



**MINISTRY OF FINANCE OF UKRAINE**

**ORDER**

**July 26, 2013**

**Kyiv**

**No. 695**

Registered with the Ministry of Justice of Ukraine  
on August 16, 2013 under 1420/23952

**On Approving the Procedure for Informing the Primary Financial Monitoring Subjects on the Beginning of Pre-Trial Investigation (or Termination of the Criminal Proceedings during Pre-Trial Investigation) and Informing the Financial Monitoring Subjects on Court Decisions**

Pursuant to Clause 18, Part 2 of the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism”, Sub-Clause 64, Clause 4 of the Provision on the Ministry of Finance of Ukraine approved by the President of Ukraine Decree of April 8, 2011, No. 446 and to establish the procedure of informing primary financial monitoring subjects on the fact of commenced pre-trial investigation (or on the fact of terminating the criminal proceeding in the course of the pre-trial investigation) and informing financial monitoring subjects on court decisions

**I HEREBY ORDER:**

1. Approve the attached Procedure for Informing the Primary Financial Monitoring Subjects on the Beginning of Pre-Trial Investigation (or Termination of the Criminal Proceedings during Pre-Trial Investigation) and Informing the Financial Monitoring Subjects on Court Decisions.

2. Declare null and void the State Financial Monitoring Service of Ukraine Order of August 13, 2010, No. 135 “On Approving the Procedure for Informing the Primary Financial Monitoring Subjects on Bringing or Termination of a Criminal Case and Informing the Financial Monitoring Subjects on Court Decisions” registered with the Ministry of Justice of Ukraine on October 13, 2010 under No. 920/18215.

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 First Deputy Minister of Finance of Ukraine, Myarkovskyi A.I., and the Deputy Head of the State Financial Monitoring Service of Ukraine, Zubriy V.P.

**Acting Minister**

**A. Myarkovskyi**

**CONCURRED:**

**Minister of Infrastructure of Ukraine**

**V.V. Kozak**

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

**A.A. Maksyuta**

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

**O.O. Tkachenko**

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

**D. Tevelyev**

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

**B. Vizirov**

**Head of the State Service of Ukraine  
for Regulatory Policy and  
Entrepreneurship Development**

**M. Yu. Brodskyi**

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

**V.P. Zubriy**

APPROVED  
Ministry of Finance of Ukraine  
Order  
of July 26, 2013, No. 695

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with the Ministry of Justice of  
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**Procedure  
for Informing the Primary Financial Monitoring Subjects on the Beginning of  
Pre-Trial Investigation (or Termination of the Criminal Proceedings during  
Pre-Trial Investigation) and Informing the Financial Monitoring Subjects on  
Court Decisions**

**I. General provisions**

1. This Procedure determines how the State Financial Monitoring Service of Ukraine shall inform the primary financial monitoring subject after receiving relevant information from the law enforcement agencies authorized to make decisions pursuant to the criminal procedure legislation (hereinafter “the law enforcement agencies”) on the fact of commenced pre-trial investigation (or fact of terminated criminal proceeding during pre-trial investigation) based on such primary financial monitoring subject's report provided to the State Financial Monitoring Service of Ukraine pursuant to Articles 15, 16 of the Law of Ukraine “On Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism” (hereinafter “the Law”) and inform the primary financial monitoring subject on court decisions in such criminal proceedings with simultaneous informing of the corresponding state financial monitoring subject which effects government regulation and supervision in the sphere of preventing and countering legalization (laundering) of proceeds of crime or financing of terrorism in relation to the corresponding primary financial monitoring subject pursuant to requirements of Article 14 of the Law.

2. If information is received from the law enforcement agencies on the fact of commenced pre-trial investigation (or on the fact of terminated criminal proceeding during pre-trial investigation) based on primary financial monitoring subject's reports, which were provided to the State Financial Monitoring Service of Ukraine pursuant to requirements of Articles 15, 16 of the Law, the State Financial Monitoring Service of Ukraine shall notify the said primary financial monitoring subject within the time stipulated in this Procedure.

3. If information is received on court decisions in criminal proceedings, the State Financial Monitoring Service of Ukraine shall accordingly inform the said primary financial monitoring subject which provided the report to the State Financial Monitoring Service of Ukraine pursuant to the requirements of Articles 15, 16 of the

Law and the corresponding state financial monitoring subject within the time stipulated by this Procedure.

## **II. Informing the primary financial monitoring subject's on commenced pre-trial investigation (or terminated criminal proceeding during pre-trial investigation)**

1. The State Financial Monitoring Service of Ukraine shall inform the primary financial monitoring subject on the fact of commenced pre-trial investigation (or on the fact of terminated criminal proceeding during pre-trial investigation) based on the reports provided by such a primary financial monitoring subject to the State Financial Monitoring Service of Ukraine pursuant to the requirements of Articles 15, 16 of the Law, which were used to develop summarized materials and used in this criminal proceeding.

2. The State Financial Monitoring Service of Ukraine shall provide information on criminal proceedings to the primary financial monitoring subject depending on the procedural decision made according to the following list:

ordinal registration number of the financial transaction in the register of financial transactions subject to financial monitoring, primary financial monitoring subject (hereinafter “the register”);

financial transaction registration date in the register;

amount of the financial transaction;

date of the procedural decision and its details (if available);

the nature of the procedural decision (fact of commenced pre-trial investigation – notification of suspicion in commitment of a crime or termination of the criminal proceeding during pre-trial investigation).

## **III. Informing the primary financial monitoring subject and notifying the state financial monitoring subject on court decisions in criminal proceedings**

1. The State Financial Monitoring Service of Ukraine shall provide the primary financial monitoring subject with information on court decisions in the criminal proceedings which used reports submitted by such a primary financial monitoring subject to the State Financial Monitoring Service of Ukraine pursuant to the requirements of Articles 15, 16 of the Law based on which summarized materials were prepared.

The State Financial Monitoring Service of Ukraine shall inform the corresponding state financial monitoring subject on the court decisions in such criminal proceedings regarding the primary financial monitoring subject which submitted reports on financial transactions pursuant to the requirements of Articles 15, 16 of the Law based on which summarized materials were prepared.

2. The State Financial Monitoring Service of Ukraine shall provide data on court decisions in criminal proceedings to the primary financial monitoring subject according to the following list:

financial transaction registration number in the register;  
financial transaction registration date in the register;  
amount of the financial transaction;  
date of the decision adopted and its details (if available);  
nature of the decision adopted (a verdict of guilty or not guilty, etc.).

3. The State Financial Monitoring Service of Ukraine shall provide the corresponding state financial monitoring subject in the context of the primary financial monitoring subject with the data stated in Clause 2 of this Section.

#### **IV. Time and method of providing notifications and information**

1. The State Financial Monitoring Service of Ukraine shall provide notifications of the fact of commenced pre-trial investigation (or terminated criminal proceeding during pre-trial investigation) and information on court decisions in such criminal proceedings to the primary financial monitoring subjects within one month of their receipt using the following method:

to banks (foreign bank branches) – electronically by email of the National Bank of Ukraine or by registered mail with delivery slips;

to other primary financial monitoring subjects – by registered mail with delivery slips.

2. The State Financial Monitoring Service of Ukraine shall provide information to the state financial monitoring subjects on court decisions within one month of its receipt using the following method:

to the National Bank of Ukraine – electronically by email of the National Bank of Ukraine or by registered mail with delivery slips;

to other state financial monitoring subjects – by registered mail with delivery slips or by electronic means of document turnover of the Unified State Information System on preventing and countering legalization (laundering) of proceeds or crime or financing of terrorism.

3. The structure and details of the files for information exchange with banks (foreign bank branches) shall be determined by the Ministry of Finance of Ukraine and concurred by the National Bank of Ukraine.