



CABINET OF MINISTERS OF UKRAINE

RESOLUTION

of September 9, 2020 No. 850

Kyiv

Some issues of financial monitoring organisation

According to Article 8 (2) (1), Article 16 (1,14), Article 25 (5) of the Law of Ukraine «On Preventing and Counteracting to the Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction», the Cabinet of Ministers of Ukraine **resolves**:

1. To approve the attached:

Procedure for submission of the information for registration (de-registration/renewal of registration) of reporting entities, registration and submission by reporting entities to the State Financial Monitoring Service of Ukraine of the information about financial transactions subject to financial monitoring, other information which might be related to legalization (laundering) of the proceeds from crime, financing of terrorism and financing proliferation of weapons of mass destruction;

Procedure for record keeping of the information on financial transactions subject to financial monitoring by the State Financial Monitoring Service of Ukraine;

Procedure for record keeping of reporting entities by the State Financial Monitoring Service of Ukraine.

2. To declare as repealed:

the Resolution of the Cabinet of Ministers of Ukraine «Some issues of financial monitoring organization» of August 5, 2015 No. 552 (Official Journal of Ukraine, 2015, No. 64, Art. 2120);

paragraph 2 of the amendments to the Resolutions of the Cabinet of Ministers of Ukraine approved by the Resolution of the Cabinet of Ministers of Ukraine of May 10, 2018 No. 343 (Official Journal of Ukraine, 2018, No. 40, Art. 1408).

3. This Resolution shall enter into force on January 1, 2021.

Prime Minister of Ukraine

D. SHMYHAL

APPROVED**by the Cabinet of Ministers of Ukraine
Resolution of September 9, 2020, No. 850****PROCEDURE****for submission of the information for registration
(de-registration/renewal) of reporting entities, registration and
submission by reporting entities to the State Financial Monitoring
Service of Ukraine of the information about financial transactions
subject to financial monitoring, other information which may be
related to legalization (laundering) of the proceeds from crime,
financing of terrorism and financing of proliferation of weapons of
mass destruction**

1. This Procedure determines the mechanism for submission by reporting entities (hereinafter - the entities) to the SFMS in accordance with the Law of Ukraine «On Preventing and Counteracting to Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction» (hereinafter – the Law) the information necessary for their registration as entities and de-registration/renewal of registration, registration and submission by entities to the SFMS of the information on financial transactions subject to financial monitoring, other information that may be related to legalization (laundering) of the proceeds from crime, financing of terrorism and financing proliferation of weapons of mass destruction (hereinafter – the information related to conducting financial monitoring).

2. This Procedure applies to all entities and separate divisions of a reporting entity, which are separate legal entities and to which a reporting entity provided permission to provide independently the information related to conducting financial monitoring (except for entities, in respect of which the National Bank of Ukraine, in accordance with Article 18 of the Law, performs the functions of state regulation and supervision).

3. The terms used in this Procedure shall have the following meaning:

visual form of a report - display by the electronic means or on paper in the form appropriate for human perception of the content of the data, contained in a report;

e-cabinet of the financial monitoring system (e-cabinet) - an electronic system of interaction between the SFMS and entities, state financial monitoring entities, law enforcement and other state authorities;

user - a person authorized by a reporting entity to exchange information with the SFMS using e-cabinet;

personal account – a private component of the e-cabinet created by the user to ensure the information exchange with the SFMS stipulated by the Law, access to

which is provided after the user passes electronic identification using an integrated electronic identification system or qualified electronic signature;

report - an electronic document (information exchange file) containing the information for registration (de-registration/renewal of registration) of reporting entity or the information related to financial monitoring provided by reporting entity to the SFMS, as well as the information which is brought to reporting entity's attention by the SFMS in accordance with the Law;

application program interface - a component of the e-cabinet, which provides automation of user interaction with the functionality of the e-cabinet.

Other terms are used in the meaning specified in the Law, the Law of Ukraine «On electronic documents and electronic document management», the Law of Ukraine «On Electronic Trust Services».

4. Reporting entity submits any information to the SFMS in electronic form to the Unified information system in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction (hereinafter – the Unified information system) using e-cabinet components: personal account or application program interface.

The deadline for submission of information in electronic form by reporting entity is the date and time of submission of the report in the personal account or in the case of using the application program interface - the date and time of formation by the SFMS of the relevant report on processing such information.

Confirmation of the fact of information submission in electronic form by reporting entity is the receipt of the relevant SFMS's notification by it.

In the case of situations leading to the impossibility of submitting of the information to the SFMS in electronic form, a reporting entity submits it in paper form by sending completed visual form of the report by post with the notification of delivery of a postal item or delivery against receipt.

Confirmation of the fact of information submission in paper form by a reporting entity is the availability of document to a reporting entity issued by the postal operator, certifying the fact of sending the relevant information with the notification of delivery of a postal item or the SFMS's mark on information receipt (indicating the date and time of its receipt).

The SFMS provides information to a reporting entity in electronic form through the e-cabinet.

In the case of situations leading to the impossibility of receiving information through the e-cabinet, - in paper form by sending a visual form of the report to the postal address of a reporting entity, which is entered by it into the e-cabinet.

The deadline for submitting of the information to a reporting entity in electronic form is the date and time of formation by the SFMS of the relevant notification, which are specified in it.

The deadline for submitting of the information to a reporting entity in paper form is the date of registration of the received notification by a reporting entity or the availability of document to the SFMS issued by the postal operator, certifying the

fact of receipt of the relevant information with the notification of delivery of a postal item.

The format, structure, details of the reports, requirements, directories for filling in them, visual form of the reports, the procedure for information interaction between a reporting entity and the SFMS, as well as the procedure for creating personal account and the access to the e-cabinet are determined by the Ministry of Finance, taking into account the requirements of the legislation on personal data protection.

5. The entities, specified in paragraphs 1-6, 8, 9, and specially designated entities that are legal entities specified in subparagraphs “a” – “c” and “f” of Article 6 (2) (7) of the Law, are registered in the SFMS as the entities, within three working days from the date of appointment of the employee responsible for financial monitoring (compliant officer), but not later than the date of conducting the first financial transaction (the date of establishing business relationship with a customer).

Specially designated entities that carry out their activities alone, without establishing a legal entity, specified in subparagraphs “a” – “c” and “f” of Article 6 (2) (7) of the Law, are registered in the SFMS as reporting entities, not later than the date of conducting of the first financial transaction (the date of establishing business relationship with a customer).

Specially designated entities specified in subparagraphs “d” - “e” and “g” - “i” of Article 6 (2) (7) of the Law, are registered in the SFMS as reporting entities, not later than the date of establishing business relationship with a customer (conducting of financial transaction) in the cases specified in Article 10 of the Law.

Reporting entities are registered by submitting to the SFMS of the information necessary for their registration.

6. The information required for registration of a reporting entity, shall obligatory contain the information on the registration of a reporting entity, its location, a compliant officer, a person who will temporarily perform the duties of a compliant officer in case of his/her absence (in case of appointment of such person), as well as separate divisions, which are separate legal entities and which have been allowed independently to submit the information related to financial monitoring.

7. The information on termination/renewal of activity, which is necessary for de-registration/renewal of the registration of a reporting entity, should obligatory contain the reasons for termination/renewal of activity.

Information on the termination of activity is submitted by a reporting entity not later than three working days from the date of occurrence of the relevant event, in particular:

- completion of the procedure for liquidation of a reporting entity with the entry of this in the Unified state register of legal entities, individuals - entrepreneurs and public formations;

- cancellation of a license and/or other documents that grant the right to a reporting entity to engage in activities, the implementation of which provides a person with the status of a reporting entity;

exclusion of a reporting entity from the register, that grants the right to engage in activities, the implementation of which provides a person with the status of a reporting entity;

decision (order) of a state authority on termination of reporting entity's activity;

adoption by a reporting entity in accordance with the constituent documents of the decision on termination of a certain type of activity, covered by the Law, in the case, when after its adoption a reporting entity does not carry out such type of activity and/or does not conduct financial transactions, continuing to engage in professional and/or economic activity.

The information on renewal of activity/certain type of activity, covered by the Law shall be submitted by a reporting entity not later than three working days from the date of occurrence of the relevant event, in particular from the date of adoption by a reporting entity in accordance with the constituent documents of the decision on renewal of activity/certain type of activity, covered by the Law.

8. In case of change of the information submitted by a reporting entity to the SFMS for its registration, a reporting entity should submit the relevant report to the SFMS within three working days from the date of such changes.

9. In case of submission of improperly executed information by a reporting entity, necessary for its registration (de-registration/renewal of registration, making changes to the information that became the basis for registration of a reporting entity), (submission of incomplete information or with mistakes), the SFMS refuses to register it and submits the relevant information to a reporting entity. In this case, a reporting entity is obliged to submit the full information and/or without mistakes within three working days from the date of receipt of the relevant report.

10. Registration by a reporting entity of financial transactions that subject to financial monitoring, other information, which may be related to financial monitoring, is carried out by entering the relevant information into the register maintained by a reporting entity.

The register shall be a consecutive set of records on financial transactions subject to financial monitoring, other information related to financial monitoring, which are formed by a reporting entity in accordance with the details specified in paragraph 12 of this Procedure.

11. The following information is entered into the register:

threshold financial transactions or an attempt to conduct them;

suspicious financial transactions (activity) or an attempt to conduct them;

refusal to establish (maintain) business relationships, conducting of financial transaction;

discrepancies between the information on the ultimate beneficial owners of a customer, which is contained in the Unified state register of legal entities, individuals - entrepreneurs and public formations, and the information on the ultimate beneficial owners obtained by a reporting entity as a result of customer due diligence;

suspension of financial transactions;

suspension of expenditure financial transactions;

freezing of assets related to terrorism and financing thereof, proliferation of weapons of mass destruction and financing thereof.

12. When entering information into the register, the following should be indicated:

serial number and registration date of information;

data on the information type;

date and time of sending information to the SFMS;

last name, first name, patronymic and position of a person who entered the information into the register;

date and time of the receipt from the SFMS the information on registration/refusal to register the information provided by a reporting entity.

13. A reporting entity ensures the registration of financial transactions and other information related to financial monitoring, in particular with the use of automation means.

Upon the decision of a reporting entity in accordance with the requirements established by state financial monitoring entities, which in accordance with the Law performs the functions of state regulation and supervision of this entity, its separate divisions, which are separate legal entities, may independently register financial transactions and other information related to financial transactions, and submit the information about them to the Unified information system by entering it into the e-cabinet.

14. The register is kept in electronic form at the location of a reporting entity.

Correction of the information entered into the register is not permitted. In case of mistake in the information entered into the register, such information is cancelled, and the corrected information is entered into the register with a new number and a new date of the registration.

15. A reporting entity submits to the SFMS the information on financial transactions and other information related to conducting financial monitoring, by entering it into the e-cabinet, in cases provided for by the Law.

16. In case of submission of improperly executed information on financial transactions and other information related to conducting financial monitoring (submission incomplete information or with mistakes), the SFMS refuses to register it and enter it into the e-cabinet and submits the relevant information to a reporting entity.

17. In case of receiving from the SFMS of the report on refusal to register the submitted information, a reporting entity is obliged to submit to the SFMS duly executed information on financial transaction or other information related to conducting of financial monitoring within three working days from the date of its receipt.

18. In case of identifying by a reporting entity, following the results of making changes to the list of persons related to terrorist activity or persons to whom international sanctions were applied, customer's identity (with whom business relationship has been established), included in the specified list, a reporting entity is obliged immediately to report the SFMS of such person.

19. In the information, provided at the request of the SFMS, a reporting entity shall indicate a list of documents (their copies) submitted.

In case of situations leading to the impossibility of submitting of the information upon the request of the SFMS in electronic form, a reporting entity sends the information in paper form by post with the notification of delivery of a postal item or delivery against a receipt.

APPROVED

**by the Cabinet of Ministers of Ukraine
Resolution of September 9, 2020, No. 850**

PROCEDURE

**for keeping records of the information on financial transactions subject to
financial monitoring by the State Financial Monitoring Service of Ukraine**

1. This Procedure determines the mechanism of keeping records of information on financial transactions subject to financial monitoring by the SFMS (hereinafter - the information on financial transactions) in accordance with the Law of Ukraine «On Preventing and Counteracting to the Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction».

2. In this Procedure, the terms are used in the meaning specified in the Law of Ukraine «On Preventing and Counteracting to the Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction» and the Law of Ukraine «On Personal Data Protection».

3. The information on financial transactions is registered by entering it into the Unified information system in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction.

4. The information on financial transactions is registered, that has been executed and submitted according to the Procedure for submission of the information for registration (de-registration/renewal of registration) of reporting entities, registration and submission by reporting entities of the information about financial transactions subject to financial monitoring, other information which might be related to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction.

5. In case of receipt of improperly executed information on financial transactions, the SFMS refuses to register it.

6. The SFMS notifies a reporting entity about registration (refusal to register) of the information on financial transactions not later than during the next working day after its receipt in electronic form, and in case of submission in paper form - no later than within the third working day after its receipt.

7. The information on financial transactions is store by the SFMS for at least five years.

After the expiration of the specified deadline, the SFMS shall extend the deadline of storage of the information on financial transaction in case such information has become the subject of financial monitoring and:

financial investigation related to such financial transaction is ongoing or was completed less than five years ago;

information on it was submitted to law enforcement and intelligence authorities as part of case referrals (additional case referrals), according to which such authorities have not made the decision or the decision was made less than five years ago;

information on it was submitted to law enforcement and intelligence authorities as part of case referrals (additional case referrals), used by the court during the adoption of the decision less than five years ago.

8. The information on financial transactions, the term of storage of which has expired, is destroyed or depersonalized (in terms of personal data) by the decision of the SFMS.

APPROVED
By the Cabinet of Ministers of
Ukraine Resolution of September 9,
2020, No. 850

PROCEDURE
for keeping records of reporting entities by the State Financial Monitoring
Service of Ukraine.

1. This Procedure determines the mechanism of keeping records of reporting entities (their separate divisions) by the SFMS, which in accordance with Article 8 (2) (1) of the Law of Ukraine «On Preventing and Counteracting to Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction» provided the information for their registration, and the mechanism of de-registration/renewal of registration of reporting entities upon their request in case of termination/renewal by them of the relevant activity or de-registration of reporting entities upon the request of state financial monitoring entities, which in accordance with the mentioned Law perform the functions of state regulation and supervision of reporting entities, or on the basis of the information of the relevant state registration authorities on cancellation of the state registration (for legal entities and individuals - entrepreneurs), or in case of the state registration of death (for individuals).

2. The terms used in this Procedure have the following meaning:

e-cabinet of the financial monitoring system (e-cabinet) - an electronic system of interaction between the SFMS and reporting entities, state financial monitoring entities, law enforcement and other state authorities;

information about a reporting entity - information about the registration of a reporting entity, its location (place of residence), a compliant officer, a person who will temporarily perform the duties of a compliant officer in case of his/her absence (in case of appointment of such person).

Other terms are used in the meaning specified in the Law of Ukraine «On Preventing and Counteracting to the Legalization (Laundering) of the Proceeds from Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction», the Law of Ukraine «On Electronic Documents and Electronic Document Management», the Law of Ukraine «On Electronic Trust Services».

3. The SFMS is keeping records of reporting entities in the Unified information system in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction (hereinafter – the Unified information system) on the basis of the information submitted and executed according to the Procedure for submission of the information for registration (ensure de-registration/renewal of registration) of reporting entities, registration and submission by reporting entities

to the State Financial Monitoring Service of Ukraine of the information about financial transactions subject to financial monitoring, other information which might be related to legalization (laundering) of the proceeds from crime, financing of terrorism and financing proliferation of weapons of mass destruction.

4. In case of receipt of improperly executed information by a reporting entity, the SFMS refuses to register it.

5. The information on a reporting entity is recorded in the Unified information system and displayed in the e-cabinet, not later than during the next working day from the date of its receipt.

6. The SFMS de-registers a reporting entity by entering the information into the Unified information system using the e-cabinet on the basis of:

request of a reporting entity in case of termination of its activity;

request of a state financial monitoring entity on termination of the relevant activity of a reporting entity with regard to which it performs the functions of state regulation and supervision (in particular, in case of cancellation of a license and/or other documents that grant the right to engage in activities, the implementation of which provides a person with a status of a reporting entity submitted in the procedure prescribed by the relevant state financial monitoring entity and the Ministry of Finance of Ukraine);

information of the relevant state registration authorities on the cancellation of the state registration (for legal entities and individuals - entrepreneurs) of a reporting entity;

information on the state registration of death (for individuals) of a reporting entity, received in the manner prescribed by the legislation;

absence in the state registers of the information on the state registration of a reporting entity or the information on the state registration of a reporting entity that has registered the relevant separate divisions;

request of a state financial monitoring entity in case of absence in the Unified information system of the information on implementation of the function of state regulation and supervision of a reporting entity by another state regulator, and in case of availability of such information - changes on termination of the function of state regulation and supervision are introduced to the information on a reporting entity in the Unified information system by the relevant state regulator.

7. The SFMS should report to the reporting entity and the state financial monitoring entity through the e-cabinet on the de-registration of the entity.

8. The information on the entity is store by the SFMS for five years after its de-registration.

9. At the end of this period, the information about the entity is destroyed, except the cases of using of information on financial transactions for the formation of case referrals.

In case, if the information on financial transactions provided by a reporting entity is used in the formed case referrals, the deadline of the information storage on a reporting entity is extended up to five years after the adoption by law enforcement

authorities or courts decisions in cases during the consideration of which case referrals have been used.