



MINISTRY OF FINANCE OF UKRAINE

ORDER

05.04.2021 Kyiv No. 196

**Registered with the Ministry of
Justice of Ukraine on April 28,
2021 under No. 576/36198**

On approving Procedure for providing information on tracking (monitoring) of financial transactions

In order to ensure the implementation of the requirements of clause 13 of part two of Article 8, clause 10 of part two of Article 25 and part three of Article 31 of the Law of Ukraine “On prevention and counteraction to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction”, and to improve the procedure for providing by reporting entities at the request of the State Financial Monitoring Service of Ukraine the information on tracking (monitoring) of financial transactions of a client, whose transactions have become subject to financial monitoring,

I ORDER:

1. To approve Procedure for providing information on tracking (monitoring) of financial transactions, attached.
2. To recognize as invalid Order of the Ministry of Finance of Ukraine of December 23, 2015 No. 1168 “On approving the Procedure for providing information on tracking (monitoring) of financial transactions”, registered with the Ministry of Justice of Ukraine on January 16, 2016 under No. 80/28210.
3. Coordination and Monitoring Work Department of the Ministry of Finance of Ukraine along with Department for Financial Investigation of the State Financial Monitoring Service of Ukraine to ensure, in the manner prescribed by law, to ensure :
submission of this order for the state registration to the Ministry of Justice of Ukraine;
promulgation of this order.
4. This order shall enter into force on the day of its official publication.
5. Control over the execution of this order shall be imposed on First Deputy Minister of Finance of Ukraine D. Uliutin and Deputy Head of the State Financial Monitoring Service of Ukraine V. Zubriy.

Minister

S. Marchenko

AGREED:

Head of the National Bank of Ukraine	K. Shevchenko
Head of the National Securities and Stock Market Commission	T. Khromaiev
Deputy Managing Director of the Deposit Guarantee Fund	N. Rudukha
Head of the State Regulatory Service of Ukraine	O. Kucher
Deputy Minister of Digital Transformation	O. Borniakov
Head of the State Financial Monitoring Service of Ukraine	I. Cherkaskyi
Minister for Development of Economy, Trade and Agriculture of Ukraine	I. Petrashko
Head of the State Service for Special Communication and Information Protection of Ukraine	Yu. Shchyhol

APPROVED

Order of the Ministry of Finance of
Ukraine of April 5, 2021 No. 196

PROCEDURE
for providing information on tracking (monitoring) of financial transactions

I. General provisions

1. This Procedure is developed in order to implement the requirements of clause 13 of part two of Article 8, clause 10 of part two of Article 25 and part three of Article 31 of the Law of Ukraine “On prevention and counteraction to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction” (hereinafter – the Law), determines the mechanism for providing by a reporting entity information on tracking (monitoring) of financial transactions of a client whose transactions have become subject to financial monitoring at the request of the State Financial Monitoring Service of Ukraine.

In case of liquidation procedure in respect of a reporting entity, including declaring it bankrupt, or appointment of temporary administration, the right (function) in terms of providing information on tracking (monitoring) of financial transactions of a client whose transactions have become subject to financial monitoring by a reporting entity at the request of the SFMS, shall be borne by the liquidator (except for the Individual Deposit Guarantee Fund), an authorized person of the Individual Deposit Guarantee Fund.

2. In this Procedure the terms shall have the following meanings:

tracking of financial transactions - identification of financial transactions (attempts to conduct financial transactions) that will be carried out in the period specified in the request for information on tracking (monitoring) of financial transactions;

request for information on tracking (monitoring) of financial transactions - a document in electronic form or on paper formed and submitted by the SFMS to a reporting entity in order to obtain information on tracking (monitoring) of financial transactions (hereinafter - the request);

application - a document in electronic form (data set of the certain structure) or on paper formed by a reporting entity to increase the deadline for submission of information on tracking (monitoring) of financial transactions of a client;

information on tracking (monitoring) of financial transactions – information on financial transactions of a client identified by a reporting entity upon the request;

monitoring of conducted financial transactions - identification of financial transactions (attempts to conduct financial transactions) that have been carried out (conducted) in the period specified in the request;

objective reasons – circumstances, that do not allow a reporting entity to ensure the compliance with the deadlines, set by this Procedure for providing

information upon the request of the SFMS, namely: a significant amount of requested information, the need to copy or scan a large number of documents, obtaining data from archives, providing information in paper form, etc.;

signs under which financial transactions are tracked (monitored) - signs that determine common features of financial transactions, which are subject to financial monitoring and are related to the assets, tracking (monitoring) of which should be carried out by a reporting entity;

report on absence of financial transactions - a document in electronic form or on paper on the submission by a reporting entity, to the SFMS, the information on absence of financial transactions (attempts to conduct them) for the period specified in the request;

report on consideration of the application - a document in electronic form (data set of the certain structure) or on paper concerning the submission by the SFMS of consideration results of the application to a reporting entity;

report on financial transaction - a document in electronic form or on paper containing information on financial transaction (attempt to conduct it), which is subject to financial monitoring;

The term «government courier communication» is used in the meaning given in the Law of Ukraine “On the State Service for Special Communications and Information Protection of Ukraine”.

Other terms are used in the meanings given in the Law.

II. Tracking (monitoring) of financial transactions

1. The SFMS sends the request to a reporting entity, if the subject to financial monitoring are:

financial transaction or a totality of related financial transactions that may be associated with legalization (laundering) of the proceeds from crime, financing of terrorism or financing of proliferation of weapons of mass destruction;

financial transaction or information on a client related to the commission of a criminal offense not associated with legalization (laundering) of the proceeds from crime or financing of terrorism;

information on actions with assets related to the relevant participants of financial transactions that conduct them, provided that there are risks of using such assets for the purpose of legalization (laundering) of the proceeds from crime, financing of terrorism and/or financing of proliferation of weapons of mass destruction, and also any information on such actions or events, assets and their participants, including the one specified in the request of the authorized authority of a foreign state, in accordance with part 3 of Article 31 of the Law.

2. The request shall include the information on the client whose financial transactions are subject to tracking (monitoring), the period for which the information is to be provided, and the criteria by which a reporting entity shall provide information on financial transactions.

3. A reporting entity reports to the SFMS on tracking of financial transactions no later than the next business day after each financial transaction.

4. In case of absence of financial transactions for the tracking period specified in the request, a reporting entity shall submit to the SFMS the report of the absence of such financial transactions in the form of the file-letter with reference to the date and number of the request within a period not exceeding two business days from the end date specified in the request.

5. A reporting entity shall, within five business days from the date of receipt of the request on monitoring of the conducted financial transactions, report to the SFMS on the conducted financial transactions for which it has not previously submitted the report on financial transactions.

6. In case of absence of financial transactions for the monitoring period of conducted financial transactions specified in the request (taking into account reports of financial transactions provided earlier), the entity submits to the SFMS the report on the absence of such financial transactions with reference to the date and number of the request, in the period not exceeding two business days from the date when the request was received.

III. The procedure for submitting by a reporting entity to the SFMS of the applications for extending of the deadline for submitting of information on tracking (monitoring) of financial transactions of a client

1. If a reporting entity is unable to ensure compliance with the deadlines specified in paragraphs 3, 5 of section II of this Procedure for objective reasons, it shall submit the application to the SFMS (except for information that may be related to financing of terrorism or financing of proliferation of weapons of mass destruction, as well as information that may be related to the suspension of financial transaction (financial transactions), freezing of assets related to terrorism and financing thereof, proliferation of weapons of mass destruction and financing thereof).

A reporting entity submits the application to the SFMS no later than the next business day from the date of the request receipt.

2. The application shall contain the following information:

1) number of the request (registration in the SFMS) and the date of its receipt by a reporting entity;

2) details of a reporting entity - full name; identification code according to the USREOU; surname, name and patronymic (if any) of an individual - entrepreneur/individual, who carries out independent professional activity, registration number of the taxpayer's registration card or number (and series, if any) of passport of a citizen of Ukraine which bears the mark on refusing to accept the registration number of the taxpayer's registration card or number of passport with a record of refusing to accept the registration number of the taxpayer's registration card on the electronic contactless media, unique entry number in the Unified State Demographic Register (if any).

3) data on the objective reasons for the need to extend the deadlines for submitting information on the request;

4) deadlines required for the preparation of information for the request;

5) position, surname, name and patronymic (if any) of the person, who signs the application;

6) phone number.

The application may contain information on several requests.

3. When receiving the application for consideration, the SFMS verifies it for compliance with the established format and structure, as well as for the correctness of filling in the mandatory details specified in paragraph 2 of this section.

The applications for which the reports on the absence of mistakes have been formed are considered to be accepted for consideration.

Based on the results of verification of the information filled in the application, the SFMS shall send the corresponding report to a reporting entity.

IV. Procedure for consideration of the applications by the SFMS

1. The SFMS considers applications and takes decisions based on the results of consideration of these applications no later than the second business day from the date of receipt of the request by a reporting entity.

The application received no later than the next business day from the date of receipt of the request by a reporting entity is accepted for consideration.

The SFMS refuses to consider the application on the merits and submits to a reporting entity the report on consideration of the application if:

the application was received after the end of the next business day from the date of receipt of the request by a reporting entity;

The request to a reporting entity, on the basis of which the application was received, was sent regarding information that may be related to financing of terrorism or financing of proliferation of weapons of mass destruction, as well as information that may be related to suspension of financial transaction (financial transactions), freezing of assets related to terrorism and financing thereof, proliferation of weapons of mass destruction and financing thereof.

2. The SFMS approves the extension of the deadlines necessary for a reporting entity to submit information upon the request following the results of the analysis of the objective reasons mentioned in application of a reporting entity and taking into account the urgency of obtaining such information to ensure quality and timely performance of tasks and functions assigned to the SFMS.

3. Following the results of consideration of applications, the SFMS takes the decision and submits to a reporting entity the report on consideration of the application, which indicates the results of the SFMS decision taken concerning the agreement on the deadlines for submission of information on tracking (monitoring) of financial transactions of a client.

The specified report on consideration of the application shall be sent to a reporting entity on the day of the decision, but not later than the second business day from the date of receipt of the request by a reporting entity.

V. Exchange of information between the SFMS and a reporting entity

1. A reporting entity submits information on tracking (monitoring) of financial transactions to the SFMS in the form of reports on financial transactions.

2. Information exchange in accordance with this Procedure is carried out in electronic form in compliance with the requirements of the Law of Ukraine “On Information Protection in Information and Telecommunication Systems”.

3. The date and time of receipt by the SFMS of reports on financial transactions, reports on the absence of financial transactions or application is the date and time of its receipt at the address of the SFMS.

In case of situations that lead to the impossibility of submitting to the SFMS of the reports on financial transactions, reports on the absence of financial transactions or applications in electronic form, they are formed and submitted in encrypted form on removable media (CD, DVD, Flash-media) along with the supporting letter (for reporting entities-banks) or in paper form by registered letter with acknowledgement of delivery or by courier or government courier communication (for other reporting entities).

The date and time of receipt of reports on financial transactions, reports on the absence of financial transactions or the application in paper form from a reporting entity is the mark of the SFMS on the time and date of the receipt thereof.

As an exception, reports on financial transactions, reports on the absence of financial transactions or the application may be sent by facsimile, followed by sending to the SFMS the original report on financial transactions, report on the absence of financial transactions or the application in paper form.

The date and time of receipt by the SFMS of reports on financial transactions, report on the absence of financial transactions or the application by facsimile, are the date and the time indicated in the report on sending fax.

The procedure for providing such information should ensure its delivery and confidentiality.

The template of the application for extension of the deadline for submitting of information on tracking (monitoring) of financial transactions of a client for the submission in paper form is given in Annex 1 to this Procedure.

4. The date and time of the receipt of the request and report on consideration of the application is the date and time of their receipt at the address of a reporting entity.

For reporting entities-banks, the date and time of the receipt of the request and the report on consideration of the application is the date and time specified in the regulations of the National Bank on financial monitoring.

If the request was received by a reporting entity after the end of the business day of a reporting entity, the day of the receipt of the request by a reporting entity is the next business day of a reporting entity.

In case of situations that make it impossible for the SFMS to send to a reporting entity the relevant request or the report on consideration of the application in electronic form, the relevant request or report is sent in paper form by the

registered letter with the acknowledgement of delivery or by courier or government courier communication.

The date and time of the receipt of the relevant request or report on consideration of the application in paper form shall be the mark of a reporting entity on the time and date of its receipt.

As an exception, the request or report on consideration of the application may be sent by facsimile by number specified in application, followed by sending it by the registered letter with the acknowledgement of delivery.

The date and time of the receipt of the request or report on consideration shall be the date and time specified in the report on fax sending.

The template on consideration of the application for extension of the deadline for submitting of information on tracking (monitoring) of financial transactions of a client for the submission in paper form is provided in Annex 2 to this Procedure.

5. Addresses of information submitting in electronic form and the structure of information exchange files with reporting entities are determined by the relevant regulations of the National Bank, the Ministry of Finance, agreed with the SFMS and other state financial monitoring entities, which regulate and supervise reporting entities in accordance with the requirements of part 1 of Article 18 of the Law.

**Director of Coordination and
Monitoring Work Department**

Yurii KONIUSHENKO

Annex 1
to Procedure for providing
information on tracking
(monitoring) of financial
transactions
(clause 3 of Section V)

**Template
of the application for extending deadline for submitting information on
tracking (monitoring) of financial transactions of a client**

Request data	number of the request for information on tracking (monitoring) of financial transactions (registration in the SFMS)	
	date of the request receipt	
Information on a reporting entity	full title/ surname, name and patronymic (if any) of individual - entrepreneur/individual conducting independent professional activity	
	identification code according to the USREOU; registration number of the taxpayer's registration card or number (and series, if any) of passport of the citizen of Ukraine which bears the mark on refusing to accept the registration number of the taxpayer's registration card or number of passport with a record of refusing to accept the registration number of the taxpayer's registration card on the electronic contactless media, unique entry number in the Unified State Demographic Register (if any).	
Information on filling in the application	data on the objective reasons for the need to extend the deadlines for submitting information on the request (the number of financial transactions for which it is necessary to report, the amount of information that requires the need to copy or scan a significant number of documents, obtain data from archives, provide information in paper form, etc.)	
	deadlines required to prepare information on request	

	position, surname, name and patronymic (if any) of the person, who signs the application	
	phone number	

Annex 2
to Procedure for providing
information on tracking
(monitoring) of financial
transactions
(clause 4 of Section V)

**Template
of the report on consideration of the application for extending the deadline for
submitting information on tracking (monitoring) of financial transactions of a
client**

Request data	number of the request for information on tracking (monitoring) of financial transactions (registration in the SFMS)	
	date of the request receipt	
Information on a reporting entity	full title/ surname, name and patronymic (if any) of individual - entrepreneur/individual conducting independent professional activity	
	identification code according to the USREOU; registration number of the taxpayer's registration card or number (and series, if any) of passport of the citizen of Ukraine which bears the mark on refusing to accept the registration number of the taxpayer's registration card or number of passport with a record of refusing to accept the registration number of the taxpayer's registration card on the electronic contactless media, unique entry number in the Unified State Demographic Register (if any).	
A decision made by the SFMS	Agreed (*)/refused to consider the application on the merits (**)	

*

date of a decision taken	
the number of additional business days agreed for the execution of the request	
the deadline for the execution of the request	

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the application was received after the end of the next business day from the date of receipt of the request by the reporting entity	
The request to the entity, on the basis of which the application was received, was sent regarding information that may be related to financing of terrorism or financing of proliferation of weapons of mass destruction, as well as information that may be related to suspension of financial transaction (financial transactions), freezing of assets related to terrorism and financing thereof, proliferation of weapons of mass destruction and financing thereof.	