



MINISTRY OF FINANCE OF UKRAINE

ORDER

March 26, 2015

Kyiv

No. 361

Registered with the Ministry of Justice of Ukraine
on April 9, 2015 under 399/26844

On Approving the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Finance of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of Terrorism, and Financing of Proliferation of Weapons of Mass Destruction

Pursuant to Clauses 6, 7, and 15, Part 2, Article 14, Clause 4, Part 1 and Clause 15, Part 2, Article 18 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 pursuant to Sub-Clause 5, Clause 4 of the Provision on the Ministry of Finance of Ukraine approved by the Cabinet of Ministers of Ukraine Resolution of August 20, 2014, No. 375 and with the aim of enhancing the efficiency of supervising the primary financial monitoring subjects' compliance with the requirements of the legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction

I HEREBY ORDER:

1. Approve the attached Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Finance of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering 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 February 15, 2013, No. 243 "On Approving the Procedure for Exchange of Information between the State Financial Monitoring Service of Ukraine and the Ministry of Finance of Ukraine to Enhance the Efficiency of Supervising the Primary Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on Preventing and Countering Legalization (Laundering) of Proceeds of Crime or Financing of Terrorism" registered with the Ministry of Justice of Ukraine on March 6, 2013 under No. 362/22894.

3. The Department of Tax, Customs Policy, and Accounting Methodology of the Ministry of Finance of Ukraine (Chmeruk M.O.) and the Department for Coordination of the Financial Monitoring System of the State Financial Monitoring Service of Ukraine (Hayevskiy I.M.) 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 First Deputy Head of the State Financial Monitoring Service of Ukraine, Kovalchuk A.T.

Minister of Finance of Ukraine

N. Jaresko

CONCURRED:

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

I. Cherkaskyi

APPROVED
Ministry of Finance of Ukraine Order

**Procedure
for Exchange of Information between the State Financial Monitoring Service of Ukraine and
the Ministry of Finance of Ukraine to Enhance the Efficiency of Supervising the Primary
Financial Monitoring Subjects' Compliance with the Requirements of the Legislation on
Preventing and Countering Legalization (Laundering) of Proceeds of Crime, Financing of
Terrorism, and Financing of Proliferation of Weapons of Mass Destruction**

I. General provisions

1. This Procedure has been developed pursuant to Clauses 6 and 7, Part 2, Article 14 and Clause 15, Part 2, Article 18 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".

2. This Procedure establishes the scope and procedure for exchange of information between the State Financial Monitoring Service of Ukraine (hereinafter "the SFMSU") and the state financial monitoring subject – the Ministry of Finance of Ukraine (hereinafter "the MFU") to enhance the efficiency of its supervision of compliance with the requirements of the legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction of business entities conducting lotteries or any other types of gambling, business entities trading in precious metals and stones and products therefrom, auditors, auditor firms, individual entrepreneurs who provide accounting services (except for persons that provide services under employment relations) - primary financial monitoring subjects (hereinafter "the Subjects"), whose state regulation and supervision is effected by the Ministry of Finance of Ukraine with the aim of preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction.

II. Information Submitted by the State Financial Monitoring Service of Ukraine

1. The State Financial Monitoring Service of Ukraine shall submit information to the Ministry of Finance of Ukraine on the efficiency of measures taken by the Subjects, whose state regulation and supervision is effected by the Ministry of Finance of Ukraine with the aim of preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, namely:

statistical data on financial transactions subject to financial monitoring received by the State Financial Monitoring Service of Ukraine from the Subjects;

statistical data on the errors made by the Subjects when submitting information on the financial transactions subject to financial monitoring;

information on the accounting status of the Subjects with the State Financial Monitoring Service of Ukraine;

information on the facts detected by the State Financial Monitoring Service of Ukraine that may evidence violation by the Subjects of the legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction;

information on the protocols drawn by the State Financial Monitoring Service of Ukraine on the administrative offenses committed by the Subjects' officials and individual entrepreneurs that are Subjects, and the results of their review;

information on the State Financial Monitoring Service of Ukraine analyses of methods and financial schemes used for legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction.

2. Data containing restricted-access information shall be provided in the cases and in accordance with the procedure set forth in the legislation.

3. Information between the State Financial Monitoring Service of Ukraine and the Ministry of Finance of Ukraine shall be exchanged complying with the measures that preclude unauthorized access to information or documents during their submittal with due regard for the legislative limitations.

4. The information submitted by the State Financial Monitoring Service of Ukraine to the Ministry of Finance of Ukraine shall be used by it solely for work-related purposes when supervising the Subjects' compliance with the legislation and shall not be disclosed.

III. Information Submitted by the Ministry of Finance of Ukraine

1. The Ministry of Finance of Ukraine shall submit information to the State Financial Monitoring Service of Ukraine on the Subjects' compliance with the legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, namely:

information on detected violations by the Subjects of legislation on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction and measures taken in relation to the Subjects and/or officials for committed violations of legislation in this sphere;

summarized information on compliance by the Subjects, whose state regulation and supervision is effected by the Ministry of Finance of Ukraine, with legislative requirements on preventing and countering legalization (laundering) of proceeds of crime, financing of terrorism, and financing of proliferation of weapons of mass destruction, including on detected violations and measures taken in relation to the Subjects and/or officials to address them and/or prevent them in future activities;

information (if available) on the seizing of the Subjects' activities, whose state regulation and supervision is effected by the Ministry of Finance of Ukraine.

2. The Ministry of Finance of Ukraine and the State Financial Monitoring Service of Ukraine shall exchange information observing the provisions of Clauses 2-4, Section II of this Procedure.

IV. Information Submittal Deadlines

1. The Ministry of Finance of Ukraine shall submit the specified information:

pursuant to paragraph 2, Clause 1, Section III of this Procedure – on a quarterly basis before the 15th of the month following the reported quarter;

pursuant to paragraph 3, Clause 1, Section III of this Procedure – on a yearly basis no later than January of the year following the reported one;

pursuant to paragraph 4, Clause 1, Section III of this Procedure – on a quarterly basis before the 15th of the month following the reported quarter.

2. The State Financial Monitoring Service of Ukraine shall submit specified information to the Ministry of Finance of Ukraine:

pursuant to paragraph 2-4, Clause 1, Section II of this Procedure – on a quarterly basis before the 20th of the month following the reported quarter;

pursuant to paragraph 5, Clause 1, Section II of this Procedure – within a month of detecting such facts;

pursuant to paragraph 6, Clause 1, Section II – within three work days after submitting the protocol to the court and receiving information from it on the results of the administrative offense case review;

pursuant to paragraph 7, Clause 1, Section II of this Procedure – on a yearly basis before March 1st of the year following the reported one.

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

M.O. Chmeruk