



UNITED STATES FORCES KOREA INSTRUCTION

FKPM

DISTRIBUTION: A

USFKI 2111.01

18 December 2024

PERSONAL PROPERTY TRANSFERS OF DUTY-FREE ITEMS

Reference(s): See Enclosure B

1. Purpose.

a. This instruction provides guidance on disposition of personal property (e.g., privately owned vehicles, household goods, materials, supplies, equipment) imported into or purchased from a United States Forces Korea (USFK) duty-free facility in the Republic of Korea. It contains policies, procedures, and documentation for implementing Article IX, paragraph 6, of the Status of Forces Agreement (SOFA) between the United States (US) of America and the Republic of Korea (ROK).

b. It further implements the agreed conditions between the US and ROK for the disposition of personal property imported into or purchased in the ROK at a USFK duty-free facility.

2. Superseded/Canceled. This instruction supersedes USFK Regulation 643-2, dated 8 November 2017.

3. Applicability. This instruction applies to all military personnel, members of the civilian component, invited contractors, technical representatives, and their dependents who are subject to the provisions of the SOFA. This instruction does not apply to personnel of the Joint United States Military Advisory Group-Korea who are subject to a separate international agreement between the US and the ROK.

4. Records Management. In accordance with the CJCSM 5760.01B Volume II, Joint Staff and Combatant Commands Records Management Manual-Disposition Schedule.

5. Policy. The transfer of duty-free goods to another person, organization, agency, or activity authorized duty-free privileges is permitted without special authorization. This type of transfer may be accomplished at any time prior to the seller/donor's permanent departure from the ROK. The 140th Joint Committee, 15 May 1981, published mutually agreed conditions for the disposition of personal property imported into or purchased in the ROK duty-free. This instruction implements those agreed conditions.

6. Responsibilities.

a. The USFK Provost Marshal will:

(1) Appoint a USFK Customs Clearance Officer (CCO), who will be a designated representative of the USFK Commander in accordance with the SOFA.

(2) Exercise staff supervision over the USFK CCO to ensure compliance with this instruction.

(3) Develop, implement and manage a flexible and effective program for the disposition of duty-free goods.

b. Component commanders will:

(1) Ensure that all members of their respective commands/organizations are aware of the contents of this instruction.

(2) Ensure that appropriate action is taken against those personnel who do not comply with this instruction when transferring or disposing of duty-free goods.

c. Area commanders and their designated responsible officers are the authorized representatives of the USFK Commander for the transfer of duty-free goods.

d. The local USFK law enforcement will comply with this instruction when assisting personnel with the sale of duty-free goods.

7. Procedures.

a. USFK members do not have unlimited privileges to transfer duty-free goods to persons or organizations not authorized duty-free privileges. The transfer of duty-free goods to persons or organizations not covered by the SOFA are categorized into two separate groups:

(1) Privately Owned Vehicles (POV) which requires duty-free goods to first be offered for sale to an organization or an individual designated and licensed by the ROK Government; and

(2) All other goods which can be offered for sale or given as a gift to any individual or organization unless prohibited in accordance with applicable directives.

b. Personnel unable to dispose of their POV prior to permanent departure from the ROK may leave the vehicle to another individual with SOFA privileges, provided a power-of-attorney is duly executed and the recipient is entitled to own or possess a SOFA registered POV.

c. When an item has a serial number or is a controlled exchange item, the transfer will be accomplished by a written document signed by the seller and buyer and countersigned by their commander/supervisors. If the transfer is by a sale, USFK Form 20-E, Bill of Sale (Enclosure A) will be used.

d. The seller will not transfer nor will the buyer take possession of the property until identities have been verified on the USFK Form 20-E by the commander/supervisor. This includes using social media to buy, sell or exchange duty-free items. Documents will be prepared and distribution made as follows:

(1) Original copy to buyer.

(2) One copy to seller.

(3) Two copies to USFK Provost Marshal, ATTN: Customs, Unit #15237, APO AP 96271-5237.

(4) Completed within five days of the transaction.

e. Article IX of the US-ROK SOFA and this instruction does not change provisions of other directives which independently govern the control and disposition of property.

f. An individual's request for approval to transfer duty-free goods must be granted by the USFK Commander or his designated representative, who will provide a copy of the approval to the Collector of Customs, ROK (Enclosure A).

g. Authority to transfer items may be granted to personnel with an estimated date of departure (end of tour) from the ROK of 130 days or less, or to personnel who have been in possession of used items for at least one year which are no longer serviceable, useful, or needed. Exception to the time limitation may be made with approval of the Minister of Finance, ROK, or designated representative.

h. Transfer to a Designated/Licensed Organization or Individual.

(1) The procedures apply to persons who desire to transfer, other than by authorized gift or donation, duty-free goods. Such goods must be offered to a designated/licensed organization or individual (licensed buyer).

(2) The licensed buyer must possess an identification card. The seller will contact the licensed buyer and negotiate the transfer price of the item.

(3) Once an agreement has been reached, the seller will prepare four copies of USFK FL 2EK-E, Request for Authority to Transfer Duty-Free Goods (see enclosure A). One copy is issued to the licensed buyer and two copies are submitted to the USFK Provost Marshal, ATTN: Customs, Unit #15237, APO AP 96271-5237. The seller's responsible officer will verify that the proposed transaction is officially authorized and

then grant the authority to transfer the item(s) to the licensed buyer. When the responsible officer certifies the transfer, one copy of the USFK FL 2EK will be endorsed and given back to the seller who will retain this approval. The responsible officer will then forward two copies of the certified USFK FL 2EK to USFK Provost Marshal Customs. Final approval/disapproval authority rests with the appropriate ROK authority.

(4) Upon receipt of the approval from the responsible officer, the seller may transfer the item(s). The licensed buyer is responsible for delivery and clearing the purchased item with Korean customs officials within 30 days of the date of transfer. The seller is not responsible for ensuring that customs duties are paid.

(5) If the licensed buyer does not purchase the item or if the item is declared unserviceable and the owner still desires to sell, the local customs office should be contacted for notification that an agreement could not be reached. The customs office will provide the name and address of the seller and the name and telephone number of the licensed buyer to the ROK Collector of Customs the same day it is received. The ROK Collector of Customs will arrange for the item to be inspected within five days at the seller's residence/office. After five days or after the item has been inspected by an ROK customs official, the seller is free to dispose of the item to any individual buyer using the procedures in paragraph j below.

i. Transfer to a Non-Designated/Licensed Organization or Individual.

(1) The seller will complete four copies of USFK FL 2EK, retain one copy, give one copy to the buyer, and forward two copies through command channels to USFK Provost Marshal, ATTN: Customs, Unit #15237, APO AP 96271-5237. The two copies sent to Customs section must be accompanied by a copy of the buyer's residence registration and seal certificate.

(2) The seller's responsible officer will verify that the proposed transaction is authorized and forward the paperwork to the USFK area customs office. The customs office will verify the proposed transaction meets the requirements contained in the SOFA and this instruction. If approved, the documents will be forwarded to the ROK Collector of Customs for final approval and determination of customs duties. If disapproved, the document will be returned to the seller with an explanation of why the transfer was disapproved.

(3) Within seven days of receipt of the documents, the ROK Collector of Customs will notify USFK customs office of approval/disapproval of the transfer agreement. If disapproved, the ROK Collector of Customs will specify the reason for disapproval. Failure to notify USFK customs office within this time period will constitute an approval of the transfer agreement.

(4) The USFK area customs office will notify the seller of the approved/disapproved USFK FL 2EK.

(5) The seller/donor may transfer the items(s) only after receiving the approved USFK FL 2EK. The buyer/receiver is responsible for paying the customs duties as assessed by the ROK Collector of Customs within 30 days of transfer. The seller/donor is not responsible for ensuring the customs duties are paid.

(6) The transfer of duty-free goods in the ROK, duties assessed to the buyer will be determined by depreciating the current market value of the item in accordance with the schedule below and multiplying the depreciated value by the appropriate customs tariff: (Depreciation rates below do not apply to privately owned vehicles or heavy equipment).

- (a) Items less than one year old - 70%.
- (b) Items between 1-2 years old - 50%.
- (c) Items between 2-3 years old - 25%.
- (d) Items between 3-5 years old - 10%.
- (e) Items more than five years old - 5%.
- (f) Items beyond useful life - 0%.

(7) At no time, in conjunction with the transfer of duty-free will customs or taxes be assessed against the seller or donor.

j. Transfer Under Special Circumstances.

(1) Bona fide gifts may be given at any time without special authorization provided the value or purpose meets the applicable definition in this instruction. Bona fide gift(s) will not exceed \$50.00 in value.

(2) Bona fide gift(s) of new or used clothing, food, or other relief items may be donated by USFK personnel or organizations to enhance the welfare of individuals or institutions, e.g., schools, orphanages, churches, hospitals, or representatives thereof, cared for by the service, charitable or relief organization. Any donated item of foreign origin exceeding \$50.00 per unit in value will be reported to the ROK Collector of Customs through USFK Provost Marshal Customs. The report will include the identity of the item(s), its value and the agency/organization to which it was donated. No duties shall be assessed to the donor of the items. If the recipient disposes of the bona fide gift, within five years, the recipient is responsible to pay custom duties on the transaction.

(3) Clothing and personal items may be furnished to domestic/personal employees to enable those employees to maintain appropriate standards of appearance, cleanliness, and neatness during the performance of their normal duties

(4) Duty-free items which have been in Korea and in the possession of the seller/donor for more than one year can be transferred without notice to the ROK Collector of Customs or his designated representative if the items are sold for less than \$50.00 or are unserviceable. However, it is recommended that the written record of the transfer (e.g., USFK FL 2EK) be maintained by the seller in order that proper disposition of the items can be shown IAW USFKI 1501.01, if requested by the unit commander or law enforcement officials.

(5) Any donated item of foreign origin not in the categories above will be reported to the ROK Collector of Customs through USFK Provost Marshal Customs. The report will include the identity of the item(s), the value and the agency/organization to which donated. No duties shall be assessed against the donor or the recipient. If the recipient disposes of the item(s) within five years, the recipient is responsible to pay customs duties.

k. Exceptions to Policy.

(1) Personnel requesting an exception to policy concerning any chapter, section or paragraph in this instruction must forward a written request through appropriate command channels, through the International Law Division, USFK Office of the Judge Advocate, and the USFK Provost Marshal Customs, to the USFK Chief of Staff for final decision. Requests for exception to policy must provide, at a minimum, justification for the exception and include appropriate compensatory measures.

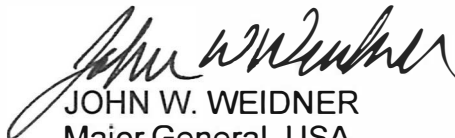
(2) Exceptions to policy approved under previous editions of this instruction will expire 90 days from the effective date of this instruction.

8. Summary of changes. Added social media sales requiring SOFA seller to verify buyer before transaction.

9. Releasability. Unrestricted. This instruction is approved for public release; distribution is unlimited. DoD components, other federal agencies, and the public may obtain copies of this instruction through the internet from the USFK home page <https://www.usfk.mil/Resources/Publications/> or on NIPRNET at <https://armyeitaas.sharepoint-mil.us/sites/USFK-RM/SitePages/USFK-Publications-&-Forms.aspx>.

10. Effective Date. This instruction is effective upon receipt.

DEC 19 2024



JOHN W. WEIDNER
Major General, USA
Chief of Staff

Enclosures:

A – Forms

B – Reference

ENCLOSURE A, FORMS

1. Forms.

a. USFK FL 2EK, Request for Authority to Transfer Duty-Free Goods.

SUBJECT: Request for Authority to transfer Duty-Free Item(s) (제목: 면세품목(복수) 양도권 신청서)

THRU (경유):

TO: Commander, United States Forces Korea, ATTN: FKPM-C, Unit #15237, APO, AP 96271-5237
(수신: 주한 미군 사령관, 참조: 군사경찰참모실 세관과, #15237, 군사우편 96271-5237)

1. I certify that (initial) (본인은 아래 사항을 확인함 (해당란):

_____ a. I am within 130 days of DEROS (end of tour) and the item(s) were originally purchased for my personal use and are no longer needed (본인은 귀국 예정일 (파견 종료 및 근무 완료) 130 일 이내에 있으며 기재된 품목들은 원래 본인의 개인 사용 목적상 매입된 것이며 더 이상 필요/사용하지 않음).

_____ b. I have been in Korea for at least one year and the item(s) were originally for my personal use and are no longer needed/serviceable (본인은 주한 복무로 1 년 이상 거주하였고 기재된 품목들은 원래 본인의 개인 사용 목적상 매입된 것이며 더 이상 필요/사용 가능하지 않음).

_____ c. Other (explain) (기타 (설명 첨부 필요): _____

2. Description (품목): Date Of Purchase (구입일자): Cost/Price (매입가격): Sale Price (매도 가격):

3. This agreement is made with the following conditions (본 합의 각서는 아래 명시된 조건하에 성립한다):

a. Seller/donor (매각자/증여자):

(1) Will forward a copy of this agreement thru his/her Commander to Commander, United States Forces Korea, ATTN: FKPM-C (본 합의 각서의 사본 1 부를 본인의 부대장을 경유 주한미군 사령관 참조: 군사경찰참모실 세관과로 제출한다).

(2) Will not transfer any of the item(s) to the buyer/donee until receipt of the approval (승인을 받을 때까지 매수자/피증여자에게 기재한 상기 품목을 양도하지 않는다).

b. Buyer/donee (매수자/피증여자는):

(1) Understands and agrees that he/she is liable for the customs duties for the item(s) (매입자/피증여자는 기재한 품목에 대한 관세지불의 책임이 있음을 이해하고 동의한다).

(2) Agrees that customs duties will be paid within 30 days of receipt of goods (관세납입은 품목인수 후 30 일 이내에 지불할 것에 동의한다).

(3) Agree that an amount of _____ may be a nonrefundable deposit which shall hold the item(s) for 30 days from the date of agreement. If the sale is disapproved the deposit will be refunded (일금 _____은 본 동의 일자로부터 30 일간 유효하여 상기 품목(들)에 대한 반환 불가능 할지도 모를 계약금 임에 동의한다. 양도가 허가 되지 않을 경우 계약금은 필히 반환된다).

4. The seller/donor and the buyer/donee agree that this document contains the details of the sale agreement between the parties (매각자/증여자 및 매수자/피증여자는 양자는 본 문서가 양자간에 요구된 세부 합의 내용 전부를 수록하고 있다는 것에 합의한다).

Seller (매각자): Unit (부대): Tel NO (전화 번호): DODID (미국방부 ID):

Buyer (매수자): Address (주소): Tel NO (전화 번호):

TO (수신): FROM (발신): DATE (일자):

The records of the member have been checks and the transfer of duty-free goods as listed above is authorized (신청인의 기록을 확인 하였으며 신청된 상기 면세 품목들의 양도를 허가함).

COMMANDER (지휘관)

TO: COLLECTOR OF CUSTOMS
REPUBLIC OF KOREA
(수신: 대한민국 관세청장)

DATE (일자):

The transfer of duty-free item(s) meets the requirements and procedures contained in the US-ROK Status of Forces Agreement and USFK Instructions (본 면세물품(들)의 양도는 대한민국-미합중국 간의 주둔군 지위협정과 주한미군 내규에서 요구된 조건과 절차에 준함).

APPROVED (승인)

TO: COMMANDER, USFK (FKPM-C) (지휘관, USFK, FKPM-C)

DATE (일자):

COMMANDER (지휘관)

INDIVIDUAL (개인)

The above listed transfer of duty-free goods is approved in accordance with the requirements and procedures contained in the agreement between the United States and the Republic of Korea under the Status of Forces Agreement (상기 면세 품목(들)의 양도는 대한민국과 미 합중국 간의 주둔군 지위 협정 하에서 요구된 제반 조건과 절차에 따라 승인 함).

If disapproved, attach reason or justification (부결시, 해당 이유 기술 첨부 필요)

APPROVED (승인)

USFK FL 2EK-E, 23 JUN 23

ALL PREVIOUS EDITIONS ARE OBSOLETE

b. USFK Form 20-E, Bill of Sale.

BILL OF SALE

Between Person/Organizations
Authorized Duty Free Import Privileges
(USFK REG 643-2)

DATE:

PRIVACY ACT STATEMENT

1. AUTHORITY: Title 10, US Code, Section 3012

2. PRINCIPAL PURPOSE: Form is used to maintain an accurate record of the transfer of duty free items between persons/organizations authorized duty free import privileges, IAW ROK/US SOFA.

3. MANDATORY OR VOLUNTARY DISCLOSURE AND EFFECT ON INDIVIDUAL NOT PROVIDING INFORMATION: Disclosure of requested information is voluntary. An individual who fails to provide requested information will not be guaranteed that Ration Control, Vehicle Registration, and other records used to account for duty free goods will be properly adjusted.

4. This agreement made this _____ day of _____ between _____ hereinafter called the seller and _____ hereinafter called the buyer, that for and in consideration in the sum of _____ the receipt of which is acknowledged, the seller does hereby sell, assign and convey unto the buyer the following items of property:

<u>QUANTITY</u>	<u>DESCRIPTION (year, Make, Model, Size, Ser. No.)</u>	<u>PRICE</u>

In witness whereof the parties have hereunto set their hands this _____ day of _____

SELLER

BUYER

(Seller's Signature)

(Buyer's Signature)

(Typed/Printed Name/Grade/SSN)

(Typed/Printed Name/Grade/SSN)

(Address to Include APO)

(Address to Include APO)

DEROS: _____

DEROS: _____

I certify that the seller personally appeared before me and that the above identification is correct.

I certify that the buyer personally appeared before me and that the above identification is correct.

(Commander/Commissioned Officer/Civilian Supervisor's
(equivalent grade) Signature)

Commander/Commissioned Officer/Civilian Supervisor's
(equivalent grade) Signature)

(Typed/Printed Name & Grade of Commander/Commissioned
Officer/Civilian Supervisor (equivalent grade))

Typed/Printed Name & Grade of Commander/Commissioned
Officer/Civilian Supervisor (equivalent grade))

NOTE: Original to buyer
Copy to seller
Two copies to HQ, USFK, ATTN: FKPM-C
Copy to USFK Vehicle Recorder (for POV sale only))

USFK FORM 20-E, 1NOV 00

PREVIOUS EDITIONS OF THIS FORM ARE OBSOLETE.

(INTENTIONALLY BLANK)

ENCLOSURE B
REFERENCES

- a. Agreement under Article IV of the Mutual Defense Treaty Between the United States of America and the Republic of Korea Regarding Facilities and Areas and the Status of United States Armed Forces in the Republic of Korea, as Amended with its Agreed Minutes and Understandings on Implementation.
- b. Joint Committee Memorandum, Review of Existing Procedures for the Disposal in the Republic of Korea of Duty-Free Goods, 140th JC, 15 May 1981, Encl 19, pp. 9789-9802.
- c. USFK Reg 27-5, Individual Conduct and Appearance.
- d. USFKI 1501.01, Exchange & Commissary Privileges, Access to Duty-Free Goods.
- e. USFK Reg 190-1, Motor Vehicle Traffic Supervision.
- f. USFKI 5210.01, USFK Customs Program.

Enclosure B

(INTENTIONALLY BLANK)

Enclosure B