

**BY ORDER OF THE COMMANDER  
UNITED STATES AIR FORCES IN  
EUROPE-AIR FORCES AFRICA**

**USAFE-AFAFRICA INSTRUCTION 51-404**

**08 JUNE 2020**

*Certified Current, 30 SEPTEMBER 2025*

**Law**

**DISPOSAL OF DUTY-FREE PERSONAL  
PROPERTY**



**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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(Ms. Daria Wollschlaeger)

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This publication implements Air Force Policy Directive 51-4, *Operations and International Law*, and the North Atlantic Treaty Organization (NATO) Status of Forces Agreement (SOFA), Article XI and Article XII. It establishes prohibitions for disposal of personal property acquired free of foreign customs taxes or import duties and provides for disciplinary and administrative action. Failure to observe prohibitions and mandatory provisions of this directive in **paragraph 1** and its subordinate clauses by military personnel is a violation of Article 92, *Uniform Code of Military Justice* (UCMJ). Violations by civilian employees may result in administrative disciplinary actions without regard to otherwise applicable criminal or civil sanctions for violations of related laws. This instruction applies to all Air Force military personnel, Department of the Air Force civilian employees, and dependents of both military and civilian personnel, who are authorized to import, purchase, acquire or possess personal property under an exemption from foreign customs taxes and import duties. This instruction does not apply to Air Force Reserve and Air National Guard members. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*, and disposed of IAW Air Force Records Information Management System (AFRIMS) Records Disposition Schedule (RDS). Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*. Compliance items in this publication are T-2. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority, utilizing guidance identified in AFI 33-360. This publication cannot be supplemented.

***SUMMARY OF CHANGES***

This change updates the reference documents. Revisions are indicated by a vertical bar [|] in the left margin.

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**1. Prohibitions.** The following acts are prohibited:

1.1. To sell, trade, transfer, give, lend, or in any way dispose of personal property imported or acquired free of foreign customs taxes or import duties to any individual or agency not authorized to import or acquire such property free of tax or duty.

1.2. To sell, trade, transfer, give, or in any way dispose of tax-free gasoline, motor oil, kerosene, or fuel oil, or coupons authorizing acquisition of any of these items, to any individual or agency not authorized to import or acquire the same free of tax.

1.3. To purchase or possess duty-free items with the intent to dispose of the items to any individual or agency not authorized to import or acquire such property free of tax or duty.

**2. Subordinate Numbered Air Force or Base Directives.** This instruction does not preclude subordinate commands from issuing implementing directives that establish reasonable limits on the quantity of items or personal property that may be purchased or acquired free of foreign customs taxes or import duties. Publish guidance according to Air Force Instruction 33-360, *Publication and Forms Management*.

JAMES H. KENNEDY III, Colonel, USAF  
Staff Judge Advocate

**Attachment 1**

**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION**

***References***

AFPD 51-4, *Operations and International Law*, 24 July 2018

AFI 33-360, *Publication and Forms Management*, 01 December 2015

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

Article 92, *Uniform Code of Military Justice (UCMJ)*

***Adopted Forms***

AF Form 847, Recommendation for Change of Publication

***Abbreviations and Acronyms***

**NATO**—North Atlantic Treaty Organization

**SOFA**—Status of Forces Agreement

**UCMJ**—Uniform Code of Military Justice