

الممنوع من الصرف

الممنوع من الصرف هو موضوع مهم يتناول القيود والضوابط المالية التي تفرضها الحكومات على بعض المعاملات والتحويلات المالية. فهم هذا الموضوع له أهمية كبيرة للأفراد والشركات على حد سواء.

RA by Rehab Raouf

Payments Currency exchange con

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ncing of crime (esp. CFT, counter financing of
ering (AML, anti-money laundering)

nties, 2012)

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of payments and transfers for current transac
s limit their monetary sovereignty in exchange

ription) of each member is based on its size in

تعريف الممنوع من الصرف

الممنوع من الصرف هو مجموعة من القوانين والتنظيمات التي تحد من قدرة الأفراد أو المؤسسات على تحويل واستبدال العملات الأجنبية أو إرسال الأموال إلى الخارج. هذه القيود تهدف إلى الحفاظ على استقرار الاقتصاد الوطني.

أنواع الممنوع من الصرف

1

الممنوع المطلق

وهي القيود التي تحظر تماماً تحويل العملات الأجنبية وإرسال الأموال إلى الخارج.

2

الممنوع المقيد

وهي القيود التي تسمح بتحويل العملات الأجنبية والتحويلات المالية إلى الخارج ولكن بضوابط وحدود معينة.

3

الممنوع المؤقت

وهي القيود التي تُفرض بشكل مؤقت لمواجهة ظروف طارئة أو اقتصادية صعبة.

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أسباب ومبررات الممنوع من الصرف

استقرار الاقتصاد الوطني
الحفاظ على موارد العملة الأجنبية
وحماية احتياطي البنك المركزي من
النضوب.

مكافحة التهرب الضريبي
منع تهريب الأموال إلى الخارج
لتجنب دفع الضرائب.

الحفاظ على سياسة النقد
الأجنبي
السيطرة على أسعار الصرف
وتخفيض تقلبات العملة الوطنية.

الآثار السلبية للممنوع من الصرف

إعاقة التجارة الدولية

تحد القيود من قدرة الشركات على إجراء المعاملات التجارية عبر الحدود.

انتشار السوق السوداء

تشجع القيود على ظهور أسواق موازية غير رسمية للتعامل بالعملة الأجنبية.

انخفاض الاستثمار الأجنبي

تخفض القيود من جاذبية البلد للمستثمرين الأجانب.

تعقيد الإجراءات المالية

تفرض القيود إجراءات بيروقراطية معقدة على المعاملات المالية.

ضوابط وإجراءات الممنوع من الصرف

1

الموافقة المسبقة

الحصول على إذن من السلطات قبل إجراء أي معاملات مالية خاضعة للقيود.

2

التقارير والسجلات

الإلزام بتقديم تقارير دورية عن المعاملات المالية وحفظ السجلات.

3

الغرامات والعقوبات

فرض عقوبات مالية وإجراءات قانونية على من يخالف القيود.

HOW DO EXCHANGE CONTROLS WORK?

EXCHANGE CONTROL REGULATIONS ARE COMPLEX AND APPLICABLE TO A WIDE RANGE OF TRANSACTIONS. SIMPLY PUT THE CONTROLS INCLUDE:

- Limiting the amount of foreign currency that can be bought
- Obligations to convert any unused foreign currency.
- Requirements to obtain prior authorization from the SARB for certain transactions
- Bans on conversion of proceeds from certain transactions.

AUTHORIZED DEALER

An authorized dealer is a person or institution, that has been authorised by the Financial Surveillance Department of the SARB, to deal in gold or foreign exchange, for transactions relating to gold and foreign exchange. Authorized dealers are the only institutions that are allowed to facilitate any currency conversions or foreign currency transactions and they act as a means of control and recordkeeping for any forex transactions.

There are two different subcategories of authorized dealers commonly used namely ADLAs (Authorized dealers in foreign exchange with limited authority) and a restricted authorized dealer. An ADLA is authorized to deal in certain designated transactions such as travel-related transactions e.g. would be a bureau de change. A restricted authorized dealer is a person authorized to deal in forex by using a locally issued debit card for cross-border transactions.



INDIVIDUALS Single Discretionary Allowance

SINGLE DISCRETIONARY ALLOWANCE
A single discretionary allowance is a limit which refers to the amount of funds that can be taken abroad without having to apply for a tax clearance certificate that is set by the SARB.

RESIDENTS OLDER THAN 18
Residents older than 18 years old are allowed a single discretionary allowance of R1 million per calendar year.

RESIDENTS YOUNGER THAN 18
Residents under 18 years old are allowed R250,000 per calendar year.

PURPOSE STATE-DECLARED
Allowance may only be used for the purpose stated/declared when it was purchased.

PURPOSE STATE-DECLARED
Online spending towards, subscription services such as Netflix or Spotify and the importing of goods through online shopping also form part of one's single discretionary allowance.

COMPANIES Corporate transactions

FOREIGN DIRECT INVESTMENTS
SA Inc companies (including trusts and closed corporations) are allowed to make their subsidiaries foreign direct investments outside the Common Monetary Area (Botswana, Lesotho, Namibia and SA) up to the value of R1 billion per company per calendar year through an authorized dealer.

TARGET COMPANY'S VOTING RIGHTS
If a company wishes to invest more than the allowed R1 billion it must obtain at least 10% of the target company's voting rights. The company's authorized dealer will have to submit an application to the Financial Surveillance Department of the SARB for approval.

10% OF COMPANY'S VOTING RIGHTS
For example, Company A wishes to purchase a 14% stake in company B at a price of R1.7 billion. This transaction is likely to be approved by the surveillance department once it reaches the R1 billion limit due to Company A acquiring more than 10% of company B's voting rights.

INDIVIDUALS TRAVEL ALLOWANCE

If a person's allowance is to be used for travel, a passenger ticket needs to be produced.

Foreign currency for travel may not be bought more than 60 days prior to departure.

Unspent travel allowances may not be kept offshore or used to purchase foreign assets and only foreign currency that is converted to ZAR within 30 days of returning to SA.

Costs that form part of the allowance are cost of food arrangements such as hotels, cabs and train and excludes local office payments.

Cash (Rand notes) of R25,000 is allowed per person.

An individual with a R250,000 allowance is within approved from the Financial Surveillance Department through an Authorized Dealer, the same applies to those exceeding R250,000 that will be authorized by SARB.

OFFSHORE INVESTMENTS

Any taxpayer older than 18 and in good standing can invest up to R10 million outside the CMA-SARS tax compliance verification is required.

The Single Discretionary Allowance of R1 million per calendar year can be used for offshore investments without needing a SARS tax compliance verification.

If more than R10 million is to be invested an application must be submitted to the Financial Surveillance Department of the SARB.

PORTFOLIO INVESTMENTS BY INSTITUTIONAL INVESTORS

If an investment firm wishes to include foreign shares or securities in its portfolio, they will have to adhere to the prudential limit. The prudential limit determines the percentage of funds that are allowed to be invested offshore. If the funds are part of a pension fund, only 30% of the funds may be invested offshore and for a discretionary service provider only 40% of their total retail assets may be invested offshore.

Furthermore, Institutional investors are allowed to invest an additional 10% of retail assets under management offshore by investing in African countries.

Institutional

Institutional assets are defined as any assets held or managed on behalf of other institutional investors as well as assets received indirectly from institutional investors.



Retail Assets

Retail assets are defined as assets held or managed on behalf of individuals, trusts or companies. This also includes funds received indirectly through an intermediary such as an administrative FSP or discretionary FSP not registered as an institutional investor.

الاستثناءات والحالات الخاصة



التحويلات الطبية
السماح بتحويل الأموال
للعلاج الطبي في الخارج.



التعليم
السماح بتحويل الأموال
لدفع الرسوم الدراسية في
الخارج.



السياحة
السماح بتحويل مبالغ
محددة للإنفاق على السفر
والإقامة في الخارج.



الأعمال التجارية
السماح بتحويلات مالية
محددة لأغراض تجارية.

Currenc

the outflow of hard currencies (the dollar, the euro, and the yen). Usually the inflow of foreign currencies is controlled. Exchange rate controls are used to conserve foreign currency, reduce the risk of capital flight, and are particularly common in developing countries.

Repatriation of profits – restrictions on the repatriation of profits from profitable operations back to the home country.

الخاتمة والتوصيات

في الختام، يعتبر الممنوع من الصرف موضوع معقد له آثار متنوعة على الاقتصاد والمجتمع. يتطلب الأمر وضع ضوابط وإجراءات محكمة لتحقيق التوازن بين حماية الاقتصاد الوطني والحفاظ على مرونة التعاملات المالية الدولية.