



MINISTRY OF FINANCE OF UKRAINE
MINISTRY OF DIGITAL TRANSFORMATION OF UKRAINE

ORDER

01.09.2020 No. 541/127

Registered in the Ministry of Justice of Ukraine
September 17, 2020 No. 906/35189

On approving the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the Ministry of Digital Transformation of Ukraine 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 **WE ORDER:**

1. To approve the Procedure for information exchange between the State Financial Monitoring Service of Ukraine and the Ministry of Digital Transformation of Ukraine 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. 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.

3. This order shall enter into force on the day of its official publication.

4. Control over the implementation of this order shall be imposed on the Deputy Head of the Ministry of Digital Transformation of Ukraine for IT Development O. Borniakov and the First Deputy Head of the State Financial Monitoring Service of Ukraine I. Gaievskyi.

Minister of Finance of Ukraine

S. Marchenko

**Deputy Prime Minister – Minister of
Digital Transformation of Ukraine**

M. Fedorov

APPROVED:

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

I. Cherkaskyi

ADOPTED

**Order of the Ministry of Finance of
Ukraine, the Ministry of Digital
Transformation of Ukraine of
September 1, 2020 No. 541/127**

**Registered in the Ministry of Justice
of Ukraine on September 17, 2020
No. 906/35189**

PROCEDURE

**for information exchange between the State Financial Monitoring Service of
Ukraine and the Ministry of Digital Transformation of Ukraine 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 conditions

1. This Procedure is developed in accordance with 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» (hereinafter – the Law).

2. This Procedure defines the mechanism of information exchange between the SFMS and the state financial monitoring entity the Ministry of the Digital Transformation in order to increase the effectiveness of the supervision over the 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 virtual assets services providers, - reporting entities (hereinafter – the entities), in respect of which the Ministry of the Digital Transformation performs the functions of state regulation and supervision, to prevent and counteract to legalization (laundering) of the proceeds from crime, financing of terrorism and financing the proliferation of weapons of mass destruction.

II. Information provided by the SFMS

1. The SFMS provides the Ministry of Digital Transformation with the information on the effectiveness of measures taken by the entities supervised by the Ministry of Digital Transformation, in order to prevent and counteract 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, or financing of terrorism or financing of the proliferation of weapons of mass destruction received by the SFMS from the entities;

information on the 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 (at 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 (considering the restrictions established by law) identified by the Ministry of Digital Transformation.

2. The form of providing the information specified in paragraph 1 of section II of this Procedure, the method of its transmission, the structure and composition of the details are determined on the basis of the protocol, signed by the SFMS and the Ministry of Digital Transformation.

3. Information transmitted by the SFMS to the Ministry of Digital Transformation, is used by it exclusively for official purposes during the supervision over 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 and may not be disclosed to third parties.

III. Information provided by the Ministry of Digital Transformation

1. The Ministry of Digital Transformation provides the SFMS with the information on increasing the effectiveness of the regulation and supervision over 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, 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 Ministry of Digital Transformation 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;

the information (if any) on the termination of the entities' activities in respect of which the Ministry of Digital Transformation performs the functions of state regulation and supervision, for their deregistration;

2. The exchange of information between the Ministry of Digital Transformation and the SFMS is carried out in compliance with the provisions of paragraphs 2-3 of section II of this Procedure.

IV. Terms of providing information

1. The Ministry of Digital Transformation shall submit the determined information to the SFMS:

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 Ministry of Digital Transformation with the determined information:

in accordance with subparagraphs 2-4 of paragraph 1 of section II of this Procedure - monthly until the 10th 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 Department for
Provision Coordination and
Monitoring Work**

Y. Koniushenko

**Director of Directorate
for Digital Economy**

O. Kompaniets