of the goods described below in respect of which this declaration is made out and that the particulars given in the following items are true and that the invoice value declared in SI.No.5 in case of firm contract is full value as contracted with the buyers/in case of consignment sale, is a fair value of the goods which are being shipped on consignment sale.

| Sl. No. | Items | Particulars (to be filled in by Exporter) | Code No. (to be filled in by Authorised Dealer) | | | |
|---------|---|---|---|-----|-----------|---------|
| 1. | Commodity to be exported | | | | | |
| 2. | Country of destination | | | | | |
| 3. | Port of destination | | | | | |
| 4. | Quantity | Unit (bales/tons/Ibs. etc.) | | | | |
| | | Volume Weight/number etc.) | | | | |
| 5. | Value | Currency | | | | |
| | | Incoterm Used | | | | |
| | | Invoice Value | | FOB | Insurance | Freight |
| | | CMT value (if applicable) | | | | |
| 6. | Terms of sale (firm contract/LC or Consignment sale) | | | | | |
| 7. | Name & address of importer/consignee | | | | | |
| 8. | Name of carrying vessel | | | | | |
| 9. | Bill of Lading/Railway Receipt/Airway Bill/Truck Receipt/ Post Parcel Receipt | No.: Date: | | | | |
| 10. | Port of shipment/Post Office of despatch | | | | | |
| 11. | Land Custom Post | | | | | |
| 12. | Shipment date | | | | | |
| 13. | Name of the exporter (in block letter) with address. | | | | | |
| 14. | CCI &E's Registration Number and date of the exporter | | | | | |
| 15. | Sector (Public or Private) under which the Exporter falls | | | | | |

Coded by

Checked by

Authorised Signature & Stamp of the Exporter with date.

(Signature of authorised official of the bank).

| | |
|---------------|--------|
| See Chapter 8 | Para 4 |
|---------------|--------|

| | |
|--------|----|
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|--------|----|

Certificate of Authorised Dealer

Certified that the above exporter(s) is/are known to us, that he/they is/are bonafide businessman/men in Bangladesh and that he/they has/have made arrangements with us for the realisation of the export proceeds of the goods declared on this form within four months from the date of shipment and that we are satisfied with the said arrangements. We have also satisfied ourselves about the bonafides of the importers/consignees abroad and their credentials etc.

*We undertake to ensure that export proceeds against shipment on firm contract shall be received by us within the stipulated period of four months. In the event of non-compliance due to reasons beyond our control we shall furnish to the Bangladesh Bank a full explanation as to the reasons and circumstances resulting in our inability to comply.

*We undertake that in the event of non-realisation of export proceeds against shipment on consignment sale within the stipulated period of four months, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a full explanation as to the circumstances resulting in non-realisation. We further undertake that in the event of short realisation, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a fully documented account sale certified by the consignees/Chamber of Commerce of the country of import.

*(Strike out the portion not applicable and authenticate with initials).

Date _____

*Stamp and Signature of
Authorised Dealer.*

(TO BE COMPLETED BY CUSTOMS/POST OFFICE)

1. Month in which this item is included in the Customs/Post Office Return _____
2. Value assessed by the Customs/Post Office _____
3. Shipping Bill/Airway Bill/Post Parcel Receipt No _____ Dt. _____

Seal

Signature of custom officer

Date _____

CERTIFICATE BY AUTHORISED DEALER

(Applicable where advance payment or irrevocable or confirmed Letter of Credit is required in cover of the shipment.)

1. An irrevocable/confirmed Letter of credit No. _____
for _____ on _____ has been opened covering the shipment described on page No. 1.
2. Remittance for _____ has been received as per method No _____ as indicated below on _____ and has been allocated against the shipment described on page-1.
 - (i) in Taka from a Non-Resident Bank A/C.
 - (ii) in Foreign Currency on _____ Amount _____
(State Currency)

Date _____

*(Signature of the Stamp of
Authorised Dealer.*

EXP FORM

(Statutory declaration to be furnished by exporters under FE Regulation Act, 1947 before shipment of goods. An incorrect declaration constitutes offence under the said Act)

| | | | | | |
|--|--|--|--|--|--|
| TRIPLICATE | | | | | |
| (To be returned to the Authorised Dealer). | | | | | |

| | | | |
|---------|-----------|---------------|-------------|
| EXP NO. | AD's code | Serial Number | Serial Year |
| | | | |

Name and address of the Authorised Dealer _____

I/We, the undersigned hereby declare that I/we am/are the sellers/consignors of the goods described below in respect of which this declaration is made out and that the particulars given in the following items are true and that the invoice value declared in SI.No.5 in case of firm contract is full value as contracted with the buyers/in case of consignment sale, is a fair value of the goods which are being shipped on consignment sale.

| Sl. No. | Items | Particulars (to be filled in by Exporter) | Code No. (to be filled in by Authorised Dealer) | | | |
|---------|---|---|---|-----|-----------|---------|
| 1. | Commodity to be exported | | | | | |
| 2. | Country of destination | | | | | |
| 3. | Port of destination | | | | | |
| 4. | Quantity | Unit (bales/tons/lbs. etc.) | | | | |
| | | Volume Weight/number etc.) | | | | |
| 5. | Value | Currency | | | | |
| | | Incoterm Used | | | | |
| | | Invoice Value | | FOB | Insurance | Freight |
| | | CMT value (if applicable) | | | | |
| 6. | Terms of sale (firm contract/LC or Consignment sale) | | | | | |
| 7. | Name & address of importer/consignee | | | | | |
| 8. | Name of carrying vessel | | | | | |
| 9. | Bill of Lading/Railway Receipt/Airway Bill/Truck Receipt/ Post Parcel Receipt | No.: Date: | | | | |
| 10. | Port of shipment/Post Office of despatch | | | | | |
| 11. | Land Custom Post | | | | | |
| 12. | Shipment date | | | | | |
| 13. | Name of the exporter (in block letter) with address. | | | | | |
| 14. | CCI &E's Registration Number and date of the exporter | | | | | |
| 15. | Sector (Public or Private) under which the Exporter falls | | | | | |

Coded by

Checked by

Authorised Signature & Stamp of the Exporter with date.

(Signature of authorised official of the bank).

See Chapter 8

Para 4

APP. 5

19

Certificate of Authorised Dealer

Certified that the above exporter(s) is/are known to us, that he/they is/are bonafide businessman/men in Bangladesh and that he/they has/have made arrangements with us for the realisation of the export proceeds of the goods declared on this form within four months from the date of shipment and that we are satisfied with the said arrangements. We have also satisfied ourselves about the bonafides of the importers/consignees abroad and their credentials etc.

*We undertake to ensure that export proceeds against shipment on firm contract shall be received by us within the stipulated period of four months. In the event of non-compliance due to reasons beyond our control we shall furnish to the Bangladesh Bank a full explanation as to the reasons and circumstances resulting in our inability to comply.

*We undertake that in the event of non-realisation of export proceeds against shipment on consignment sale within the stipulated period of four months, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a full explanation as to the circumstances resulting in non-realisation. We further undertake that in the event of short realisation, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a fully documented account sale certified by the consignees/Chamber of Commerce of the country of import.

*(Strike out the portion not applicable and authenticate with initials).

Date _____

*Stamp and Signature of
Authorised Dealer.*

(TO BE COMPLETED BY CUSTOMS/POST OFFICE)

1. Month in which this item is included in the Customs/Post Office Return _____
2. Value assessed by the Customs/Post Office _____
3. Shipping Bill/Airway Bill/Post Parcel Receipt No _____ Dt. _____

Seal

Signature of custom officer

Date _____

CERTIFICATE BY AUTHORISED DEALER

(Applicable where advance payment or irrevocable or confirmed Letter of Credit is required in cover of the shipment.)

1. An irrevocable/confirmed Letter of credit No. _____
for _____ on _____ has been opened covering the shipment described on page No. 1.
2. Remittance for _____ has been received as per method No _____ as indicated below on _____ and has been allocated against the shipment described on page-1.
 - (i) in Taka from a Non-Resident Bank A/C.
 - (ii) in Foreign Currency on _____ Amount _____
(State Currency)

Date _____

*(Signature of the Stamp of
Authorised Dealer.*

EXP FORM

(Statutory declaration to be furnished by exporters under FE Regulation Act, 1947 before shipment of goods. An incorrect declaration constitutes offence under the said Act)

| | | | | | |
|---|--|--|--|--|--|
| QUADRUPLICATE | | | | | |
| (To be retained with the Authorised Dealer) | | | | | |

| | | | |
|---------|-----------|---------------|-------------|
| EXP NO. | AD's code | Serial Number | Serial Year |
| | | | |

Name and address of the Authorised Dealer _____

I/We, the undersigned hereby declare that I/we am/are the sellers/consignors of the goods described below in respect of which this declaration is made out and that the particulars given in the following items are true and that the invoice value declared in SI.No.5 in case of firm contract is full value as contracted with the buyers/in case of consignment sale, is a fair value of the goods which are being shipped on consignment sale.

| Sl. No. | Items | Particulars (to be filled in by Exporter) | Code No. (to be filled in by Authorised Dealer) | | | |
|---------|---|---|---|-----|-----------|---------|
| 1. | Commodity to be exported | | | | | |
| 2. | Country of destination | | | | | |
| 3. | Port of destination | | | | | |
| 4. | Quantity | Unit (bales/tons/lbs. etc.) | | | | |
| | | Volume Weight/number etc.) | | | | |
| 5. | Value | Currency | | | | |
| | | Incoterm Used | | | | |
| | | Invoice Value | | FOB | Insurance | Freight |
| | | CMT value (if applicable) | | | | |
| 6. | Terms of sale (firm contract/LC or Consignment sale) | | | | | |
| 7. | Name & address of importer/consignee | | | | | |
| 8. | Name of carrying vessel | | | | | |
| 9. | Bill of Lading/Railway Receipt/Airway Bill/Truck Receipt/ Post Parcel Receipt | No.: Date: | | | | |
| 10. | Port of shipment/Post Office of despatch | | | | | |
| 11. | Land Custom Post | | | | | |
| 12. | Shipment date | | | | | |
| 13. | Name of the exporter (in block letter) with address. | | | | | |
| 14. | CCI &E's Registration Number and date of the exporter | | | | | |
| 15. | Sector (Public or Private) under which the Exporter falls | | | | | |

Coded by

Checked by

*Authorised Signature & Stamp
of the Exporter with date.*

(Signature of authorised official of the bank).

| | |
|---------------|--------|
| See Chapter 8 | Para 4 |
|---------------|--------|

| | |
|--------|----|
| APP. 5 | 19 |
|--------|----|

Certificate of Authorised Dealer

Certified that the above exporter(s) is/are known to us, that he/they is/are bonafide businessman/men in Bangladesh and that he/they has/have made arrangements with us for the realisation of the export proceeds of the goods declared on this form within four months from the date of shipment and that we are satisfied with the said arrangements. We have also satisfied ourselves about the bonafides of the importers/consignees abroad and their credentials etc.

*We undertake to ensure that export proceeds against shipment on firm contract shall be received by us within the stipulated period of four months. In the event of non-compliance due to reasons beyond our control we shall furnish to the Bangladesh Bank a full explanation as to the reasons and circumstances resulting in our inability to comply.

*We undertake that in the event of non-realisation of export proceeds against shipment on consignment sale within the stipulated period of four months, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a full explanation as to the circumstances resulting in non-realisation. We further undertake that in the event of short realisation, we shall obtain from the exporter(s) and furnish to the Bangladesh Bank a fully documented account sale certified by the consignees/Chamber of Commerce of the country of import.

*(Strike out the portion not applicable and authenticate with initials).

Date _____

*Stamp and Signature of
Authorised Dealer.*

(TO BE COMPLETED BY CUSTOMS/POST OFFICE)

1. Month in which this item is included in the Customs/Post Office Return _____
2. Value assessed by the Customs/Post Office _____
3. Shipping Bill/Airway Bill/Post Parcel Receipt No _____ Dt. _____

Seal

Signature of custom officer

Date _____

CERTIFICATE BY AUTHORISED DEALER

(Applicable where advance payment or irrevocable or confirmed Letter of Credit is required in cover of the shipment.)

1. An irrevocable/confirmed Letter of credit No. _____
for _____ on _____ has been opened covering the shipment described on page No. 1.
2. Remittance for _____ has been received as per method No _____ as indicated below on _____ and has been allocated against the shipment described on page-1.
 - (i) in Taka from a Non-Resident Bank A/C.
 - (ii) in Foreign Currency on _____ Amount _____
(State Currency)

Date _____

*(Signature of the Stamp of
Authorised Dealer.*

EXPORT REGISTER

| Sl. No. | Number of EXP Form | Name and address of the exporter | Commodity | Amount declared on EXP Form | Date of certification | Initials of the certifying officials | Date of shipment | Bill No. |
|---------|--------------------|----------------------------------|-----------|-----------------------------|-----------------------|--------------------------------------|------------------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

| Date of negotiation or sending abroad for collection of export proceeds | Date of submission of duplicate copy to Bangladesh Bank | Date of realisation | Amount realised in foreign currency | Taka amount paid to the exporter and rate of exchange applied | Date of submission of Triplicate copy to Bangladesh Bank |
|---|---|---------------------|-------------------------------------|---|--|
| 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | |

MONTHLY STATEMENT OF OUTSTANDING EXPORT BILLS

Position as on(last day of month under report)

(To be submitted within 10th day of the month following that to which relates)

(Taka in Crore)

| | Value of sight bills | Value of usance bills | Total |
|---|----------------------|-----------------------|-------|
| 1. Value of Outstanding Export Bills as on the last day of previous month | | | |
| 2. Value of all export bills purchased or sent on collection basis during the month under report | | | |
| 3. Export proceeds realised during the month under report against bills mentioned in items Nos. 1 & 2 | | | |
| 4. Total outstanding export bills as on the last day of the month under report: a) Export proceeds due against all bills received from customers on collection basis b) All export bills purchased from customers for which proceeds not yet credited to Authorised Dealer's account abroad | | | |
| Total (a + b): | | | |

| Monthly maturity position of the total outstanding Export bills | Against current bills | Against overdue bills |
|---|-----------------------|-----------------------|
| 1st month following the month under report | | |
| 2nd month following the month under report | | |
| 3rd month following the month under report | | |
| 4th month following the month under report | | |
| 5th month following the month under report | | |
| 6th month following the month under report | | |
| After 6th month following the month under report | | |
| Total: | | |
| No. of Bills | | |

Stamp and Signature of the Authorised Dealer

| | |
|---------------|------------|
| See Chapter 8 | Para 15(b) |
| See Chapter 8 | Para 23(c) |

| | |
|--------|----|
| APP. 5 | 22 |
| | |

STATEMENT OF PARTICULARS OF EXPORT BILLS OUTSTANDING BEYOND THE PRESCRIBED PERIOD OF REALISATION AS AT _____ END OF MONTH UNDER REPORT)

Part I : Export bills outstanding other than those covered under Parts II & III below :

| Sl. No. | Bill No. and date | Name & address of exporter | Date of export | EXP Form No | Destination | Commodity | Nature of bill drawn DP/DA) |
|---------|-------------------|----------------------------|----------------|-------------|-------------|-----------|-----------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

| Invoice value | Amount realised (currency) | Amount actually outstanding (9-10) | Reasons for non-realisation of the outstandings | Cross reference to original entry in case of deletion | Remarks |
|---------------|----------------------------|------------------------------------|---|---|---------|
| 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | |

Note: Please fill in only columns 1,2, 3, 5, 9, 10 and 13 in respect of deletions which should be grouped together.

Part II : Exports on consignment basis outstanding

Details as per Part I.

Note : Please fill in only columns 1, 2, 3, 5, 9, 10 and 13 in respect of deletions which should be grouped together.
Contd.P/2

| | |
|---------------|------------|
| See Chapter 8 | Para 15(b) |
| See Chapter 8 | Para 23(c) |

Part : III Undrawn balances outstanding

| Sl. No. | Name and address of the Exporter | Total amount outstanding | Remarks |
|---------|----------------------------------|--------------------------|---------|
| 1 | 2 | 3 | 4 |
| | | | |

See item No. (iv) of instructions for completing the statement

Note : Please complete additions and deletions separately and fill up all the columns.

.....Contd.P/3

| | |
|---------------|------------|
| See Chapter 8 | Para 15(b) |
| See Chapter 8 | Para 23(c) |

Part IV: Summary

| | |
|--|-----------|
| Outstanding as on (end of previous month) | Tk. _____ |
| Add : Additions during the month under report | Tk. _____ |
| Less : Deletions during the month under report | Tk. _____ |
| Net position of outstandings as on (end of month under report) | Tk. _____ |

We certify that all export bills outstanding beyond the prescribed period of realisation as at the end of month under report have been included in this statement.

Place _____

Date _____

Signature and Stamp of Authorised Dealer

.....Contd.P/4

| | |
|---------------|------------|
| See Chapter 8 | Para 15(b) |
| See Chapter 8 | Para 23(c) |

| | |
|--------|----|
| APP. 5 | 22 |
|--------|----|

Instruction for completing statement

(i) Authorised Dealers should submit a consolidated statement giving details of all export bills outstanding beyond the prescribed period of realisation as at the end of each month giving details of additions and deletions of outstanding export bills during the relative month. All additions should be grouped together and shown first and all deletions grouped together and shown later. Net position of outstanding export bills included in parts I to III of the statement should be given in part IV of the statement.

(ii) In part I, particulars of all outstanding export bills other than undrawn balance and exports on consignment basis should be included.

(iii) In part II, particulars of all outstandings as in part I, in respect of exports on consignment basis should be reported (although no bills have been drawn) in this part.

(iv) In part III, only exporter-wise totals of undrawn balances outstanding need be reported in the statements. Full particulars of those bills as in part-I should be reported in this part.

(v) In part-IV net position of outstanding export bills included in parts I to III of the statement are to be given in this part.

(vi) Exporter-wise totals/grand totals (converted into Taka wherever necessary) should be given.

(vii) Advance remittances and part realisations should be shown under the column "Amount realised" and the balance shown as outstanding.

(viii) Approval number and date of the Bangladesh Bank and the date upto which extension has been given should invariably be indicated in "Remarks" column. Where approval for extension of time has not been obtained from the Bangladesh Bank, steps taken in that regard should be indicated in "Remarks" column.

(ix) In cases where export proceeds against EXP Forms have been un-realised either in full or in part because legal proceedings have been initiated against the buyers a suitable remarks should be made in the statements.

(x) Outstanding in respect of which proceeds are not recoverable but which are being reported only for technical reasons should be distinctly denoted quoting Bangladesh Bank's reference and date in terms of which the item is required to be reported as outstanding.

EXPORT PROCEED REALISATION CERTIFICATE AGAINST DIRECT EXPORTS

Name and address of the Exporter..... ERCNo. PRCIssuedFor..... PRCNo.....Date.....

| Export Form No. 'EXP' | Description of Commodity Exported | B/L No. & Date and Country of Destination | Invoice value No. & Date | Amount Realised | | Date of Realisation | Net FOB value | | Date of Submission of Triplicate Copy/ Copies to Bangladesh Bank. | Reference of the Schedule Statement in which Transaction has been or will be Reported to Bangladesh Bank. | |
|-----------------------|-----------------------------------|---|--------------------------|------------------|-----------------|---------------------|------------------|-----------------|---|---|----|
| | | | | Foreign Currency | Bangladesh Taka | | Foreign Currency | Bangladesh Taka | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

We hereby certify that the particulars mentioned above are correct. We also undertake that in case any discrepancy in regard to the transactions mentioned in this certificate is detected, we shall remain responsible for the same and shall abide by any decision taken by the Bangladesh Bank in this regard. We further undertake that if any insurance and other export claims relating to the export indicated in the Proceed Realisation Certificate arises, we shall abide by any decision of the Bangladesh Bank for deduction of appropriate amount from any future Proceed Realisation Certificate. We will send the 'Verification Copy' of the PRC to Bangladesh Bank for post facto checking in the month of

| | |
|---------------------------------------|-----------------------------------|
| Signature of the head of the branch : | Signature of the issuing officer: |
| Full name : | Full name : |
| Designation: | Designation: |
| PA No. : | PA No.: |
| Phone no.: | Phone no.: |
| Seal : | Seal : |
| Date : | Date: |

EXPORT PROCEED REALISATION CERTIFICATE AGAINST DEEMED EXPORTS

Name and address of the Exporter..... ERC No. PRC Issued For..... PRC No..... Date.....

| Back To Back LC/Local LC/Contract Ref. in regard to which PRC is being Issued | Bill Reference | | Concerned Master Export LC/Contract Reference | | Commodity | Realised Bill Value | | Date of Realisation | Reporting Reference to Bangladesh Bank. | | | | |
|---|----------------|------|---|------|-----------|---------------------|--------|---------------------|---|----|----|----|----|
| | No. | Date | No. | Date | | Currency | Amount | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

We hereby certify that the particulars mentioned above are correct. We also undertake that in case any discrepancy in regard to the transactions mentioned in this certificate is detected, we shall remain responsible for the same and shall abide by any decision taken by the Bangladesh Bank in this regard. We further undertake that if any insurance and other export claims relating to the export indicated in the Proceed Realisation Certificate arises, we shall abide by any decision of the Bangladesh Bank for deduction of appropriate amount from any future Proceed Realisation Certificate. We will send the 'Verification Copy' of the PRC to Bangladesh Bank for post facto checking in the month of

| | |
|---|---|
| Signature of the Head of the Branch : Full Name : Designation: PA No. Phone No. Seal : Date : | Signature of the Issuing Officer: Full name : Designation: PA No.: Phone no.: Seal : Date |
|---|---|

EXPORT REGISTER FOR EXPORTS THROUGH ELECTRONIC MEDIA, OF COMPUTER SOFTWARE AND DATA ENTRY/PROCESSING SERVICES

| Sl. No. | Name and address of the exporter | Name and address of the foreign buyer | Particulars of the software or data entry/processing service exported or to be exported | | Date of export | Export bill no(s) and date (s) | Amount(s) due for realisation in currency of invoice, and date(s) on which the amount(s) is/are due | Amounts realised with date(s) in currency of invoice | Date(s) by which the un-realised export bill(s) will stand overdue |
|---------|----------------------------------|---------------------------------------|---|--------------------|----------------|--------------------------------|---|--|--|
| | | | Quantity | Value and currency | | | | | |
| | | | | | | | | | |

Date

Authorised signature
with date

**STATEMENT OF EXPORT BILLS OUTSTANDING BEYOND THE PRESCRIBED REALISATION PERIOD AGAINST EXPORT THROUGH ELECTRONIC MEDIA
OF COMPUTER SOFTWARE AND DATA PROCESSING / DATA ENTRY SERVICES AS ON(END OF MONTH UNDER REPORT)**

Part I :

| Name of the authorised dealer bank branch | Name and address of the exporter | Date of export | Name and address of the foreign buyer | Particulars of the software or data entry/processing service exported | Total amount due in currency of invoice | Total unrealised overdue amount (in currency of invoice) | Date(s) from which the unrealised amount(s) is/are overdue | Comments if any |
|---|----------------------------------|----------------|---------------------------------------|---|---|--|--|-----------------|
| | | | | | | | | |

Note : The first statement should include all cases of outstanding overdues. Nil report should be submitted in case there are no overdues. Statements for the subsequent months should separately mention new additions and deletions over the month under report.

Part II:

Summary : Outstanding overdue, in equivalent Taka, as at the end of the previous month.....
 Add: New overdues in equivalent Taka accruing over the month under report.....
 Less: Realisation of past overdues, in equivalent Taka, during the month under report.....
 Net position of outstanding overdues, in equivalent Taka as the end of the month under report.....

Name of the Authorised Dealer
 Address of the concerned Area /Principal Office

Authorised Signature

FOREIGN EXCHANGE REGULATION ACT, 1947

(Return of Securities required to be submitted under Section 19(l) of FER Act, 1947)

- (a) Full name and address of the owner by whom or on whose behalf the return is made
.....
- (b) Description of the Security in full, including particulars as to whether it is a bearer bond, registered or inscribed stock etc.
- (c) Nominal amount of the Security
- (d) Whether the Security is free or encumbered and if the latter, full details of the nature of the encumbrance including the amount of loans or advances, if any, which have been taken against the security and the currency in which and the names and addresses of the persons from whom they have been taken
- (e) Place in which and name of the person with whom the security is deposited
- (f) Full name and address of the person for whose account the security is held (in case a person other than the owner is making the return)

Signature of owner or agent
(Full name and Address)

Stamp of the bank or stock-broker through whom the return is lodged with Bangladesh Bank.

Place
Date

Note: This return (original and duplicate both completed) may be submitted to the Bangladesh Bank either direct at any of its offices or through any bank or recognised stock-broker. In the latter case, the bank or broker will stamp the return with his name A separate form must be used for each security.

FORM FP

FORM OF DECLARATION TO BE FURNISHED BY SHIPPING/AIRLINE CO./AGENT WHEN APPLYING FOR REMITTANCE OF SURPLUS FREIGHT AND PASSAGE MONEY DUE TO FOREIGN OWNERS OR OPERATORS

Foreign Exchange Regulation Act, 1947.

Remittance of _____ A/C S.S/ Airline _____
 (Amount)

to M/s _____ of _____
 (Ship owners or operators) (Address)

We _____ agent for the above vessel certify that the above sum
 (Full name of Agent)

represents freight and passage money earned by this vessel/Airline less our commission, expenses and all disbursement made by us on account.....

..... as per statement given below and this sum is now due to be paid to them, they being the owners/operators of the vessel/Airline. We further confirm that the regulations prescribed by the Bangladesh Bank have been fully complied with in collecting the freight and passage money. We further confirm that the amount applied for, will be remitted out of the funds held to the credit of the said principal without recourse to any loan/overdraft.

1. Balance brought forward _____
2. Passage and Freight collections:
 - a) Freight on Export (As per statement in Form shipping I enclosed) _____
 - b) Freight on Import (- do) _____
 - c) Passage collections (- do) _____
3. Booking of passages and freight on credit realised during the month as per details enclosed _____
4. Inward remittances received, if any, as per Bank encashment certificate enclosed _____
5. Total (1+2+3+4) above _____
 Less:
6. Outstanding Export/Import/Passage bookings on credit as per detailed statement enclosed _____
7. Disbursements made as per disbursement statement enclosed _____
8. Remittances allowed by the AD _____
9. Total (6+7+8) above _____
10. Net Remittable/receivable _____
11. Amount applied for remittance _____
12. Balance carried over _____

Date

*Signature and Stamp of the
 Shipping Co. / Airline/Agent*

**STATEMENT OF FREIGHT/PASSAGE COLLECTION AND DISBURSEMENT IN
BANGLADESH FOR THE MONTH OF**

| Sl.No. | Particulars | (Amount in Taka) |
|--------|--|------------------|
| 1. | Passage and Freight Collection: | |
| | (a) Export from Bangladesh as per freight manifest enclosed | |
| | (b) Import into Bangladesh as per freight manifest enclosed | |
| | (c) Passage collection as per passage statement enclosed | |
| 2. | Inward remittances received, if any, as per Bank encashment certificate enclosed | |
| 3. | Total (1+2 above) | |
| 4. | Less: Disbursements made as per disbursement statement enclosed | |
| 5. | Total (3- 4) | |
| 6. | Amount remittable | |
| 7. | Amount applied for remittance | |

Date

*Signature and Stamp of the
Airline / Agent.*

STATEMENT OF PASSAGES SOLD/TICKETS ISSUED BY THE AIRLINES FOR THE MONTH ENDED
NAME AND ADDRESS OF THE AIRLINE.

| Sl. No. | Ticket No. and date of issue | Name of Traveller | Nationality & whether resident of Bangladesh or non-resident | Date of Departure | Name of Airline | Destination to which travelling | Route of journey | Particulars of passport/pilgrim pass | | | Amount | Remarks | |
|---------|------------------------------|-------------------|--|-------------------|-----------------|---------------------------------|------------------|--------------------------------------|-----|-----------------|--------|---------|----|
| | | | | | | | | Date | No. | By whom granted | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

I/We declare that the passengers whose particulars are given above actually travelled on due date shown in column No. 5 and the above passages have been properly recorded in our books.

Date

Signature and Stamp of the Airline

DISBURSEMENT STATEMENT FOR AIRLINES FOR THE MONTH OF20

Name and address of the Airline

| | Items | Amount in Taka |
|-------------|---|----------------|
| 1. □ | Airport Expenses : (i) Catering (ii) Handling (iii) Landing charges (iv) Repairs and maintenance (v) Uplift of fuel/oil (vi) Sundries | |
| 2. | Agency Commission : (i) Passage (ii) Cargo | |
| 3. | Income Tax | |
| 4. | Crew Expenses : (i) Hotel Bill (ii) Transport (iii) Daily Allowances (iv) Sundries | |
| 5. | Office Expenses : (i) Salaries, overtime (ii) Provident Fund (iii) Taxes (iv) (a) Office rent (b) House rent of accommodation, if provided to staff (v) Telephone and telex (vi) Printing and Stationery (vii) Postages and Telegrams (viii) Conveyance and Company Car (ix) Advertisement and Publicity (x) Office equipments (xi) Electric/Gas consumption charges (xii) Sundries | |
| 6. | Refunds : (i) Passage (ii) Cargo | |
| 7. | Entertainment | |
| 8. | Furniture and Fixture | |
| 9. | Customs duty etc. on gift articles | |
| 10. | Local purchases of gift articles | |
| 11. | Miscellaneous | |
| | Total : | |

Date

Stamp and Signature of the Airline

STATEMENT OF CANCELLATION OR REFUNDS OF PASSAGES FOR THE MONTH OF20

Name and address of the Airline

| Sl. No. | Name of Traveller | Passport or Pilgrim Pass No. | Particulars of monthly return in which booking was reported to the Bangladesh Bank | Amount refunded | Remarks |
|---------|-------------------|------------------------------|--|-----------------|---------|
| | | | | | |

We hereby certify that the above refunds have been given by us as per foreign exchange regulations in force.

Date

Signature and Stamp of the Airline

**DETAILS OF CREDIT BOOKINGS OF PASSAGE AND FREIGHT REALISED
IN CASH DURING THE MONTH OF**

Name and address of the Airlines

| Particulars of the Outstanding Credit Statement in which the bookings made on credit were reported | | | Name of the Shipper/Importer/ Passenger | Freight/Passage amount raised (in Taka) |
|--|-------|--|---|---|
| Items | Month | Serial number at which the credit item appears in the outstanding credit Statement | | |
| A. EXPORTS | | | | |
| B. IMPORTS | | | | |
| C. PASSAGES | | | | |
| GRAND TOTAL | | | | |

Date

Signature and Stamp of the Airline.

**DETAILS OF OUTSTANDING BOOKINGS OF PASSAGE AND FREIGHT ON CREDIT
FOR THE MONTH OF20**

Name and address of the Airlines

| | SI. No. | Name of the Shipper/ Importer/Passenger | Particulars of Passage Statement in which the credit booking reported | | Outstanding Freight and Passage amount (in Taka) |
|-------------|---------|--|--|---|--|
| | | | Month | Serial number of the passage/ Freight manifest at which the credit item appears | |
| A. EXPORTS | | | | | |
| B. IMPORTS | | | | | |
| C. PASSAGES | | | | | |
| | | | GRAND TOTAL: | | |

Date

Signature and Stamp of the Airlines

FORM SHIPPING – I**To be submitted in duplicate****STATEMENT OF FREIGHT/PASSAGE COLLECTIONS IN RESPECT OF FOREIGN VESSELS AND DISBURSEMENTS IN BANGLADESH FOR THE QUARTER ENDED20**

1. Name of Foreign Ship-owners/Charterer _____

2. Address _____

3. Name & address of Shipping Agent _____

| (1) Sl. No. | (2) Name of the Vessels | (3) Date of arrival | (4) Date of departure | (5) Port of sailing | (6) Collections in Taka during quarter (both cash and credit) as per Import/Export Manifests/Bill of Lading | | | (7) Inward remittances as per bank certificate | (8) Inter agent transfer (receipts) | (9) Outstanding Passage/Freight relating to previous period realised in cash during the quarter |
|----------------|----------------------------|------------------------|--------------------------|------------------------|--|---------|--------|---|--|--|
| | | | | | Freight | Passage | Export | | | |
| | | | | | A | b | c | | | |
| | | | | | | | | | | |

Enclosure: (1) Supporting statements and documents for columns 6, 7, 8, 11 (b, c & d) & 13

(2) A certified true copy of the voyage accounts rendered to the principal.

.....Counted.....P/2

See Chapter 10 Para 1(vi)(a)

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| (10) | (11) | | | | | | (12) | (13) | | (14) |
|-----------------------------|--|--|--------------------------------|---|------------------------------|-------------------|--------------------------------|---|--------|---------|
| Gross Collections (6+7+8+9) | Deductions/Disbursements as per statements attached | | | | | | Net Balance payable/receivable | Freight Payable outside Bangladesh as per Import/Export manifest advice | | Remarks |
| | Outstanding passage/freight on credit relating to the collections of the current quarter not yet realised as per statement | Total of disbursements (as per disbursement statement) | Inter Agent Transfer (payment) | Other general expenses not shown elsewhere as per statement | Remittance allowed by the AD | Total (a+b+c+d+e) | | Export | Import | |
| | a | b | c | d | e | f | | | | |

SUMMARY: Balance B/F from previous quarter (+/-) _____
 Add Subtract this quarter (+/-) _____
 C/O to next quarter _____
 Date _____

Stamp and Signature of the Shipping Co./Agent

| | |
|----------------|---------------|
| See Chapter 10 | Para 1(vi)(b) |
|----------------|---------------|

| | |
|--------|----|
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|--------|----|

Form Shipping II

(In Support of column 9 of the statement Form Shipping I)

**DETAILS OF CREDIT BOOKINGS OF PASSAGE AND FREIGHT
REALISED IN CASH DURING THE QUARTER ENDED**

| Particulars of the Outstanding Credit Statement in which the bookings made on credit were reported | | | Name of the Vessel and Shipowners/Charterer | Freight/Passage Amount realised (in Taka) |
|--|---------|--|---|---|
| Items | Quarter | Serial number at which the credit item appears in the outstanding credit Statement | | |
| A. EXPORTS | | | | |
| B. IMPORTS | | | | |
| C. PASSAGES | | | | |
| Grand Total : | | | | |

Date :

*Stamp and Signature of the
Shipping Company/Agent*

Form Shipping III(In support of column 11 (a) of statement
Form Shipping-I)**DETAILS OF OUTSTANDING BOOKINGS OF PASSAGE AND FREIGHT ON CREDIT FOR
THE QUARTER ENDED RELATING TO THE CURRENT QUARTER ONLY**

Name and address of the Shipping Company/Agents _____

| Item | Bill of Lading Number | Port of discharge/destination | Date of sailing | Port of sailing | Name of the vessel | Name of Ship owners/ charterer | Outstanding freight and passage amount in Taka |
|--------------------|-----------------------|-------------------------------|-----------------|-----------------|--------------------|-----------------------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| A. EXPORTS | | | | | | | |
| B. IMPORTS | | | | | | | |
| C. PASSAGES | | | | | | | |
| Grand Total | | | | | | | |

Date :

*Signature and Stamp of
Shipping Company/Agents*

Form Shipping IV.

(In support of column 11 (b) of the statement
Form Shipping-I)

BREAKDOWN OF DISBURSEMENTS

S.S./M.V. _____ Nett. Regd. Tons _____ Arrived _____ Sailed _____

| Items | | Amount in Taka |
|-------|--|----------------|
| 1. | Port Charges: a) Port dues, Pilotage etc. b) Berth fees, hire of canes etc. c) Water supply charges d) Sundries | |
| 2. | Customs Charges : a) Light dues b) Custom penalty c) Custom overtime d) Sundries | |
| 3. | Cargo Handling Costs: a) Contract rates (Stevedoring) b) Addl. labour & overtime c) Lighterage d) Cartage e) Cleaning holds f) Dunnage supplied g) Tallying h) Sundries | |
| 4. | Victualling & Store Supplied* | |
| 5. | Repairs* | |
| 6. | Other Vessel Expenses*: a) Cable and Telexes b) Postages c) Stationery d) Advance to Master e) Wages paid to Bangladeshi crews f) Staff overtime & conveyance g) Medical fees h) Fumigation i) Laundry j) Cost of passages k) Sundries | |

| | |
|----------------|---------------|
| See Chapter 10 | Para 1(vi)(d) |
|----------------|---------------|

| | |
|--------|----|
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|--------|----|

| Items | | Amount in Taka |
|-------|---|----------------|
| 7. | Freight and passage Brokerage : a) Rebate paid to exporters and importers b) Freight brokerage c) Passages brokerage | |
| 8. | Agency fees & commission: a) Inward cargo b) Outward cargo c) Passage d) Mails | |
| 9. | Miscellaneous expenses*: a) Advertising and Publicity b) Hotel bills c) Sundries | |
| 10. | Income tax. | |
| 11. | Provisions for other disbursements due but not yet paid (Please give details) | |
| 12. | Refund/Cancellation of Passage/ Freight Bookings (Please enclose detailed statement as prescribed.) | |
| 13. | Gross Total Expenses | |
| 14. | Add/Subtract: Adjustments for provision made under item 11 in previous period subsequently found to be short or in excess (Please specify items and the quarterly statement to which these relate) | |
| 15. | Net total disbursement for the quarter | |

*Expenses under those heads involving an amount of Tk. 9500 or over should be supported by relevant bills/ receipts/vouchers etc.

Date :

*Signature and Stamp of the
Shipping Company.*

FORM SHIPPING-V
(In support of item 12 of the statement
for breakdown of disbursement Form
Shipping-IV)

**STATEMENT OF CANCELLATIONS OR REFUNDS OF FREIGHT/PASSAGES
TO BE SUBMITTED BY THE SHIPPING COMPANY**

Name and address of the Shipping Company for the quarter ended

| Sl. No. | Name of Vessel | Name of Travellers | Passport or Pilgrim Pass No. | Particulars of the quarterly return in which booking was reported to the Bangladesh Bank | Amount refunded | Remarks |
|---------|----------------|--------------------|------------------------------|--|-----------------|---------|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| | | | | | | |

We hereby certify that the above refunds have been given by us with the approval of the Bangladesh Bank, where applicable.

Date

Signature and Stamp of the Shipping Company

(In support of column 6c of the quarterly statement Form Shipping-I)

**STATEMENT OF PASSAGES SOLD/TICKETS ISSUED BY THE SHIPPING
COMPANY FOR THE QUARTER ENDED**

Name and address of the Shipping Company _____

| Sl. No. | Ticket No. and date of issue | Name of Traveller | Nationality & whether resident of Bangladesh or non-resident | Date of Departure | Name of Ship | Destination to which Travelling | Route of Journey | Particulars of Passport/Pilgrim Pass | | If sanction of the Bangladesh Bank obtained on Form 'P', quote reference of the sanction | Amount | Remarks | |
|------------------------------|------------------------------|------------------------------|--|------------------------------|------------------------------|---------------------------------|------------------------------|--------------------------------------|-------------------------------|--|-------------------------------|-------------------------------|------|
| | | | | | | | | Date | No. By whom granted | | | | |
| (1) <input type="checkbox"/> | (2) <input type="checkbox"/> | (3) <input type="checkbox"/> | (4) <input type="checkbox"/> | (5) <input type="checkbox"/> | (6) <input type="checkbox"/> | (7) <input type="checkbox"/> | (8) <input type="checkbox"/> | (9) <input type="checkbox"/> | (10) <input type="checkbox"/> | (11) <input type="checkbox"/> | (12) <input type="checkbox"/> | (13) <input type="checkbox"/> | (14) |
| | | | | | | | | | | | | | |

I/We hereby declare that the passengers whose particulars are given above actually travelled on the dates shown in column No.5 and the above passages have been properly recorded in our books.

Date

Signature and Stamp of the Shipping Company

| | |
|----------------|------------|
| See Chapter 10 | Para 2A(i) |
| See Chapter 12 | Para 11(i) |

FOREIGN EXCHANGE REGULATION ACT, 1947 **FORM "P" (DUMMY)**

Application to effect booking of passages by sea
or air or any other mode of conveyance on payment
in Bangladesh Taka

I/We apply for permission to book the undermentioned passage/s for journey from
to.....as per details given below:-

| Name of Shipping/ Airlines or other method of conveyance | Name of Steamer/ Flight No./Date of departure | Destination | Route | Class of passage i.e. first class/ tourist class etc. (as the case may be) | Cost of passage in Bangladesh Taka | |
|---|---|-------------|-------|---|------------------------------------|--------------------|
| | | | | | Biman | Foreign Carrier |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 8 |
| | | | | | | |

1. (a) Full name, nationality & address of the applicant
- (b) Full name of the passenger(s)

..... Contd. P/2

| | |
|----------------|------------|
| See Chapter 10 | Para 2A(i) |
| See Chapter 12 | Para 11(i) |

| | |
|--------|----|
| APP. 5 | 40 |
|--------|----|

2. Nationality of the passenger, passport No. and date of issue
 3. Relationship between applicant and passenger
 4. Length of residence of passenger in Bangladesh
 5. Profession or business of passenger while in Bangladesh
 6. Purpose of visit for which passage is desired to be booked
 7. The date on which the country of destination was visited last
 8. Was permission of the Bangladesh Bank sought for this passage in the past by the passenger or by the applicant or any person in his behalf? If so, the name of the office of the Bangladesh Bank at which application was made previously and its outcome may be disclosed
 9. In the case of *Non-Resident Passengers:
 - (a) How funds were obtained for support while in Bangladesh?.....
 - (b) Particulars of remittances received from abroad
 10. In case of rebated passage, certificate from airline concerned should be enclosed indicating grant of rebated passage facility under "IATA" Regulations.....
 11. Consideration for which the rebated passage has been granted
- I declare that the information furnished by me above is correct and in the event of its being not correct, I hold myself liable for such action as may be deemed fit under the Foreign Exchange Regulation Act, 1947.

Date

Signature of the applicant

*For this purpose, the term "Non-resident" is meant foreign national resident in Bangladesh for less than six months.

| | |
|----------------|-------------|
| See Chapter 10 | Para 2A(ii) |
| See Chapter 12 | Para 11(ii) |

"FORM P - 2"

| | |
|--------|----|
| APP. 5 | 41 |
|--------|----|

(To be Submitted in Duplicate)

**APPLICATION TO BOOK PASSAGE FOR A DESTINATION
OUTSIDE BANGLADESH AGAINST TICKET ADVICES/
TICKETS PAID FROM ABROAD OR 100% REBATED TICKETS**

1. (a) Full name and address of the applicant _____
 (b) Full name/s of the passenger/s _____
2. (a) Nationality of the passenger/s, Passport
 Number/s & date/s of issue _____
 (b) Purpose of visit for which passage is
 desired to be booked _____
3. Full name, address, nationality and
 occupation of the person who has made
 payment for the ticket outside Bangladesh.
 In case of 100% rebated ticket, certificate
 from the airline concerned should be
 enclosed indicating grant of 100% rebated
 passage facility under the IATA
 Regulations _____
4. Consideration for which payment has been
 made by the person at 3 above or the
 consideration for which 100% rebated
 passage has been granted by the airline _____
5. Exact relationship of the applicant with the
 payer. _____

A copy of the P.T.A. or a certificate from the local office of the airlines indicating the amount received in foreign exchange together with its Taka equivalent received by their office abroad should be attached. The name of the person favouring whom such payment has been received abroad should be clearly indicated.

(Signature of the Applicant)

| | |
|----------------|-------------|
| See Chapter 10 | Para 2A(ii) |
| See Chapter 12 | Para 11(ii) |

"FORM P - 2"

| | |
|--------|----|
| APP. 5 | 41 |
|--------|----|

(To be Submitted in Duplicate)

(FOR USE IN THE BANGLADESH BANK)

Approval No

Date

Mesrs..... are hereby authorised to book passage for Mr./Ms. for journey from.....to.....against 100% rebated ticket/*ticket paid from abroad as mentioned above. No payment is to be accepted in Bangladesh Taka.

**BANGLADESH BANK
FOREIGN EXCHANGE POLICY DEPTT.**

Assistant Director

*Delete not applicable.

- Note:** i) This form should be completed in duplicate.
ii) The approval of the Bangladesh Bank is valid for three months from the date of approval.

| | |
|----------------|-----------------------|
| See Chapter 10 | Para 2A(iii) |
| See Chapter 12 | Para 11(vi)(a),(viii) |

| | |
|--------|----|
| APP. 5 | 42 |
|--------|----|

Serial No

Date of Issue

**PROFORMA OF ENCASHMENT CERTIFICATE OF
AUTHORISED DEALERS**

We certify having encashed Traveller's Cheques/ Drafts/ T. Ts/M. Ts/ Cash foreign exchange/foreign exchange from Foreign Currency Accounts for total amount of Bangladesh Takaas detailed below favouring Mr/Ms/M/s

.....

| Currency | Amount | Account No. which has been debited* | Date of Encashment | Name of the statement/schedule and the period in which the relevant transaction has been/will be reported |
|----------|--------|-------------------------------------|--------------------|---|
| | | | | |

*Stamp and Signature of
Authorised Dealer*

*This will apply where foreign exchange is encashed by debit to a Foreign Currency Account.

| | |
|----------------|----------------|
| See Chapter 10 | Para 2A(iii) |
| See Chapter 12 | Para 11(vi)(b) |

| | |
|--------|----|
| APP. 5 | 43 |
|--------|----|

Serial No

Date of Issue

CERTIFICATE OF AUTHORISED DEALERS

We certify that the *cheque/pay order No dated
for Tk. (Taka only) has been issued *on/by debit to
Convertible Taka Account No. maintained by us in the name of
Mr./Ms./M/s. as per Bangladesh Bank's Authority
No. (*State reference No. with date.*)

Date

*Seal and authorised signature of
Authorised Dealer*

*Strike out the words not applicable.

| | |
|----------------|--------------------|
| See Chapter 10 | Para 2A(iii) |
| See Chapter 12 | Para 11(vii)(viii) |

| | |
|--------|----|
| APP. 5 | 44 |
|--------|----|

Serial No

Date of Issue

CERTIFICATE OF AUTHORISED DEALERS

We certify that the cheque/pay order No. dated.....
for TakaSay..... Taka..... .has been issued
(state amount in words)

by us by debit to Current A/c. No..... maintained with us by
M/s
(Name of the Shipping Agent/Co.)

Date

Seal and authorised signature of
the Authorised Dealer

CERTIFICATE OF SHIPPING AGENT/COMPANY

It is certified that the amount of Bangladesh Taka stated above has been paid by us towards the
cost of air passage of.....crews for the sector.....
(number)

The amount will be reported by us in our Disbursement statement for the month of

Seal and Authorised Signature

Date

PARTICULARS TO BE FURNISHED FOR DETERMINATION OF TAX LIABILITY U/S. 102 OF THE I.T. ORDINANCE, 1984 IN RESPECT OF SHIPPING BUSINESS OF NON-RESIDENTS

| Name of the ship with Owner's/ Charter's name and address | Voyage No. | Date of arrival at Bangladesh port with name of port | Probable date of departure with name of port | Description of Cargo loaded and No. of Passengers | Destination of cargo loaded and passengers | Weight/ Measurement |
|---|------------|--|--|---|--|---------------------|
| 1 □ | 2 □ | 3 □ | 4 □ | 5 □ | 6 □ | 7 |
| | | | | | | |

| Rate of freight/ fare charges | Total freight/ fare received | Exchange Rate | Total freight/fare in terms of Bangladesh Taka | 80% tax liability on total freight/ fare in Taka plus surcharges, if any | Remarks |
|-------------------------------|------------------------------|---------------|--|--|---------|
| 8 □ | 9 □ | 10 □ | 11 □ | 12 □ | 13 |
| | | | | | |

We solemnly affirm that the particulars furnished above is true to the best of our knowledge and belief.
(Agents)

1. Signature of the Deputy Commissioner of Taxes Date : _____ Seal : _____
2. Signature of Custom Authority Date : _____ Seal : _____
(Name and full address)
3. Signature of Bangladesh Bank Authority Date : _____ Seal : _____
(Name and full address)

**CONSOLIDATED STATEMENT SHOWING INCOME & EXPENDITURE
IN RESPECT OF FOREIGN SHIPPING AGENTS OF BANGLADESH
SHIPPING CORPORATION FOR THE QUARTER ENDED**

| S1. No. | Name & address of the foreign shipping agent | Credit balance from previous quarter | Freight collection during the quarter | Amount Received from BSC or any other sources | Total (3+4+5) | Debit balance b/f from previous quarter | Total expenditure | Amount transferred to BSC's account, if any | Total (7+8+9) | Balance | |
|------------|--|--|--|--|------------------|---|----------------------|---|------------------|---------|-------|
| | | | | | | | | | | Credit | Debit |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

Date

*Stamp & Signature of the authorised
persons of the Bangladesh Shipping
Corporation*

CONSOLIDATED STATEMENT SHOWING EARNINGS & EXPENDITURE IN FOREIGN EXCHANGE BY THE FOREIGN AGENTS OF BANGLADESH SHIPPING CORPORATION FOR THE QUARTER ENDED

| Foreign exchange earnings | Taka equivalent | Foreign exchange expenditure | Taka equivalent |
|---|-----------------|---|-----------------|
| 1. Credit balance from the last quarter | | 1. Debit balance from the last quarter | |
| 2. Total collection on account of freights a) Ship owned by the company b) Ship chartered by the company: i) Time chartered ii) Voyage chartered | | 2. Amount repatriated to Bangladesh during the quarter (Necessary repatriation certificate to be attached) | |
| 3. Total collection on account of passage: a) Ship owned by the company b) Ship chartered by the company | | 3. Amount transferred to BSC's A/C abroad | |
| 4. Miscellaneous earnings during the quarter: a) Refund on ship stores b) Refund on final adjustment c) Charter hire d) Commission e) Other receipts | | 4. Expenditures incurred abroad during the quarter (Details as per annexure 'A' attached) | |
| Total (Sl. 2 to 4) | | | |
| 5. Funds remitted from Bangladesh (Quote approval No. & Date) | | | |
| Grand Total | | Grand Total | |

Not balance held abroad with agents Debit/Credit Tk.

(Details of agent-wise position as per Appendix VI/BS

We hereby declare that to the best of our knowledge the above figures are correct and include all the earnings and expenditures of the Company abroad and that no amount remains unaccounted for.

Place

Date

*Stamp & Signature of the authorised persons
of the Bangladesh Shipping Corporation.*

(To be submitted with Annexure A)

Annexure - 'A'

**CONSOLIDATED STATEMENT SHOWING EXPENDITURE IN
FOREIGN EXCHANGE EQUIVALENT BANGLADESH TAKA BY THE
FOREIGN AGENTS OF BANGLADESH SHIPPING CORPORATION
FOR THE QUARTER ENDED20**

| SI.No. | Nature of expenses incurred | Amount in Bangladesh Taka |
|------------------------------|---|---------------------------|
| 1. <input type="checkbox"/> | Bunker: | |
| <input type="checkbox"/> | a) Water | |
| <input type="checkbox"/> | b) Coal | |
| <input type="checkbox"/> | C) Oil | |
| 2. <input type="checkbox"/> | Port Dues | |
| 3. <input type="checkbox"/> | Repairs: | |
| <input type="checkbox"/> | a) Emergent Repairs | |
| <input type="checkbox"/> | b) Dry Docking | |
| 4. <input type="checkbox"/> | Ship Stores: | |
| <input type="checkbox"/> | a) Victualling | |
| <input type="checkbox"/> | b) Bonded | |
| <input type="checkbox"/> | c) Engine | |
| <input type="checkbox"/> | d) Dock | |
| 5. <input type="checkbox"/> | Advance to the Master: | |
| <input type="checkbox"/> | a) Bangladesh Nationals | |
| <input type="checkbox"/> | b) Foreign Nationals | |
| 6. <input type="checkbox"/> | Agency Commission/Fees: | |
| <input type="checkbox"/> | a) Imports | |
| <input type="checkbox"/> | b) Exports | |
| 7. <input type="checkbox"/> | Brokerage | |
| 8. <input type="checkbox"/> | Income Tax | |
| 9. <input type="checkbox"/> | Claims (Cargo) | |
| 10. <input type="checkbox"/> | Medical Expenses | |
| 11. <input type="checkbox"/> | Stevedoring, Tallying, etc. | |
| <input type="checkbox"/> | a) Inward Cargo | |
| <input type="checkbox"/> | b) Outward Cargo | |
| <input type="checkbox"/> | c) Dunnage Expenses | |
| 12. <input type="checkbox"/> | Freight Collection/Refund | |
| 13. <input type="checkbox"/> | Charter hire | |
| 14. <input type="checkbox"/> | Travelling, Conveyance, etc. | |
| 15. <input type="checkbox"/> | Postage, Cables, Telephone, etc. | |
| 16. <input type="checkbox"/> | Air Freight | |

.....Contd. P/2.....

| | |
|--------------------|----|
| Annexure to APP. 5 | 47 |
|--------------------|----|

Annexure - 'A'

| | | |
|------------------------------|--|--|
| 17. <input type="checkbox"/> | Boarding/Loading | |
| 18. <input type="checkbox"/> | Transshipment Charges | |
| 19. <input type="checkbox"/> | Printing & Stationery | |
| 20. <input type="checkbox"/> | Advertisement | |
| 21. <input type="checkbox"/> | Laundry Charges | |
| 22. <input type="checkbox"/> | Entertainment Charges | |
| 23. <input type="checkbox"/> | Repatriation Expenses | |
| 24. <input type="checkbox"/> | Legal Expenses | |
| 25. <input type="checkbox"/> | Photo Charges | |
| 26. <input type="checkbox"/> | Miscellaneous Charges | |
| <input type="checkbox"/> | <input type="checkbox"/> Total: | |
| 27. <input type="checkbox"/> | Other Charges incurred by the Offices <input type="checkbox"/> approved by the Bangladesh Bank <input type="checkbox"/> a) Salaries etc. of Branch Office. <input type="checkbox"/> b) Payment made to P & I Club <input type="checkbox"/> c) Marconi Charges <input type="checkbox"/> d) Conference Expenses | |
| <input type="checkbox"/> | <input type="checkbox"/> Grand Total : | |

Date :

Signature & Stamp of the authorised person of
the Bangladesh Shipping Corporation

**CONSOLIDATED STATEMENT SHOWING BALANCE HELD ABROAD WITH BANKS,
MAIN AGENTS AND OTHER CREDIT AGENCIES FOR THE QUARTER ENDED.....**

| Opening credit balance | Deposits/Credit | | | Withdrawals/Debit | | | Net Balances | | |
|------------------------|-----------------------------|----------------------------|-------|-----------------------|---------------------|---------------------------|--------------|-------|--------|
| | Funds receivable from agent | Remittance from Bangladesh | Total | Opening Debit balance | For expenses abroad | Repatriated to Bangladesh | Total | Debit | Credit |
| 1 □ | 2 □ | 3 □ | 4 □ | 5 □ | 6 □ | 7 □ | 8 □ | 9 □ | 10 |
| | | | | | | | | | |

We hereby certify that the information contained in this statement is true and correct in every respect to the best of our knowledge and belief and the statement gives complete information of all our foreign currency accounts allowed to be maintained.

Place

Date

*Signature & Stamp of the authorised person
of the Bangladesh Shipping Corporation*

Note: The statement should be submitted as at 31st March/30th June /30th September /31st December each year within two months from the close of the quarter to which it relates.

**FORM OF STATEMENT OF EARNINGS AND
EXPENDITURE TO BE SUBMITTED BY
BANGLADESH BIMAN**

1. NAME AND ADDRESS OF THE AIRLINE
2. NAME AND ADDRESS OF THE AGENT
3. NAME OF CURRENCY
4. FOR THE MONTH OF20

| | RECEIPTS | Amount | | PAYMENTS | Amount |
|----|--|--------|----|--|--------|
| 1. | Balance from the last month (receivable) | | 1. | Balance from the last month (Remittable) | |
| 2. | Remittances made during the month (Bangladesh Bank Approval No., date and amount) (i) (ii) (iii) Total : | | 2. | Amounts received in Bangladesh during the month (Bank Certificate to be attached) | |
| 3. | Total collections on account of passage freight, excess baggage (Statement showing total passage and freight earnings separately, to be attached.) | | 3. | Expenses incurred abroad during month (Statement giving breakdown of expenditure to be attached) | |
| 4. | Miscellaneous earnings during the month (Refunds, other receipts etc.) | | 4. | Balance Receivable | |
| 5. | Balance Remittable | | | | |
| | Total : | | | Total : | |

We hereby declare that to the best of our knowledge the above figures are correct and include all earnings of the Company abroad and no amounts remain unaccounted for.

Place

*Signature and Stamp of the Airline
Company*

Date

**QUARTERLY STATEMENT SHOWING EARNINGS AND
EXPENDITURE IN BANGLADESH IN RESPECT OF VESSELS
OWNED BY THE PRIVATE SHIPPING COMPANIES FOR THE
QUARTER ENDED20**

Name and address of the Company

| A. Earnings | Amount | B. Expenditure | Amount |
|---|--------|--|--------|
| Credit balance from the last quarter | | Debit balance from the last quarter | |
| 1. Name of vessels: a) b) c) d) 2. Date of Sailing | | 1. Remittance to foreign agent: (Quote BB's approval No. & date and also purpose.) | |
| 3. Name of Port | | 2. Vessel-wise expenditure (Vessel-wise expenditure shown in the schedule attached) a) b) c) | |
| 4. Total freight collection | | | |
| i) Ship owned by the Co. Export Import Passage | | 3. Other payments (state details) | |
| ii) Ship chartered by the Co. Import Export Passage (Export/Import manifest/BL /Export certificates to be attached) | | 4. Head office expenses (state details) | |
| 5. Other receipts if any (state details) | | | |
| 6. Fund received from abroad (Repatriation Certificate from the bank to be attached) | | | |
| Total : | | Total : | |

| | |
|----------------|-----------|
| See Chapter 10 | Para 7(a) |
|----------------|-----------|

| | |
|--------|----|
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|--------|----|

| | |
|--|--|
| Freight payable outside Bangladesh (state name of port where the freight will be received) | |
| Net Balance (A-B) Dr/Cr | |

The figure will not be added to the total figure of earnings.

We certify that the particulars in the above statement are true and correct in every respect to the best of our knowledge and belief.

Place

*Stamp & Signature of the authorised
person of the Company*

Date

Note: Supporting Bill/Vouchers in respect of expenditure for Tk.2,500.00 and above to be submitted.

(To be submitted with Annexure)

EXPENDITURE SCHEDULE

Name of Shipping Co

Name of Vessel Voyage No.

Name of Port Date of arrival

Date of Sailing

| SI.No. | Nature of Expenses | Voucher No. | Amount |
|--------|--|-------------|--------|
| 1. | Port Charges : a) Port dues b) Pilotage etc. c) Berth fees d) Water supply charges e) Hire of cranes f) Sundries | | |
| 2. | Custom charges : a) Light dues b) Custom penalty c) Custom overtime d) Sundries | | |
| 3. | Cargo handling costs: a) Stevedoring b) Addl. labour & overtime c) Lighterage d) Dunnage supplied e) Tallying f) Sundries | | |
| 4. | Victualling & store supplied | | |
| 5. | Repairs | | |
| 6. | Other Vessel expenses: a) Cable, telex & Postages b) Stationery c) Advance to Master (Quote custom permission No. & date) d) Wages paid to Bangladesh crews e) Staff overtime & conveyance f) Medical fees g) Fumigation h) Laundry i) Cost of passage (Quote approval No. & Date) j) Bunker supply during..... (month) (Quote approval No. & date) k) Sundries | | |

.....Contd. P/2.....

| | |
|--------------------|----|
| Annexure to APP. 5 | 50 |
|--------------------|----|

| | | | |
|-----|---|-----------|--|
| 7. | Freight and passage brokerage: a) Rebate paid to exporters/importers b) Freight brokerage | | |
| 8. | Agency fees & commission: a) Inward cargo b) Outward cargo c) Passage d) Mails | | |
| 9. | Miscellaneous expenses: a) Advertisement b) Hotel bills (Quote approval No. & date) c) Sundries | | |
| 10. | Income Tax | | |
| 11. | Provisions for other disbursements due but not yet paid | | |
| 12. | Refund/cancellation of passages/ Freight bookings | | |
| | | Total Tk. | |

Date

*Stamp & Signature of the authorised
person of the Shipping Company*

**QUARTERLY STATEMENT SHOWING EARNINGS
AND EXPENDITURE OF THE FOREIGN AGENTS
OF BANGLADESH SHIPPING COMPANIES FOR
THE QUARTER ENDED20**

1. Name of the port _____
 2. Name and address of Agent _____
 3. Name of bank with whom F/C A/C maintained, if any. _____
 4. Total number of vessels called at port during the quarter _____
 5. Name of Vessels called at port _____
 6. Date of sailing _____
 7. Opening balance _____
- a) Due to agent _____
- b) Due to Company _____

| A. Earnings | Amount | B. Expenditure | Amount |
|---|--------|---|--------|
| i) <input type="checkbox"/> Freight <input type="checkbox"/> (freight manifest <input type="checkbox"/> to be attached) ii) <input type="checkbox"/> Charter hire iii) <input type="checkbox"/> Passage iv) <input type="checkbox"/> Demurrage v) <input type="checkbox"/> Other receipts <input type="checkbox"/> (state details) | | i) <input type="checkbox"/> Port dues ii) <input type="checkbox"/> Stevedoring iii) <input type="checkbox"/> Agency fees/commission: <input type="checkbox"/> a) Export <input type="checkbox"/> b) Import iv) <input type="checkbox"/> Bunker/Water v) <input type="checkbox"/> Victualling & Provision vi) <input type="checkbox"/> Repairs/Stores vii) <input type="checkbox"/> Medical viii) <input type="checkbox"/> Income Tax ix) <input type="checkbox"/> Other disbursements <input type="checkbox"/> (State details) | |
| B. Transfers: | | B. Transfers: | |
| i) <input type="checkbox"/> Remittances from Bangladesh ii) <input type="checkbox"/> Remittances from other <input type="checkbox"/> agents (indicating name <input type="checkbox"/> of port and agent). iii) <input type="checkbox"/> Transfer from Bank A/C <input type="checkbox"/> in the same country | | i) <input type="checkbox"/> Remittance to Bangladesh <input type="checkbox"/> (Repatriation certificate to <input type="checkbox"/> be enclosed.) ii) <input type="checkbox"/> Remittance to other agents <input type="checkbox"/> (indicating name of <input type="checkbox"/> Port and agent). iii) <input type="checkbox"/> Transfer to Bank A/C <input type="checkbox"/> maintained abroad (the A/C <input type="checkbox"/> No. and the name of the <input type="checkbox"/> bank should be stated) | |
| Total earnings (A & B): | | Total disbursements (A & B): | |

| | |
|----------------|-----------|
| See Chapter 10 | Para 7(b) |
|----------------|-----------|

| | |
|--------|----|
| APP. 5 | 51 |
|--------|----|

| Summary | Dr | Cr |
|--|----|----|
| 1. Opening balance as at 1st January/ 1st April/ 1st July/ 1st October. | | |
| 2. Add/subtract excess of earnings/ disbursement/over disbursements/earnings | | |
| 3. Closing balance as at 31st March/30th June/ 30th Sept./ 31st December | | |

We certify that the above information contained in this statement is true and correct in every respect to the best of our knowledge and belief and it gives complete information of our earnings and expenditure and agent's accounts at above port.

Place

*Stamp & Signature of the authorised
person of the Shipping Company*

Date

Notes: (1) All earnings and disbursements pertaining to the vessels of the shipping company including those given on chartered (time voyage) as well as foreign vessels chartered by the Company should be included in this statement.

(2) A certified copy of the Agent's Statement of A/C. received shall be furnished.

(3) The statement should be submitted together with required documents within 60 days from the close of the quarter to which it relates.

**CONSOLIDATED STATEMENT OF EARNINGS,
DISBURSEMENT AND NET AMOUNT REPATRIATED
TO BANGLADESH FOR THE QUARTER
ENDED20**

Name of the shipping company

| | Foreign currency | Bangladesh currency |
|---|---------------------|------------------------|
| Balance from previous quarter | | |
| 1. Gross earnings/receipts | | |
| <input type="checkbox"/> a) Freight collection in foreign ports | | |
| <input type="checkbox"/> b) Freight collection in Bangladesh ports | | |
| <input type="checkbox"/> c) Charter hire receipts | | |
| <input type="checkbox"/> d) Passage fare/other receipts | | |
| <input type="checkbox"/> e) Funds repatriated during the quarter | | |
| <input type="checkbox"/> Total earnings/receipts | | |
| 2. Gross disbursements/Payments | | |
| <input type="checkbox"/> a) In foreign ports | | |
| <input type="checkbox"/> b) In Bangladesh ports | | |
| <input type="checkbox"/> c) Charter hire | | |
| <input type="checkbox"/> d) Funds remitted to Bangladesh during the quarter | | |
| <input type="checkbox"/> Total disbursements | | |
| 3. Net earnings/receipts (1 -2) | | |
| 4. i) Loan repayments from funds held abroad: | | |
| <input type="checkbox"/> a) Towards principal amount | | |
| <input type="checkbox"/> b) Towards interest/commitment charges | | |
| <input type="checkbox"/> c) Towards Insurance premium | | |
| <input type="checkbox"/> d) Miscellaneous purposes | | |
| ii) Loan repayment through remittance | | |
| <input type="checkbox"/> from Bangladesh: | | |
| <input type="checkbox"/> a) Towards principal amount | | |
| <input type="checkbox"/> b) Towards interest/commitment charges | | |
| <input type="checkbox"/> c) Towards Insurance premium | | |
| <input type="checkbox"/> d) Miscellaneous purpose | | |
| <input type="checkbox"/> Total repayments | | |
| <input type="checkbox"/> Closing Balance (3-4) | | |

We certify that the particulars in the above statement are true and correct in every respect to the best of our knowledge and belief.

Place

Date

*Stamp & Signature of
Chairman / Managing Director of
the Shipping Company*

N.B. All items are to be reported in equivalent Bangladesh Taka.

STATEMENT SHOWING DETAILS OF DEBITS & CREDITS TO FOREIGN CURRENCY A/C NO MAINTAINED WITHFOR THE QUARTER ENDED (TRANSCRIPT RECEIVED FROM FOREIGN BANK TO BE ENCLOSED).

Name of the Shipping Company

| S1. No. | Date | Debit | Credit | Balance | Place where payment made | Name of the Vessel | Beneficiary | Purpose | Documentary evidence | Remarks |
|---------|------|-------|--------|---------|--------------------------|--------------------|-------------|---------|----------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

We hereby certify that the information contained in this statement is true and correct in every respect to the best of our knowledge and belief and the statement gives complete information of all our foreign currency accounts allowed to be maintained.

Place

Date

Signature & Stamp of the authorised persons of the Shipping Co.

Note: The statement should be submitted as at 31st March/30th June /30th September/31st December each year within two months from the close of the quarter to which it relates (A photo copy of bank statement containing the transactions should be enclosed.)

**APPLICATION FOR REMITTANCE OF APPROVING DISCOUNT
ON ACCOUNT OF READYMADE GARMENTS**

Part -1

1. Name and address of the exporter:

2. Particulars of discount allowed to the same exporter in last 3 years:

| Sl. No. | Export LC/ <input type="checkbox"/> contract No & Value | Export Bill Value | Amount/ Value of Repatriation and Date | Amount of Discount Allowed | Discount Allowing Authority | Rate of Discount |
|---------|---|----------------------|---|----------------------------------|-----------------------------------|---------------------|
| | | | | | | |

3. Export performance of the same exporter in last 3 years:

| Sl. No. | Export LC/ Contract No & Value | Export Bill No. & Date | EXP No & Date | Invoice No & Value | Realised Value | Amount of Discount |
|---------|--------------------------------------|---------------------------|------------------|-----------------------|-------------------|-----------------------|
| | | | | | | |

Part -2: Required information to be submitted with supporting documents/

necessary papers:

- i) Reason(s) for claiming discount by foreign buyer(s) and particulars of correspondences with the buyer(s);
- ii) Number, date and value of Back To Back LC(s);
- iii) Date of receiving of imported goods, bill no, bill date and bill value;
- iv) Amount of import liability and date of payment;
- v) No. of master export LC & date, value and date of shipment, etc.;
- vi) Quantity of exported Readymade Garments and invoice value;
- vii) New sales price if goods are proposed to be sold to a new buyer;
- viii) Amount and rate of discount claimed on consignment/bill basis
- ix) Name, address and particulars of Bangladesh Bank permission of the Buying House and Freight Forwarder.

**STATEMENT OF REMITTANCE OF EXPORT CLAIMS
FOR THE MONTH OF20**

NAME OF THE AUTHORISED DEALER

| Name and address of the exporter | Name and address of the buyer | EXP Form | | Amount of Export Proceeds | | Amount realised | | Date of realisation | Nature of claim | Date of remittance | Amount remitted (Mention in Foreign Currency) |
|----------------------------------|-------------------------------|----------|------|---------------------------|---------|-----------------|---------|---------------------|-----------------|--------------------|---|
| | | No. | Date | In F.E | In Taka | In F.E | In Taka | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |

Date

Signature & Seal of the Authorised Dealer

| | |
|----------------|-------------|
| See Chapter 10 | Para 21, 22 |
| See Chapter 18 | Para 11 |

| | |
|--------|----|
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|--------|----|

**SETTLEMENT OF NON LIFE CLAIMS
(Including Facultative Reinsurance Business.)**

In support of our application on Form 'T/M'(enclosed) for the remittance of
(Amount)
.....towe make the following declaration:
of currency) (Country)

1. Policy :
 - (a) Nature of policy
 - (b) Amount and currency of policy
 - (c) Date and place of issue
 - (d) Insured voyage (for marine policies)
 - (c) Claim payable at
2. Premia :
 - (a) Country of collection
 - (b) Currency of collection
3.
 - (a) Cause of loss
 - (b) Amount of claim admitted
 - (c) No. of 'EXP' form
4.
 - (a) If a foreign currency account is maintained with Bangladesh Bank's approval, a proforma statement of the account showing the latest position should be submitted.
 - (b) Date of submission of the last quarterly statement to the Bangladesh Bank and the reference to the covering letter.
 - (c) Reasons why claim is not being met from this account
5. Name and address of
 - (a) the claimant
 - (b) the claim settling Agent (Where applicable)
6. Whether the applicant Company has been registered in Bangladesh under the Insurance Act
7. Name and address in Bangladesh of the applicant Company

Date

*For and on behalf of
Stamp and Signature of Insurance Company.*

**PARTICULARS OF FOREIGN BRANCH OFFICE/SUBSIDIARY COMPANY
OPENED BY A COMPANY/FIRM RESIDENT IN BANGLADESH**

1. Name and address of the Principal Company/Firm of Bangladesh:
2. Name and address of Proprietor/Partners/Directors:
3. Nature of business:
4. Amount invested in Bangladesh:
5. Annual turnover and the amount of profit earned during the last financial year
6. Particulars of Income Tax Registration Certificate and amount of Tax paid:
7. Particulars of branch office/Subsidiary Company abroad:
 - (a) Name & address
 - (b) Nature of Business
 - (c) Date of opening
 - (d) Particulars of estimated income and expenditure
8. Justification for opening office abroad:

APPLICATION FOR REMITTANCE OF ROYALTY/TECHNICAL FEES

| Name and address of the applicant Company | Name and address of the beneficiary to whom Royalty/ Technical fees is payable | No. & date of BOI Permission letter (where needed) | Ex-factory /net sales value on which Royalty/ Technical fee is calculated. | Rate of Royalty/ Technical fee. | Amount Remittable (In Taka) | | Refundable Surcharge, if any, payable | Net amount remittable (In Taka) | Remarks |
|---|--|--|--|---------------------------------|-----------------------------|-----------------------------|---------------------------------------|---------------------------------|---------|
| | | | | | Gross amount | Income tax, if any, payable | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

CERTIFICATE

Certified that the amount of royalty/technical fee payable for the period to the beneficiary mentioned in column 2 is the net amount payable to them after deduction of tax liability, if any, payable thereon as certified by the auditors and has been calculated strictly in accordance with the terms of the Govt./Bangladesh Bank's approval mentioned in column 3 above.

We undertake that if any discrepancy is subsequently found in the amount of remittance made by us, we shall arrange for repatriation of the amount remitted in excess by us forthwith on receipt of instruction from Bangladesh Bank and shall also render ourselves liable for action under Foreign Exchange Regulation Act, 1947.

Authorised Signature of the applicant Company

Name and address of the Company

.....Contd.P/2

See Chapter 10 Para 25

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| AUDITOR'S CERTIFICATE | | | | | |
|--|------------------------------|-----------------|---|-------------|---------|
| AUDITORS | | | | | |
| AUTHORISED DEALER'S CERTIFICATE | | | | | |
| Date of remittance | Amount of remittance allowed | | Rate of foreign exchange applied for conversion of Taka into foreign currency | Code Number | Remarks |
| | Foreign currency | Taka equivalent | | | |
| | | | | | |

Certified that we have verified the information furnished in the above statement found them to be correct

Certified that the above remittance has been allowed after due verification from relevant documents that (*i) no tax is payable and therefore no provision for payment of tax with regard to this remittance has been made, (*ii) due provision for payment of tax in respect of this remittance has been made.

*Delete whichever is not applicable

Date:

Seal & Signature of the Authorised Dealer

APPLICATION FOR REMITTANCE OF DIVIDENDS TO NON-RESIDENT SHAREHOLDERS OF FOR THE YEAR ENDED

| S1 No. | Name, nationality & present address of the shareholders | Address at which shares are registered | Reference to Bangladesh Bank's authority for change of original address to present address | No. & value of shares held (Separate for each class of shares) | Date of Allotment/transfer of shares | Amount of dividend | Amount of Income Tax/ Super Tax due on the dividend | Net remittable amount of dividend | Remarks |
|--------|---|--|--|--|--------------------------------------|--------------------|---|-----------------------------------|---------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

1. Certified that:—

- (i) the shares mentioned in column 5 are held by non-resident shareholders and stand registered at their foreign address as given in column 2.
- (ii) the above shares are held by the non-resident shareholders mentioned above on the basis of repatriation of dividends as per procedure prescribed by Bangladesh Bank.
- (iii) the amount of dividends applied for remittance is the net amount due to the non-resident shareholders mentioned above after deduction of all tax liabilities, if any, payable thereon; and
- (iv) * the above dividends for the year have been declared by our Board of Directors at a meeting held on.....out of the net profits of the company for the year/period ended..... 20..... as disclosed in its relevant audited Accounts after making adequate provision for tax and the liabilities and/or any other undistributed profits as are available for declaration of dividends. The profits made by the Company for the period ended20..... after making adequate provision for tax and other liabilities are considered to be adequate by us and our Auditors, to cover payment of interim dividends, which have been declared by our Board of Directors on.....

See Chapter 10

Para 31

APP. 5

60

We hereby undertake to submit to Bangladesh Bank through our bank the final income tax assessment order as and when obtained.

Placedate

Signature.....

Name

Designation (Director/Secretary)

Certified that the information as furnished above by the Company including those given against items (i) to (iv) paragraph 1 of the above certificate has been verified by us and found to be correct.

*Strike out whichever is not applicable.

AUDITORS

| Date of remittance | Amount of remittance allowed | | Rate of Exchange applied for conversion of Taka into foreign currency | Code Number | Remarks |
|--------------------|------------------------------|-----------------|---|-------------|---------|
| | Foreign currency | Taka equivalent | | | |
| | | | | | |

Certified that the amounts mentioned above have been remitted strictly in accordance with the foreign exchange regulations in force.

Date :

Seal & Signature Authorised Dealer

| | |
|----------------|---------|
| See Chapter 10 | Para 35 |
|----------------|---------|

| | |
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| APP. 5 | 61 |
|--------|----|

DECLARATION MADE BY SATELLITE CHANNEL DISTRIBUTOR

To Who It May Concern

I/We do hereby declare/undertake that in the event of any excess amount of foreign exchange remitted to our foreign principal(s), the amount remitted as such in excess of the actual entitlement will be repatriated/adjusted to Bangladesh immediately on demand by the Authorised Dealer Bank/Bangladesh Bank/any other competent authority.

Signature of the Authorised Person:.....

Name:.....

Designation:.....

Name and Full Address of the Company (Distributor):

.....

Date of Declaration :

FOREIGN EXCHANGE REGULATION ACT, 1947
Application for Transfer of Capital/Saving of Foreign
Nationals Retiring Permanently from Bangladesh.

To

.....
 (Authorised Dealer in Foreign Exchange)

Dear Sirs,

I hereby apply for permission to remit the sum of Tkto.....in
 (country)

respect of my savings for the period of my stay in Bangladesh fromto.....

2. I give below the following information in respect of my income and expenses etc. during my stay in Bangladesh fromtoduring my last 10 years of stay in Bangladesh fromto.....

(i) My total income in Bangladesh and/or funds brought into Bangladesh from abroad
 through normal banking channel during the above period were as under:-

(a) Total amount of pay and allowances received during the
 period from.....to..... Tk.
 (employer's certificate enclosed)

(b) Total amount of Provident Fund, bonus and other gratuitous payment (not included in sub-para (a) above) received. (employer's certificate enclosed). Tk.

(c) Funds brought into Bangladesh from abroad through normal banking, channel. (Bank's certificate enclosed). Tk.

TOTAL: Tk.

(ii) Amount of sale proceeds of my locally purchased and imported household goods as also the sale proceeds of my investments in Defense Savings Certificate and other securities made for availing of Income Tax Relief are given below:-

(a) Sale proceeds of locally purchased articles (list enclosed) Tk.

(b) Sale-proceeds of imported articles (list enclosed). Tk.

(c) Sale-proceeds of Defense Savings Certificates or other securities (list enclosed) Tk.

TOTAL: Tk.

| | |
|----------------|-----------|
| See Chapter 11 | Para 3(A) |
|----------------|-----------|

| | |
|--------|----|
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|--------|----|

(iii) My expenses etc., during my stay in Bangladesh from.....to.....were as under : –

- (a) Maintenance and other expenses including private travel expenses etc., incurred in Bangladesh (statement enclosed) Tk.
- (b) Family remittance against family maintenance permits and leave salary remittances etc., made (details enclosed) Tk.
- (c) Any other expenditure/commitment not covered under (a) & (b) above (statement enclosed) Tk.
- TOTAL Tk.

3. I confirm that I am a citizen of.....and that I hold Passport No. issued by the Government ofThe cost of return passage for myself and my family has been/is being paid by die employer/myself.

4. I have been working in Bangladesh:

- *(a) in the public sector with (Name of the employer)
- with the permission of Govt. (copy enclosed)
- *(b) in the private sector withwith the permission of Ministry of
- *(c) as self employed person in Bangladesh with the permission of the Government (copy enclosed)

5. I hereby declare that I will be permanently retiring from Bangladesh within 6 months i.e. by and that I have not applied to any other office of the Bangladesh Bank for similar remittance facility.

6. I declare and undertake that in the event of there being any change in my present plan to leave Bangladesh permanently, I shall immediately notify yourselves, giving reference to this application. I shall also arrange immediately to resell the foreign exchange, if any, drawn by me under this application to an Authorised Dealer in foreign exchange in Bangladesh in compliance with Sub-section 3 of Section 4 of Foreign exchange Regulation Act, 1947.

7. Necessary supporting documents, as prescribed, are enclosed.

Yours faithfully

Date

Signature.....
 Name in full.....
 Full residential
 address in Bangladesh.....
 Occupation.....

*Strike out which is not applicable.

.....ContdP/3

| | |
|----------------|-----------|
| See Chapter 11 | Para 3(A) |
|----------------|-----------|

| | |
|--------|----|
| APP. 5 | 62 |
|--------|----|

EMPLOYER'S CERTIFICATE

Certified that we are the employer of Mr/Ms.
and that we have separately issued to him/her certificate showing the amount of pay and allowances etc. paid to him/her by us during the period of his/her employment with us from
..... to

Date

*Signature of the Employer
with their stamp*

AUTHORISED DEALER'S CERTIFICATE

We hereby certify that the statements made above are to the best of our knowledge and belief correct

Date

*Stamp and Signature of the
Authorised Dealer*

**FORM OF APPLICATION FOR PRIVATE
REMITTANCE BY FOREIGN NATIONALS TO COUNTRIES ABROAD**

To

Dear Sirs,

I hereby request you to allow me to remit the sum ofper month
out of my monthly income to.....for a period of twelve months.

2. I declare that: –

*(a) my net salary per month receivable in Bangladesh during the next twelve months
after taxation and other deductions will be Tk. and in support of this
statement, I append a certificate signed by a responsible official of the Company
/Branch/Organisation by whom I am employed in Bangladesh.

** (b) I am the owner/partner of
(Name of the Company)

and certify that my net income in Bangladesh from this and other sources in Bangladesh,
during the next twelve months after taxation will not be less than Tk
per annum and in support of the statement I am enclosing for your inspection and return
the Income Tax Assessment Order for the year

(c) I have been continuously residing in Bangladesh since.....and to the best of my
knowledge and belief I shall continue to reside in Bangladesh until.....

(d) I am single/married and the following members of my family who are dependent on my
income are staying, with me in Bangladesh:

| Name | Relationship | Age |
|------|--------------|-----|
| 1 | | |
| 2 | | |
| 3 | | |

I undertake to report to you the particulars of my family members who may join me
subsequently.

*Please see instruction No. 1 at the bottom of this form.

**Strike out if not applicable.

| | |
|----------------|--------|
| See Chapter 11 | Para 8 |
|----------------|--------|

| | |
|--------|----|
| APP. 5 | 63 |
|--------|----|

(e) The following members of my family who are dependent on my income are residing

at

(Name of the foreign country)

1.

2.

3.

(f) My monthly financial commitments at home are as under:-

(i) Family maintenance

(ii) Payment of insurance premia

(in) Educational expenses of children

(iv) Legal charges, mortgage payments etc.

(v) Loan, Interest etc.

(vi) Other miscellaneous commitments (please specify broad details)

(Suitable documentary evidence where possible, should be

produced in support of the above items)

(g) After making the remittances applied for the Taka balance out of my monthly income will be adequate to cover my and my family's living and other expenses in Bangladesh which are broadly as under:-

(i) House Rent

(ii) Family maintenance

(iii) Educational expenses

(iv) Insurance premia payable in Taka

(v) Transport expenses

(vi) Servants' salaries

(vii) Club (Please specify names of the club) expenses.....

(viii) Other miscellaneous expenses (Please specify broad details)

3. I confirm that :

(a) I am a citizen ofand hold Passport as per details below:

(i) Passport No.

(ii) Issued by the Government ofaton

.....

(iii) Place of birth as per Passport

(iv) Residence as per Passport

(b) I hold stay permit No.datedvalid up to.....

issued byfor staying in Bangladesh.

My passport is submitted to my bankers for certifying the particulars stated above.

| | |
|----------------|--------|
| See Chapter 11 | Para 8 |
|----------------|--------|

| | |
|--------|----|
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|--------|----|

- (c) All remittances against the permission applied for will be made from savings from my current Bangladesh Taka income and that the remittances will not involve any payment to any person directly or indirectly on behalf of any other resident of Bangladesh.
- (d) Necessary permission of the Govt. of Bangladesh in regard to my employment in Bangladesh has been obtained vide their reference No.
Date.....(copy enclosed).

I further confirm that I have not applied to any other bank branch in Bangladesh for similar remittance facilities.

I declare that my total salary, allowance etc. in connection with my services rendered in Bangladesh are being received by me in Bangladesh and that no part of my emoluments is being received by me in foreign currency in any foreign country.

Yours faithfully

Signature of the Applicant

Date

Name in full.....

Full residential address in Bangladesh.....

.....

Occupation

CERTIFICATE REQUIRED UNDER PARA 2(a)

We.....are employer of Mr/Ms.....(and a certificate to this effect is enclosed) and certify that he/she has been employed by us with the prior approval of the Govt. of Bangladesh, vide their letter No.....dated..... (original enclosed for reference and return). We hereby further certify that subject to his/her remaining in our employment his net salary during the next twelve months will be Tkper months as detailed below:

Gross monthly income

(a) Pay Tk.

(b) Allowances Tk.

Less:

(1) Income Tax Tk.

(2) Provident Fund Tk.

(3) Recoveries of advance Tk.

(4) House Rent etc. Tk.

(5) Others including entertainment allowance, Tk.
transport allowance, servant allowance etc. Tk.

Total: Tk.

Net monthly income: Tk.

| | |
|----------------|--------|
| See Chapter 11 | Para 8 |
|----------------|--------|

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|--------|----|

In addition to the above he/she gets the following facilities

- (a)
- (b)
- (c)

We further certify that to the best of our knowledge and belief the declarations made by the applicant are true and no material fact has been distorted or suppressed.

We also undertake to inform you if the applicant ceases to be in our employment in Bangladesh or if any material change in the circumstances contained in his/her declaration comes to our knowledge.

Date

*Name, Designation, Signature and
Stamp of Employer*

CERTIFICATE BY THE AUTHORISED DEALER

We hereby certify that the above statements are, to the best of our knowledge, correct and that we have examined the passport of the applicant and the details given in para (3)(b) are correct.

Date

*Signature and Stamp of the
Authorised Dealer*

IMPORTANT INSTRUCTIONS

- I. In the case of a person who has not been resident in Bangladesh for a period of at least six months, a certificate from applicant that the applicant has been appointed to their regular staff in Bangladesh should be produced.
- II. The certificate of the employer should be signed by the Manager or a Senior Officer of the Company etc., stating capacity in which he signs.
- III. Applications for such remittance facilities should be made by one member of the family. If there are more than one earning member one application stating the joint income should be made by any one of them.
- IV. Family means wife and children only.
- V. When the applicant is receiving additional facilities like free board/lodging, motor car etc., the monetised value of such facilities as declared to the income tax authorities should be stated itemwise.

.....ContdP/5

| | |
|----------------|--------|
| See Chapter 11 | Para 8 |
|----------------|--------|

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|--------|----|
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|--------|----|

(ENDORSEMENT BY THE AUTHORISED DEALER)

| Sl No. | Date of remittance | Amount remitted | Particulars of return in which the transaction reported to the Bangladesh Bank | Stamp and signature of the AD | Remarks |
|--------|--------------------|-----------------|--|-------------------------------|---------|
| 1. | | | | | |
| 2. | | | | | |
| 3. | | | | | |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |

**APPLICATION FOR FOREIGN EXCHANGE
FOR STUDIES ABROAD**

Manager

_____ (Name of Branch)

_____ (Name of Bank)

_____ (Address)

Dear Sir,

I hereby apply for foreign exchange for my studies abroad, the required details are as under:—

1. Name: _____ :
2. Address: _____ :
3. Passport No. _____ :
4. Educational qualifications _____ :
5. Name and address of the educational institution where study will be prosecuted/performed _____ :
6. Name of the course _____ :
7. Duration of the course _____ :
8. Date of commencement of the course _____ :
9. Annual expenditure
 - a) Tuition fee _____ :
 - b) Board, lodging, etc. _____ :
10. Amount to be remitted in advance _____ :
11. Last date for remittance of advance amount _____ :
12. Whether the remittable advance is refundable _____ :

.....ContdP/2

| | |
|----------------|------------|
| See Chapter 11 | Para 10(A) |
|----------------|------------|

| | |
|--------|----|
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|--------|----|

13. Details of foreign exchange
 purchased, if any, previously

Date of purchase of foreign exchange and amount
(If the entire amount has not been utilised under
the relevant head, the unspent balance should be
deposited with the application)

In the light of details given above, I may kindly be allowed to purchase foreign exchange
amounting to towards tuition fee andtowards board, lodging etc.

Yours faithfully,

(Signature of the Applicant)

Address:

Papers submitted :

- (a) Letter issued by the educational institution in
 support of admission,
- (b) Educational certificates,
- (c) Estimate/ invoice issued by the
 educational institution,
- (d) Declaration by the student,
- (e) Valid passport.

**APPLICATION FORM FOR FOREIGN EXCHANGE FOR MEDICAL
TREATMENT ABROAD**

To

_____ bank

(Name of the AD)

_____ Branch

(Authorised Dealer branch)

1. Name and address of the applicant _____
2. Nationality, Passport No., date and place
of its issue. _____
3. Age _____
4. Period of continuous residence in Bangladesh _____
5. Nature of disease _____
6. Particulars of treatment already received _____
7. Names of Institutions/Doctors who have carried out
the above treatment _____
8. Treatment contemplated and in which country/countries _____
9. Anticipated length of stay abroad for treatment _____
10. Estimated cost of the treatment _____
 - (i) Estimated expenses for operation. _____
 - (ii) Estimated expenses for medicines. _____
 - (iii) Estimated expenses for consulting Medical Advice. _____
 - (iv) Estimated expenses for boarding and lodging in Hospital/outside. _____

Total _____

| | |
|----------------|--------|
| See Chapter 12 | Para 2 |
|----------------|--------|

| | |
|--------|----|
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|--------|----|

I hereby certify that the particulars given above are correct. I hereby undertake to submit to you a detailed account of the expenses incurred by me in connection with any proposed medical treatment and will submit to them medical/hospital bills/vouchers in support of the statement immediately after my arrival in Bangladesh from

Date

*Signature of the Applicant
Name and full address*

CERTIFICATE OF THE MEDICAL BOARD/SPECIALIST PHYSICIAN

Date

Place of examination

-
-
-

*Seal and Signature of the
Medical Board, Govt. of Bangladesh/
Specialist Physician*

Important Instructions :-

1. Applicants are advised to support their applications with all documentary evidence available.
2. Exchange facility for medical treatment will be allowed subject to the conditions that a statement of expenditure together with supporting vouchers will be submitted to the bank issuing foreign exchange. Those not producing such a statement will be liable to action under Foreign Exchange Regulation Act, 1947.
3. Request for further remittances of foreign exchange should be routed through Bangladesh Embassy/High Commission concerned duly supported by a statement of account and bills for the initial release of foreign exchange.

FORM OF APPLICATION FOR ISSUANCE OF PTA

To

..... (Name of Airlines)

..... (Address of Airlines)

..... Airlines

Dear Sir,

Mr/Ms.....would

(Name of the guest)

visit Bangladesh from.....to.....at the invitation
of this Agency for the purpose of

His passage and other expenses as usual would be borne by this Agency. Accordingly, Form
'P', duly filled in is enclosed herewith.

Please issue a PTA in the name of the above guest per route

Yours faithfully,

*(Name of the Authorised Officer
of the Applicant Agency with Stamp & Date.)
Telephone No*

DECLARATION

I/We
(Name and address of the exporter)
holding Registration No.
datedissued by the
(Name of the office of CCI & E)
do hereby declare that the packet to be sent by me/us to
.....
(Name and address of the person to whom the sample is to be sent)
contains bonafide trade samples of
(name of item)
of
(state quantity)

I/We further declare that this is a free trade sample without involving any payment in foreign exchange.

Date

Authorised Signature and Seal of the Exporter

STATEMENT OF " FC ACCOUNT FOR IPO "

Name and address of the Authorised Dealer:

- 1. Name and address of the Account Holder:
- 2. Account No.

Part-A: Particulars of Receipts of foreign currency

Name of the country Name of the Currency Amount received

Part-B: Particulars of foreign currency used against issuance of securities

Name of the country Name of the Currency Amount used

Part-C: Particulars of remittance towards over-subscription of securities

Name of the country Name of the Currency Amount remitted

- 3. Date of opening of account
- 4. Date of closure of account

Date : Authorised signature and seal

Note : Please, attach encashment certificate in support of Part-B.

**APPLICATION FORM FOR NON-RESIDENT
FOREIGN CURRENCY DEPOSIT ACCOUNT**

A/C. No.

L. F. No.

.....

To

.....

.....

Dear Sir,

I/We enclose Foreign Currency notes/draft No. issued by.....
/have sent you a TT/MT through.....in favour
of my/our account for an amount of.....which amount may please be placed in
fixed deposit at the current rate of interest for a period of.....in my name/our joint
names as shown below:-

- i)
- ii)
- iii)
- iv)

The principal amount of the deposit/s in my/our name/s and interest thereon are to be held at the/my disposal of (1) either of us or survivor (2) both of us jointly or survivor (3) any.....of us or anyof the survivors of us or the survivors or the last survivor of us, until you receive instructions to the contrary from both/all of us.

I/We hereby declare that I am/we are non-resident Bangladeshi/of Bangladesh origin. I/We understand that the above account will be opened on the basis of the statements/declarations made by me/us and I/we also agree that if any of the statements/declarations made herein is found to be not correct in material particulars, you are not bound to pay any interest on the deposit made by me/us.

I/We agree that no claim will be made by me/us for any interest on the deposit/s for any period after the date/s of maturity of the deposit/s unless a written instruction is given by me/us for its renewal before maturity. I/We agree to abide by the provisions of the Non-Resident Foreign Currency Deposit Account Scheme.

See Chapter 13 Para 15

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A set of specimen signatures on a separate sheet duly authenticated by a bank/Bangladesh Embassy/Notary Public/person known to your bank is also attached for your records.

Standing instructions, if any

Yours faithfully.

| | Signature | Nationality | Occupation |
|------------|-----------|-------------|------------|
| Name | | | |
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |

Address of the first depositor

Specimen Signature.

Mr/Ms will sign thus

Mr/Ms will sign thus

Mr/Ms will sign thus

Mr/Ms will sign thus

MONTHLY STATEMENT OF NFCD ACCOUNT TRANSACTIONS

Name and address of the authorised dealer bank.....

Monthly statement of NFCD transactions for(Month)(Year).

Currency: Pound Sterling/US Dollar/EURO/Japanese Yen

| Sl. No. | Deposits | Amount |
|---------|--|--------|
| 1. | Opening Balance | |
| | a) Bangladesh nationals | |
| | b) Foreign nationals, firms, companies etc. | |
| 2. | Amount received from abroad including local deposits to NFCD Accounts, as per FE circular No. 28 of 1982. (Please attach a list of country wise figures.) | |
| 3. | Amount received by way of transfer from other FC Accounts | |
| 4. | Amount received from abroad from the foreign nationals, companies/firms and institutional investors etc. for deposit to their NFCD Accounts as per FE circular No. 44 of 1986 (Please attach a list of country wise figures) | |
| 5. | Interest credited to accounts | |
| | a) Bangladesh nationals | |
| | b) Foreign nationals, firms/companies etc. | |
| 6. | Other receipts. | |
| | TOTAL | |

| Sl. No. | Withdrawals | Amount |
|---------|---|--------|
| 1. | Transfer abroad to the Account holders (Bangladesh nationals) | |
| 2. | Transfer to FC Accounts of Bangladesh Wage Earners | |
| 3. | Transfer abroad to the account holders (Foreign nationals and foreign firms/companies etc.) | |
| 4. | Miscellaneous payments | |
| 5. | Closing balance | |
| | a) Bangladesh nationals | |
| | b) Foreign nationals, firms/companies etc. | |
| | TOTAL | |

MONTHLY STATEMENT OF RFCD ACCOUNT TRANSACTIONS

Name and address of the authorised dealer bank.....

Monthly statement of RFCD transactions for(Month).....(Year)

Currency: Pound Sterling/US Dollar/EURO/Japanese Yen.

| <u>Serial No.</u> | <u>Deposits</u> | <u>Amount</u> |
|-------------------|--|---------------|
| (1) | Opening Balance | |
| (2) | Deposits during the month under report | |
| (3) | Credit on account of interest earned | |
| | Total | |

| <u>Serial No.</u> | <u>Withdrawals</u> | <u>Amount</u> |
|-------------------|--|---------------|
| (1) | Transfers abroad under instruction from account holders | |
| (2) | Issues in the form of Cash/TC/Draft on account of travel abroad by account holders | |
| (3) | Amount encashed to Taka | |
| (4) | Used through International Card | |
| | Total | |

Closing balance

Date

Signature and designation of authorised officer

FORM QA 22

(Form of undertaking to be furnished by foreign nationals resident in Bangladesh and companies and firms whose head offices are outside Bangladesh for maintaining bank account.)

To,

The Manager,

.....

.....

(Name and address of Bank)

Dear Sir,

I/We hereby certify that the credits paid into my/our account with your bank relate normally to my/our trading business in Bangladesh only and consist of the following:—

(Here state the principal sources from which Taka payments into the account are derived, e.g. payments received for goods sold, stating general nature of goods).

In consideration of the Bangladesh Bank agreeing to dispense with my/our completing Form A-7 in respect of every credit to my/our account, other than from non-resident account, I/we undertake that I/We will not make available to any person or firm in Bangladesh any foreign currency which may be at my/our disposal, against reimbursement in Taka, without first having obtained the permission of the Bangladesh Bank (through an Authorised Dealer) by completing Form A-7 in respect of the Taka payment to my/our account. I/We further agree to complete Form A-7 in respect of any payments into the account which may not be directly connected with my/our trading activities in Bangladesh, or which represent remittances received from overseas.

Yours faithfully,

Signature of applicant

Dated.....

Full name of applicant.....Nationality.....
Passport No. datedissued by.....
Occupation.....Address.....Date
 of arrival in Bangladesh.....

We certify that to the best of our knowledge and belief the information given above is correct.

Dated.....

*Stamp and Signature of
 Authorised Dealer*

Note: This form should be completed in duplicate and submitted to the Authorised Dealer with whom the account is desired to be opened.

Form A 7

(Application to transfer Bangladesh Taka from/to a private Non-Resident Taka Account held in Bangladesh.)

- N.B.— (1) This form should be used only when payment is made in Bangladesh Taka to/or from an account in the name of a person or firm other than a bank resident outside Bangladesh.
- (2) This form should be completed in duplicate when the transfer is from one non-resident account to another.

I/We the undersigned apply for permission to transfer/pay Taka _____
_____ Say _____ from/to the account of
(in figures) (in words)

(name and address of transferee/transferor or full title of account debited/credited stating
_____ at _____ to/from
the country of residence) (insert name of bank with whom account is kept)

(name and address of transferee or full title of account credited/debited stating the country of
residence)
_____ at _____
(insert name of bank with whom account is kept) for the
purpose stated below:

I/We declare that the statements on this form are true, that the transfer is solely for the purpose specified above and that this purpose in no way contravenes the provisions of the Foreign Exchange Regulation Act, 1947.

Name of Applicant _____

Nationality _____

Address _____

Dated _____

*Stamp and Signature (s)
of the applicant*

| | |
|----------------|--------|
| See Chapter 14 | Para 9 |
|----------------|--------|

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|--------|----|
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| | |
|--|--|
| <p>We hereby certify that the statements overleaf are to the best of our knowledge correct and that we have seen documentary evidence in support thereof, and allowed transfer in terms of para 13, Chapter 14 of the Guidelines for Foreign Exchange Transactions/apply for permission of the Bangladesh Bank to effect the transfer.</p> | |
| <p>Date</p> | <p><i>Signature and stamp of the Authorised Dealer</i></p> |
| <p>Space for use by the Bangladesh Bank</p> | |
| <p>BANGLADESH BANK Foreign Exchange Policy Department</p> | |
| <p>Date</p> | <p><i>Assistant Director</i></p> |

Note : The approval of the Bangladesh Bank will remain valid for one month from the date of approval.

MONTHLY STATEMENT OF TRANSACTIONS IN NITA

Name of the Bank

Aggregate position of NITA(s) at the end of Month.....

| | Particulars | Equivalent USD | Equivalent BDT |
|--------|---|----------------|----------------|
| 01. | Aggregate opening Balance of all NITA (s) as at 1st | | |
| 02.(a) | Aggregate amount credited to NITA(s) during the month with : (i) Direct Inward Remittance (ii) Transfer from FC A/C(s) other than as mentioned (iii) below (iii) Transfer from FC A/C(s) of NRBs working abroad Total (i)+(ii)+(iii) | | |
| (b) | Aggregate sales proceeds of shares/securities credited back to NITA(s) during the month. <u>Break up of (b)</u> Purchase price of shares/securities sold and credited back to NITA(s) during the month Add: Capital gain earned and credited to NITA(s) during the month. | | |
| (c) | Total dividend earned and credited to NITA(s) during the month | | |
| (d) | Other receipts credited to NITA(s) [please specify] | | |
| | Aggregate position of credit entries in all NITA(s) during the month [(a)+(b)+(c)+(d)] | | |
| 03. | Total Balance left in FC A/Cs after part transfer/no transfer to NITA(s) : (a). FC A/Cs of (ii) of 02 (a) above (b) FC A/C(s) of (iii) of 02 above | | |
| 04. | Aggregate position of debit entries raised in the NITA(s) during the month | | |
| a) | Total purchase of shares/securities in all NITA(s) during the month | | |
| b) | Total outward remittances from the NITA(s) during the month (i+ii+iii below) <u>Break up of 4(b)</u> (i) Purchase price of shares/securities Add: Capital gain earned Total sales proceeds repatriated abroad (ii) Repatriation of dividend earned during the month (iii) Repatriation of NITA(s) credit balance without any utilisation Total (i) +(ii) + (iii) | | |
| c) | Total incidental expenses debited in the NITA(s) during the month | | |
| d) | Transfer to foreign currency accounts (i) Transfer to FC A/C(s) other than as mentioned (ii) below (ii) Transfer to FC A/C(s) of NRBs working abroad Total (i)+(ii) | | |
| e) | Other debit(s) [please specify] | | |
| | Aggregate position of debit entries in all NITA(s) during the month | | |
| 5. | Aggregate closing balance of NITA(s) at the end of the month (1+2-4) | | |

.....Contd to page 2

| | |
|----------------|-------------|
| See Chapter 14 | Para 24 (x) |
|----------------|-------------|

| | |
|--------|----|
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Distribution of Portfolio investment by nationality of the investors during the month [consolidated figure as reported at 2(a) and 3 above of the statement].

| Nationality of the Non-Resident Investors | 2(a) representing inward remittance and transfer from FC account(s) in equivalent BDT | (3) Balance left in FC account | |
|---|---|--------------------------------|-------------------|
| | | USD | in equivalent BDT |
| U.S.A | | | |
| United Kingdom | | | |
| France | | | |
| Other European Countries | | | |
| Japan | | | |
| Singapore | | | |
| Hong Kong | | | |
| Middle East | | | |
| Sub-continental (Pl. specify) | | | |
| Other countries (pl. specify) | | | |

FOREIGN EXCHANGE REGULATION ACT, 1947

Application for grant of Taka Loans and Advances

1. Borrower's name and address _____
2. Borrower's borrowing status i.e. manufacturing, semi-manufacturing or trading _____
3. Amount of Taka loan/overdraft applied for _____
4. Details of security pledged or guarantee given. _____
5. Purpose of the loan/overdraft applied for _____
6. Period for which loan/overdraft is required _____
7. Particulars of existing local loans/overdrafts: _____

| Sources of borrowing (To be disclosed where possible) | Amount of borrowing limits | Period for which facility is available |
|--|----------------------------|--|
| | | |
| Total : | | |

8. i. For companies incorporated in Bangladesh:

| | As on | Percentage |
|--|-----------|------------|
| (a) i. Paid-up capital | | |
| Foreign equity | Tk. _____ |% |
| Local equity | Tk. _____ |% |
| Total: | Tk. _____ | |
| (b) General and other free reserves, un-distributed profits and un-remitted dividends as disclosed by their last audited Balance Sheet | Tk. _____ | |
| Total: | Tk. _____ | |
| (c) Less accumulated loss, if any, | Tk. _____ | |
| (d) Net paid-up capital [i.e. (a+b)-c] | Tk. _____ | |

Borrowing entitlement% of (d) i.e. Tk. _____

| | |
|----------------|--------|
| See Chapter 16 | Para 3 |
|----------------|--------|

| | |
|--------|----|
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- ii. For branches of companies incorporated outside Bangladesh As on _____
- (a) Head Office permanent investment in Bangladesh Tk. _____
- (b) On remitted profits as disclosed by their last audited Balance Sheet. Tk. _____
- (c) Less accumulated loss, if any, Tk. _____
- (d) Net Head Office Investment in Bangladesh i.e. [(a+b)-c] Tk. _____
9. Manner in which the loan/overdraft applied for is proposed to be liquidated.

We certify that the above statement are true and that the taka loan/overdraft facility being granted to us will be utilised solely for the purpose stated in paragraph 5 above.

*Authorised Signature of
the Borrower & full address*

*Strike out whichever is not applicable.

| |
|---|
| <p>AUDITORS' CERTIFICATE</p> <p>Certified that we have verified the information furnished against columns 7 & 8 of the above application and found them to be correct.</p> <p style="text-align: right;"><i>Auditors</i></p> |
| <p>(For use by the Authorised Dealer)</p> <p>I. Amount of loan/overdraft facility allowed Tk. _____</p> <p>II. Period for which allowed. _____</p> <p style="text-align: right;"><i>Authorised Dealer</i></p> |

CONSOLIDATED STATEMENT OF LOCAL BORROWING FACILITY ALLOWED TO FOREIGN OR FOREIGN CONTROLLED COMPANIES IN BANGLADESH

BY _____ THROUGH THEIR VARIOUS BRANCHES
(Name of Bank)

IN BANGLADESH DURING THE YEAR ENDED UNDER THE
GENERAL PERMISSION.....

| Name of foreign or foreign controlled company | Particulars of the branch of the Authorised Dealer extending local loan/ overdraft facility | Particulars of local loan/ overdraft limit allowed | | Particulars of other local loan/overdraft limits existing on the date of grant of loan mentioned in column 3 | |
|---|---|--|-------------------------|--|---|
| | | Amount | Period of which allowed | Amount | Lender's name and address (where given) |
| 1 □ | 2 □ | 3 □ | 4 □ | 5 □ | 6 |

| Paid-up capital or Head Office Permanent Investment in Bangladesh | General reserves & other free reserves undistributed profits/ un-remitted dividends and profits as disclosed by their last audited Balance Sheet | Total (7+8) | Losses, if any | Net paid-up capital, reserves etc./Head Office permanent investment in Bangladesh (9-10) | Percentage of foreign equity participation | Remarks |
|---|--|-------------|----------------|--|--|---------|
| 7 □ | 8 □ | 9 □ | 10 □ | 11 □ | 12 □ | 13 |

Head Office

Date

Authorised Dealer (Signature)

STATEMENT OF COMMISSION EARNED (BY BUYING HOUSES)

Durationto.....

Name and Address of the Buying House :

No. and Date of Permission Letter Issued by Bangladesh Bank:

| Sl. No. | Name of the Exporter/Supplier | Name of the Bank of the Exporter | Name and Address of the Foreign Buyer | LC/ Contract No. and date | Value of LC/ Contract | Value of Export | Rate of Commission | Commission Earned (Current Period) | | Commission Repatriated From Abroad (Current Period) (USD) | Amount Due in Foreign Currency (Current Period) | Amount Due as per Last Statement (USD) | Area Recovered Corresponding to Sl. No. 13 (USD) | Total Amount Due (USD) |
|----------------------------|-------------------------------|----------------------------------|---------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|------------------------------------|-----------------------------|---|---|--|--|------------------------|
| | | | | | | | | In Local Currency | In Foreign Currency | | | | | |
| 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/> | 6 <input type="checkbox"/> | 7 <input type="checkbox"/> | 8 <input type="checkbox"/> | 9 <input type="checkbox"/> | 10 <input type="checkbox"/> | 11 <input type="checkbox"/> | 12 (10-11) <input type="checkbox"/> | 13 <input type="checkbox"/> | 14 <input type="checkbox"/> | 15 (12+13-14) |

Encashment certificates of authorised dealer in support of repatriated commission are enclosed.

Signature of the Authorised Officer with Date.....

Name

Designation.....

Seal Phone No.....

**STATEMENT FOR COMMISSION EARNED AND REPATRIATED BY INDENTING
HOUSES/AGENTS DURING THE QUARTER ENDED.....**

Name and address of the Indentor/Agent _____ CCI & E's Registration No. _____

Registration No. with Bangladesh Bank _____

| Names & addresses of the importers | Names & addresses of the suppliers | Nature of goods indented | Sl. No. of the indent | Date of the indent | Value of goods | Rate of commission | Total amount of commission earned | Total amount repatriated | Date of repatriation. | Amount due in current period (USD) | Amount due as per last statement (USD) | Arrear Recovered Corresponding to Sl. No. 12 (USD) | Total amount due (USD) |
|------------------------------------|------------------------------------|--------------------------|-----------------------|--------------------|----------------|--------------------|-----------------------------------|--------------------------|-----------------------|------------------------------------|--|--|------------------------|
| 1 □ | 2 □ | 3 □ | 4 □ | 5 □ | 6 □ | 7 □ | 8 □ | 9 □ | 10 □ | 11 (8-9) □ | 12 □ | 13 □ | 14 (11+12-13) |
| | | | | | | | | | | | | | |

*Encashment certificates from the Authorised Dealers concerned should be attached in support of the above amounts.

Authorised signature with date

STATEMENT OF COMMISSION EARNED (BY LOCAL AGENT)

□

Durationto.....

Name and Address of the Agent :

No. and Date of Permission Letter Issued by Bangladesh Bank

| Sl. No. | Name and Address of the Importer | Particulars of LC | | Particulars of Goods Imported | Proforma Invoice | Value of Goods | Rate of Commission | Total Commission Earned (US\$) | Total Commission Repatriated (US\$) | Date of Repatriation | Commission Due in FC (Current Period) | Amount Due as per Last Statement in FC | Arear Recovered Corresponding to Sl. No. 15 (USD) | Total Amount Due in USD | | |
|---------|----------------------------------|-------------------|------|-------------------------------|------------------|----------------|--------------------|--------------------------------|--------------------------------------|----------------------|---------------------------------------|--|---|-------------------------|----|---------------|
| | | No | Date | | | | | | | | | | | | No | Date |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 (14+15-16) |
| | | | | | | | | | | | | | | | | |

Encashment Certificates from Authorised Dealers in support of foreign exchange received from foreign principals are enclosed.

Signature of the Authorised Officer with Date.....

Name

Designation.....

Seal Phone No.....

STATEMENT OF COMMISSION EARNED (BY FREIGHT FORWARDERS)

Durationto.....

Name and Address of the Agent :

No. and Date of Permission Letter Issued by Bangladesh Bank :

| Name of the Principal | Air Way Bill / Bill of Lading No. | Name of the Shipper | Name of the Consignee | Destination | Total Qty/Volume | Total Weight in KG | Rate of Commission | Total Commission Earned (US\$) | Total Commission Repatriated (US\$) | Date of Repatriation | Amount Due in FC (Current Period) | Amount Due as per Last Statement (USD) | Arrear Recovered Corresponding to Sl. No. 13 (USD) | Total Amount Due (USD) |
|-----------------------|-----------------------------------|---------------------|-----------------------|-------------|------------------|--------------------|--------------------|--------------------------------|-------------------------------------|----------------------|-----------------------------------|--|--|------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 (9-10) | 13 | 14 | 15 (12+13-14) |
| | | | | | | | | | | | | | | |

Encashment Certificates from Authorised Dealers in support of foreign exchange received as commission are enclosed.

Signature of the Authorised Officer with Date.....

Name

Designation.....

Seal Phone No.....

**STATEMENT SHOWING RECEIPT OF FOREIGN EXCHANGE ON
ACCOUNT OF SERVICE RENDERED TO FOREIGN EMPLOYER/
PRINCIPALS FOR THE QUARTER ENDED**

Name and address of the Licensed Recruiting Agent

License No. & Date

Registration No. with Bangladesh Bank with date of issuance

| Sl. No. | No. of persons recruited | Name and address of foreign principals for whom recruitment made | Amount of commission and other expenses realised | Date of realisation |
|---------|--------------------------|--|--|---------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

Encashment certificates from Authorised Dealers in support of foreign exchange received from foreign principals are enclosed.

Authorised Signature with date.

STATEMENT SHOWING RECEIPT OF FOREIGN EXCHANGE ON ACCOUNT OF GOVT. FEES AND PROFESSIONAL CHARGES FOR THE QUARTER ENDED

Name and address of Trade Mark/ Patent Attorney

Registration No. with Bangladesh Bank with date of issuance.....

| Sl. No. | Name and address of foreign client on whose account business undertaken | Registration No. of Patents/ Designs/ Trade Mark with Patent Office//Trade Mark Registry | Whether understandings or arrangements under special terms & conditions | Amount contracted | | Amount and date of realisation |
|---------|---|--|---|-------------------|--|--------------------------------|
| | | | | Government fees | Own professional fees and other expenses | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

*In case business is undertaken under special terms and conditions, the authenticated copies of the related correspondence through which the fees for registration of Patents/Designs/Trade Marks etc. have been finalised should be enclosed.

**Encashment Certificates from Authorised Dealers in support of the foreign exchange received as fees etc. are enclosed.

Authorised Signature with date

**STATEMENT OF COMMISSION EARNED/FOREIGN EXCHANGE
RECEIVED ON ACCOUNT OF SERVICE RENDERED TO OIL
COMPANIES, INON-RESIDENT FIRMS DURING THE QUARTER
ENDED**

Name of the Agents/Representative

Address

Registration No. with Bangladesh Bank with date of issuance

| Name & address of the Non-resident firms on whose behalf working as agent | Total amount of foreign exchange received/earned | Date of receipt | Total operational expenses incurred |
|---|--|-----------------|-------------------------------------|
| | | | |

*Encashment certificates from the Authorised Dealers in support of the statement of commission/fees earned are enclosed.

*Break-up of items of receipt & expenses on account of each head e.g. office maintenance, commission, consultancy fees etc. to be provided on the reverse of this form.

Authorised Signature with date

**DECLARATION TO BE MADE BY POLICY HOLDERS FOR
REMITTANCE OF PREMIA TOWARDS LIFE ASSURANCE
POLICIES EXPRESSED IN FOREIGN CURRENCIES**

1. Full name & permanent address in Bangladesh of the Assured _____
2. The name and address of the Insurance Co. with which the policy was taken out _____
3. The date of taking out of the policy _____
4. The amount (in foreign currency) for which the policy has been taken out _____
5. Type of policy i.e. Life endowment, Educational etc. (Also state whether with or without profit) _____
6. The amount of premium intended to be remitted stating whether it is being paid on monthly, quarterly, half-yearly or annual basis _____
7. The period that will be covered by the premium giving the commencing and ending dates _____
8. The date of maturity of the policy _____
9. Name and full address of the Assignee/Nominee in Bangladesh or abroad _____

I hereby declare that I am a Bangladeshi domiciled in Bangladesh and that my Life Assurance Policy No. —in respect of which the above particulars are furnished, was taken out on..... (date) and that the policy is in full force now and not lapsed or become paid up.

I further declare that proposed remittance of premium towards this pertains to the current period and does not include any past premium payable.

In consideration of the Bangladesh Bank having permitted me to remit premium on my policy referred to above, I undertake to bring to Bangladesh the proceeds of the policy mentioned above on its maturity or its surrender value or any claims arising thereunder through an Authorised Dealer in Bangladesh within one month of my becoming owner thereof.

Date

Signature of the Applicant

FACULTATIVE/RE-INSURANCE-BUSINESS (PREMIA)

(Not to be used if settlement for Premia and Claims is made on an account basis)

To

Dear Sirs,

In support of our application on Form "T/M" (enclosed) for the remittance oftowe make the following declaration:-
(Amount of Currency) (Country)

1. (a) Date and place of issue of reinsurance policy _____
(b) A certified copy of the reinsurance acceptance note endorsed _____
2. The currency in which reinsurance is effected _____
3. Name and address of the beneficiary _____
4. Whether the applicant Company has been registered in Bangladesh under the Insurance Act _____

We undertake to receive payment of any claim under the reinsurance through an Authorised Dealer in Foreign Exchange.

Name and address in Bangladesh of the applicant Company.

.....
.....

for and on behalf of

.....

Country of incorporation

Date

*Stamp and Signature of the
Insurance Company*

TREATY RE-INSURANCE BUSINESS SETTLEMENT OF ACCOUNT

To

Dear Sirs,

In support of our application on Form 'TM' (enclosed) for the remittance
ofto

(amount of currency)

..... we make the following declaration:-

(Country)

1. Currency in which re-insurance has been effected
2. Class of business covered
3. (a) Date of submission of last quarterly
statement of the Reinsurance Account
to the Bangladesh Bank giving particulars
of the forwarding letter
- (b) An upto-date proforma statement of the
account signed by the Manager or an
authorised officer of the company is attached
4. Name and address of the beneficiary
5. Whether the applicant company is registered in
Bangladesh under the Insurance Act

We undertake to submit quarterly statements of our above re-insurance account regularly to the Bangladesh Bank and recover Claim/Profit/Commission through an Authorised Dealer in Foreign Exchange. It is certified that re-insurance premia is being regularly received through normal banking channels.

Name and Address in Bangladesh
of the applicant Insurance Company

for and on behalf of

.....
.....

*(Stamp and Signature
of the insurance company)*

Country of incorporation

Date

INFORMATION OF ISSUANCE OF INTERNATIONAL CARDS

Name of the Bank and Branch :

1. Name and Address of the individual/exporting firm/organisation
(along with passport no. and nationality in case of individual):

2. Card Issued against (indicate/mark the appropriate)

(i) Exporters' retention quota (ERQ) accounts

(ii) Annual travel quota entitlement

(iii) Resident foreign currency deposit (RFCD) accounts

(iv) Entitlement for official visits abroad

(v) Per diem entitlement for private sector participants

(vi) Private foreign currency account

(vii) Hajj entitlement (Hajj Agencies)

(viii) Hajj entitlement (Individual)

2. Particulars of ERQ/RFCD/FC Account opened in the name of the
exporting firm/organisation/individual

(a) A/c number and date of opening:

(b) Name and address of the Bank;

3. Name(s) and designation(s) of executive(s) of the exporting firm/organisation to whom
cards have been issued and date of issue along with passport no. and nationality:

4. Name and address of the card acquiring organisation:

Seal of the
card issuing bank

Signature of authorised officer of
the card issuing bank:

Name and designation :

International Card : Reporting Return/Schedule

| | International Card Issued | Reporting Return /Schedule |
|------|--|-----------------------------------|
| i | Against balances held in ERQ Accounts | EFCs-8, EFCP-2 |
| ii | Against balances held in RFCD Accounts | App 5/71, (Vol -1) |
| iii | Against Travel Quota Entitlement | E3-P3 |
| iv | Against official entitlement for govt. officials etc. | E3-P3 |
| v | Against per diem entitlement for Private Sector Participants | E3-P3 |
| vi | Against FC Account - other than Bangladeshi | - |
| | Against FC Account - Bangladeshi | FCS-7, FCP-4 |
| vii | Against Hajj Entitlement (Hajj Agencies) | E3-P3 |
| viii | Against Hajj Entitlement (Individual) | E3-P3 |

MONTHLY STATEMENT OF UTILISATION/PAYMENT OF FOREIGN EXCHANGE AGAINST INTERNATIONAL CARDS

Reporting Month :

Year :

Name of the Bank :

Part - A

| Sl. No | International Card Issued | No. of cards under report (active card only) | Expenses incurred during the month (in USD) | Paid to Card Acquiring Organisations during the month (in USD) | Paid to Mobile Operators as Roaming Bill during the month (in USD) | Total amount paid (5+6) |
|--------|--|--|--|---|---|-------------------------|
| | 2 | 3 | 4 | 5 | 6 | 7 |
| i | Against balances held in ERQ Accounts | | | | | |
| ii | Against balances held in RFCD Accounts | | | | | |
| iii | Against balances held in FC Account - other than Bangladeshi | | | | | |
| iv | Against balances held in FC Account - Bangladeshi | | | | | |
| v | Against Travel Quota Entitlement | | | | | |
| vi | Against official entitlement for Govt. officials etc. | | | | | |
| vii | Against per diem entitlement for Private Sector Participants | | | | | |
| viii | Against Hajj Entitlement (Hajj Agencies) | | | | | |
| ix | Against Hajj Entitlement (Individual) | | | | | |
| | Total | | | | | |
| | Sub-total (i+iv+v+vi+vii+viii+ix) | | | | | |

Part - B

COUNTRY - WISE PAYMENT (AS MENTIONED IN COLUMN 5 OF PART - A) MADE BY AUTHORISED DEALER AGAINST INTERNATIONAL CARD DURING THE MONTH YEAR

| Name of the Country Receiving Payment | Card against ERQ accounts | | Card against travel quota entitlement | | Card against official entitlement for govt. officials etc. | | Card against per diem entitlement for Private Sector Participants | | Card against Hajj Entitlement (private agencies) | | Card Against Hajj Entitlement (Individual) | | Card Against FC Accounts (Bangladesh Nationals) | | Total payment made in USD |
|---------------------------------------|---------------------------|--------------|---------------------------------------|--------------|--|--------------|---|--------------|--|--------------|--|--------------|--|--------------|---------------------------|
| | Amount in USD | Purpose code | Amount in USD | Purpose code | Amount in USD | Purpose Code | Amount in USD | Purpose Code | Amount in USD | Purpose Code | Amount in USD | Purpose code | Amount in USD | Purpose code | |
| 1 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 (3+5+7+9+11+13+15) |
| | | | | | | | | | | | | | | | |

Part-C

COUNTRY-WISE PAYMENT MADE FOR ROAMING BILLS (AS MENTIONED IN TOTAL OF COLUMN 6, PART-A) BY AUTHORISED DEALER AGAINST INTERNATIONAL CARD DURING THE MONTH YEAR

| Name of the Country Receiving Payment* | | Purpose Code | | Payment in USD | |
|--|------|--------------|---|----------------|--|
| Name | Code | Purpose Code | | Payment in USD | |
| 1 | 2 | 3 | 4 | | |
| | | 2010 | | | |
| Total | | | | | |

* If name of the country can not be specified, Code No. 2999 (Other country) may be used in column no. 2.

Note : The above statement is to be submitted to Foreign Exchange Operation Department and Statistics Department of Bangladesh Bank with monthly returns.

Date : Name and signature of the authorised person of the authorised dealer

APPENDIX 6

1. Notification issued by the Board of Investment for obtaining loan from abroad by industrial enterprises in Bangladesh in the private sector.
2. Policy guidelines for establishment of Drawing Arrangement between the Exchange Houses abroad and the Banks operating in Bangladesh.
3. List of required information/documents for seeking permission to act under section 18A & 18B of Foreign Exchange Regulation Act, 1947.
4. Guidelines to be followed to act as an agent (as Satellite Channel Distributor) of Foreign Principal(s) under Section 18A of Foreign Exchange Regulation Act, 1947.

Govt. of The People's Republic of Bangladesh
Board of Investment
Prime Minister's Office
Jiban Bima Tower, 10, Dilkusha Commercial Area, Dhaka-1000, Bangladesh.

Notification No. BOI/R&IM1/4(39)/81(Part)/1209

Date : 10.12.1998

Sub: **Procedure for approval of borrowing from abroad by industrial enterprises in Bangladesh in the private sector.**

In supersession of the instructions contained in the Board of Investment Notification No. BOI/FLO/4(30)/81/458 dated the 24th June, 1992, the undernoted guidelines and procedures shall henceforth be followed in the matter of approval of borrowing from abroad by industrial enterprises in Bangladesh in the private sector.

2 (a) All proposals for borrowing from abroad by private sector industrial enterprises in Bangladesh (including supplier's credits, financial loans from institutions or individuals and debt issues in capital markets abroad) shall require prior authorisation of the Board of Investment.

Short term credit accommodations of up to one year duration from suppliers/buyers abroad are, however, subject to the guidelines/instructions issued by Bangladesh Bank in regard to settlements for current commercial transactions and shall not be subject to the approval process laid down in this Notification.

(b) In examining the approval requests for the borrowing proposals the Board of Investment shall attach priority mainly to medium and longer term borrowing for installing new capacity, and for upgrading or expanding existing capacity for production of goods and services for export or for domestic use. Borrowing from abroad for building up of excessive capacity in relation to foreseeable immediate or medium term needs and borrowing for outlays of speculative nature in sectors such as real estate or commercial office building shall be discouraged. Shorter term borrowing proposals will normally not receive favorable consideration except those are temporary and unavoidable necessities as bridging

arrangements prior to finalization of a medium or long term borrowing approved by the Board of Investment.

(c) Approval requests for borrowing proposals must be supported by analyses and papers in regard to :-

- (i) the commercial viability of the project;
 - (ii) the capacity of the project to service the proposed debt with income flows from the project;
 - (iii) the cost competitiveness of the outputs from the project in the domestic and external markets;
 - (iv) existing production capacity in Bangladesh in the industrial sector to which the borrowing proposal relates and the potential demand in the domestic and export markets given the estimated output cost structure;
 - (v) existing indebtedness structure of the sponsors of the project, duly certified by report of their bankers and CIB of Bangladesh Bank as to their credit worthiness.
- (d) The interest rate and other charges related to the borrowing should be reasonable compared to the prevailing lending rates in the international markets in the concerned currencies for the relevant tenure. Normally, the interest rate should be based on the prevailing government treasury bond rate in that currency for that tenure plus a reasonably modest country risk premium; excessively high risk premium margins will invite additional rigour in scrutiny in the approval process.

3. Applications as per proforma at Annexure-"A" for approval of proposals for borrowing from abroad should be submitted to the BOI with the analyses and supporting documents as indicated in para 02 (c) above. Fully documented proposals will be submitted to a Committee headed by Governor, Bangladesh Bank for final approval.

sd/-

Zahid Hossain
Member, Executive Council
Board of Investment

APPLICATION FOR APPROVAL OF FOREIGN BORROWING AGREEMENT

1. a. Name, address and telephone :
Number of the firm
- b.i) Registration/Permission :
letter No.
- ii) Date :
- iii) Issuing authority :
(Please attach copy)
- c. Type of industry :
- i) Export oriented and export linkage industries : Please Tick
- ii) Pioneering industries :
- iii) Industry based on new/
high Technology :
- iv) Industry that generates
employment :
- v) Industry based on local
natural resources and its
diversified uses. :
- vi) Industry that involves
high value added :
- vii) Increase industrial efficiency
& productivity :
- viii) Employment opportunity :
2. a. Name & address of the foreign :
firm(s) from whom borrowing has
been proposed.
- b. Principal amount of the :
borrowing
- c. Purpose of Borrowing :
3. Foreign Borrowing proposal :
- a) Copy of Draft/Final :
Agreement should be attached
- b) Effective rate of interest :
- c) Repayment period :
- d) Effective date :
- e) Down payment, if any :

- | | Please Tick |
|---|--------------------------|
| 4. Type of Borrowing | |
| a) Loan | <input type="checkbox"/> |
| b) Supplier's Credit | <input type="checkbox"/> |
| c) Pay-As-You-Earn Scheme | <input type="checkbox"/> |
| d) Deferred Payment | <input type="checkbox"/> |
| e) Others (Please describe) | <input type="checkbox"/> |
| 5. Commercial viability report of project along with the analyses and papers in regards to | <input type="checkbox"/> |
| a) Name of the sector/Sub-sector of the project with item of products. | <input type="checkbox"/> |
| b) The commercial viability of the project. | <input type="checkbox"/> |
| c) The capacity of the project to service the proposed debt with income flows from the project | <input type="checkbox"/> |
| d) The cost competitiveness of the outputs from the project in the domestic and external markets. | <input type="checkbox"/> |
| e) The existing production capacity in Bangladesh and demand of the products in local as well as export market abroad on the basis of market study. | <input type="checkbox"/> |
| f) Existing indebtedness structure of the sponsors of the project ; duly certified by report of their bankers as to their credit worthiness. | <input type="checkbox"/> |
| 6. Please outline the reasons for entering into agreement on foreign borrowing (Please attach separate sheet, if necessary). | <input type="checkbox"/> |
| 7. Schedule of Repayment in brief | <input type="checkbox"/> |
| 8. Name and address of the firm's nominated Bank | <input type="checkbox"/> |
| 9. Please enclose the following papers | <input type="checkbox"/> |
| a) Certified copy of the Memorandum and Articles of Association. | |
| b) Board of Director's Resolution in favour of the loan proposal. | |
| c) Proforma Invoice of machinery to be imported | |

Signature
Name and designation of applicant
Date

Effective interest is the sum of the stated annual rate of interest and the annualized fee, such as, commitment fee, syndication fee, front-end fee, project appraisal fee etc.

FOREIGN EXCHANGE POLICY DEPARTMENT
BANGLADESH BANK
HEAD OFFICE
DHAKA

Bangladesh Bank Website : www.bangladeshbank.org.bd

Circular Letter No.-FEPD (LDA-1)147/2007-1468

Kartik 14, 1414
Date : -----
October 29, 2007

Head Office/Principal Office of all
Authorized Dealer Banks in Bangladesh

Dear Sirs,

"Policy regarding the establishment of Drawing Arrangement between the Exchange House abroad and the Bank operating in Bangladesh".

In order to make monitoring set-up on Drawing Arrangements more intensive and effective and accord approval for establishment of Drawing Arrangement between the Exchange House abroad and the Commercial Bank operating in Bangladesh, the "Policy regarding the establishment of Drawing Arrangement between the Exchange House abroad and the Bank operating in Bangladesh" has been adopted (Copy enclosed).

You are advised to follow the policy having considered it to have taken effect from October 09, 2007 (Ashwin 24, 1414) and submit application to Bangladesh Bank for establishment of Drawing Arrangement having prepared it in the light of the texts as contained in the policy.

Yours faithfully,

Encl. : As stated.

(Sd)
(Khondaker Khalidur Rahman)
Deputy General Manager
Phone : 7120375

Contd...P/2

FOREIGN EXCHANGE POLICY DEPARTMENT
BANGLADESH BANK
HEAD OFFICE
DHAKA-1000

"Policy regarding the establishment of Drawing Arrangement between the Exchange House abroad and the Bank operating in Bangladesh"

Money/remittance sent by expatriate Bangladeshi is one of the significant sources of inward flow of foreign exchange which plays an important role in the economy of the country. Approval is awarded by the Foreign Exchange Policy Department (FEPD) in respect of establishment of drawing arrangement between the exchange house abroad and bank in Bangladesh in order to collect remittances. Up to 30.06.2007, approval was accorded for 723 drawing arrangements between 38 banks in Bangladesh and 258 exchange houses abroad. The undernoted policy guidelines shall have to be followed in order to make monitoring set-up on drawing arrangements more intensive and effective and accord approval for establishment of Drawing Arrangement between the exchange house abroad and the bank operating in Bangladesh.

1. Eligibility of Exchange House:

- (i) The concern shall have to possess the license/approval from the Central Bank or concerned regulatory authority of the respective country to conduct money transfer business.
- (ii) The concern shall have to possess the license/approval/certificate as applicable from other authorities viz. ministry of commerce and industry, ministry of justice, chamber of commerce and industry, registrar of companies, municipality etc. to conduct the business.
- (iii) The concern shall have to bear the name that signifies its engagement in money transfer business such as the words like money transfer, exchange, remittance etc. shall have to be included therein.
- (iv) Without having permission/consent from the concerned bank operating in Bangladesh, the name of the bank or part of it (viz. Sonali, Rupali, Janata, Agrani etc.) shall not be used by the exchange house with its own name. However, the approval already given for drawing arrangement between the bank in Bangladesh and exchange house having name of Bangladeshi bank and

remittance business is in operation under those approval shall though remain effective, the exchange house shall have to obtain permission from the concerned bank (whose name has been used) for establishment of drawing arrangement with other bank. If such consent is not awarded, the name of the exchange house shall have to be amended/changed accordingly.

(v) Owner(s)/Director(s) of the exchange house shall have to be the citizen (or Foreigner thereof other than Bangladeshi without citizenship/residence permit) or the permanent resident of that country.

(vi) While considering approval for establishment of drawing arrangement, preference shall be awarded to the exchange house having at least 3 years of experience in money transfer business. The concern shall have to be financially strong (in terms of capital, liquid asset, fixed asset, profit etc) enough to operate the business. If other eligibility of newly established exchange house is found to be acceptable, according approval for establishment of drawing arrangement with such new exchange house may specially be taken into consideration.

(vii) Minimum limit for remittance: As money laundering activities may become easier under cover of legality derived from the approved drawing arrangement, the minimum yearly limits for inward remittance under drawing arrangement presently remain prescribed for some countries. Region/country wise yearly limits are hereby revised as under:

| Country/Region | Previous limit | Present prescribed limit |
|---|------------------|--------------------------|
| 1. USA | USD 3.00 million | USD 3.00 million |
| 2. UK | UKP 2.00 million | UKP 2.00 million |
| 3. Italy | ----- | EUR 2.00 million |
| 4. Canada | USD 2.50 million | USD 2.50 million |
| 5. Middle East (KSA, UAE, Qatar, Oman, Bahrain, Kuwait) | ----- | USD 3.00 million |
| 6. Middle East (other countries) | ----- | USD 1.50 million |
| 7. Other countries/Region | ----- | USD 1.50 million |

2. Exchange House(s) to Comply:

(i) The concern shall have to follow the exchange rate quoted by the bank concerned for the purpose of remittance.

(ii) The concern shall have to confirm the deposit of money of remittance collected from the remitter/of cover fund to NOSTRO account of the concerned bank within 24 hours of collection thereof.

(iii) The concern shall have to regularly provide statement containing number and amount of remittances sent to the concerned bank.

(iv) The concern shall not use monogram of Bangladesh Bank or words viz. "approved by Bangladesh Bank" in its publicity activities. No such scope of publicity shall be maintained that makes the concern appear to be licensed by the Bangladesh Bank.

(v) Although conducting remittance business through branch offices thereof is allowed, the business of collection of remittance through sub-agent shall be prohibited. Specific approval shall have to be obtained in respect of collection of remittances from more than one country under same/one drawing arrangement.

(vi) The existing rules and regulations in respect of sending remittances to Bangladesh or transactions thereof shall have to be strictly complied with.

3. Bank(s) to Comply :

(i) Related information as well as license/approval letter issued by the Central Bank or from the competent authority of the respective country, credit report from any reputed credit agency, 3 years' audited financial statements, profile of directors/owners of the concern, memorandum and articles of association etc., in support of/in assessing its eligibility, shall have to be collected at the time of establishment of drawing arrangement.

(ii) Letter of reference/certificate (must be favorable) from the Bangladesh Embassy/High Commission of the respective country shall have to be collected.

(iii) After having assessed the eligibility of the concern and submitted the required papers, approval of the Bangladesh Bank (from the Foreign Exchange Policy Department) shall have to be applied for.

(iv) The agreement for establishment of drawing arrangement with the exchange house shall have to be concluded having maintained therein the reflection of the terms and conditions as outlined in the letter of approval. In other words, the agreement for drawing arrangement shall contain the terms and conditions of the Bangladesh Bank's letter of approval and no such clause conflicting therewith shall be incorporated therein.

(v) One or more than one non-resident foreign currency account (NRFCA) and only one non-resident non-convertible taka account (NRTA) in the name of the concerned exchange house shall be allowed to be opened; but consent/permission of the Bangladesh Bank as regards the opening thereof (at the time of seeking approval) shall have to be obtained.

(vi) Having confirmed before commencement of transactions under drawing arrangement, the maintenance/collection of security deposit (Bank Guarantee, Security Deposit and minimum balance in NRTA) as stipulated in Bangladesh Bank's letter of approval, Bangladesh Bank shall have to be apprised of.

(vii) Payment shall have to be made to the beneficiary by debiting the concern's NRT account only after confirmation of the deposit of equivalent foreign currency/cover fund into the NOSTRO account of the respective bank in Bangladesh against the remittance sent thereby.

(viii) Under no circumstances, overdrawn facility shall be allowed in the account of the exchange house and no lead-time facility shall be awarded either.

(ix) As the concern shall have to follow the exchange rate quoted by the bank for sending remittance, the bank shall ensure intimation of the exchange rate regularly thereto.

(x) The bank shall monitor on daily basis the deposit of cover fund in the NOSTRO account against the remittance to be sent by the proposed exchange house. Bank shall remain alert so that the payment to the beneficiary is not delayed due to creation of outstanding in cover fund and no scope can be created for utilization of the collected remittance in speculative business or for transfer/diversion of fund to other business through delayed deposit of corresponding cover fund by the exchange house.

(xi) A compliance certificate (as per format provided by Bangladesh Bank) shall have to be sent to LDA section-1, FEPD, Bangladesh Bank on monthly basis within 10th of the following month to the effect that there is no outstanding of cover fund with the exchange company.

(xii) Bank shall collect the remittance position from exchange house on a daily basis. Bank shall have to collect from the exchange house a monthly statement containing the total numbers and amount of remittances sent during the reporting month for onward submission along with the statement FCS-7 to the LDA section-1, FEPD, Bangladesh Bank on a regular basis.

(xiii) After signing the agreement with the proposed exchange house, a copy of the signed agreement shall have to be sent to LDA section-1, FEPD, Bangladesh Bank and soon after effecting the remittance business, effective date along with the full postal address containing phone number, fax number, e-mail etc. thereof, shall have to be notified to the LDA section-1, FEPD, Bangladesh Bank.

(xiv) The bank shall not extend the validity of the agreement/drawing arrangement unless the validity of the approval of the central bank or the competent authority of concerned country is extended.

(xv) The prescribed time limit (72 hours) for disbursement of remittances received through drawing arrangement shall have to be followed. Besides, caution shall have to be exercised in respect of maintaining standard of the customer service having complied with the existing rules of transactions along with the strictest compliance of anti-money laundering measures as well.

(xvi) In order to prevent the fraud/forgery of foreign Demand Draft, specimen signature(s) (updated) of authorized officer(s) of the exchange house shall have to be maintained at each branch of the bank.

(xvii) Timely and accurate reporting shall have to be ensured.

(xviii) Any suspicion in transactions with the exchange house (viz. excessive remittances in the name of same beneficiary, remittance in the name of corporate instead of individual name, irregular replenishment of cover fund etc.) shall have to be brought to the notice of the FEPD, Bangladesh Bank.

4. Security Deposit:

Considering the element of risk with regard to different types of transactions under the changed circumstances, security deposits are prescribed as under:

(i) Draft Drawing:

Transactions under draft drawing arrangement (DD/TT etc.) involve a higher degree of risk as beneficiary hereunder, may be required to be paid with the proceeds of the remittance prior to receipt of cover fund in the NOSTRO account of the bank which implies the risk of creation of overdrawn position in the account of exchange house maintained with local bank and in many occasions risk remains in payment of fraudulent demand draft. Following amounts of security deposit shall be considered reasonable under draft drawing arrangement:

| Type of security | Amount fixed previously | Amount fixed at present |
|--|--------------------------------------|-------------------------|
| 1. Bank Guarantee/Cash deposit.(NRD account or term Deposit) | USD 25,000 | USD 50,000 |
| 2. NRT Account | Tk. 0.20 million to Tk. 0.50 million | Tk. 1.00 million |

(ii) EFT:

Under the system of EFT as there is the scope of being instantly apprised of the deposit of the foreign currency collected from the remitter by the exchange house into the correspondent's/NOSTRO A/C abroad of the respective Bank in Bangladesh, the risk of creation of overdrawn position in the A/C of the exchange house maintained with local bank remains very low because of the scope of payment to the beneficiary in Bangladesh only after the credit to NOSTRO A/C abroad.

Therefore, the following amounts of security deposit shall be considered reasonable under the EFT:

| Type of security | Amount fixed previously | Amount fixed at present |
|---|-------------------------|-------------------------|
| 1. Bank Guarantee/Cash deposit. (NRD account or term Deposit) | USD 10,000 | USD 25,000 |
| 2. NRT Account | Tk. 0.20 million | Tk. 0.50 million |

(iii) PIN Code:

Under some drawing arrangements, beneficiary can draw money by showing PIN Code to any branch of corresponding local banks and the concerned Money Transfer Company remit the total cover fund to NOSTRO account of corresponding local banks at the end of the day after ascertaining total transactions settled by the banks from their on line system (for instance, Western Union, MoneyGram). Under the system of such drawing arrangement, overdrawn position is created in the account of the concerned Money Transfer Company due to procedural set-up. Therefore, following amounts of security deposit shall be considered reasonable under such arrangement:

| Type of security <input type="checkbox"/> | Previous amount <input type="checkbox"/> | Present amount |
|--|--|-------------------------------|
| 1. <input type="checkbox"/> Bank Guarantee/Cash <input type="checkbox"/> <input type="checkbox"/> deposit.(NRD account or term <input type="checkbox"/> Deposit) | Not prescribed <input type="checkbox"/> | USD 50,000 |
| 2. <input type="checkbox"/> NRT Account <input type="checkbox"/> | ---do--- <input type="checkbox"/> | Equivalent Taka of USD 25,000 |

Above all, the issue of amounts of bank guarantee in FC/deposit balance being proportionate/consistent with the expansion of branch network of the paying bank in Bangladesh and with the volume of transactions effected with the exchange house may also be taken into consideration. Under the existing drawing arrangements, where amount of security deposit/guarantee is inadequate, the same shall have to be increased to the consistent level in phases.

5. Disbursement Procedure:

(i) Existing drill of disbursement of inward remittance among beneficiary through the branches of scheduled banks shall have to be followed.

(ii) Instant cash payment: Disbursement of remittances under Instant Cash Payment shall have to be fully pre-funded.

It shall have to be kept in mind that the steps shall be taken in phases to make the terms and conditions of this policy effective for the existing drawing arrangements.

6. Bangladesh Bank reserves the right to issue new instructions/advices and to amend/modify the policy/guidelines mentioned above, if required.

Foreign Exchange Investment Department
Bangladesh Bank
Head Office
Dhaka

Bangladesh Bank Website : www.bangladeshbank.org.bd

Circular Letter No-01/2007□

Date: 24 September, 2007

Head Office/Principal Office/Regional Head Office
of all authorised dealer banks

Dear Sirs,

Submission of required information/documents for permission to act as an agent of foreign principal, renewal thereof and inclusion of new principal under section 18A & 18B of Foreign Exchange Regulation Act, 1947.

Your attention is drawn to the captioned subject.

02. It is observed that while submitting applications on part of respective clients of the Authorised Dealers on the aforesaid subject, proper documents do not accompany with the respective applications. This causes inordinate delay on part of clients, Authorised Dealers as well as Bangladesh Bank in processing cases for according approval under section 18A & 18B of Foreign Exchange Regulation Act, 1947.

03. Set of lists of required documents are elaborately listed below so that the AD branches of the banks send their clients' applications to this department for the approval under section 18A & 18B of Foreign Exchange Regulation Act, 1947. It may be mentioned that AD branches shall have to send letters addressing the head of the concerned department/office of the Bangladesh Bank recommending in favour of the client after proper verification and scrutinisation of the applications and papers enclosed therewith. The bank branches should follow the instructions stipulated in the Circular Letter no. - FEPD(Com)212/2001-588 dated 14/05/2001 issued by the Foreign Exchange Policy Department while forwarding their letter to Bangladesh Bank. Besides, the signature of the signatory has to be verified properly in the form Annexure-II/Annexure-III/Annexure-A by the concerned bank official.

i) Required documents for Buying Agents:

a) Following papers are required to be submitted for new approval:

1. Application of the firm- in the letter head pad addressing to the head of the concerned department/office of the Bangladesh Bank;

Contd.....P/2

2. Form Annexure-II - each clause has to be filled in properly, has to be signed by the authorised person, and should contain the name and designation of the signatory;
3. Agreement with foreign principal/s;
4. Updated Trade Licence;
5. Attested copy of TIN;
6. Bank Solvency Certificate;
7. Partnership deed (for partnership firms);
8. Certificate of Incorporation, Articles of Association & Memorandum of Association (for RJSCF enlisted companies);
9. Work permit of the foreign national/s issued by Board of Investment (for 100% foreign owned or joint venture firms);
10. VAT Registration Certificate (optional);

Contract (agreement) made between the principal and its agent/s should also contain full names of both the parties, full address with names of the countries, description of the products, rate of commission, signing and expiry date of the agreement along with other necessary information have to be provided in the agreement. Both of the parties have to sign on each page of the agreement and two sets of the above-mentioned papers should be forwarded to Bangladesh Bank.

b) For inclusion of new principal/s or renewal of approval of approved Buying Agents:

1. Application of the firm;
2. Agreement with foreign principal/s (if required);
3. Updated Trade Licence;
4. Updated work permit/s of the foreign national/s issued by Board of Investment (for 100% foreign owned or joint venture firms);
5. Bank's forwarding and applicant's application should contain Bangladesh Bank's approval number provided to the applicant.

ii) Required documents for Indenting Agents:

a) Following papers are required to be submitted for new approval

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. Indentors' Registration Certificate (IRC);
3. Membership Certificate of Bangladesh Indenting Agents' Association (BIAA);
4. VAT Registration Certificate (If applicable);

(b) For inclusion of new principal/s or renewal of approval of approved Indenting Agents:

1. Updated IRC;
2. Updated Membership Certificate of Bangladesh Indenting Agents' Association (BIAA);
3. Agreement with foreign principal/s (if required).

iii) Required documents for Local Agents:**a) For new approval of Local Agents :**

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. VAT Registration Certificate;
3. Licence related to VSAT users issued by Bangladesh Telecommunication Regulatory Commission (for VSAT);
4. Other relevant papers (if required).

(b) For renewal of approval of approved Local Agents:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence;
3. Other relevant papers (if required).

iv) Required documents for Shipping Agents:**(A) Liner Agent:****a) For new approval**

1. All papers mentioned in serial no. 1 to 8 in the clause i) (a);
2. VAT Registration Certificate;
3. Updated Shipping Licence issued by concerned Custom's House.

(b) For inclusion of new principal/s or renewal of approval of approved Shipping Agents:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence;
3. Updated Shipping Licence.

(B) Trump Vessel:

1. Application of the firm;
2. Form Annexure-2 duly filled in;

3. Updated Trade Licence;
4. Copy of appointment letter of the foreign principal/s;
5. Encashment Certificate of Inward Remittance;
6. Breakdown of disbursement;
7. Updated Shipping Licence issued by concerned Custom's House.

v) Required documents for Cargo Forwarding/Freight Forwarding Agents:

a) For new approval

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. VAT Registration Certificate;
3. Membership Certificate of ACAB/IFFAB.

(b) For renewal of approval of approved Cargo Forwarding/Freight Forwarding Agents:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence;
3. Renewed Membership Certificate of ACAB/IFFAB.

vi) Required documents for Pre-shipment Inspection Agents:

a) For new approval

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. VAT Registration Certificate.

(b) For inclusion of new principal/s or renewal of approval of approved Pre-shipment Inspection Agents:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence.

vii) Required documents for General Sales Agents:

a) For new approval

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. VAT Registration Certificate;
3. NOC of Civil Aviation Authority;
4. List of Directors;
5. Registration Certificate of Travel Agency (issued by Ministry of Civil Aviation & Tourism).

b) For inclusion of new principal/s or renewal of approval of approved General Sales Agents:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence.

viii) Required documents for Courier Services:**a) For new approval**

1. All papers mentioned in serial no. 1 to 9 in the clause i) (a);
2. VAT Registration Certificate;
3. Import & Export Registration Certificate.

b) For renewal of approval of approved Courier Services:

1. Agreement with foreign principal/s (if required);
2. Updated Trade Licence.

ix) Required documents for permission of foreign national/s to work in the branch/liaison offices of foreign owned organisations/airlines established in Bangladesh:**a) For new approval**

1. Application of the firm;
2. Form Annexure-A duly filled in;
3. Work permit of the foreign national/s issued by the Board of Investment;
4. Appointment letter of the foreign national/s;
5. Tax Clearance Certificate;
6. List of employees (mentioning date of appointment, designation & nationality).

b) For renewal of permission:

1. Renewed work permit issued by Board of Investment;
2. List of employees (mentioning date of appointment, designation & nationality). It may be mentioned that all organisations approved under section 18A must have to ensure regular submission of statement as stated in the approval letter.

x) Required documents for permission of establishing branch/liaison offices of foreign/non-resident organisations in Bangladesh under section 18B of FER Act, 1947:

a) For new approval

1. Application of the firm;
2. Form Annexure-III duly filled in and signed by authorised person;
3. Board of Directors' Resolution of the principal office/mother concern mentioning the establishment of the office in this country and the authorisation to run it, list of directors of the mother concern (mentioning name, address, & nationality), copy of Certificate of Incorporation, Memorandum and Articles of Association (attested by the Bangladesh High Commission/Embassy/Mission in the concerned country);
4. Work permit issued by Board of Investment;

b) For renewal of permission:

1. Renewed work permit issued by Board of Investment;
2. Updated list of employees (mentioning name, designation, nationality, salary & benefits and date of appointment).

xi) Required documents for permission of establishing branch/liaison offices of foreign Airlines in Bangladesh:

a) For new approval

1. Application of the firm;
2. Form Annexure-III duly filled in and signed by authorised person;
3. Work permit issued by Board of Investment;
4. NOC of Civil Aviation Authority;
5. Bank Solvency Certificate;
6. List of employees.
7. Board of Directors' Resolution of the principal office/mother concern mentioning the establishment of the office in this country and the authorisation to run it, list of directors of the mother concern (mentioning name, address, & nationality), copy of Certificate of Incorporation, Memorandum and Articles of Association (attested by the Bangladesh High Commission/Mission in the concerned country);
8. Authorisation letter to operate flights (issued by CAAB);
9. Flight Schedules (issued by CAAB).

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b) For renewal of permission:

1. Renewed work permit issued by Board of Investment;
2. Updated list of employees (mentioning name, designation, nationality, salary & benefits and date of appointment).

04. The AD branches are advised to take initiatives to improvise the skill of their concerned official/s as per the above guidelines and follow relevant rules and regulations to ensure proper adherence to the laws and practices. Concerned banks may arrange seminars/workshops for their officers to enrich their knowledge in order to avoid mistakes and wastage of time in processing and forwarding the relevant applications.

Please acknowledge receipt.

Truly yours,

Sd/-

(Md. Humayun Kabir)

Deputy General Manager

Phone : 7125024

7126101-20/2453

"ANNEXURE-II"

APPLICATION FOR PERMISSION UNDER SECTION 18A OF THE FOREIGN EXCHANGE REGULATION ACT, 1947 TO ACT OR ACCEPT APPOINTMENT AS AGENT IN BANGLADESH IN THE TRADING OR COMMERCIAL TRANSACTION OR ACCEPT APPOINTMENT AS TECHNICAL OR MANAGEMENT ADVISOR OR ANY OTHER POSITION IN BANGLADESH

1. Full name & address of the applicant. _____
2. Name/s and address/es (both present & permanent) of the Proprietor/Partners/Directors of the firms/ Companies _____
3. Nationality _____
4. Nature of business _____
5. Particulars of Government approval obtained (if any) _____
6. Full name/s and address/es of the principal/s on whose behalf or for whom the applicant intends to act or is acting as an agent or as a Technical or Management Advisor or in any other capacity _____
7. Full particulars of business arrangement for which permission is sought.
 - a) Nature of agency, such as, selling agency, buying agency, indenting agency etc. or nature of other kinds of work involved _____
 - b) Descriptions of goods involved _____
 - c) Terms of remuneration/commission etc _____
 - (d) The amount of expected earnings per annum _____
 - (e) Whether the commission/remuneration etc. will be received in Taka or in foreign exchange _____
8. Please specify whether any work has been done so far on behalf of the foreign Principal:
 - a) Name and Address of the foreign Principal _____
 - b) The amount of the agency commission/service fees etc. earned so far (In Foreign Currency/Bangladesh Taka) _____

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"ANNEXURE-II"

- c) Has the commission/remuneration (if any) earned in foreign exchange been repatriated to Bangladesh ? If so, attach bank certificates.

I/We hereby declare that the particulars given above are true & correct to the best of my/our knowledge and belief.

Place:

Date:

Stamp & Signature of the Applicant

"ANNEXURE-A"

Application under Section 18A of the Foreign Exchange Regulation Act, 1947 in respect of persons employed/to be employed in foreign firms/companies/concerns and organisations in Bangladesh

We furnish the following particulars for your permission in favour of our employees under section 18A of the Foreign Exchange Regulation Act, 1947 to work as employees in our firm/company:

1. Full name & address of the Employer :
(Firm/Company/Concern/Person etc.)

2. Particulars of Government approval if any, :
obtained for operating in Bangladesh

3. Number and date of permission obtained by :
the Firm /Company/Concern from Bangladesh
Bank Under Section 18B of the Foreign
Exchange Regulation Act, 1947 to
continue/commence operation in Bangladesh

- 4.

| Sl No. | List of employees: Pl. attach if necessary | Name | Designation | Date of appointment | Salary | Other financial benefits |
|--------|---|------|-------------|---------------------|--------|--------------------------|
| | | | | | | |

I/We hereby declare that the particulars given are true and correct to the best of our knowledge & belief.

Place:

Date

Signature and Stamp of the Applicant
Firm/Company

"Annexure-III Form"

APPLICATION FOR PERMISSION UNDER SECTION 18B OF THE FOREIGN EXCHANGE REGULATION ACT 1947 TO CARRY ON IN BANGLADESH ANY ACTIVITY OF TRADING, COMMERCIAL OR INDUSTRIAL NATURE, OR TO ESTABLISH IN BANGLADESH A BRANCH/OFFICE OR OTHER PLACE OF BUSINESS FOR CARRYING ON SUCH ACTIVITY OR TO CONTINUE THE ESTABLISHMENT OF A BRANCH/OFFICE, ETC.

-
1. (a) Full name and address of the applicant :
 - (b) Nationality :
 - (c) Place of incorporation or registration
(if the applicant is a company, partnership firm, organisation, society, etc.) :
 2. If the applicant is a company, please give the following particulars/documents :
 - (a) Authorised capital :
 - (b) Paid-up capital :
 - (i) Equity :
 - (ii) Preference :
 - (c) Name(s) and address(es) of the directors and their nationality and place of permanent residence :
 - (d) Whether any shares are held in the company by Bangladeshi Nationals, persons of Bangladesh origin or companies registered in Bangladesh, if so, please give the following information :
 - (i) Names and address of shareholder(s) :
 - (ii) Nationality :
 - (iii) No. and value of shares held:

| | | |
|---|------------|---|
| , | Equity | : |
| , | Preference | : |
 3. If the applicant is an individual, a partnership firm or an organisation not mentioned at 2 above :
 - (a) Capital investment :
 - (b) Name(s) and address(es) of owners, partners, office bearers, as the case may be :
 4. Nature of activity(ies) :
 - (a) Trading/commercial :
 - (b) Industrial/consultancy :
 5. If the applicant has already been carrying on the above activity(ies) or has established a branch(es)/office(s) or any other places of business for this purpose, please state :
 - (a) Date(s) of commencement of the activity(ies); establishment of the branch(es)/office(s), etc. :
 - b) Whether any Govt. approval has been obtained for the above, if so, attach copy of Govt's approval letter :

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"Annexure-III Form"

6. Name of the place where the activities referred
 to under item no. 4 or 5 above will be undertaken
 or where the branch offices etc., has been established
 for this purpose :
- If there are existing arrangements for representing the
 company in Bangladesh, please state the following
 particulars. :
- (a) Name(s) and address(es) of Bangladeshi
 agent(s)/representative(s) :
- (b) Nature of activities undertaken or the services
 rendered by Bangladeshi agent(s)/representative(s) :
- c) Terms of remuneration payable
 to agent (s)/representative(s) :
7. How the activities referred to under item 4 or 5
 above are being/will be financed, stating the source(s)
 of finance :
8. Whether surplus earnings, if any, in Bangladesh are
 being or intended to be remitted abroad :
9. Whether any foreign personnel are/will be employed.
 If so, a list giving the names and nationalities of such
 persons, their designation, period of employments and
 particulars of Govt. approval for their employment should
 be attached :

I/We hereby declare that the particulars given above are true and correct to the best of my/our knowledge and belief.

Place:

Date:

Stamp and Signature of the applicant
(Name and Designation of the signatory)

Foreign Exchange Policy Department

Bangladesh Bank

Head Office

Dhaka.

www.bangladeshbank.org.bd

FE Circular No.- 01

Date: February 12, 2008

All Authorised Dealers of
Foreign Exchange in Bangladesh.

Dear Sirs,

Guidelines to be followed to act as an agent (as Satellite Channel Distributor) of Foreign Principal(s) under Section 18A of Foreign Exchange Regulation Act, 1947.

It is mandatory for all resident individuals/organisations to have permission of the Bangladesh Bank under Section 18A of the Foreign Exchange Regulation Act, 1947 to act as an agent (as Satellite Channel Distributor) of Foreign Principal(s). □

□

A copy of guidelines to be followed to have such permission, renewal thereof and subsequent permission for effecting remittance outward is enclosed herewith.

□

Yours faithfully,

Encl. 04 (Four).

□

(Ahmed Ehteshamul Haider)

□

Deputy General Manager

□

Phone: 7120375

Contd.....P/2

Guidelines to be followed to act as an agent (as Satellite Channel Distributor) of Foreign Principal(s) under Section 18A of Foreign Exchange Regulation Act, 1947.

1. It is mandatory for all resident individuals/organisations to have permission of the Bangladesh Bank under Section 18A of Foreign Exchange Regulation Act, 1947 before commencing business or receiving any proposal to act as an agent (as Satellite Channel Distributor) of Foreign Principal(s). To obtain such permission, application shall have to be submitted to the General Manager, Foreign Exchange Investment Department, Bangladesh Bank alongwith the following documents:

- (a) Copy of the up to date Trade Licence issued in favour of the individual/organisation;
- (b) Copy of No Objection/Clearance Certificate issued by the Ministry of Information to remit payment in favour of foreign principal(s);
- (c) Copy of No Objection/Clearance Certificate issued by the Ministry of Information/competent government regulatory authority for importing and telecasting foreign pay channels locally and importing decoders for television signal;
- (d) Copy of the Clearance Certificate from the Office of the Chief Controller of Import and Export for import of decoders of television signal;
- (e) Copy of the Licence from BTV (STVTR and Commercial);
- (f) Copy of VAT Registration Certificate;
- (g) Copy of TIN Certificate/Tax Clearance Certificate;
- (h) Copy of Contract/Agreement signed with the foreign principal(s) (the contract/agreement shall include the date of execution of contract; rate of commission; validity of the contract/agreement; names and addresses of both the parties; name and designation of the authorised signatory on behalf of both the parties; signature of the authorised signatory of both the parties on all the pages in case the contract is of more than one page, and the term pertaining to the settlement of disputes, if arise, by the local law, etc.);
- (i) Copy of Memorandum and Articles of Association and Certificate of Incorporation in case of a limited company (certified by the Register of Joint Stock Companies and Firms) and the copy of Board resolution in favour of authorised person(s) to act on behalf of the company;

(j) Copy of Partnership Deed and letter of authority delegated to the authorised person(s) by all the partners in case of a partnership firm;

(k) Copy of contract/agreement signed with all local cable operators by the agent/distributor containing detailed information on fees:

(l) Declaration by the agent/distributor at the beginning of the year regarding maximum projected/estimated amount to be remitted in favour of the foreign principal(s) during the year. Besides, statement of income realised from the local customers on monthly basis alongwith VAT Returns stating amount and number of customers;

(m) Copy of No Objection Certificate from Bangladesh Telecommunication Regulatory Commission to use frequency for the instruments of satellite channel transmission and to use the instruments of telecommunication transmission.

2. Bangladesh Bank reserves the right to suspend/cancel the accorded permission in case any complaint is raised against the agent/distributor about his illegal, unlawful and objectionable activities and activities against the law/order or interest of the country . Besides, suspension/cancellation of the permission will be effected if it appears to the Bangladesh Bank to the effect that the concerned agent/distributor is committing immoral/illegal activities.

3. The audited financial statements of the concerned year must contain the clear information about the income received from this sector as it will be considered before allowing any outward remittance. In that case, amount determined after adjustment of commission receivable by the agent/distributor as mentioned in the contract, government tax and others, if any, from the gross income, can be remitted abroad after obtaining permission of the Bangladesh Bank. To obtain permission for remittance, the concerned authorised dealer bank shall have to submit the following documents to the Bangladesh Bank after proper scrutiny thereof:

(a) A statement containing information on monthly collection of fees by individual cable operator; government tax paid by the cable operators; amount receivable by the local agent/distributor as fees; other deductibles (if any) and amount to be remitted in favour of the foreign principal(s);

(b) Copy of permission of the Bangladesh Bank under Section 18A of the Foreign Exchange Regulation Act, 1947;

(c) Copy of the monthly statement of revenue collected from the local customers by the agent/distributor;

(d) Copy of invoice received from the foreign principal(s) (based on the statement of monthly collections);

(e) The auditors' certificate on outward remittance stating whether source tax is deductible or not, if so whether source tax at prescribed rate had been deducted or not;

(f) Copy of TIN Certificate and copy of documents pertaining to the payment of deducted income tax;

(g) An undertaking by Chief Executive of the agent/distributor (as per Appendix 5/61) to the effect that in case of excess remittance to the foreign principal(s) due to error in calculation or by mistake or otherwise, the amount so remitted will be brought back/repatriated/adjusted;

(h) Audited Balance Sheet, Profit and Loss A/C Statement and other financial statements for the year to which the remittance relates;

(i) Number of imported Decoder(s)/IRD(s) by the distributor from the principal (as per Letter of Permission from the Office of Chief Controller of Export and Import, Commercial Invoice and Packing List) and a detailed list of cable operators to whom the Decoder(s)/IRD(s) was(were) distributed.

4. Upon being satisfied about the genuineness/correctness of the documents listed above, the authorised dealer bank on behalf of the agent/distributor shall apply to the Foreign Exchange Policy Department (Remittance Section-II), Bangladesh Bank alongwith TM Form and all other necessary/relevant documents for sending remittance abroad. Remittance can only be made after obtaining approval from the above mentioned department.

5. Bangladesh Bank reserves the right to change/amend/cancel the whole or part of the guidelines from time to time.