



MINISTRY OF FINANCE OF UKRAINE

ORDER

12/23/2015

Kyiv

No. 1168

Registered with the Ministry of Justice of Ukraine
on January 16, 2016 under 80/28210

On Approving the Procedure for Provision of Information on Monitoring of Financial Transactions

To ensure implementation of the requirements set forth in Clause 11, Part 2, Article 6; Clause 10, Part 2, Article 18; and Part 3, Article 23 of the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction” and to improve the procedure of providing information by the primary financial monitoring subject in response to the State Financial Monitoring Service of Ukraine request on monitoring of financial transactions of a client, whose transactions have become an object of financial monitoring,

I HEREBY ORDER:

1. Approve the attached procedure for provision of information on monitoring of financial transactions.
2. Declare null and void the Ministry of Finance of Ukraine Order of April 2, 2012, No. 423 “On Approving the Procedure for Provision of Information on Monitoring of Financial Transactions” registered with the Ministry of Justice of Ukraine on April 23, 2012 under No. 601/20914.
3. The Department of Tax, Customs Policy, and Accounting Methodology of the Ministry of Finance of Ukraine (Chmeruk M.O.) together with the Financial Investigation Department of the State Financial Monitoring Service of Ukraine (Khylyuk V.P.) shall duly ensure:
 - submittal of this order for state registration to the Ministry of Justice of Ukraine;
 - publication of this order.
4. This order shall become effective on the day of its official publication.
5. Control of this order implementation shall be imposed on the Deputy Minister of Finance of Ukraine, Makeyeva O.L., and the Deputy Head of the State Financial Monitoring Service of Ukraine, Zubriy V.P.

Minister

N. Jaresko

CONCURRED:

**Minister of Economic Development
and Trade of Ukraine**

A. Abromavičius

Minister of Infrastructure of Ukraine

A. Pyvovarskyi

**First Deputy Head
of the National Bank of Ukraine**

O.V. Pysaruk

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

I. Cherkaskyi

**Head of the State Commission for
Regulation of Financial Services
Markets**

I. Pashko

**Head of the National Securities and
Stock Market Commission**

T.Z. Khromayev

**Head of the State Communications
and Data Protection Service of
Ukraine**

V.P. Zverev

**Head of the State Regulatory Service
of Ukraine**

K.M. Lyapina

APPROVED

**Ministry of Finance of
Ukraine Order
of December 23, 2015,
No. 1168**

**Registered
with the Ministry of Justice
of Ukraine on January 16,
2016 under No. 80/28210**

**Procedure for Provision of Information on Monitoring of Financial
Transactions**

I. General provisions

1. The procedure determines submittal of information by the primary financial monitoring subject (hereinafter “the subject”) in response to the State Financial Monitoring Service of Ukraine request (hereinafter “the SFMSU”) on monitoring of financial transactions of a client, whose transactions have become an object of financial monitoring, and the form, contents, and method of submitting a request on provision of financial transaction monitoring information and receiving information in response to such a request.

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

request on provision of financial transaction monitoring information (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) is a documentary State Financial Monitoring Service of Ukraine request to a subject for information on monitoring of financial transactions (hereinafter “the Request”);

completed financial transactions (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) are financial transactions (attempted financial transactions) carried out in the period preceding the date of the subject's receiving the Request;

financial transaction monitoring information (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) is the information on a client's financial transactions identified by the subject in response to the Request;

objective reasons are circumstances preventing subjects from meeting the deadlines set forth in the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction” (hereinafter “the Law”) on provision of information in response to the State Financial Monitoring Service of Ukraine request, namely: significant scope of requested information, need to copy or scan a significant number of documents, obtaining data from archives, provision of information as hard copies, etc.;

financial transaction monitoring indicators are indicators which determine common features of financial transactions subject to financial monitoring and related to the funds, property, property and non-property rights to be monitored by the subject;

financial transactions to be completed (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) are financial transactions (attempted financial transactions) carried out in the period stated in the Request, which cannot exceed thirty calendar days of the subject's receiving the Request.

Other terms shall be used in the meaning provided in the Law.

II. Monitoring of Financial Transactions

1. The State Financial Monitoring Service of Ukraine shall submit its Request to the subject if the financial monitoring object is:

a financial transaction or combination of related financial transactions which may be related to legalization (laundering) of proceeds of crime or financing of terrorism, or financing of proliferation of weapons of mass destruction;

financial transaction(s) or a client related to a socially dangerous act defined in the Criminal Code of Ukraine as a crime not related to legalization (laundering) of proceeds of crime or financing of terrorism, or financing of proliferation of weapons of mass destruction;

information on actions with assets related to relevant financial transaction participants who effect them, provided there are risks of using such assets for legalization (laundering) of proceeds of crime or financing of terrorism, or financing of proliferation of weapons of mass destruction, as well as any other information on such actions or events, assets and their participants, including the one indicated in a request from an authorized foreign agency pursuant to Part 3, Article 23 of the Law.

2. The Request shall indicate the client, whose financial transactions are to be monitored, the period for which the information is to be provided, and may state the indicator for which the subject should provide financial transaction information.

3. The Subject shall inform the State Financial Monitoring Service of Ukraine on the financial transactions (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) to be effected during the period stated in the Request, no later than the next work day after effecting of each financial transaction, except for transactions which it has to report under the Law and within the time set by the Law.

4. If the Request is submitted on provision of information on completed financial transactions over a period not exceeding one hundred and eighty calendar days, the State Financial Monitoring Service of Ukraine shall state the indicators for which the subject should provide the financial transaction information.

5. If the Request is submitted on provision of information on completed financial transactions over a period which exceeds one hundred and eighty calendar days, the State Financial Monitoring Service of Ukraine shall state the indicators for financial transaction monitoring.

6. The Subject shall inform the State Financial Monitoring Service of Ukraine on the completed financial transactions (except for financial transactions related to payment of salaries, payment of national and local taxes and dues) which have not been reported.

7. If the information on the financial transactions for the period stated in the Request is absent, the subject shall submit to the State Financial Monitoring Service of Ukraine a Reference Note on absence of such financial transactions referencing the Request date and number. The said Reference Note on absence of such financial transactions referencing the date and number of the Request on provision of

information on financial transactions to be effected shall be submitted within the time not exceeding five work days of the end of the period specified in the Request.

The Reference Note in response to the Request for information on the completed financial transactions shall be provided within the time not exceeding five work days of the subject's receiving the Request.

III. Requirements to the Form, Content, and Method of Submitting the Request and Information in Response to such a Request

1. The information on financial transaction monitoring shall be submitted to the State Financial Monitoring Service of Ukraine in the form of reports.

2. The State Financial Monitoring Service of Ukraine shall submit its Request to the subject using the following method:

to a bank subject (foreign bank branch) – electronically through the National Bank of Ukraine email or in a letter on the State Financial Monitoring Service of Ukraine letterhead signed by the Head of the State Financial Monitoring Service of Ukraine or his/her deputy, or Director of the Financial Investigation Department using the form provided in Attachment 1 of this Procedure sent by registered mail with a delivery slip or by express delivery or courier mail. The date and time of the bank subject's (foreign bank branch's) receipt of the Request shall be the time and date of the file receipt on the National Bank of Ukraine email hub or the time and date indicated on the delivery slip, or a bank (foreign bank branch) stamp with the time and date of receiving the State Financial Monitoring Service of Ukraine Request;

to a non-banking financial institution subject – electronically by protected email (provided there is electronic information exchange with the State Financial Monitoring Service of Ukraine) or in a letter on the State Financial Monitoring Service of Ukraine letterhead signed by the Head of the State Financial Monitoring Service of Ukraine or his/her deputy, or Director of the Financial Investigation Department using the form provided in Attachment 1 of this Procedure sent by registered mail with a delivery slip or by express delivery or courier mail. The date and time of the non-banking financial institution subject's receipt of the Request shall be the time and date of file receipt on the subject's email hub or the time and date indicated on the delivery slip, or a non-banking financial institution's stamp with the time and date of receiving the State Financial Monitoring Service of Ukraine Request.

If the Request was received by the subject after close of business, the date of the subject's receipt of the Request shall be the subject's next work day.

3. The response to the Request or a Reference Note on absence of financial transactions for the period stated in the Request (hereinafter “the Reference Note”) shall be submitted to the State Financial Monitoring Service of Ukraine using the following method:

by a bank subject (foreign bank branch) – electronically through the National Bank of Ukraine email or in a letter signed by the subject's head or responsible agent and sent by registered mail with a delivery slip or by express delivery or courier mail. The date and time of the State Financial Monitoring Service of Ukraine receipt of the response/Reference Note to the Request shall be the time and date of the file receipt on the National Bank of Ukraine email hub or the time and date indicated on the delivery slip, or a State Financial Monitoring Service of Ukraine stamp with the time and date of receiving the response;

by a non-banking financial institution subject – electronically by protected email (provided there is electronic information exchange with the subject) or in a letter signed by the subject's head or responsible agent and sent by registered mail with a delivery slip or by express delivery or courier mail. The date and time of the State Financial Monitoring Service of Ukraine receipt of the response/Reference Note to the Request shall be determined based on the State Financial Monitoring Service of Ukraine email protocols or time and date indicated on the delivery slip, or a State Financial Monitoring Service of Ukraine stamp with the time and date of receiving the response.

IV. Procedure for Submittal of Applications for Extension of the Requested Information Provision Time by the Subject to the State Financial Monitoring Service of Ukraine

1. If the subject has no possibility of meeting the deadline for objective reasons stipulated by Items 3 and 6, Section II of this Procedure, s/he shall submit to the State Financial Monitoring Service of Ukraine an application on extending the time for provision of the requested information (hereinafter “the application”) (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 suspension of a financial transaction(s)).

2. The application shall be submitted to the State Financial Monitoring Service of Ukraine no later than 14 hours of the second work day of receiving the request.

3. The subjects shall submit the application to the State Financial Monitoring Service of Ukraine using the following method:

1) by bank subjects (foreign bank branches) – electronically through the National Bank of Ukraine email to the State Financial Monitoring Service of Ukraine email address sdfm@u0qm, and in situations which make it impossible to electronically submit the application to the State Financial Monitoring Service of Ukraine through the National Bank of Ukraine email – by registered mail with a delivery slip or by express delivery or courier mail.

The date and time of the State Financial Monitoring Service of Ukraine receiving the application shall be the date and time of the application arrival at the State Financial Monitoring Service of Ukraine email hub of the National Bank of Ukraine, and if sent by registered mail with a delivery slip or by express delivery or

courier mail – a State Financial Monitoring Service of Ukraine stamp with the time and date of receiving the application from the bank (foreign bank branch);

2) by non-banking financial institution subjects:

by fax to the number shown in the request with subsequent submittal to the State Financial Monitoring Service of Ukraine of the original application by registered mail with a delivery slip. The date and time of the State Financial Monitoring Service of Ukraine receipt of the application shall be the date and time shown in the fax report;

by protected email (provided there is electronic information exchange with the State Financial Monitoring Service of Ukraine) with subsequent submittal to the State Financial Monitoring Service of Ukraine of the original application by registered mail with a delivery slip. The date and time of the State Financial Monitoring Service of Ukraine receipt of the application from a non-banking institution shall be determined based on the State Financial Monitoring Service of Ukraine email protocols;

by email to the address zayava@sdfm.gov.ua with subsequent submittal to the State Financial Monitoring Service of Ukraine of the original application by registered mail with a delivery slip. The date and time of the State Financial Monitoring Service of Ukraine receipt of the application from a non-banking institution shall be determined based on the State Financial Monitoring Service of Ukraine email protocols;

in situations which make it impossible to electronically submit the application to the State Financial Monitoring Service of Ukraine by fax or email – by registered mail with a delivery slip or by express delivery or courier mail. The date and time of receiving the application from a non-banking financial institution subject shall be a State Financial Monitoring Service of Ukraine stamp with the time and date of its receipt.

4. The application shall contain the following information:

1) subject's details – full name, Unified State Register of Enterprises and Organizations of Ukraine (EDRPOU) identification code; individual entrepreneur's surname, first name, patronymic, taxpayer's account card registration number (or identification number from the State Register of Individual Taxpayers) or the Ukraine citizen's passport number (and series if available), which has a stamp on refusal to accept the Ukrainian taxpayer's account card registration number, or the number of a passport with a record on refusal to accept the Ukrainian taxpayer's account card registration number on an electronic contactless medium; subject's account identifier; contact phone/fax number;

2) Request date and number (State Financial Monitoring Service of Ukraine registration);

3) the number of financial transactions, information on which the subject has to submit to the State Financial Monitoring Service of Ukraine in the form of reports due to Request implementation;

4) Request receiving date and time;

5) information on objective reasons requiring extended time for submitting information in response to the Request (number of financial transactions on which the response has to be provided, volume of information which requires scanning, etc.);

6) time required to prepare the information in response to the Request;

7) position, surname, first name, and patronymic of the person who signed the application.

If the Request date does not match its receiving date, the subject may provide additional information confirming the Request receiving date (if available).

The application may contain information on several Requests.

A sample application for extended time for submittal of the requested information on financial transaction monitoring is provided in Attachment 2 to this Procedure.

5. Should the subject fail to meet the requirements set forth in Clause 4 of this Section, the State Financial Monitoring Service of Ukraine shall leave the application unreviewed on its merits and immediately notify the subject accordingly:

a bank (foreign bank branch) – electronically through the National Bank of Ukraine email by sending a relevant notification to the subject;

a non-banking financial institution subject – by fax or protected email (provided there is electronic information exchange with the subject) or by email by sending a relevant notification to the subject with subsequent submittal of the original notification by registered mail with a delivery slip.

Upon the subject's receiving of such a notification from the State Financial Monitoring Service of Ukraine, it shall have the right to send another application to the State Financial Monitoring Service of Ukraine within the time stipulated in Clause 2 of this Section.

V. Procedure for Review of Applications for Extension of the Requested Information Provision Time by the State Financial Monitoring Service of Ukraine

1. Review of applications and decision making based on review of such applications by the State Financial Monitoring Service of Ukraine shall be completed before close of business of the second work day of the subject's receiving the Request.

The review shall be granted to the applications received no later than 14.00 of the second work day of the subject's receiving the Request.

The State Financial Monitoring Service of Ukraine shall leave the application unreviewed if the Request to the subject, which was the basis for the application, was submitted on 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 a financial transaction(s).

2. The State Financial Monitoring Service of Ukraine shall agree to extend the time needed for the subject to provide information in response to the Request after review of the objective reasons stated in the subject's application and the urgency of receiving such information for appropriate and timely performance of the tasks and functions imposed on the State Financial Monitoring Service of Ukraine.

3. After review of the applications, the State Financial Monitoring Service of Ukraine shall make a decision which is entered on the Register of Reviewed Applications for Extended Time of Submittal of the Requested Financial Transaction Monitoring Information to the State Financial Monitoring Service of Ukraine (hereinafter “the Register”) maintained per the form shown in Attachment 3 to this Procedure and shall send a transcript of Register to the subject, stating the results of the decision made by the State Financial Monitoring Service of Ukraine on approving the time for submittal of the requested information.

4. Excerpts from the Register shall be sent to the subjects using the following methods:

1) to bank subjects (foreign bank branches) – electronically through the National Bank of Ukraine email to the National Bank of Ukraine email hub address established at the bank (foreign bank branch) or by registered mail with a delivery slip or by express delivery or courier mail.

The date and time of the bank (foreign bank branch) receiving the transcript of Registers shall be the date and time of the transcript of Register arrival at the National Bank of Ukraine email hub established at the bank (foreign bank branch), and if the State Financial Monitoring Service of Ukraine sends the transcript of Register by registered mail with a delivery slip or by express delivery or courier mail – a bank (foreign bank branch) stamp with the time and date of receiving the transcript of Register from the State Financial Monitoring Service of Ukraine;

2) to non-banking financial institution subjects:

by fax to the number shown in the application with subsequent submittal of the transcript of Register by registered mail with a delivery slip. The date and time of receiving the transcript of Register shall be the date and time shown in the fax report;
or

by protected email (provided there is electronic information exchange with the State Financial Monitoring Service of Ukraine) with subsequent submittal of the transcript of Register by registered mail with a delivery slip. The date and time of the State Financial Monitoring Service of Ukraine sending of the transcript of Register shall be determined based on the State Financial Monitoring Service of Ukraine email protocols;

by email with subsequent submittal of the transcript of Register by registered mail with a delivery slip. The date and time of the State Financial Monitoring Service of Ukraine sending of the transcript of Register shall be determined based on the State Financial Monitoring Service of Ukraine email protocols;

in situations which make it impossible to electronically submit the transcript of Register to a non-banking financial institution subject by fax or email – by registered mail with a delivery slip or by express delivery or courier mail.

The date and time of the non-banking financial institution subject's receipt of the transcript of Register from the State Financial Monitoring Service of Ukraine sent by registered mail with a delivery slip, by express delivery or courier mail shall be the stamp with the time and date of the non-banking financial institution subject's receipt of the transcript of Register.

The transcript of Register shall be sent to the subject on the decision-making day, but no later than the next work day of the subject's receipt of the request.

If needed and on a subject's written request, the State Financial Monitoring Service of Ukraine shall send a certified transcript of Register to the subject.

5. The composition of the details, the structure and description of the files for electronic exchange with the subjects shall be determined by the Ministry of Finance of Ukraine and approved by the State Financial Monitoring Service of Ukraine and state financial monitoring subjects which regulate and supervise subjects pursuant to requirements of Part 1, Article 14 of the Law.

**Deputy Director of the Department of
Tax, Customs Policy, and Accounting
Methodology**

Yu.P. Romanyuk

Attachment 1
to the Procedure for Provision of
Information on Monitoring of
Financial Transactions
(Clause 2, Section III)

(name and location of the primary
financial monitoring subject)

**Request
for Provision of Information on Monitoring of Client's Financial Transactions**

Pursuant to the requirements set forth in Clause 11, Part 2, Article 6; Clause 10, Part 2, Article 18; and Part 3, Article 23 of the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism and Financing of

Proliferation of Weapons of Mass Destruction”, the State Financial Monitoring Service of Ukraine requests ensuring the monitoring of financial transactions of the client _____ over a period of _____ (except for financial transactions related to payment of salaries, payment of national and local taxes and dues).

(position)

(signature)

(initials, surname)

SAMPLE

Attachment 2
to the Procedure for Provision of
Information on Monitoring of
Financial Transactions
(Clause 4, Section IV)

APPLICATION
for Extension of Time for Submittal of the Requested Financial Transaction Monitoring Information

(date)

(number)

Information on the primary financial monitoring subject (applicant):

applicant (full name, Unified State Register of Enterprises and Organizations of Ukraine (EDRPOU) identification code; individual entrepreneur's surname, first name, patronymic, taxpayer's account card registration number (or identification number from the State Register of Individual Taxpayers) or the Ukraine citizen's passport number (and series if available), which has a stamp on refusal to accept the Ukrainian taxpayer's account card registration number, or the number of a passport with a record on refusal to accept the Ukrainian taxpayer's account card registration number on an electronic contactless medium; account identifier)

(primary financial monitoring subject's contact telephone/fax)

Request details:

(Request date and number (registration with the State Financial Monitoring Service of Ukraine), number of transactions, information on which the subject is to provide to the State Financial Monitoring Service of Ukraine in the form of reports, date and the time of the request receipt, surname of the State Financial Monitoring Service of Ukraine official named in the request)

Total number of transactions, the information on which the subject is to provide to the State Financial Monitoring Service of Ukraine in the form of reports in response to the requests

(to be filled out if there are several requests)

If available, information confirming the date of receiving the Request(s)

(to be filled out if the request date does not match its receiving date)

Information on time extension:

impossible to meet the deadline set in Clauses 3 and 6, Section II of the Procedure for Provision of Information on Monitoring of Financial Transactions for the following objective reasons:

(objective reasons justifying extension of the time for information submittal)

To meet the request the applicant needs _____
(number of additional work days required to meet the request(s))

THE APPLICANT REPRESENTED BY:

(position, surname, first name, patronymic)

_____ “ ” _____ 20_____
(signature)

Attachment 3
to the Procedure for Provision of
Information on Monitoring of
Financial Transactions
(Clause 3, Section V)

**REGISTER
of Reviewed Applications for Extended Time of Submittal of the Requested Financial
Transaction Monitoring Information**

No	Information on the primary financial monitoring subject			Request details			Application details			Decision on approval		
	name	EDRPO U Code	account identifier	date	number	date of receipt	date	number	date and time of receipt	date	number of additional work days approved to meet the request(s)	deadline for submitting the reports
1	2	3	4	5	6	7	8	9	10	11	12	13
_____ (position)				_____ (signature)				_____ (surname, initials)				

		“ ” _____
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