



**MINISTRY OF FINANCE OF UKRAINE
MINISTRY OF INTERNAL AFFAIRS OF UKRAINE
MINISTRY OF REVENUE AND DUTIES OF UKRAINE
SECURITY SERVICE OF UKRAINE**

ORDER

December 2, 2013

Kyiv

No. 1026/1184/739/484

Registered with the Ministry of Justice of Ukraine
on December 23, 2013 under 2170/24702

On Approving the Procedure for Provision and Review of Case Referrals

Pursuant to the Laws of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism”, “On Militia”, “On Security Service of Ukraine”, “On Operative Investigative Activities”, “On Organizational and Legal Principles of Combating Organized Crime”, “On Counterintelligence Activities”, “On Combating Terrorism”, Tax Code of Ukraine, and Code of Criminal Procedure of Ukraine

WE HEREBY ORDER:

1. Approve the attached Procedure for Provision and Review of Case Referrals.
2. Heads of the corresponding structures and territorial divisions of the Ministry of Internal Affairs of Ukraine, Ministry of Revenue and Duties of Ukraine, Security Service of Ukraine, and State Financial Monitoring Service of Ukraine shall inform their officers (employees) of this order and establish control of its implementation in accordance with the requirements of the legislation of Ukraine.
3. The Ministry of Internal Affairs of Ukraine, Ministry of Revenue and Duties of Ukraine, Security Service of Ukraine shall appoint authorized officers (employees) for organization of permanent interaction with the State Financial Monitoring Service of Ukraine on preventing and countering legalization of proceeds of crime or financing of terrorism.
4. The Department of Local Budgets, Interaction with Central Government Authorities and Regions of the Ministry of Finance of Ukraine (Kuzkin Ye.Yu.) and the Financial Investigation Department of the State Financial Monitoring Service of Ukraine (Khylyuk V.P.) shall duly submit this order for state registration to the Ministry of Justice of Ukraine.
5. This order shall become effective on the day of its official publication.

6. Declare null and void the State Financial Monitoring Service of Ukraine, State Tax Administration of Ukraine, Ministry of Internal Affairs of Ukraine, Security Service of Ukraine Orders:

of November 28, 2006 No. 240/718/1158/755 “On Approving the Procedure for Provision and Review of Case Referrals” registered with the Ministry of Justice of Ukraine on December 15, 2006 under No. 1312/13186;

of January 29, 2009 No. 11/33/24/53 “On Approving Changes to the Procedure for Provision and Review of Case Referrals” registered with the Ministry of Justice of Ukraine on March 19, 2009 under No. 258/16274;

of August 10, 2010 No. 131/595/367/439 “On Changes to the Procedure for Provision and Review of Case Referrals” registered with the Ministry of Justice of Ukraine on October 11, 2010 under No. 910/18205;

Minister of Finance of Ukraine

Yu. Kolobov

**Minister of Internal Affairs of
Ukraine**

V. Zakharchenko

**Minister of Revenue and Duties
of Ukraine**

O. Klymenko

**Head of the Security Service of
Ukraine**

O. Yakymenko

CONCURRED:

**Head of the State Financial
Monitoring Service of Ukraine**

S.H. Hurzhiy

APPROVED
Ministry of Finance of Ukraine,
Ministry of Internal Affairs of
Ukraine, Ministry of Revenue and
Duties of Ukraine, Security Service
of Ukraine Order
of December 2, 2013
No. 1026/1184/739/484

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Procedure for Provision and Review of Case Referrals

I. General provisions

1.1. This Procedure establishes the form, structure, and content of the State Financial Monitoring Service of Ukraine case referrals (hereinafter “the SFMSU”), as well as the mechanism and system for:

provision by the State Financial Monitoring Service of Ukraine of case referrals to the agencies involved in operative investigative activities and pretrial investigations (investigative divisions) and operative divisions of central offices, their structural divisions, internal affairs agencies, security agencies, agencies that control compliance with the tax legislation (hereinafter “the law enforcement agencies”), and their territorial divisions;

registration, receiving, and review of case referrals by the law enforcement agencies, their territorial divisions;

receiving of information/documents by the State Financial Monitoring Service of Ukraine on the status of case referrals review by the law enforcement agencies, their territorial divisions;

preventing disclosure of information contained in the case referrals.

1.2. For the purposes of this Procedure, the terms shall be used in the following meaning:

addenda to case referrals – copies of documents pertaining to information about financial transactions and other information related to case referrals in a written and/or electronic form (if available);

expert commission – a State Financial Monitoring Service of Ukraine commission on review of case referrals and additional case referrals prepared for submittal to the law enforcement and intelligence agencies, whose composition and

powers shall be approved by a separate State Financial Monitoring Service of Ukraine order;

provision of case referrals – actions by the State Financial Monitoring Service of Ukraine officials aimed at implementing the expert commission's decisions on submittal in due course of materials in a written and/or electronic form to the law enforcement agencies, their territorial divisions;

predicate offense – a socially dangerous unlawful action which preceded legalization (laundering) of proceeds of crime;

registration (accounting) of case referrals – assigning of a registration number to each set of case referrals by the State Financial Monitoring Service of Ukraine, as well as registration, accounting, and recording in account logs, books and Unified Pretrial Investigation Register by the law enforcement agencies and their territorial divisions;

review of case referrals – verification of the information contained in the case referrals through operative investigative activities and/or investigations by the law enforcement agencies, their territorial divisions, and decision making in line with the legislation on criminal procedure or other legal acts;

law enforcement agencies' territorial divisions – investigative and operative divisions of central offices, Ministry of Internal Affairs of Ukraine offices in the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, on transport, Security Service of Ukraine regional agencies, agencies that control compliance with the tax legislation in the Autonomous Republic of Crimea, regions, districts, cities of Kyiv and Sevastopol.

The other terms and concepts used in this Procedure shall be used in the meaning provided in the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism” (hereinafter “the Law”).

II. Preparation of Case Referrals for Submittal to the Law Enforcement Agencies

2.1. The information on the financial transaction or a combination of related financial transactions subject to financial monitoring, as well as about the client duly received by the State Financial Monitoring Service of Ukraine shall be processed and analyzed for sufficiency of grounds:

to believe that a financial transaction or combination of related financial transactions may be related to legalization (laundering) of proceeds of crime or financing of terrorism;

to suspect that a financial transaction or a client is related to an act defined in the Criminal Code of Ukraine as not related to legalization (laundering) of proceeds of crime or financing of terrorism.

If the above grounds are identified, the State Financial Monitoring Service of Ukraine shall submit the corresponding case referrals to the law enforcement agencies within the time specified in this Procedure.

2.2. The State Financial Monitoring Service of Ukraine shall prepare case referrals in a written and/or electronic form.

2.3. According to the Law, case referrals contain restricted-access information.

If case referrals have attachments containing bank, commercial, professional and insurance secret, a corresponding record shall be made in the case referrals.

2.4. Structure of case referrals:

contents;

preamble;

descriptive sections, which may include:

description of financial transactions (for the case referrals);

information on the previously submitted case referrals (for additional case referrals);

information on the status of the case referrals review by the law enforcement agencies (for additional case referrals);

additional information on financial transactions subject to financial monitoring received from the primary financial monitoring subjects (for additional case referrals);

information on suspended financial transactions;

list of documents and information additionally received from the primary financial monitoring subjects;

information on related case referrals;

additionally received information:

information on financial transaction participants;

summary;

motivated conclusion;

attachments (if available).

2.5. Case referrals shall contain the following information:

1) mandatory:

registration number, date, working name, signature of the State Financial Monitoring Service of Ukraine authorized official;

description of the essence of the financial transaction or combination of related financial transactions which may be related to legalization (laundering) of proceeds of crime or financing of terrorism, including the date and amount of the financial

transactions, their location and circumstances, relations and connections between the persons involved, or:

description of the essence of the financial transaction or combination of related financial transactions which may be related to a predicate offense, including the date and amount of the financial transactions, their location and circumstances, relations and connections between the persons involved;

description of the essence of the financial transaction or combination of related financial transactions which give grounds to suspect that a financial transaction or a client is related to committing an act defined in the Criminal Code of Ukraine as not related to legalization (laundering) of proceeds of crime or financing of terrorism, including the date and amount of the financial transactions, their location and circumstances, relations and connections between the persons involved;

description of sufficient grounds to believe that financial transactions or combination of related financial transactions may be related to legalization (laundering) of proceeds of crime or financing of terrorism, or;

description of sufficient grounds to believe that financial transactions or combination of related financial transactions may be related to a predicate offense;

description of sufficient grounds to suspect that a financial transaction or a client is related to an act defined in the Criminal Code of Ukraine as not related to legalization (laundering) of proceeds of crime or financing of terrorism;

scheme of financial transactions;

motivated conclusion to the effect that the financial transactions may be effected for legalization (laundering) of proceeds of crime or financing of terrorism, or may be effected to commit an act defined in the Criminal Code of Ukraine as related to legalization (laundering) of proceeds of crime or financing of terrorism;

2) if available:

description of indicators by which the primary financial monitoring subject detected the financial transactions subject to financial monitoring;

bank code (MFO - BIC), bank name, and identification numbers of accounts through which the financial transaction was effected;

information on identification of residents:

for a natural person – surname, first name and patronymic, birth date, Ukraine citizen's passport number (or another identification document), issuance date and name of the issuing authority, place of residence or stay, registration number of the tax payer account card / Ukraine citizen's passport number (for natural persons who refuse to accept a tax payer account card registration number on religious grounds, have informed the competent state tax authority, and have a mark in their passport);

for an individual entrepreneur – surname, first name, and patronymic, birth date, Ukraine citizen's passport number (or another identification document), issuance date and name of the issuing authority, place of residence or stay, details of

the bank where the account was opened and the bank account identification number (if available);

for a legal entity – full name and location; information on the governing bodies and their composition; identification data on the persons who have the right to administer accounts and property, information on the owners of substantial shareholding in the legal entity; information on the legal entity's controllers; Unified State Register of Enterprises and Organizations of Ukraine code;

information on identification of non-residents:

for a natural person – surname, first name and patronymic (if available), birth date, passport number (or another identification document), issuance date and name of the issuing authority, citizenship, place of residence or temporary stay in Ukraine;

b) for a legal entity – full name, location, and details of the bank where the account was opened, bank account identification number, information on the governing bodies and their composition; identification data on the persons who have the right to administer accounts and property; information on the owners of substantial shareholding in the legal entity; information on the legal entity's controllers; copies of a legalized transcript from the trade, bank, or court register, or a notarized registration certificate from an authorized foreign agency on registration of the legal entity;

information on the status of the financial transaction participant (active, restoring solvency, bankrupt, liquidated, etc.);

copies of the primary documents used as a basis for the financial transactions that became the object of financial monitoring, including the ones that contain a bank and commercial secret;

copies of applications and other documents used as a basis for opening the accounts through which financial transactions were effected;

copies of the person's passport, a card with signature samples and a power of attorney based on which the participant participated in the financial transaction that became the object of financial monitoring;

copies of the statutory documents of the legal entities involved in financial transactions;

information and copies of documents on monitoring of the turnover of the assets that may be related to legalization (laundering) of proceeds of crime or financing of terrorism;

information received from the law enforcement, intelligence, and other government agencies;

information received from other countries' financial intelligence units (provided a permission from other countries' financial intelligence units to provide such information to the law enforcement agencies and/or intelligence agencies is available);

information received from open sources (mass media, etc.);
information on previously provided case referrals related to these materials;
information on suspended financial transactions;
scheme of constituent connections;

3) if two or more indicators of financial transactions, clients are available, their description shall be formulated as a summary (total number of transactions, total amount, most substantial essence of the transaction and the main counterparties). A more detailed information shall be provided in a tabular electronic form, which is an integral addendum to the case referrals.

2.6. When formulating case referrals for analysis of financial transactions and/or if information needs to be obtained from another country's financial intelligence unit or such information needs to be provided, the State Financial Monitoring Service of Ukraine shall use the information provided by the law enforcement agencies and other government authorities (their territorial divisions) on the financial transactions suspected of being related to legalization (laundering) of proceeds of crime or financing of terrorism, and/or related to the persons subjected to international sanctions.

Territorial divisions of the law enforcement agencies shall provide such information directly to the State Financial Monitoring Service of Ukraine or through relevant structural divisions of the law enforcement agencies' central offices.

The information provided under this Clause shall contain data and details on the persons, whose list is specified in Attachment 1 to this Procedure.

If the law enforcement agency's information does not contain data and details on the persons stated in Attachment 1 to this Procedure, such information shall not be reviewed.

When providing information to the State Financial Monitoring Service of Ukraine, the law enforcement agencies shall comply with the legislative requirements on disclosure of pretrial investigation data and legislative requirements on protection of restricted-access information.

The State Financial Monitoring Service of Ukraine, if in need of approaching (submitting a request to) another country's financial intelligence unit, shall use the information provided by the law enforcement agencies, their territorial divisions on financial transactions, status of the case referrals review, criminal proceedings, including access-restricted, provided a permission from the law enforcement agency, its territorial division is available.

In absence of such a permission, the law enforcement agency's information shall not be used for approaching (submitting a request to) another country's financial intelligence unit.

If the case referrals contain information from another country's financial intelligence unit which granted permission to provide this information to a specific

law enforcement agency, such case referrals shall be provided to another law enforcement agency if a corresponding permission from another country's financial intelligence unit is available.

2.7. If the State Financial Monitoring Service of Ukraine has additional information related to the case referrals previously submitted to the law enforcement agencies and their territorial divisions, the State Financial Monitoring Service of Ukraine shall prepare additional case referrals and submit them to the corresponding law enforcement agency.

Additional case referrals (if available) shall be provided for review to the law enforcement agency, its territorial division which is reviewing the case referrals.

Additional case referrals shall be an integral part of the case referrals.

2.8. If the State Financial Monitoring Service of Ukraine has additional information on the case referrals previously submitted to the law enforcement agencies, their territorial divisions, the review of which resulted in closed operative investigative, counterintelligence cases or completed pretrial investigation, the State Financial Monitoring Service of Ukraine may prepare case referrals which are submitted for the expert commission review to make a decision on their submittal to the law enforcement agencies, their territorial divisions.

If the review of the previously provided case referrals resulted in a criminal proceeding or the case referrals are reviewed (used) in a pretrial investigation, additional case referrals shall be provided directly to the law enforcement agency unit, its territorial division which conducts criminal proceeding, unless stated by this division otherwise.

III. Provision of Case referrals by the State Financial Monitoring Service of Ukraine

3.1. The decision on availability of sufficient grounds to submit the case referrals to the law enforcement agencies shall be made by the expert commission.

3.2. Invitation to the expert commission meetings may be extended to representatives of law enforcement agencies' structural divisions tasked with preventing and countering legalization (laundering) of proceeds of crime or financing of terrorism, which shall be approved by a separate executive order of the corresponding law enforcement agency's structural division.

Representatives of the law enforcement agencies' structural divisions involved in the expert commission meetings shall be vested with consultative and advisory functions and shall have the right to:

get acquainted with brief descriptions of draft case referrals (in a tabular form) and financial transaction schemes;

make proposals on availability or absence of sufficient grounds for submittal of the case referrals to a law enforcement agency, its territorial division;

make proposals on the scope and time of finalizing the case referrals;

make proposals on identifying the law enforcement agency, its territorial division, to which the case referrals are recommended to be submitted;

provide information on the review status of the case referrals previously submitted to the law enforcement agencies;

make proposals on submittal of copies of the case referrals;

make proposals on the need to inform the law enforcement agency about submittal of the case referrals to another law enforcement agency, its territorial division, etc.

3.3. If there are sufficient grounds to believe that a financial transaction may be related to financing of terrorism, the case referrals shall be without delay submitted to the Security Service of Ukraine.

3.4. If there is information that a law enforcement agency's territorial division opened a criminal proceeding based on indicators of a predicate crime and/or legalization (laundering) of proceeds of crime, and/or financing of terrorism, the expert commission may decide to submit the case referrals related to such proceedings directly to this division.

3.5. If there is information that a law enforcement agency's territorial division is conducting operative investigative activities within the framework of an operative investigative or counterintelligence case pursuant to the Laws of Ukraine “On Operative Investigative Activities” and “On Counterintelligence Activities”, the expert commission may decide to submit the case referrals related to the case directly to this division.

3.6. If there is information that financial transactions stated in the case referrals are effected or were effected in a specific administrative territorial unit (Autonomous Republic of Crimea, region, cities of Kyiv or Sevastopol), the expert commission may decide to submit such case referrals directly to the territorial division of the law enforcement agency in this administrative territorial unit.

3.7. If there is information that the law enforcement agency's territorial division, pursuant to an investigator's, prosecutor's, investigating judge's instruction or within an investigative group, needs to take a number of investigative (search) actions or covert investigative (search) actions within a criminal proceeding launched on indicators of a predicate offense and/or legalization (laundering) of proceeds of crime, the expert commission may decide to submit the case referrals directly to the law enforcement agency's territorial division.

3.8. Only one copy of the case referrals shall be submitted to the law enforcement agency, its territorial division.

Submittal of several copies of the same case referrals or its copy to the structural divisions of one law enforcement agency, its territorial divisions, or several law enforcement agencies, their territorial divisions shall not be allowed.

Investigating divisions of the law enforcement agencies in the case of a criminal proceeding based on indicators of a predicate offense and/or legalization

(laundering) of proceeds, and/or financing of terrorism in relation to the financial transactions which are directly or indirectly related to the transactions reflected in the case referrals submitted to another law enforcement agency, its territorial division, with their agreement, shall be provided with a copy of such case referrals pursuant to the expert commission decision.

Copies of the case referrals shall be provided without agreement of another law enforcement agency, its territorial divisions in the case of a closed criminal proceeding, available court decision, or closed operative investigative or counterintelligence case based on rehabilitating grounds pursuant to the expert commission decision.

A copy of the case referrals containing information of another country's financial intelligence unit which gave permission to provide the information to a specific law enforcement agency shall not be provided to another law enforcement agency without agreement of another country's financial intelligence unit.

The document for receiving a copy of the case referrals shall be:
on the corresponding law enforcement agency's standard official letterhead;
signed by the law enforcement agency's investigating division head (or his/her deputy) and sealed with an official seal.

3.9. The time of submitting case referrals to the law enforcement agencies, their territorial divisions shall not exceed five work days from the day of the expert commission's decision.

If the State Financial Monitoring Service of Ukraine decides on further suspension of a financial transaction pursuant to Part 2, Article 17 of the Law and/or suspension of a withdrawal transaction pursuant to Part 3, Article 17 of the Law, the case referrals shall be provided to the law enforcement agencies within the time stipulated in Clause 7.3, Section VII of this Procedure.

3.10. The case referrals, additional case referrals (if available) and addenda thereto (if available) shall be submitted to the law enforcement agencies, their territorial divisions on paper and/or magnetic, and/or other material information media together with the corresponding cover letter signed by the State Financial Monitoring Service of Ukraine Head or his/her Deputy.

3.11. The cover letter shall state a short working name of the case referrals, suspicions of laundering of proceeds of crime or financing of terrorism, their registration number, availability of addenda, as well as information on the expiration day of suspension of the financial and/or withdrawal transaction if such a decision was made by the State Financial Monitoring Service of Ukraine pursuant to Part 2 and 3, Article 17 of the Law, as well as information on the previously submitted case referrals.

3.12. Copies of documents which were made available to the State Financial Monitoring Service of Ukraine after submittal of the case referrals to the law enforcement agency, its territorial division and do not contain information on new

financial transactions may be submitted to the law enforcement agency, its territorial division in a separate cover letter as addenda to the case referrals or to the additional case referrals.

Addenda (if available) to the case referrals or to the additional case referrals shall be their integral part.

3.13. A copy of the cover letter on submittal of the case referrals or additional case referrals to the law enforcement agency's territorial division shall be provided to the corresponding structural division of the law enforcement agency.

IV. Registration (Accounting) of Case referrals

4.1. Registration of case referrals and additional case referrals received from the State Financial Monitoring Service of Ukraine shall be done by the law enforcement agency, its territorial division pursuant to Ukraine's legislation, including the one regulating the procedure for using restricted-access information.

4.2. The law enforcement agency, its territorial division that received case referrals or additional case referrals, no later than within five work days of its registration (accounting), shall provide information to the State Financial Monitoring Service of Ukraine on the date and number of their registration, including in the Unified Register of Pretrial Investigations (date of adding the information, number of criminal proceeding, and preliminary legal qualification of the criminal offense with indication of the article (article part) of the Criminal Code of Ukraine).

4.3. When a law enforcement agency's structural division submits case referrals and/or additional case referrals or pretrial investigation materials conducted by its territorial division, or if the territorial division submitted them to the law enforcement agency's structural division, one copy of the cover letter and/or report (indicating the details of the cover letter and/or summarized or additional case referrals) shall be sent to the State Financial Monitoring Service of Ukraine address.

4.4. If, pursuant to legislation, case referrals and/or additional case referrals, or materials of review of case referrals are transferred from one law enforcement agency to another or to their territorial divisions, the transferring law enforcement agency (its territorial division) shall send one copy of the cover letter and/or report (indicating the details of the cover letter and summarized and/or additional case referrals) to the State Financial Monitoring Service of Ukraine address and to the corresponding law enforcement agencies' divisions.

4.5. In all the cases of transferring information and/or documents by law enforcement agencies on the results of the case referrals review, the cover letter shall mandatorily indicate the information on the case referrals, including their registration number with the State Financial Monitoring Service of Ukraine.

V. Review of Case referrals

5.1. In their review of case referrals, the law enforcement agencies, their territorial divisions shall follow the procedure stipulated in Ukraine's legislation.

5.2. Organization, review, decision making based on the information provided in the case referrals on financial transactions that may be related to legalization (laundering) of proceeds of crime or financing of terrorism shall be done by the law enforcement agencies tasked with preventing and countering legalization (laundering) or proceeds of crime or financing of terrorism.

5.3. The law enforcement agencies, their territorial divisions shall implement the received case referrals within the limits of their competence, using operative investigative measures and means, administering criminal proceedings in accordance with the procedure stipulated by the Laws of Ukraine “On Operative Investigative Activities”, “On Counterintelligence Activities” and the Code of Criminal Procedure of Ukraine.

5.4. Control of the review status and substantiation of the decisions made by the law enforcement agencies' territorial divisions based on their review of case referrals shall be effected by the law enforcement agencies' structural divisions, as well as heads of the law enforcement agencies' territorial divisions.

5.5. Case referrals containing suspicions of laundering of proceeds of crime or financing of terrorism shall be used by law enforcement agencies, their territorial divisions solely for combating legalization (laundering) of proceeds of crime or financing of terrorism.

VI. Receiving of Information and/or Documents by the State Financial Monitoring Service of Ukraine on the Status of Case referrals Review

6.1. Law enforcement agencies (their territorial divisions), within five work days of making a decision based on the case referrals review, shall provide information to the State Financial Monitoring Service of Ukraine on the List of Data on the Status of Case referrals Review by Law Enforcement Agencies (hereinafter “the List”) (Attachment 2).

6.2. To notify the primary financial monitoring subjects of the fact of a pretrial investigation - report on suspicion of a committed crime (or on the fact of a closed criminal proceeding during pretrial investigation) and to inform the primary financial monitoring subjects and state financial monitoring subjects of the court decisions on such criminal proceedings based on the primary financial monitoring reports that were submitted to the State Financial Monitoring Service of Ukraine pursuant to Articles 15, 16 of the Law, the law enforcement agencies, their territorial divisions that reviewed the case referrals shall notify the State Financial Monitoring Service of Ukraine of the fact of a commenced pretrial investigation - report on suspicion of a committed crime (or of the fact of a closed criminal proceeding during pretrial investigation), as well as on the court decisions in terms of such financial transactions using the template provided in Attachment 3 to this Procedure.

6.3. If in need of obtaining information (additional information) on the status of review of the submitted case referrals, copies of procedural documents, the State Financial Monitoring Service of Ukraine shall submit requests to the law enforcement agencies, their territorial divisions.

6.4. Law enforcement agencies (their territorial divisions), in response to the State Financial Monitoring Service of Ukraine requests, shall provide information (additional information) on the status of the case referrals review, status of the pretrial investigation, and/or corresponding copies of the procedural documents (complying with the requirements of the Code of Criminal Procedure of Ukraine).

6.5. The State Financial Monitoring Service of Ukraine and the law enforcement agencies shall reconcile the results of the review status of the submitted case referrals at least once every half-year.

The reconciliation results shall be formalized in an act using the template provided in Attachment 4 to this Procedure.

The State Financial Monitoring Service of Ukraine shall draw the act in two copies to be provided to the law enforcement agency before the 25th of the month following the reported one.

The law enforcement agency shall make a comparison and provide a signed copy of the State Financial Monitoring Service of Ukraine act within thirty days of its receipt.

In their reconciliation act, the State Financial Monitoring Service of Ukraine and the law enforcement agencies shall include information on the case referrals and additional case referrals that were submitted and received during the reported period, transferred to another law enforcement agency (its territorial division) or received from them during the reported period, information on the case referrals that have been in review for over six months and on which there is no information available on the adopted procedural decision or another decision envisaged by Ukraine's legislation.

The reconciliation act shall be signed by heads of the corresponding structural division of the law enforcement agency and the State Financial Monitoring Service of Ukraine or their deputies, approved by the Head of the State Financial Monitoring Service of Ukraine and head of the law enforcement agency or their deputies in accordance with distribution of their functional responsibilities.

6.6. The State Financial Monitoring Service of Ukraine employees on the law enforcement agency initiative shall duly participate in the measures taken by the law enforcement agencies on countering legalization (laundering) of proceeds of crime or financing of terrorism as consultants or specialists.

VII. Informing Law Enforcement Agencies on Suspension of Financial Transactions

7.1. If the State Financial Monitoring Service of Ukraine decides on further suspension of a financial transaction pursuant to the requirements of Part 2, Article 17 of the Law done by the primary financial monitoring subject pursuant to the requirements of Part 1, Article 17 of the Law and/or suspension of withdrawal financial transactions pursuant to Part 3, Article 17 of the Law, the State Financial Monitoring Service of Ukraine shall without delay, but no later than the next work

day after adoption of such a decision, inform accordingly the law enforcement agencies authorized to make decisions pursuant to the criminal procedure legislation.

If the State Financial Monitoring Service of Ukraine decides on further suspension of financial transactions (on suspension of withdrawal transactions) pursuant to the requirements of Part 2 and/or 3, Article 17 of the Law and such transactions are related to the previously submitted case referrals, such information shall be provided only to the law enforcement agency (its territorial division) which actually reviews it.

If the State Financial Monitoring Service of Ukraine decides on further suspension of financial transactions (on suspension of withdrawal transactions) pursuant to the requirements of Part 2 and/or 3, Article 17 of the Law and such transactions are not related to the previously submitted case referrals, such information shall be provided to the relevant structural divisions of the law enforcement agencies.

A list of investigative and operative divisions of central offices (at the level of main directorates, directorates) of the internal affairs agencies, security agencies, agencies effecting control over compliance with the tax legislation and tasked with preventing and countering legalization (laundering) of proceeds of crime or financing of terrorism shall be provided to the State Financial Monitoring Service of Ukraine by the law enforcement agencies.

If needed, the State Financial Monitoring Service of Ukraine may inform another structural division of the law enforcement agency.

7.2. The law enforcement agency (its structural division), having received information on the State Financial Monitoring Service of Ukraine decision pursuant to Clause 7.1 of this Section, shall without delay within two work days of its receipt provide additional information, documents (in compliance with the Code of Criminal Procedure of Ukraine) to the State Financial Monitoring Service of Ukraine containing:

information on the persons which effect or are involved in effecting of financial transactions;

information on bringing criminal charges, previous convictions in relation to the above persons, etc.

7.3. In the case of confirmed motivated suspicion, the State Financial Monitoring Service of Ukraine shall prepare case referrals related to suspension of a financial transaction and submit them to the corresponding law enforcement agency (its structural or territorial division) no later than the fifth work day after making a decision on further suspension of a transaction pursuant to Part 2 and/or 3, Article 17 of the Law.

In such case, the State Financial Monitoring Service of Ukraine shall extend suspension of the financial transaction for seven work days from the day of submittal

of the corresponding case referrals, provided the total duration of such suspension does not exceed 14 work days.

7.4. In the case of receiving a law enforcement agency (its territorial division) request in the framework of checking the previously submitted case referrals which specify the financial transactions that have indicators stipulated by Articles 15, 16 of the Law, the State Financial Monitoring Service of Ukraine may decide on suspension of withdrawal transactions on the clients' (persons') accounts pursuant to Part 3, Article 17 of the Law.

Such a law enforcement agency request shall:

be on the corresponding law enforcement agency's (its territorial division's) standard official letterhead;

be signed by the law enforcement agency's (its territorial division's) head or his/her deputy and sealed with an official seal;

contain motivated suspicions, substantiation of the need to suspend withdrawal transactions, identification data on the financial transaction participants, bank accounts and other information specified in Attachment 1 to this Procedure.

VIII. Measures to Prevent Information Disclosure

8.1. To prevent unlawful disclosure of information contained in the case referrals and additional case referrals, including during transfer and review, its disclosure and protection shall be done by the staff of the law enforcement agencies (their territorial divisions) and the State Financial Monitoring Service of Ukraine in accordance with Ukraine's legislation regulating the procedure for the use of restricted-access documents.

8.2. Law enforcement agencies, their territorial divisions shall submit information (copies of documents) stipulated in this Procedure to the State Financial Monitoring Service of Ukraine complying with the requirements of Ukraine's legislation, specifically Article 222 of the Code of Criminal Procedure of Ukraine, Laws of Ukraine “On Operative Investigative Activities” and “On Counterintelligence Activities”.

8.3. Law enforcement agencies, their territorial divisions, the State Financial Monitoring Service of Ukraine shall ensure completeness and integrity of the information received, create and maintain appropriate conditions for its storage and prevention of unlawful access.

**Acting Director of the Department of
Local Budgets, Interaction with
Central Government Authorities and
Regions**

H.B. Markovych

**Head of the Main Directorate for
Combating Organized Crime of the
Ministry of Internal Affairs of
Ukraine**

S.M. Rogozin

**Head of the Main Investigative
Directorate for Financial
Investigations of the Ministry of
Revenue and Duties of Ukraine**

A.I. Yakovynets

**Head of the Main Operative
Directorate of the Ministry of
Revenue and Duties of Ukraine**

O.A. Mandzyuk

**First Deputy Head of the Security
Service of Ukraine – Head of the
Main Directorate for Combating
Corruption and Organized Crime of
the Central Administration of the
Security Service of Ukraine**

S.P. Chernykh

**Head of the Main Directorate for
Counterintelligence Protection of
State Economics**

O.M. Bakalina

Attachment 1
to the Procedure for Provision and
Review of Case referrals
(Clause 2.6)

**List
of Data and Details of a Person Included in the Law Enforcement Agencies' Information**

1	List of Data Included in the Law Enforcement Agencies' Information
1.1	Type of financial transaction with regard to which the law enforcement agency has suspicions that it is related to
a	legalization (laundering) of proceeds of crime
b	financing of terrorism
c	persons subjected to international sanctions

1.2	Information on financial transactions stated in Clause 1.1 of this List shall be obtained during:
a	criminal proceeding based on indicators of a predicate offense
b	performance of tasks envisaged by the Laws of Ukraine “On Operative Investigative Activities” and “On Counterintelligence Activities” with the aim of searching for and recording factual data on unlawful activities of individual persons and groups punished under the Criminal Code of Ukraine by imprisonment or fine in excess of three thousand non-taxable minimum incomes of citizens (except for the actions stipulated in Articles 212 and 212 ¹ of the Criminal Code of Ukraine)
1.3	Information on the criminal proceedings, operative investigative or counterintelligence case:
1.3.1	on the criminal proceedings:
a	registration number of the application, notice on committed criminal offense, including in the Unified Register of Pretrial Investigations
b	date of the application registration, notice on committed criminal offense, including in the Unified Register of Pretrial Investigations
c	qualification of the predicate offense
d	name of the law enforcement agency, its investigative division which conducts investigation
e	brief description of the investigation background. Date, time, address, place, method, tools, means, other features of the committed crime, data on the persons suspected of committing the crime, etc.
f	established amount of material damages and/or proceeds of crime (UAH)
1.3.2	on the operative investigative case:
a	operative investigative case number
b	operative investigative case starting date
c	qualification of the predicate offense in relation to which suspicions arise
d	name of the law enforcement agency, its structural division, in charge of the operative investigative case
1.3.3	on the counterintelligence case:
a	counterintelligence case number
b	counterintelligence case starting date
c	qualification of the predicate offense in relation to which suspicions arise
d	name of the law enforcement agency, its structural division, in charge of the counterintelligence case
1.4	Description of the financial transaction suspected by the law enforcement agency of being related to legalization (laundering) of proceeds of crime or financing of terrorism, or to persons subjected to international sanctions:
a	financial transaction date
b	financial transaction amount

c	financial transaction essence
d	bank name
e	information on financial transaction participants
f	other information on the financial transaction (if available)
1.5	Grounds for substantiated suspicion that the financial transaction is related to legalization (laundering) proceeds of crime or financing of terrorism, or related to persons subjected to international sanctions
1.6	Availability of the causal connection between the facts examined in the course of the criminal proceeding, in the operative investigative or counterintelligence case and financial transaction
1.7	Mandatory identification data on the legal entities and natural persons that effected the financial transactions and may be directly or indirectly involved in legalization (laundering) of proceeds of crime or financing of terrorism:
1.7.1	for resident natural persons:
a	Surname, first name, patronymic
b	a taxpayer's account card registration number or passport series and number (for natural persons who on religious grounds refuse to accept a taxpayer's account card registration number and informed the relevant government authority accordingly)
1.7.2	for non-resident natural persons: surname, first name, patronymic (if available) (in Ukrainian and/or English)
1.7.3	for legal entities:
a	full name
b	Unified State Register of Enterprises and Organizations of Ukraine (EDRPOU) code (for residents)
c	location
2	Scope (List) of Information Required for a Request to Another Country's Financial Intelligence Unit:
2.1	Information stated in sub-Clauses 1.1 - 1.3, 1.5 and 1.6 of this List
2.2	Subject-identifying data: subject name (natural person's surname, name, patronymic and/or legal entity's name)
2.3	Financial and other transaction
a	bank name (bank SWIFT code (BIC code))
b	bank account number
c	description of the required information (request)
d	purpose of using the requested information
e	application of arrest, seizure or confiscation of property
f	amount (currency type) and/or origin of the funds
f	countries involved in the investigation

Attachment 2
to the Procedure for Provision and
Review of Case referrals
(Clause 6.1)

**List
of Data on the Status of Case referrals Review by Law Enforcement Agencies**

No.	Review stages	Information on the status of case referrals (SM) and additional case referrals (ASM) review
1	Receipt of case referrals (additional case referrals)	<ol style="list-style-type: none"> 1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals) 2. Name of the law enforcement agency (its territorial division) which received the case referrals (additional case referrals). 3. Case referrals registration date and number in the accounting log of restricted-access documents. 4. Details of case referrals registration in the Unified Register of Pretrial Investigations (date of entering the information, criminal proceeding number and preliminary law qualification of the criminal offense indicating the article (article part) of the Criminal Code of Ukraine)
2	Review pursuant to the Law of Ukraine “On Operative Investigative Activities” or the Law of Ukraine “On Counterintelligence Activities”	<ol style="list-style-type: none"> 1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals) 2. Grounds for review (Law of Ukraine “On Operative Investigative Activities” or Law of Ukraine “On Counterintelligence Activities”). 3. The number of the operative investigative or counterintelligence case and case initiation date 4. Name of the agency, its structural division which performs the review
3	When submitting the case referrals (additional case referrals) for review to another law enforcement agency, its territorial division based on belonging	<ol style="list-style-type: none"> 1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals) 2. Outgoing date and number of the law enforcement agency's, its territorial division's cover letter for the case referrals (additional case referrals), review materials (restricted access label). 3. Name of the agency (its structural division) to which the case referrals (additional case referrals) were submitted based on belonging, its location. 4. Name of the agency (structural division) to which the case referrals (additional case referrals) were submitted, its location.
4	Criminal proceedings	<ol style="list-style-type: none"> 1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals) 2. Date and number of the case referrals registration in the Unified Register of Pretrial Investigations. 3. Article of the Criminal Code of Ukraine, on indicators of which the pretrial investigation was initiated (including qualifying indicators). 4. Which agency did the registration in the Unified Register of

		<p>Pretrial Investigations (agency name).</p> <p>5. Which agency is carrying out the pretrial investigation (agency name).</p> <p>6. Pretrial investigation status (criminal proceeding is in progress, transferred by jurisdiction, investigation suspended, investigation time extended).</p> <p>7. Brief description of the investigation background.</p> <p>8. Actions on completion of the pretrial investigation (Article 283 of the Criminal Code of Ukraine).</p> <p>9. Established amount of legalized proceeds (mln UAH).</p> <p>10. Amount of the proceeds of crime arrested and/or seized during the pretrial investigation (mln UAH).</p> <p>11. Amount of cash and other property arrested and/or seized during the pretrial investigation (mln UAH).</p> <p>12. Location of the case referrals (additional case referrals) – agency, name of the account log, registration number and date, case number</p>
5	Dismissal of the criminal proceeding during pretrial investigation	<p>1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals), date.</p> <p>2. Date and number of the case referrals registration in the Unified Register of Pretrial Investigations.</p> <p>3. Article of the Criminal Code of Ukraine, on indicators of which the pretrial investigation was initiated (including qualifying indicators).</p> <p>4. Name of the agency that made the decision.</p> <p>5. Copy of the resolution on dismissal of the criminal proceeding during pretrial investigation (sent by mail).</p> <p>6. Date and number of the registration of the information on completion of the pretrial investigation in the Unified Register of Pretrial Investigations.</p> <p>7. Location of the case referrals (additional case referrals) – agency, name of the log (case), registration number and date</p>
6	Conclusion of a pretrial investigation by drawing up of an indictment and submitting it to the court	<p>1. State Financial Monitoring Service of Ukraine registration number of the case referrals (additional case referrals)</p> <p>2. Date and number of the registration of the information on completion of the pretrial investigation in the Unified Register of Pretrial Investigations.</p> <p>3. Name of the criminal proceeding and its registration number.</p> <p>4. Name of the agency that drew up the indictment.</p> <p>5. Surname, first name, patronymic of the accused.</p> <p>6. Under which articles and their parts the charges were brought (including mandatory indication of the predicate offense in relation to Article 209 of the Criminal Code of Ukraine) in terms of the accused.</p> <p>7. Established amount of legalized proceeds (mln UAH).</p> <p>8. Amount of the proceeds of crime arrested, seized during the pretrial investigation (mln UAH).</p> <p>9. Amount of cash and other property arrested and/or seized during the pretrial investigation (mln UAH).</p> <p>10. Location of the case referrals (additional case referrals) – agency, name of the log (case), registration number and date.</p>

		11. Name of the court to which the indictment was submitted, its address and case number, if available. 12. Date and registration number of the cover letter used to submit the indictment to the court
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Attachment 3
to the Procedure for Provision and
Review of Case referrals
(Clause 6.2)

**State Financial Monitoring Service of
Ukraine**

**Notification
on Adopted Procedural Decision**

(in pursuance of Clause 6.2, Section VI of the Procedure for Provision and Review of Case referrals)

No.	Financial transaction number in the case referrals	Case referrals number	Criminal proceeding number in the Unified Register of Pretrial Investigations	Date of adding the fact to the Unified Register of Pretrial Investigations			Article of the Criminal Code of Ukraine	Name of the agency that made the decision
				sending a suspicion notification	dismissal of the criminal proceedings	submitting the indictment to court		
1	2	3	4	5	6	7	8	9

Head or deputy head of the law enforcement agency's structural division /
Head or deputy head of the law enforcement agency's structural territorial division

(signature)

(surname, initials)

“ ___ ” _____ 20__

Attachment 4
to the Procedure for Provision and
Review of Case referrals
(Clause 6.5)

For internal use only
Note _____
(during filling out)

APPROVED

APPROVED

(Head of the State Financial Monitoring
Service of Ukraine or his/her deputy)

(Head of the law enforcement agency or
his/her deputy)

(signature) (initials and surname)

(signature) (initials and surname)

“ ” _____ 20__

“ ” _____ 20__

city _____

ACT
of Reconciliation on the Results of Review Status of Case referrals _____

No.	Number and date of the State Financial Monitoring Service of Ukraine cover letter	Number and date of the case referrals or additional case referrals	Type and working name of the case referrals	Date and number of registration in the Unified Register of Pretrial Investigations	Results of case referrals review (the latest decision adopted as of the report date in accordance with the legislation)
1	2	3	4	5	6

Head of the structural division
of the State Financial Monitoring Service of
Ukraine or his/her deputy

(signature)

(initials and surname)

“ ” _____ 20__

Head of the structural division
of the law enforcement agency or his/her deputy

(signature)

(initials and surname)

