

Cash and bearer instruments at the border

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Cash controls have become an important part of border enforcement in the context of anti-money laundering policy. Switzerland introduced a system in 2009 under which persons crossing the border must, on request by the customs officers, declare cash and equivalent instruments of CHF 10,000 or more, together with information on its origin, intended use and beneficial owner. The Swiss system is a disclosure system on request, which means that travellers are not obliged to declare spontaneously. The FOCBS may stop and check travellers and, if there is suspicion of money laundering or terrorist financing, may provisionally seize the cash and inform the police. The rules are found in the Customs Act and a dedicated ordinance.¹

The European Union applies a stricter model. Under Regulation 2018/1672, which has applied since 3 June 2021, every person entering or leaving the Union who carries cash of EUR 10,000 or more must declare it spontaneously. The concept of cash includes currency, bearer negotiable instruments such as cheques, commodities used as highly liquid stores of value such as gold coins and bars, and prepaid cards, which a delegated regulation has brought within the scope. Unaccompanied cash, for example in postal consignments or freight, may be subject to a disclosure obligation on request. A traveller crossing from Basel into Germany or France with EUR 10,000 or more in cash or gold therefore has a duty to declare at the German or French customs, while no spontaneous duty arises on the Swiss side.²

Violations of the declaration duty are administrative offences in Germany, punishable with significant fines. Where there are indications of money laundering, the cash may be secured. German customs regularly report seizures of large sums in trains and cars coming from Switzerland, which reflects the continuing role of cash in certain informal and criminal economies as well as the attraction of Swiss banking. The authorities do not publish case details. Many seizures turn out to involve legal funds

whose holders were unaware of the declaration duty. The practical advice for clients who move significant assets across the border is simple: declare spontaneously on the European side, document the origin of the funds and avoid splitting amounts in ways that could appear designed to evade the threshold.³

1 Notes

1. Article 95 para. 1bis CA and the Ordinance of 11 February 2009 on the Combating of Money Laundering and Terrorist Financing in Cross-Border Cash Transactions (SR 631.052); on the threshold of CHF 10,000 and the disclosure on request, see the FOCBS information on cash. To be verified. ↩
2. Regulation (EU) 2018/1672 of 23 October 2018 on controls on cash entering or leaving the Union, applicable since 3 June 2021, Articles 2, 3 and 4; Commission Delegated Regulation (EU) 2023/1514 on prepaid cards and gold commodities. To be verified. ↩
3. § 12a of the Customs Administration Act (ZollVG) and § 31a ZollVG on administrative offences; on seizures of cash at the German–Swiss border, see the press releases of the Hauptzollamt Lörrach and the annual statistics of the German customs administration. Figures to be verified. ↩

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