



MINISTRY OF FINANCE OF UKRAINE

ORDER

of August 11, 2020 No. 494

**Registered in the Ministry of
Justice of Ukraine on
September 29, 2020 No.
948/35231**

On approving the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction

According to parts 4, 5, 6 of Article 18 and paragraph 15 of part 2 of Article 25 of the Law of Ukraine «On preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction», subparagraph 5 of paragraph 4 of the Regulation on the Ministry of Finance of Ukraine, approved by the Resolution of the Cabinet of Ministers of Ukraine of August 20, 2014 No. 375, and in order to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction **I ORDER:**

1. To approve the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, attached.

2. To recognize as having lost force the order of the Ministry of Finance of Ukraine of April 7, 2015 No. 402 «On approving the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction», registered by the Ministry of Justice of Ukraine on April 29, 2015 No. 483/26928.

3. The Department for Provision Coordination and Monitoring Work of the Ministry of Finance of Ukraine and the Department for Financial Monitoring System Coordination of the State Financial Monitoring Service of Ukraine to ensure in accordance with the established procedure:

submission of this order for state registration to the Ministry of Justice of Ukraine;

publishing 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 the First Deputy Minister of Finance of Ukraine D. Uliutin and the First Deputy Head of the State Financial Monitoring Service of Ukraine I. Gaievskiy.

Minister

S. Marchenko

AGREED:

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

I. Cherkaskiy

NATIONAL SECURITIES AND STOCK MARKET COMMISSION

DECISION

of August 11, 2020 No. 444

Registered in the Ministry of
Justice of Ukraine of September
29, 2020 No. 948/35231

On approving the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction

According to parts 4, 5, 6 of Article 18 and paragraph 15 of part 2 of Article 25 of the Law of Ukraine «On preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction» and in order to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, the National Securities and Stock Market Commission **DECIDED:**

1. To approve the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction.

2. Recognize as having lost force the decision of the National Securities and Stock Market Commission of April 7, 2015 No. 465 «On approving the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the National Securities and Stock Market Commission to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to

legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction», registered with the Ministry of Justice of Ukraine on April 29, 2015 No. 483/26928.

3. The Department for Financial Monitoring and Inspections (O. Mysiura) to ensure the submission of this decision to the Ministry of Finance of Ukraine for submission for the state registration to the Ministry of Justice of Ukraine.

4. This decision shall enter into force on the day of its official publication.

5. Control over the execution of this decision shall be imposed on the member of the Commission I. Nazarchuk.

Head of the Commission

T. Khromaiev

AGREED:

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

I. Cherkaskyi

APPROVED

**Order of the Ministry of Finance
of Ukraine of August 11, 2020 No.
494,
Decision of the National Securities
and Stock Market Commission of
August 11, 2020 No. 444**

PROCEDURE

**for exchanging information between the State Financial Monitoring Service
of Ukraine and the National Securities and Stock Market Commission to
increase the effectiveness of the supervision over the reporting entities'
compliance with the requirements of the legislation in the area of preventing
and counteracting to legalization (laundering) of the proceeds from crime,
financing of terrorism and financing of proliferation of weapons of mass
destruction**

I. General provisions

1. This Procedure is developed according to parts 4 – 6 of Article 18 and paragraph 15 of part 2 of Article 25 of the Law of Ukraine «On preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction» (hereinafter – the Law).

2. This Procedure determines the scope and procedure for the exchange of information between the SFMS and the state financial monitoring entity – the National Securities and Stock Market Commission (hereinafter – the Commission) in order to increase the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction by commodity exchanges and other exchanges conducting financial transactions with commodities; institutions of accumulative pension provision; managers of construction financing funds/real estate transactions funds; professional stock market participants (except banks), including the Central Securities Depository (hereinafter – the Entities) supervised by the Commission.

II. Information provided by the SFMS

1. The SFMS provides the Commission with the information on the effectiveness of the measures taken by the Entities supervised by the Commission

in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, namely:

statistics on financial transactions subject to financial monitoring, other information that may be related to legalization (laundering) of the proceeds from crime, financing of terrorism or financing of proliferation of weapons of mass destruction, received by the SFMS from the Entities;

information on registration of the Entities in the SFMS;

information on the list of the Entities that have been deregistered;

information on the signs of possible violations by the Entities of the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction revealed by the SFMS;

information (upon the request) on the signs of possible violations by the Entities of the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction (subject to the restrictions established by the Law) revealed by the Commission.

2. The form of providing the information specified in paragraph 1 of this section, the method of its submission, the structure and composition of the details shall be determined on the basis of a protocol signed between the SFMS and the Commission.

3. The information submitted by the SFMS of the Commission is used by it exclusively for official purposes when supervising the compliance of the Entities with the requirements of the legislation and may not be disclosed.

III. Information provided by the National Securities and Stock Market Commission

1. The Commission provides the SFMS with the information on increasing the effectiveness of the supervision over the reporting entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction, namely:

the information on identified violations of legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction by the Entities and measures taken against the Entities and/or their officials for violations of the legislation in this area;

the compiled information on the entities' compliance with the requirements of the legislation in the area of preventing and counteracting to legalization (laundering) of the proceeds from crime, financing of terrorism and financing of proliferation of weapons of mass destruction in respect of which the Commission exercises the functions of state regulation and supervision including on the identified violations and measures taken against the Entities and/or their officials, in order to eliminate them and/or prevent them from further activities;

information (if any) on the termination of the activities of the Entities in respect of which the Commission performs the functions of state regulation and supervision, for their deregistration.

2. The exchange of information between the Commission and the SFMS shall be subject to the provisions of paragraphs 2-3 of section II of this Procedure.

IV. Terms of providing information

1. The Commission submits the determined information to the SFMS in accordance with:

in accordance with subparagraph 2 of paragraph 1 of section III of this Procedure - quarterly until the 20th day of the month following the reporting quarter;

in accordance with subparagraph 3 of paragraph 1 of section III of this Procedure - annually, not later than January 31 of the year following the reporting year;

in accordance with subparagraph 4 of paragraph 1 of section III of this Procedure - quarterly until the 15th day of the month following the reporting quarter.

2. The SFMS provides the Commission with the determined information:

in accordance with subparagraphs 2-4 of paragraph 1 of section II of this Procedure - monthly until the 20th day of the month following the reporting month;

in accordance with subparagraph 5 of paragraph 1 of section II of this Procedure – during one month from the date of detection of such signs;

in accordance with subparagraph 6 of paragraph 1 of section II of this Procedure - within 10 calendar days from the date when the request was received.

**Director of the Department for
Provision Coordination and
Monitoring Work of the Ministry of
Finance of Ukraine**

Y. Koniushenko

**Director of the Department of
Financial Monitoring and Inspections
of the National Securities and Stock
Market Commission**

O. Mysiura