



MINISTRY OF FINANCE OF UKRAINE

ORDER

January 26, 2016

Kyiv

No. 18

Registered with the Ministry of Justice of Ukraine on March 31, 2016 under
No. 482/28612

On Approving the Criteria for Risk Assessment of the Primary Financial Monitoring Subject to Be Used for Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction

Pursuant to [Clauses 1](#) and [3](#), Part 2, Article 14 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 for the State Financial Monitoring Service of Ukraine to supervise the primary financial monitoring subjects

I HEREBY ORDER:

1. Approve the attached [Criteria for Risk Assessment of the Primary Financial Monitoring Subject to Be Used for Legalization \(Laundering\) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction](#)

2. Declare null and void the [Ministry of Finance of Ukraine Order of March 5, 2012, No. 325](#) “On Approving the Criteria for Risk Assessment of the Primary Financial Monitoring Subject to Be Used for Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction” registered with the Ministry of Justice of Ukraine on March 22, 2012 under No. 435/20748.

3. The Department of Tax, Customs Policy, and Accounting Methodology of the Ministry of Finance of Ukraine (Romanyuk Yu.P.) and the Department for Coordination of the Financial Monitoring System of the State Financial Monitoring Service of Ukraine (Hayevskyi I.M.) shall duly ensure submittal of this Order for state registration to the Ministry of Justice of Ukraine.

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 First Deputy Head of the State Financial Monitoring Service of Ukraine, Kovalchuk A.T.

Minister

N. Jaresko

APPROVED
Ministry of Finance of Ukraine
Order
of January 26, 2016, No. 18

Registered with the Ministry of
Justice of Ukraine on March 31,
2016
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CRITERIA
**for Risk Assessment of the Primary Financial Monitoring Subject to Be Used
for Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism,
and Financing of Proliferation of Weapons of Mass Destruction**

1. These Criteria for assessing the risk of using the primary financial monitoring subject for legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction (hereinafter “the Criteria”) have been developed pursuant to [Clauses 1](#) and [3](#), Part 2, Article 14 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” (hereinafter “the Law”) with the aim of developing plans for auditing primary financial monitoring subjects, whose state regulation and supervision is effected by the State Financial Monitoring Service of Ukraine (hereinafter “the SFMSU”).

2. The terms in these Criteria shall be used in the meaning provided in the [Law](#).

3. The Criteria are applicable to the primary financial monitoring subjects, whose state regulation and supervision on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction is effected by the State Financial Monitoring Service - business entities that provide intermediary services during real estate sale transactions (hereinafter “the subjects”).

4. The risks of using the subjects for legalization (laundering) of proceeds of crime, financing of terrorism and financing of proliferation of weapons of mass destruction shall be assessed by the following criteria:

duration of activities on providing intermediary services during real estate sale transactions;

facts of breaches of legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction;

availability of separated divisions (branches, other subject's divisions).

5. The subject assessment shall result in assigning a low, medium, or high risk:

1) the low-risk subjects shall meet all the criteria below:

pursuing activities on providing intermediary services during real estate sale transactions for over five years;

absence of breaches of legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction in the past three years;

absence of separated divisions (branches);

2) the high-risk subjects shall meet the criteria below:

pursuing activities on providing intermediary services during real estate sale transactions for less than three years;

two or more breaches of legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction in the past year;

availability of more than three separated divisions (branches).

6. The medium-risk subjects shall include those that cannot be referred to either low or high risk level.

7. The low-risk subjects shall be checked not more often than once every three years.

The medium-risk subjects shall be checked not more often than once every two years.

The high-risk subjects shall be checked not more often than once a year.

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

Yu.P. Romanyuk