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Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)

Thematic Monitoring Review of the Conference of the Parties to CETS No.198 on Article 14 (“Postponement of domestic suspicious transactions”)¹

¹ As examined and adopted by the Conference of the Parties to CETS No. 198 at its 11th meeting, Strasbourg, 22-23 October 2019. Amended following the ratification of the Convention by Monaco (2020), Lithuania (2021) and Estonia (2023) and the inputs received from the Russian Federation in 2020.

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Introduction

1. The Conference of the Parties (hereinafter: “the COP”), at its 9th meeting held in Strasbourg from 21 to 22 November 2017, decided to initiate the application of a horizontal thematic monitoring mechanism for an initial period of two years. Such review would look at the manner in which all States Parties implement selected provisions of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198, hereinafter: “the Warsaw Convention”). To that effect, the COP adopted a new Rule 19*bis* of the Rules of Procedures, which is annexed to this report.
2. The COP Plenary at its 10th meeting examined and adopted the first thematic monitoring report, which dealt with Article 11 as well as with Article 25(2) and 25(3) of the Warsaw Convention. It decided that the second thematic monitoring would deal with Article 9(3) and Article 14 of the Warsaw Convention.
3. Subsequently, in December 2018, a questionnaire (which can be found in Annex IV to this document) was circulated to which the States Parties replied by the end of February 2019. The responses were subsequently analysed by the Rapporteur team, Ms Oxana Gisca (Republic of Moldova) and Ms Ani Goyunyan (Armenia), together with the Secretariat. A final draft analysis was circulated amongst the COP States Parties to provide comments and further information. The main findings drawn from these responses are set out in the summary section of the report.
4. This report seeks to establish the extent to which States Parties have adopted measures to permit urgent action to be taken by the Financial Intelligence Unit (FIU) or any other competent authority in case of a suspicious transaction. As the answers to the questionnaire differed, it is somewhat difficult to draw a general conclusion applicable for all COP States Parties. However, several general remarks and recommendations are made in the summary of this report.
5. The report commences with laying out the scope of Article 14 of the Warsaw Convention (hereinafter: Article 14) and the methodology applied for the review. It then draws conclusions on legislative provisions and their effective implementation and proposes recommendations. States Parties’ submissions are individually analysed and recommendations are made for the respective state party when applicable. All submissions are annexed to this report.
6. Article 14 is complemented by Article 47(1), which establishes that the FIU should be permitted to initiate urgent action, at the request of a foreign FIU, to apply postponement measures on suspicious transactions. A large majority of COP States Parties had included relevant information on Article 47(1) in their initial response to the questionnaire on Article 14. In view of that, the Rapporteurs and the COP Secretariat considered it useful and of added value to understand the extent to which COP States Parties may make use of international cooperation to request the postponement of a suspicious transaction. At the same time, it is recognised that this information does not fall within the scope of the underlying report on Article 14. Therefore, an overview of the implementation of Article 47(1) in those States Parties which provided information on this matter is included as an annex to this report. That annex serves for information purposes only, and neither conclusions nor recommendations are made regarding the implementation of Article 47(1).

Scope of Article 14

7. Article 14 addresses the power of the FIU or any other competent authority to order the postponement of suspicious transactions. The paragraph reads as follows:

“Each Party shall adopt such legislative and other measures as may be necessary to permit urgent action to be taken by the FIU or, as appropriate, by any other competent authority or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion. Each Party may restrict such a measure to cases where a suspicious transaction report has been submitted. The maximum duration of any suspension or withholding of consent to a transaction shall be subject to any relevant provisions in national law.”

8. In conjunction with Article 2 of the Warsaw Convention, the provision of Article 14 also applies when there is a suspicion that a transaction is related to terrorist financing.

9. This provision thus requires parties to take measures to permit urgent action to be taken by FIUs or other competent authorities or bodies in order to postpone a domestic suspicious transaction. The paragraph does not foresee a maximum duration of the postponement; instead the duration of the measures shall be determined by national law. Parties may permit reporting entities to carry out a transaction in urgent cases before a suspicious transaction report (STR) is submitted. Parties may also require a STR as a basis for every postponement order issued by the FIU (or any other competent authority), but they could opt for extending the basis of the order to other information sources (i.e. upon the request of a domestic judiciary authority or upon request of a foreign FIU).

10. What is important to note is that the expression ‘when there is a suspicion’ would not entail that a postponement order is issued if the responsible authority does not find it appropriate. If the authority does not find sufficiently reasoned grounds for the suspicion on the basis of an STR or information received otherwise, it may decide to approve the transaction to go ahead.

11. The preliminary measures can only be effectively applied if information is received by the responsible authority in a timely manner. A priori reporting, or reporting before a suspicious transaction is made, is therefore important. Through timely reporting, the responsible authority can take immediate action to order the postponement and to analyse the suspicion, after which it may inform the competent authorities which then can decide to initiate an investigation.

12. In April 2013, MONEYVAL published a research report on ‘The postponement of financial transactions and the monitoring of bank accounts’, which is accessible on the website of MONEYVAL. It found that most of the participating jurisdictions (23 in total – not necessarily COP States Parties) had provided the FIU with the power to postpone a suspicious transaction in accordance with their AML/CFT laws. The length of the postponement order varied considerably among the respondents; in some countries the duration was limited to 24 hours or 48 hours, in some 72 hours, and in some the order could last up to six months. 15 FIUs also reported their ability to decide to postpone suspicious transactions on behalf of a foreign FIU. There was a big discrepancy between the number of STRs received by the FIUs and the number of postponement orders made by the FIU. The report therefore questioned the willingness of the FIUs to use this administrative provisional measure for funds that are likely

to be proceeds of crime.² The report also touched upon the law enforcements authorities' (LEAs) power to postpone transactions, which was generally uncommon. Lastly, the report noted that in about half of the participating countries, reporting entities had the right granted in statutory laws to postpone transactions (e.g. under their own choice, while awaiting the FIU's decision).

13. It should be noted that Article 14 (also in conjunction with Article 47(1)) goes beyond the 2012 FATF recommendations, since R.29 ("Financial Intelligence Units") does not contain a corresponding provision. As a consequence, Article 14 brings important added-value to the current global AML/CFT standards. States Parties which have implemented this provision and are able to demonstrate its effective application may benefit from this in their mutual evaluation by either FATF or MONEYVAL (in particular with regard to Immediate Outcome 6: "*Financial intelligence and all other relevant information are appropriately used by competent authorities for money laundering and terrorist financing investigations.*"). Finally, it should be noted that Articles 14 and 47 have also served as a role model for the 4th AML Directive of the European Union (Directive (EU) 2015/849).³
14. This report looked into the domestic legislation or the procedures for postponement orders as provided by the States Parties, as well as at the duration of such orders and the possibility to issue them in cases in which no underlying STR was submitted. The effective implementation was also assessed by requesting case studies or statistics which would demonstrate the application of Article 14 in practice. It should be noted that the statistics which included values of postponed assets in various currencies were all converted into euros for better understanding and ease of comparison. The numbers in Euros may therefore differ slightly from the actual postponed value of assets.

Methodology

15. The 'Questionnaire for the Transversal Monitoring of States Parties' Implementation of Article 9(3) and Article 14 of the CETS No. 198' requested information of the authorities on the following three questions concerning Article 14:

"Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?"

"Does your country restrict such measures to cases where a suspicious transaction report has been submitted?"

² Note however that the report states that "it appears that adequate statistics are not maintained by authorities on postponement issues and therefore no overall assessment of the effectiveness of the system in the countries was carried out".

³ Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing stipulates in Article 32 that "*Member States shall ensure that the FIU is empowered to take urgent action, directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction that is proceeding, in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities. The FIU shall be empowered to take such action, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions specified in the national law of the FIU receiving the request.*"

“What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?”

16. Delegations were asked to provide provisions of their domestic legislation dealing with these issues. In addition, they were encouraged to support their response with case studies or any other relevant information.
17. This horizontal review includes information on 38 COP States Parties.⁴ Ten countries⁵ have undergone a COP individual country assessment, the analyses of which have also been taken into account.

Summary

18. The assessment on the implementation and application of Article 14 reveals several general findings. State-specific conclusions are included in the analysis of each state party.
19. All States Parties but one have adopted measures to permit urgent action to be taken in order to postpone a domestic suspicious transaction. In the large majority of cases (34 out of 38 States Parties) the FIU has been empowered to take urgent measures in case of a domestic transaction that raises suspicion. Only in three parties (the Netherlands, Spain and Türkiye), the power of postponement is given to a different authority (namely the public prosecutor, the Criminal Court of Justice or the Minister of Treasury and Finance (at the initiative of the FIU). In five countries (Armenia, Bulgaria, Denmark, Portugal and Sweden), not only the FIU, but also other competent authorities (i.e. law enforcement, board of the central bank, or security service) have gained such competences. Generally, the power to order the postponement of a transaction by the FIU is laid down in the applicable AML/CFT Law, whereas for the other competent authorities different laws may be applicable.
20. The duration of the postponement order differs significantly between States Parties. In most cases, the order lasts between 24 and 72 hours, but some States Parties provide for considerably longer periods (e.g. 120 hours, or even periods from 10 days to 30 days). In many countries (in particular the ones with shorter periods), the duration can be prolonged by order of the competent prosecutor or court upon request (with reasoned grounds) by the FIU. In that case, the extension periods vary from several days to six months.
21. A number of States Parties noted the requirement of obliged entities to refrain from executing a certain transaction as soon as they filed an STR on this transaction. The duration of such delay varies from 24 hours to two days, meant as a temporary measure to give the responsible authorities the possibility to analyse and confirm or rebut the suspicion. Since not all States Parties informed the Rapporteurs in this regard, no general conclusion can be drawn on the existence, procedures and duration of such temporary postponements of transactions which are triggered by the mere filing of a STR. As a result, the specific countries' reviews provide information on this aspect in their AML/CFT framework only in cases such information was provided by their side. Consequently, no conclusion has been drawn as to how many countries permit reporting entities to carry out the suspicious transaction in urgent cases before the STR is submitted.

⁴ The Russian Federation and Monaco submitted their responses in 2020, Lithuania in 2021 and Estonia in 2023 and this report was then amended accordingly.

⁵ Albania, Armenia, Belgium, Bosnia and Herzegovina, Croatia, Malta, Republic of Moldova, Montenegro, Poland and Romania.

22. In almost all States Parties, except of three parties (the Netherlands, Spain and the United Kingdom), it is not required to have an underlying STR for a transaction to be postponed. The United Kingdom knows a system of 'consent', in which the FIU may withhold consent to the execution of a suspicious transaction after having received a suspicious activity report (SAR) (submitted by a reporting entity). The Netherlands indicated that an STR was required, since the prosecutor ordered the postponement and could do so only on the basis of an actual suspicion. In Spain, the court may decide on the postponement order upon request of the prosecutor or police, who are informed by an STR. All other countries indicated that the responsible authority could order the postponement on the basis of an STR, but were also allowed to do so upon its own initiative, upon request of other domestic authorities and/or upon request of a foreign FIU or other foreign competent authorities.⁶ In the latter case, the requested authority would issue the order only if the request was sufficiently reasoned.

Effective implementation

23. 29 States Parties included statistics and/or provided case studies through which the application of Article 14 could be demonstrated. Among the remaining eight states, one state (Germany) indicated that no statistics were maintained on the matter; from the other states' parties replies it remained unclear whether they kept statistics. For those countries which do maintain them, some statistics were very detailed and included the value of postponed assets, the number of investigations opened, the number of orders based on foreign requests and other information. Other statistics were rather basic, indicating only the number of measures taken during a given timespan of one or two years. It is therefore difficult to draw a meaningful conclusion on the general effective implementation of Article 14 by States Parties.

Recommendations and follow-up

24. As stated, all States Parties but one, have adopted measures that permit urgent action to be taken by a competent authority, whether it is the FIU or another authority, in case of domestic suspicious transactions that should be postponed to carry out further analyses. The application of the provision varies among States Parties. Most notably, the duration of the postponement orders differs considerably and the competent authority to issue such orders may not necessarily be the FIU. The Warsaw Convention and its explanatory report leave a margin for States Parties to decide on the competent authority and the duration of the preliminary measures; thus, states are acting within that margin. Yet it also appears from the underlying study that states maintain statistics unevenly. As a result, there may be room for harmonising this aspect.

25. While country-specific recommendations are included in the individual country-analyses below, both the general and the country-specific recommendations should be considered when adopting measures to further implement the provisions of the Warsaw Convention. With the aim to enable a better overview of whether and to what extent Article 14 is effectively applied, States Parties are recommended to consider, if they have not yet done so, to:

⁶ The possibility to order the postponement of suspicious transactions upon request of a foreign FIU/competent authority (Article 47(1)), as noted in paragraph 6, is discussed in Annex II, as this matter falls outside the scope of the monitoring review of Article 14.

- Maintain detailed statistics on: i) the number of postponement orders issued; ii) the duration of the postponement of the transaction; iii) the type of information which triggered postponements (i.e. STR, own analysis, requests from competent authorities, foreign requests), and iv) the value of the transactions postponed.

26. States Parties are encouraged to implement both the above-mentioned general recommendation and the country-specific recommendations (see 'Country review' below).

27. A follow-up mechanism on the recommendations following from this analysis may be initiated upon decision by the COP Plenary.

Country review

Albania

1. The Albanian FIU has the power to order the blocking or temporary freezing of transactions or financial operations for a period no longer than 72 hours, if there are reasons based on facts and concrete circumstances for ML or TF (Art. 22(g) AML/CFT Law). When elements of a criminal offence are detected, the FIU shall present a copy of the order for the blocking or temporary freezing to the prosecutor within the timeframe of 72 hours. If no such elements have been identified, the order will be repealed.
2. The FIU may also order the monitoring of bank transactions made through one or more specified accounts during a certain period of time, when there are reasonable grounds for ML or TF (Art. 22(l) AML/CFT Law).
3. Reporting entities are required to refuse the execution of a suspicious transaction and report such transactions to the FIU immediately, after which the FIU responds within 48 hours with a freezing order if applicable.
4. The following table visualises the number of blocking or temporary freezing orders handed down by FIU and the value of assets that was further seized:

Year	No. of blocking/freezing orders	Total frozen (in EUR)	Total seized by court order (in EUR)	% of seized funds
2011	13	1.619.509	872.125	53,5
2012	8	1.297.000	1.145.950	88,3
2013	15	881.670	213.500	24,2
2014	65	18.183.760	13.967.770	76,8
2015	47	16.278.080	11.266.941	69,2
2016	61	28.772.733	8.129.000	28,2
2017	52	11.263.587	9.096.233	80,8
<i>Total</i>	<i>261</i>	<i>78.296.339</i>	<i>44.691.519</i>	<i>60,1 (average)</i>

5. Albania does not restrict blocking or temporary freezing measures to cases where an STR has been submitted. Instead, the measures are applicable in the case of all sorts of indicators, including SARs, STRs and other sources.
6. The 2011 COP Assessment report concluded that Albania had effectively implemented Article 14.

Conclusion

7. The Albanian FIU has the competence to restrain (i.e. by temporary blocking) suspicious domestic transactions and has applied this competency several times. The measures are not limited to cases for which STRs have been filed only. The maximum duration of the measures is 72 hours from the moment they are put in place.

Armenia

1. The AML/CFT Law provides that the authorised body (in this case, the Board of the Central Bank of Armenia upon submission by the FIU) may suspend a suspicious transaction or business relationship, possibly relating to ML or TF, for up to five days, based on the analysis of filed reports (i.e. STRs, CTRs); information from supervisory/prosecution authorities; or any other information. This period may be extended for another five days (in exceptional cases ten days) in order to establish the grounds for submitting a notification to criminal prosecution authorities.

- The reporting entities are obliged to submit an STR within the same day or, if impossible, before noon of the next day when a suspicion is identified. The authorised body consequently has up to five days to decide on whether to extend the suspension to establish the grounds for submitting a notification to criminal prosecution authorities, or to repeal the decision on suspension.

Year	No. of suspension orders	Summary amount of temporary suspended funds (EUR)
2015	1	19.000
2016	2	354.600
2017	1	1.000.000
2018	1	17.000
<i>Total</i>	<i>5</i>	<i>1.390.600</i>

- The 2016 COP Assessment report concluded that Armenia had implemented the requirements under Article 14.

Conclusion

- The authorities are competent to suspend suspicious domestic transactions for up to five days (for the FIU/National Bank) or three days (for the FIU). These measures are not necessarily based on STRs. The measures have been applied in practice.

Austria

- Article 17, paragraph 4 of the Financial Markets AML Act empowers the Austrian FIU to suspend domestic suspicious transactions. The period of suspension may last up to six months or up until the moment, within this six-month period, the court has issued a legally effective decision on a request for confiscation pursuant to Article 109 no. 2 and Article 115 para. 1 no. 3 StPO (Art.17, paragraph 5). Upon information provided by obliged entities, the FIU has 24 hours to respond and request suspension of a transaction, failure to which may result in an immediate execution of a transaction. If there is no consent from the FIU that the transaction should be executed, this information needs to be submitted immediately to the Public Prosecutor's Office. In line with what the Austrian authorities advised, this provision is rarely applied in practice. On the other hand, the Austrian authorities consider that the FIU cooperates very closely with investigators and the Prosecutor's Office to initiate the immediate issuing of a seizing order.
- In addition, an underlying STR is not a pre-requisite for transaction suspension.
- Practice of the application of the postponement measures was not demonstrated through statistics.

Conclusion

- The Austrian FIU may suspend domestic transaction for a period of maximum of six months. No examples of its practical application were provided.

Azerbaijan

- The FIU may order to suspend the execution of a suspicious transaction related to ML or TF for a period not exceeding 72 hours (Art. 19(2) AML/CFT Law). The FIU is required to immediately send this decision and respective documents to the law enforcement authorities responsible for criminal prosecution or ML/TF cases. The latter may take further measures to extend the suspension period, within 72 hours upon receipt of the information of the FIU.
- The FIU may order the suspension measures upon its own initiative, in case of a filed STR, but also upon reasoned request of a domestic competent authority or other sources.

3. The reporting entities are required to inform the FIU when they suspect that a transaction may be related to ML or TF. In such case, the entities are not allowed to execute the reported transaction for two working days. Upon receipt of the information on the suspicious transaction, the FIU decides whether the execution of the transaction should be suspended; after which it instructs the respective reporting entity. If the FIU does not decide to suspend the execution of the reported transaction within the timeframe of two working days, the entity should go ahead with its execution. The maximum duration of suspension measures from the moment of detection of a suspicious domestic transaction is two business days plus 72 hours.
4. Between 2014 and 2018, the FIU imposed eleven suspension measures relating to ML, on amounts with a total value of AZN 6.6 million (around EUR 3.3 million). Nine of these measures were applied against individuals, the remaining two against legal entities. The authorities further provided a case study which demonstrated the effective implementation of Article 14.

Conclusion

5. The FIU of Azerbaijan is competent to suspend suspicious domestic transactions, a measure which is not necessarily based on the existence of an STR. The maximum duration of suspension is two business days and 72 hours additionally. The measures have been applied in practice.

Belgium

1. The Belgian FIU may oppose the execution of an operation following information or a declaration of suspicion relating to ML or TF (Art. 80 AML/CFT Law). The FIU determines the operations and bank accounts relevant for the opposition measures, after which it notifies immediately the entity concerned on its decision taken. Such decision must be taken within five days after having received a notification on the suspicion. In the meantime, the transaction is suspended. If the FIU believes that the suspension must be prolonged, it informs the prosecutor which in turn decides on the suspension measures. It also informs the Central Organ for Seizure and Confiscation. In the absence of a notification within five days by the FIU to the reporting entities concerned about the opposition measures, the latter should execute the operation in question.
2. Another source for the FIU to order opposition measures are information or reasoned requests from the Belgian competent authorities or other sources. Their information will still be treated like an STR. The FIU may order the blocking of transactions of reporting entities, even if relevant information was filed by another entity or organisation and not the entity affected.
3. The measures were applied a number of times between 2015 and 2017:

Year	No. of postponement orders issued
2015	13
2016	17
2017	12
<i>Total</i>	<i>42</i>

4. The 2016 COP Assessment report recommended to the Belgian FIU to base its power of postponement on reports from all the reporting entities and to give these entities all the necessary means for applying blocking measures. The follow-up report of 2018 concluded that Belgium had implemented the recommendations.

Conclusion

5. The Belgian FIU has acquired the competence to oppose the execution of a suspicious domestic transaction, for which an STR is not required. The maximum duration of such

measures is five working days after submission of the information to the FIU. The measures have been applied in practice.

Bosnia and Herzegovina

1. The FIU may impose a temporary suspension of transaction when there is a suspicion of ML or TF activities for a certain transaction, account or person (Arts. 58 and 59 AML/CFT Law). It can issue a written order to the reporting entities, or, in urgent cases, issue a verbal order which is later confirmed by a written order. The order lasts no longer than five working days, counting from the moment of issuing the order for suspension or from the moment of reporting on the suspicious transaction in case the reporting was made before the transaction.
2. After five days, solemnly the competent court may decide on an extension of the suspension. If within this timeframe the FIU finds no further reason for suspension, it informs the reporting entity in writing, the latter which then immediately may perform the transaction. If the FIU does not perform any action within five days, the reporting entity may also execute the transaction in question.
3. The order of the FIU is not necessarily based on the existence of an STR, but may also be issued upon reasoned request of the prosecutor's office or other sources.
4. The following table shows the number of temporary suspension orders issued by the FIU between 2015 and 2018:

Year	No. of suspension orders	Summary amount of temporary suspended funds (EUR)
2015	24	1.707.316
2016	18	10.136.184
2017	8	138.619
2018	8	53.029.349
<i>Total</i>	<i>58</i>	<i>65.011.468</i>

5. Further detailed statistics read that suspension orders have been issued upon the order and upon the request of the prosecutor's office and upon receipt of an STR, in particular concerning ML suspicions regarding both natural and legal persons.

Conclusion

6. The FIU of Bosnia and Herzegovina may order the temporary suspension of a certain transaction, for which an STR is not required. The duration of the suspension lasts up to five working days. The FIU demonstrated its practice in this regard.

Bulgaria

1. The legal powers of the FIU of Bulgaria have been amended with the adoption of the new "Law on measures against money laundering" (LMML) and the amendment of the "Law on measures against the financing of terrorism" (LMFT), both entering into force on 31 March 2018.
2. In case of a suspicion of ML, the Head of the Bulgarian FIU may postpone a transaction or operation for a period up to five working days (Art. 73 LMML). For TF suspicions, the Minister of Interior, the Chairperson of the State Agency for National Security or officials expressly empowered thereby may postpone a transaction or operation for a period up to five working days. The timeframe counts from the day of the issuing of the order. The orders may be handed down upon receipt of an STR from reporting entities or upon received information from domestic competent authorities or other sources.

3. In case the order is not further confirmed through a preventive attachment or other provisional measures within five days, the transaction or operation may be carried out. During the postponement validity, the FIU carries out an analysis within three days, the results of which it communicates to the prosecutor's office, which may consequently approach the court with a motion for imposition of further preventive measures.
4. Moreover, in case of an emergency and when it is the only opportunity to freeze assets of a person for whom there is reason to believe that he/she prepares to commit a terrorist act, the LMFT envisages the Minister of Interior, the Chairperson of the State Agency for National Security or officials expressly empowered thereby to issue a written order to freeze funds and other financial assets or economic resources for a period up to 45 working days from the date of issuing the order.
5. The authorities provided one case example in which the FIU postponed suspicious ML transactions upon receipt of several STRs from Bulgarian banks.
6. Besides, the following statistics were provided on the postponement of transactions in 2017 and 2018:

Year	No. of postponed transactions	No. of postponement orders issued	Total value of postponed transactions (in EUR)
2017	19	6	Over 1.900.000
2018	16	12	Over 16.000.000
<i>Total</i>	<i>35</i>	<i>18</i>	<i>Over 17.900.000</i>

Conclusion

7. The Bulgarian FIU (in the case of ML), as well as the Minister of Interior, the Chairperson of the State Agency for National Security or expressly empowered other competent officials (in the case of TF) have acquired the power to issue a postponement order in case of a ML or TF suspicion respectively of a certain transaction, for a period lasting maximum five working days. The order may be informed by a variety of sources and is thus not restricted to STRs only. Practice is demonstrated through case law and statistics.

Croatia

1. The Croatian FIU may order a temporary suspension of a suspicious transaction when: a) it has to undertake urgent actions in order to verify the data on the suspicious transaction, or persons or funds involved, or b) when it estimates that there are reasons for suspecting that the transaction, persons or funds involved are related to ML and/or TF. The suspension order may last no more than 72 hours from the moment of issuance of the order to the reporting entity, or no more than 120 hours in case of non-working days of the FIU.
2. An oral order may also be issued if it is impossible to make the written order, but it shall be followed by a written order the next day.
3. In case the temporary suspension order is issued, the FIU directly informs the state attorney's office for it to undertake further actions. After expiration of the maximum duration of the order, only the court may prolong the suspension.
4. If the FIU finds no more reasons for the temporary suspension of the transaction, it informs without any delay the reporting entity involved and the competent state attorney's office.
5. The FIU may order the suspension issue upon receipt of an STR, but this is not required.
6. The authorities have provided four cases in which the Croatian FIU ordered a financial institution to postpone a certain suspicious transaction. The four cases, together with the FIU's operational analysis on the suspicious transaction, persons or funds, were all disseminated to the prosecutor's office for further proceedings. Moreover, the Croatian

authorities provided the following statistics to demonstrate that the FIU has practised its competences to temporarily suspend a domestic suspicious transaction:

Year	Amount of postponement orders issues (approximately, in EUR)
2012	1.666.974,10
2013	6.923.045,92
2014	2.780.346,72
2015	10.078.093,42
2016	8.460.207,54
2017	1.428.681,16
2018	10.596.678,53
<i>Total</i>	<i>41.934.027,38</i>

Conclusion

7. The FIU of Croatia is competent to temporarily suspend suspicious transactions for a period up to 72 hours, or 120 hours in case of non-working days. These measures are not necessarily based on STRs. Practice in recent years has been demonstrated through case law as well as statistics.

Cyprus

1. The Cyprus FIU may issue instructions to an obliged entity on the suspension or non-execution of a transaction or to have an activity of a bank account checked, when there is a reasonable suspicion that the transaction relates to ML or TF (Art. 55(1)(e)(i) AML/CFT Law). The instruction has the purpose for the FIU to analyse the suspicious transaction or to issue or register a restraint order or confiscation of assets.
2. The Cyprus FIU may apply this power not only in case it receives an STR, but also upon reasoned request from competent authorities.
3. The instruction for non-execution or suspension of a transaction may be valid for up to seven business days. Its validity may be renewed, totalling a period up to 30 business days.
4. The authorities provided the following statistics to demonstrate the application of Article 14. It should be noted that the value of the suspended transactions per year is unavailable:

Year	Number of postponement orders issued by FIU to suspend transactions/block accounts
2015	13
2016	10
2017	20
2018	7
<i>Total</i>	<i>50</i>

Conclusion/Recommendation

5. The Cyprus FIU has gained the power to temporarily suspend a suspicious domestic transaction for a maximum period of seven days, or 30 days in case of renewal of the decision, including upon receipt of an STR, a domestic request from competent authorities or other sources. The application of Article 14 was demonstrated. The authorities are nevertheless invited to consider maintaining comprehensive statistics on the application of Article 14, which would include the value of the postponed transactions concerned and any other relevant information.

Denmark

1. The FIU and the Police both have the power to restrain transactions (possibly relating to ML or TF), which they apply in accordance with the Administration of Justice Act (Section 807 F).
2. The restraints are applicable for a period up to seven days and may, during this period, be converted into a regular seizure.
3. The temporary measures are not restricted to cases where an STR has been submitted.
4. The authorities have not provided any statistics or case example to demonstrate the application of Article 14.

Conclusion/Recommendation

5. The Danish authorities, including the FIU and LEAs, have acquired the competence to restrain suspicious transactions for a period up to seven days, in cases with or without an underlying STR. It is not clear to what extent such power has been applied in practice. Denmark is therefore recommended to consider maintaining statistics on the number of postponement instructions issued and any other relevant information.

Estonia

1. The Estonian FIU is empowered to withhold a suspicious transaction related to ML or TF (Article 57 of the Money Laundering and Terrorist Prevention Act. The FIU issues a compliance notice, this being a precept with which the FIU obliges reporting entities to restrict assets for as long as it is required in the precept. The precept imposes an obligation on the obliged entities and warns of the consequences if the precept is not fulfilled (Article 65 (2) of the Act). The period of suspension can last initially for up to 30 days and can be extended to an addition period of 60 days if the owner or the possessor does not prove the legal origin of the property or there is a TF suspicion (Article 57 (3)). Furthermore, the Estonian FIU is empowered to suspend transactions upon request by a foreign FIU (Article 57 (1)), thus being also compliant with Art. 47(1) of the Convention. In addition, there is a ground to extend the suspension period with the permission of the administrative court up to a period of one year. According to the Article 57 (6) where the owner of the property or, in the event of property held on the account, also the beneficial owner of the property has not been established, the FIU may ask the administrative court for permission to restrict the disposal of the property until the owner or beneficial owner of the property has been established. The FIU may ask the same also upon termination of criminal proceedings, but not for more than one year period.
2. The Estonian legislation does not limit the application of these measures to situations where an STR was previously submitted.

Effective implementation

3. To better reflect the application of this mechanism in practice, the authorities also provided statistics and case examples, thus demonstrating that the country effectively implements Article 14 of the Warsaw Convention:

In a time period of 2018 – 2022, FIU has restricted the assets:			
Year	30-day restrictions	60-day restrictions	1 year restrictions
2018	69	51	-
2019	50	39	2
2020	32	15	2

2021	15	12	5
2022	56	12	5

* Restrictions on accounts and assets are both included. 60-day or one-year restrictions have been tied to the initial 30-day restriction. One year restriction may also be set after the end of the criminal proceedings.

- In addition, the authorities also advised that postponement of suspicious transactions is not the only tool used to secure the funds suspected to be the proceeds of crime. Instead, the FIU's close cooperation at an early stage with investigators and the prosecutor's office usually results in immediate issuing of a seizure order.

Conclusion

- The FIU of Estonia has the power to temporarily suspend suspicious transactions for a period of up to one year, at its own initiative or upon the request of a foreign FIU. This measure is not necessarily based on a STR. Effective implementation of Article 14 has been demonstrated through case law as well as statistics.

France

- The AML/CFT Law in Article L561-24 foresees for the FIU the power to suspend the execution of an operation which has not yet been executed for a certain period of time, for the judiciary authorities to investigate the necessity to order a criminal seizure. The operation may relate to a suspicion of ML or TF.
- It is not required to have an STR underlying the transaction in question.
- The suspension may be in place for the duration of ten days from the moment of notification by the FIU. The FIU may forward the case in question to the prosecutor's office.
- The competent court (President of the Grand Instance Tribunal) may prolong the time-limit or order provisional measures, upon request of the prosecutor's office.
- The authorities demonstrated the application of the power to postpone domestic suspicious transactions through the following statistics:

Year	Number of opposition measures	Number of dossiers	Total amount involved (in EUR)
2017	24	20	8.7 million
2018	7	7	1.6 million
<i>Total</i>	<i>31</i>	<i>27</i>	<i>10.3 million</i>

Conclusion

- The FIU of France has acquired the competence to postpone suspicious domestic transactions for a maximum period of ten days. It may be informed by a variety of sources. Practice of the application of the postponement measures was demonstrated through statistics.

Georgia

- The FIU of Georgia has gained the power to suspend transactions in case of reasonable grounds to suspect ML or TF in 2015. The obliged entity must immediately undertake all necessary measures to implement the FIU's instruction. Although usually made in writing, the instruction may also be communicated verbally or electronically in urgent circumstances.
- Following the instruction to suspend, the materials must be immediately disseminated to the respective authorities of the Prosecutor's Office, the Ministry of Internal Affairs and/or the State Security Service.

3. The decision to suspend a transaction may be made irrespectively of whether an STR was received by the FIU. The decision may be triggered by both an STR and the ensuing FIU analysis, or by other sources.
4. Transactions can be suspended for no more than 72 hours, excluding non-working days.
5. The following table visualises the number of suspensions in recent years:

Year	No. of suspended transactions
2015	1
2016	1
2017	2
2018	0
<i>Total</i>	<i>4</i>

Conclusion

6. The Georgian FIU may suspend domestic transactions for a maximum duration of 72 hours (excluding non-working days) upon receipt of a STR or a reasoned request from other authorities. Some practice has been demonstrated in recent years.

Germany

1. The German FIU may prohibit the execution of a transaction where there are indications that the transaction is related to ML or TF, so as to be able to investigate those indications and analyse the transaction (Section 40, 'Urgent Measures', ML Act). It may order urgent measures leading to the postponement or suspension of a suspicious banking transaction, upon receipt of either an STR or other relevant information. The German authorities indicated that most urgent measures will be based on STRs, as the only requirement for the FIU is the existence of a suspicion that the transaction in question relates to ML or TF.
2. Urgent measures end no later than one month following the ordering of the measures by the FIU, or at the end of the fifth working day after the case was passed to the competent prosecution authority, or when the FIU consents to end the urgent measures.
3. The competent obliged entity is required to suspend on-going transactions which are reported as being suspicious (through an STR). These may only be executed when the FIU or the prosecution office consents to the execution or when three working days have elapsed since the STR was sent and no further order was issued by the FIU or the public prosecution office.
4. The public prosecution office may initiate criminal procedural measures to safeguard the enforcement.
5. No practice of the exercise of the above-cited powers by the FIU was demonstrated as no statistics are kept on the matter.

Conclusion/Recommendation

6. The FIU of Germany has acquired the competence to postpone a suspicious transaction, for which an STR is not required, for a maximum period of one month. Since no actual application of the competence was demonstrated, the authorities are recommended to consider maintaining statistics on the application of Article 14 regarding the number of urgent measures taken, the number of transactions postponed by obliged entities and any other relevant data.

Greece

1. The Chairman of the FIU shall order the suspension of the execution of a specific transaction in urgent cases or the provisional freezing of property, when it is suspected that this transaction or property is related to ML or TF. The order lasts for a maximum of

15 working days. By doing so, the FIU can investigate the grounds of the suspicion (Art. 48(2)(d) AML-Law). If the suspicion is not confirmed within these 15 working days, the Chairman lifts the temporary suspension or freezing. In case the duration of the provisional measures has expired, the measures are automatically lifted.

2. When the investigation reveals a reasonable suspicion of a ML or TF offence, the Chairman of the FIU shall order the freezing of the assets of the concerned person(s). It may then forward the case to the prosecutor.
3. The Chairman may order the provisional measures without an underlying STR. The measures shall also be ordered upon request of a corresponding authority from another member state of the EU, or they may be ordered upon suspicions based on a request by such an authority.
4. The authorities provided statistics from which the application of the provisional measures is demonstrated, notwithstanding the recent introduction of this competence on 31 May 2018. Since the introduction, the President of the FIU has issued four orders of provisional freezing, based on Article 48(2)(d) of the AML Law. The assets provisionally frozen were one sailing boat valued at €29.137.576 and stocks valued at €36.720.000.

Conclusion

5. The Chairman of the Greek FIU may order the postponement of domestic suspicious transactions for a maximum period of 15 working days, and no underlying STR is necessary. Although this possibility was only recently introduced, some practice has been demonstrated.

Hungary

1. The Hungarian FIU may order the suspension of a transaction when there is a suspicion of ML or TF in relation to a fact, data or circumstance. It does so in the framework of its operative analysis. It notifies the reporting entity concerned in writing, after which the latter must suspend the execution of the transaction in question. The FIU, within four business days as of the reporting to the entity, inspects the suspicion that was underlying to the order. The FIU may extend its inspection for another three business days if this is necessary for acquiring sufficient information to send it to relevant competent authorities and LEAs.
2. The FIU may order the suspension as a result of co-operation between the FIU and the investigative authority or the prosecutor's office, upon receipt of information sent by domestic competent authorities, or upon other sources. When a reporting entity files a suspicious activity report with the FIU, the former is also required to suspend the execution of a transaction. Immediate action is necessary both in case the FIU orders suspension and when an obliged entity reports an SAR.
3. The authorities submitted a case from which the application of Article 14 was demonstrated in practice: in close co-operation with financial service providers, foreign FIUs and criminal investigative authorities, and following an SAR, the FIU postponed a certain transaction and ultimately managed to secure proceeds of a criminal activity.

- The authorities also demonstrated practice through detailed statistics for the years 2016-2018:

	Types of suspension		Value
	FIU own competence*	Service provider*	Total (EUR)**
2016	173 (150)	82 (30)	7.727.876
2017	112 (100)	97 (21)	16.306.366
2018	120 (99)	100 (31)	6.707.124
Total	405 (349)	179 (82)	30.741.366

* The numbers are the total number of cases. The effective number of cases (i.e. where the operational analysis resulted in the dissemination by the FIU to the competent domestic authority in order to initiate a criminal procedure or support an on-going criminal investigation) is indicated in brackets.

** This is the total amount in EUR of the various assets in HUF, USD, GBP and EUR. The exact number may differ due to conversion rates.

Conclusion

- The Hungarian FIU is competent to suspend domestic suspicious transactions, for which an underlying STR is not needed, for a maximum period of seven working days. Detailed statistics and a case study have been provided to demonstrate effectiveness.

Italy

- The Italian FIU (UIF) is entrusted with the power of postponing transactions that are suspected of ML, associated predicate offences or TF. The UIF may use this power upon its own initiative or upon request by other competent authorities, for a maximum of five working days. The UIF's postponement order is based on an autonomous decision, provided that relevant requirements are fulfilled. In order for the postponement to be effective, the UIF undertakes action with competent LEAs to verify if the transaction is not already subject to investigations or legal proceedings, and to ensure that the postponement does not endanger any existing investigations or legal proceedings. The UIF also ensures that the provisional postponement can be secured and is consolidated through appropriate seizure or forfeiture orders by competent authorities. Once the UIF issues its order, it undertakes further action in liaison with competent LEAs in order to seek their interest in the subsequent seizure of the funds, as well as to send swift feedback to the RE, or, as the case may be, a requesting foreign FIU.
- The reporting entities are obliged to transmit an STR to the UIF in case of the suspicion of ML or TF, prior to the execution of the transaction concerned. The obliged entities are required to refrain from executing the suspicious transaction until the disclosure process has been completed.
- Statistics have been provided to demonstrate the effectiveness of the powers of the UIF in regard to its power to postpone a transaction:

Year	No. of potential postponements	No. of actual postponement orders
2017	214	38
2018	328	47
Total	542	85

Conclusion

- The Italian FIU may order the postponement of a suspicious transaction for a maximum period of five working days, upon receipt of an STR and upon request of domestic or foreign competent authorities. It demonstrated effective practice in this regard.

Latvia

1. It is established in the AML/CFT Law that a reporting entity should refrain from executing a transaction if there is a reasonable suspicion that the funds which are subject to the transaction may be linked to ML/TF (Sec. 32(1)). In such a situation, the entity informs the FIU Latvia on the transaction and takes any subsequent action only after further instruction from the FIU.
2. The FIU has obtained the power to postpone domestic suspicious transactions by temporary freezing, as an urgent measure. This measure lasts up to five working days. It is not required to have an STR underlying the decision to postpone a transaction. During the validity of the urgent measure, the FIU has the right to issue an order on the freezing of funds concerned for a time period up to 45 days (and six months for TF), which was confirmed by case examples, if there are reasonable suspicions that a criminal offence (including ML) is being committed or has been committed. In such case, it shall start an investigation.
3. The following statistics were provided to demonstrate the application of the powers of the FIU to suspend transactions for 5 days or for a prolonged period of 45 days:

	After STR			Own initiative			Total (in EUR)
	5 days	45 days	Value (in EUR)	5 days	45 days	Value (in EUR)	
2015	221	162	19.880.107	134	70	307.305	21.614.095
2016	346	218	31.428.653	55	33	3.295.064	36.170.978
2017	237	174	17.374.991	121	63	21.912.015	45.636.013
2018	240	127	81.992.238	87	67	19.429.548	101.482.411
Total	1044	681	150.675.989	397	233	44.943.932	204.903.597

Conclusion

4. The FIU Latvia may postpone domestic suspicious transactions for an initial period of five days or, if an investigation is initiated by the FIU, for a maximum period of 45 days. The FIU may take the relevant decision not only in case an STR was submitted, but also on its own initiative or upon request of a competent authority. The authorities demonstrated the application of these measures in practice through statistics and case examples.

Lithuania

1. Lithuania has relevant legislative measures in place permitting urgent actions to be taken by the Financial Intelligence Unit, which is a part of the Ministry of the Interior, to suspend a suspicious monetary operation or transaction for a period of 10 (ten) working days. The Law on the Prevention of Money Laundering and Terrorist Financing of the Republic of Lithuania, in its Article 7 states that the FIU has, inter alia, the right to *instruct financial institutions and other obliged entities to suspend, for up to ten working days, the suspicious monetary operations or transactions carried out.*
2. The FIU does not restrict the suspension of suspicious monetary operations or transactions only to cases where a suspicious transaction report has been received – this can also be done upon requests received from foreign FIUs as well as from national and foreign Law Enforcement Authorities.
3. During the suspension of a monetary operation, the competent authorities must provide the obliged entities with an order of temporarily restriction of the ownership rights as regulated by the Code of Criminal Procedure. In cases when a MLA request is submitted by a foreign country, execution of these requests is coordinated in cooperation with the Prosecutor General's Office and the Ministry of Justice. Other national Law Enforcement

Authorities have the right to suspend the transactions in accordance with the provisions of the Criminal Procedure Code (i.e. in the course of criminal investigation).

Conclusion

4. The Lithuanian FIU may postpone domestic suspicious transactions for an initial period of ten days. The FIU may take the relevant decision not only in case a STR was submitted, but also on its own initiative or upon request of a competent authority. The authorities did not provide statistics or case examples on application of Art.14 in practice.

Malta

1. The Maltese FIU is empowered to postpone the execution of any transaction, to be carried out by a reporting entity, if it knows or suspects that this transaction is related to ML or TF or involves property that is derived from or constitutes the proceeds of criminal activity (Art. 28(1) Prevention of Money Laundering Act).
2. Reporting entities are required to report any suspicious transactions to the FIU and they are to refrain from executing any such transaction that is pending the FIU’s decision to postpone. There are, however, some circumstances in which a reporting entity may still execute the transaction: this is where it is impossible to inform the FIU prior to executing the transaction, or where refraining from executing the transaction is likely to frustrate the efforts of investigation on ML or TF cases.
3. A postponement order may be issued on the basis of an STR, as well as on the basis of any other information that may be obtained by the FIU (e.g. upon request by a foreign FIU).
4. The maximum duration of a transaction’s suspension varies depending on the source of information. When acting upon receipt of an STR, the suspension can last up to three working days: one working day following the day of submission of information to the FIU by operation of the law; and a further two days after issuance of a postponement order by the FIU. On the other hand, when acting on the basis of information obtained through other means than an STR, there is no automatic suspension of the transaction’s execution. The FIU may be suspended for a maximum of two working days from the day the FIU notifies the entity on the opposition.
5. At the end of the suspension period (being either two or three working days, depending on the source of the order), the FIU can no longer postpone the execution of a pending transaction and the entity concerned may carry out the transaction, unless an attachment order is issued.
6. The following statistics were provided:

	No. of requests received	No. of postponement orders	No. of postponement order followed by attachment order	Total value (in EUR)
2015	8	5	5	Unavailable
2016	25	2	1	13.675.012
2017	48	4	0	621.670
2018	129	13	8	17.298.323*
<i>Total</i>	<i>210</i>	<i>24</i>	<i>14</i>	<i>31.595.005</i>

* The numbers in euro may differ slightly from the actual postponed value of assets, following the conversion of USD and Swedish kronor into euro.

7. Besides, the authorities provided three case examples of issued postponement orders on the basis of a submitted STR or other source. It may therefore be concluded that the FIU has effectively applied its powers to postpone suspicious transactions.

- At the time of the 2014 COP Assessment report on Malta, the Maltese FIU could postpone transactions only upon the basis of a filed STR. The FIU's competencies have been widened through amendments to the AML Law.

Conclusion

- The FIU Malta has obtained the powers to postpone domestic suspicious transactions for the duration of two working days, the source of such order not being limited to submitted STRs only. In the case of a submitted STR, a transaction's suspension may be effective for an additional working day by operation of the law. Practice of these powers has been demonstrated through statistics as well as through case examples.

Republic of Moldova

- The Moldovan FIU may issue a decision on the suspension of the execution of a suspicious activity or transaction or on the suspension of suspicious assets, possibly relating to ML or TF, which lasts for a period up to thirty working days (Art. 33 AML/CFT Law). This decision may be based on its own initiative or upon the request of a competent authority. The FIU shall notify the natural or legal person which is subject to the decision.
- The reporting entities, ex officio or upon request, shall suspend or withhold consent for a transaction going ahead for five working days in case of suspicion regarding a transaction arises.
- Based on the request of the FIU, the court may decide to extend the period of suspension up to 60 working days.
- The following statistics were provided to demonstrate effectiveness:

	No. of FIU decisions	Value (in EUR)
2015	126	7.162.944
2016	144	6.149.699 + 43% of USD 20 billion shares
2017	34	2.495.858
2018	22	3.412.505
<i>Total</i>	<i>326</i>	<i>19.221.006 + shares</i>

- Besides, the authorities also demonstrated through two cases the application of Article 14.
- The 2014 COP Assessment report on the Republic of Moldova concluded that Article 14 was adequately implemented.

Conclusion

- The FIU of the Republic of Moldova is in a position to issue a decision on the postponement of a suspicious transaction, on its own initiative, upon the receipt of an STR or upon request of a competent authority. The maximum duration is thirty working days. Effectiveness was demonstrated through statistics and two case examples.

Monaco

- Article 37 of Law No. 1.362 on combating money laundering, the financing of terrorism and corruption (as amended in 2018), empowers the Monegasque FIU to suspend a suspicious transaction. The decision on suspension has to be notified to the reporting entity. The period of suspension may last up to 5 working days.
- The Monegasque legislation does not pose a limit the application of this measures to situations where a STR was previously submitted - article 51 of Law No. 1.362 - when accomplishing its tasks (including suspending of a suspicious transaction), the FIU is entitled to use any information which may be relevant for its work. Furthermore, this article provides modules of cooperation with the foreign FIUs and also empowers the

Monegasque FIU to, under specific conditions, execute the request of a foreign FIU and suspend the transaction.

3. Monegasque FIU has repeatedly used its right to suspend transactions – relevant statistics were provided and are presented below:

Années	Déclarations de soupçon reçues	Dossiers transmis au Parquet Général	Représentant X déclarations de soupçon	Rapport transmissions / déclarations	Oppositions en nombre	Oppositions en valeur
2014	744	15	32	4,30%	2	2.200.000 €
2015	726	16	35	4,82%	2	4.400.000 €
2016	725	8	50	6,90%	-	-
2017	711	6	13	1,83%	2	2 950 000 €
2018	590	14	33	5,59%	1	11 382 365 USD

4. The authorities also provided a case where upon request of a foreign FIU, the Monegasque FIU suspended a transaction amounting to more than 8 million Euros.

Conclusion

5. The Monegasque FIU has acquired the competence to suspend a domestic suspicious transaction, for which no underlying STR is required, for a period no longer than 5 working days. This practice has been demonstrated through statistics.

Montenegro

1. The Law on the Prevention of Money Laundering and Terrorist Financing empowers the FIU Montenegro to temporarily suspend a transaction which raises suspicion of ML and related predicate offences or TF (Art. 61). This is done through written order to the reporting entities, but in case of urgency such may also be communicated verbally (followed by the written order).
2. The FIU may order the suspension for a period no longer than 72 hours, in which it evaluates the reasons for suspicion. The deadline may be extended in case of a non-working day. Upon notification of the FIU, the reporting entity involved shall immediately take the necessary measures and actions. Within this timeframe, the FIU also informs the administrative authorities about the suspended transaction. The latter (generally, the prosecutor's office) reviews the notification and may extend the suspension for a period of maximum six months.
3. The FIU may issue its order on the basis of the receipt of an STR or upon request of a competent authority, if such request is sufficiently reasoned.
4. The powers of the FIU have been practised a number of times between 2014 and 2018:

	No. of suspended transactions	Amount (in EUR)
2014	19	10.009.179
2015	17	17.420.307
2016	6	6.233.925
2017	19	8.576.700
2018	22	8.225.969
<i>Total</i>	83	50.466.080

Conclusion

5. The Montenegrin FIU has acquired the competence to suspend a domestic suspicious transaction, for which no underlying STR is required, for a period no longer than 72 hours. This practice has been demonstrated through statistics.

Netherlands

1. The powers in the Netherlands for postponement of a domestic suspicious transaction lie with the public prosecutor. Whenever a suspicious transaction (relating to *inter alia* ML or TF) is filed, the FIU shall notify the public prosecutor who decides on the possibility of (temporarily) blocking a transaction (Art. 14 of the Code of Criminal Procedure). A postponement order is restricted to cases with an underlying STR. The measure to temporarily block a transaction can be taken up urgently, if need arises. It is unknown what the time delay could amount to as a result of the needed communication between the FIU and the public prosecutor.
2. The possibility to seize the assets or funds to which the transaction relates, even if it is of a temporary nature only, is not limited in its duration by law.
3. No statistics or case examples have been provided to demonstrate effectiveness.

Conclusion/Recommendation

4. The Dutch public prosecutor has the possibility to order for an unlimited period of time the postponement of transactions, but only upon referral of a case by the FIU and on the basis of an underlying STR. The Dutch authorities are recommended to consider widening the powers of the competent authority(ies) (e.g. prosecutor and/or FIU) to issue postponement orders upon their own initiative and upon request of relevant domestic authorities. The Netherlands is also recommended to consider maintaining statistics on the number of postponement orders issued and any other relevant information.

North Macedonia

1. The FIU of North Macedonia is permitted to take urgent action when there is a suspicion that a transaction is related to ML or TF, to suspend or withhold consent to the execution of that transaction (Art. 64(3) and Art. 120(1) AML/CFT Law). This will be ordered in writing to the entity concerned, or verbally (later confirmed in writing) in case of an emergency.
2. After submission of the order, the FIU requests the competent public prosecutor to propose the institution of provisional measures. The FIU order lasts until a court decision on the proposal is reached, but no longer than 72 hours in total (extendable to 120 hours in case of non-working days).
3. If the public prosecutor decides that the request is unfounded, it immediately informs the FIU which in turn notifies the entity about the refusal. If the prosecutor considers the request to be well-founded, it refers the proposal to a judge who has 24 hours from the receipt to decide on the issuance of further provisional measures.
4. The order of the FIU is not restricted to transactions for which an STR was submitted: in all cases where there is a ML or TF suspicion, the FIU may order the postponement of the transaction.
5. The following statistics were provided to demonstrate the application of Article 14 in practice:

Year	No. of postponement orders issued	Total value of provisional measures (in EUR)*
2016	6	123.786
2017	1	720.226
2018	11	12.251.728
<i>Total</i>	<i>18</i>	<i>13.095.740</i>

* The numbers in EUR may differ slightly from the actual value of assets, following the conversion of denar and USD into EUR.

Conclusion

6. The FIU of North Macedonia has the power to order the postponement of domestic suspicious transactions for a period up to 72 hours (or 120 hours if non-working days are included). A reasonable suspicion for ML or TF is required, and the measure is not restricted to cases where an STR has been submitted. Practice of the provisional measures has been demonstrated through statistics.

Poland

1. The General Inspector of Financial Information (the FIU), which falls under the Ministry of Finance, is empowered to suspend transactions or to block accounts (i.e. an account which may be charged by other transactions) in case of a justified suspicion that the specific transaction or specific assets may be associated to ML or TF (Art. 86 AML/CFT Law).
2. The General Inspector may take the decision to suspend a transaction upon the initiative of an obliged entity (i.e. upon receipt of an STR) or upon his/her own initiative. In both cases, the above-mentioned measures stay in place for a period no longer than 96 hours from the General Inspector's confirmation of the receipt of an STR, or from the General Inspector's order to apply them. In case the measures are applied after filing the STR, the General Inspector is obliged to verify the entity's suspicion and to request the above-mentioned measures (or to revoke them) within 24 hours of receipt of the STR. Immediately after the submission of the order by the General Inspector to the obliged entity, the General Inspector notifies the prosecutor on the suspicion related to ML or TF. The prosecutor may then decide on further suspension of the transaction or blocking of the account for a period no longer than six months from the day of the receipt of the notification.
3. Obligated entities must not carry out transactions in case of a suspicion of ML/TF and an order for postponement by the FIU. Transactions may also be blocked upon the initiative of the obliged entity when assets stem from a crime other than ML or TF, in which case the reporting entity liaises directly with the prosecutor.
4. The authorities provided the following statistics on the number of suspensions of transactions and blocking of accounts.

	No. of measures taken		Value concerned (in EUR)	
	Blockade of account*	Suspension of transaction*	Blockade of account	Suspension of transaction
2015	341 (33)	40 (40)	37.720.545	798.597
2016	325 (30)	22 (21)	39.914.834	7.264.814
2017	351 (41)	21 (19)	32.772.264	687.728
2018	302 (69)	15 (13)	100.333.100	27.181.326
<i>Total</i>	<i>1319 (173)</i>	<i>98 (93)</i>	<i>210.740.743</i>	<i>35.932.465</i>

* The numbers are the total number of blockades or suspensions ordered upon 'own initiative', with the number in brackets after notification from obliged institutions (upon receipt of an STR).

5. The authorities further provided a number of cases in which the General Inspector successfully ordered the postponement of a certain transaction or blocked accounts.
6. The 2013 COP report on Poland recommended the authorities to keep extensive statistics on the implementation of Article 14. The 2015 follow-up analysis concluded that this recommendation had been implemented.

Conclusion

7. The Polish General Inspector (the FIU) has acquired the competence to block accounts or suspend transactions in case of a ML or TF suspicion, which he/she may apply - after

having received an STR or on its own initiative - for a period no longer than 96 hours. The power of postponement has been regularly practised.

Portugal

1. Article 48 of the Portuguese AML/CFT Law foresees the temporary suspension of the execution of a transaction in the following scenarios: (1) in cases where an STR was filed; (2) in cases where no STR was filed but one should have been filed; (3) in cases where other relevant information became known to the Central Department for Criminal Investigation and Prosecution; and (4) in cases where the FIU made a proposal on the basis of its analysis of pre-existing STRs. Both ML and TF suspicion may give rise to a temporary suspension order.
2. It is clearly stipulated in the law that the suspension measures may concern present or future transactions.
3. Where an obliged entity identifies a suspicion in relation to a certain transaction or group of transactions, it reports this promptly to the Central Department for Criminal Investigation and Prosecution and to the FIU, and it shall refrain from carrying out any such transaction. Only if the obliged entity considers it impossible to refrain from execution, it may do so while promptly reporting the matter to both competent authorities. The FIU forms an opinion on the opposition measures and makes its standpoint known to the Central Department for Investigation and Prosecution.
4. In total, the Portuguese authorities have six working days to assess the suspicion and to take a decision on the postponement of the transaction. Within this timeframe, the FIU has two days for the assessment and the public prosecution has four consequent days. Upon decision by the Criminal Instruction Judge, the measures of suspension shall not exceed three months, but may be successively renewed during the investigation.
5. No statistics or case examples have been provided to demonstrate effectiveness.

Conclusion/Recommendation

6. The Portuguese authorities have the power to postpone a transaction or group of transactions for a total duration of six working days. This power is not restricted to cases where an STR was submitted. Since no practice was demonstrated, the authorities are recommended to consider maintaining statistics on the implementation of Article 14.

Romania

1. The Romanian FIU may order the postponement of unperformed transactions if there are suspicions of ML or TF. In order to confirm these suspicions, the FIU analyses the received or obtained financial information and, in case grounds for ML are identified, immediately informs the prosecutor's office. If grounds of TF are identified, the FIU also notifies the Romanian Intelligence Service. When other predicate offences are concerned, the FIU communicates the information to the competent LEAs.
2. The FIU may order the postponement upon receipt of an STR, or upon request of competent authorities.
3. The transactions may be postponed by the FIU for 48 hours. It may request to the prosecutor's office the extension of the suspension for another 72 hours.
4. The following statistical data was provided to demonstrate the application of Article 14 in the year 2017: a total of 326 STRs was submitted on unperformed transactions, out of which the FIU decided in 232 cases to suspend the operations. In 31 of these cases, the duration of the measures was insufficient, thus the FIU requested an extension from the prosecutor's office. In 71 cases, the FIU decided not to suspend operations. In the remaining 24 cases, the operations were already reported as unperformed and blocked

by the reporting entity involved. The amounts involved in the 232 suspended cases were: EUR 19.670.096; RON 13.482.096; USD 19.973.006; GBP 15.000 and PLN 8.500.

5. The 2012 COP Assessment report noted that amendments had recently been adopted which implemented the provision of Article 14, but that the effectiveness of that implementation could not yet be measured.

Conclusion

6. The Romanian FIU is in the position to postpone domestic suspicious transactions upon receipt of an STR, or upon request of the competent authorities, for an initial period of 48 hours, and an additional 72 hours after extension by the prosecutor. It has demonstrated the implementation of these measures with data from the year 2017.

Russian Federation

1. The Russian authorities, in their responses to the questionnaire referred to the legislation , i.e. Article 7 (10) of the AML/CFT Act which creates an obligation for the organisations that works with monetary funds or other assets to suspend the operations for five working days if at least one party of the transaction is directly or indirectly owned or controlled by the natural or legal person whose assets were frozen or if a natural person from the Terrorists list is performing operations with monetary funds or other assets in accordance with the permissions of the AML/CFT Act. In addition, the organisations that work with monetary funds or other assets are obliged to provide information on suspended operations to the national FIU immediately after the suspension. If the FIU finds a reasonable basis for the suspension it's able to issue a resolution to suspend such operations for an additional period of 30 days to initiate additional, more long-term freezing tools if its needed. These provisions, however, do not target the principles embedded in Article 14 and that is that the FIU or other competent authorities are permitted to take urgent measures when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion.
2. The authorities also argued that a court may order to suspend operations on bank accounts and other operations with monetary funds or other assets of the natural or legal person if there is a legally obtained information on its involvement in extremist activity, terrorism or proliferation of weapons of mass destruction or if its directly or indirectly owned or controlled by the natural or legal person that involved in such activity. Again, these provisions do not concern suspicion on ML and a possibility to undertake urgent action and suspend transaction in order to analyse it.

Conclusion/recommendation

3. The legal framework of the Russian Federation does not provide specific provisions which address the requirements of Article 14. The Conference of the Parties welcomes efforts currently under way by the Russian authorities to adopt measures, which would enable the FIU to take urgent measures when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion. The Russian Federation is encouraged to ensure the enactment of such legislation.

San Marino

1. The FIU of San Marino is empowered to postpone transactions, to block funds, assets or other economic resources, and to monitor any financial business relations. The postponement of suspected ML or TF transactions (and of transactions concerning assets

or funds suspected to derive from predicate offences) may last for a maximum of five working days. The FIU may order such postponement upon its own initiative or upon another source of information.

2. The blocking measure by the FIU – which applies when there are reasonable grounds to believe that assets are derived from ML, predicate offences or TF or may be used to commit such criminal offences – may apply for 15 days and may be extended up to 45 days by the judicial authority upon reasoned request of the FIU. Such measure is notified within 48 hours to the judicial authority, which shall confirm the blocking measure within the following 96 hours, if the requirements are met. When the blocking measure ceases to be effective or when it is revoked, the blocked assets should be returned to the rightful owner.
3. The submission of STRs to the FIU is not a condition for the FIU to order the postponement of transactions or block assets. Instead, the FIU may use its powers when there are elements to suspect ML/TF or predicate offences (in case of postponement of transactions) or when there are reasonable grounds for suspicion of ML, TF or predicate offences (in case of blocking of assets/funds).
4. The following statistics were provided to demonstrate the application of Article 14 in practice:

	Measures taken		Business relationships concerned	Amount (in EUR)
	Postponement	Blocking		
2008	0	0	0	N/A
2009	0	1	1	155.776
2010	0	0	0	N/A
2011	1	13	33	14.810.960
2012	1	6	29	24.533.981
2013	0	2	4	12.051.253
2014	0	2	3	517.672
2015	3	5	34	3.269.662
2016	1	1	2	268.603
2017	0	2	3	1.532.120
2018	0	0	0	N/A
<i>Total</i>	6	32	109	57.140.027

Conclusion

5. The FIU of San Marino is empowered to postpone transactions for a period up to five working days, by its own initiative (regardless of the receipt of an STR), or upon request of a domestic judicial authority or foreign FIU. This measure has been applied in practice.

Serbia

1. The AML/CFT Law of Serbia empowers the FIU to issue a written order to an obliged entity on the temporary suspension of a transaction, if it assesses that there is grounded suspicion of ML or TF in respect of a transaction or a person conducting the transaction. It informs the competent authorities so that these can take measures within their competence. The duration of the order is set at 72 hours, while this may be prolonged with 48 hours in case of non-working days.
2. In urgent cases, the Director of the FIU may issue an oral order which shall be confirmed in writing the next working day at the latest.
3. Obligated entities are also entitled to temporarily suspend a transaction, for a period of 72 hours maximum, if there are reasons to suspect ML.

4. The order of the FIU is not restricted to cases where an STR was submitted, but may also be informed by another competent authority.
5. The following statistics were provided to demonstrate the application of Art. 14:

Year	Number of postponement orders issued by FIU to suspend transactions
2015	1
2016	2
2017	0
2018	7
31.5.2019 -	1
<i>Total</i>	<i>11</i>

Conclusion

6. The Serbian FIU has acquired the competence to postpone domestic suspicious transactions for a period no longer than 72 hours (or an additional 48 hours in case non-working days), upon receipt of an STR as well as upon request of a competent authority.

Slovak Republic

1. The Slovak legislation provides for urgent actions to be taken to suspend or withhold consent to a transaction, both by the FIU and by obliged entities. The initial delay may last for a maximum of 120 hours, but may be prolonged by an additional 72 hours (excluding non-working days). Upon discovery of a suspicion, the reporting entity is obliged to delay the unusual business operation until it is reported to the FIU.
2. The FIU shall order the postponement of a transaction to an obliged entity in case it is needed to execute an analysis of the case because of suspicion with regard to ML or TF. As a result, the reporting entity is required to prolong its initial delay of executing the transaction until the FIU lifts the urgent measure.
3. The cases are not restricted to those where an STR was submitted, although this is the most regular scenario of application of postponement measures. Measures may be applied also upon the request of LEAs or other sources.
4. The following numbers were provided:

	Postponements	Amount of the assets of postponed transactions (in EUR)	Referred to LEA	Funds detained upon prosecutor's order	Criminal proceedings initiated	Cases with persons accused
2016	196	28.039.385	143	20	31	2
2017	123	9.895.434	87	13	31	1
2018	71	4.017.794	42	7	13	2
Total	390	41.952.613	272	40	74	5

Conclusion

5. The Slovak FIU may order the postponement of domestic suspicious transactions (for a period of 120 hours, which is extendable by an additional 72 hours) for which it is not required that an underlying STR has been received. The authorities demonstrated that the FIU has applied this power in practice.

Slovenia

1. The FIU Slovenia is empowered to issue orders to temporarily suspend transactions for a maximum of three working days, if the FIU considers that there are reasonable grounds to suspect ML or TF (Art. 96 AML/CFT Law). The order may be issued orally in urgent cases, but shall be followed by a written order.

2. If within three working days the FIU finds no confirmation of the ML or TF suspicion, it informs the competent authorities and obliged entities which then execute the transaction immediately.
3. The law does not explicitly provide that an STR should be submitted for a transaction to be postponed. However, in practice this is most often the case.
4. The AML/CFT Law stipulates sanctions ranging from EUR 12.000 to EUR 120.000 for breaches by obliged entities if they fail to comply with the FIU's order to temporarily suspend a transaction.
5. The following statistics were provided on the matter. A number of these orders led to a court decree for provisional securing of the assets at the accounts.

	Orders	Value (in EUR)	Bank accounts	Natural persons	Legal persons
2015	7	581.438	9	5	2
2016	10	1.750.671	22	13	4
2017	17	816.338	19	11 (9 foreign)	7
2018	14	3.356.244	19	11 (11 foreign)	8 (1 foreign)
<i>Total</i>	<i>48</i>	<i>6.504.691</i>	<i>69</i>	<i>40 (20 foreign)</i>	<i>21 (1 foreign)</i>

Conclusion

6. The Slovenian FIU has the power to order the postponement of a suspicious transaction for a period of three working days. This is usually triggered by a STR which is however not a pre-condition for the suspension. This power has been applied in practice.

Spain

1. The Criminal Court of Justice of Spain may order the postponement of a domestic suspicious transaction as an urgent measure. The duration of the order is freely determined by the judge in function. The Court may order such measure only upon the request of a prosecutor or the police, who are informed through an STR from obliged entities in case of a ML/TF suspicion regarding a particular transaction. The postponement measures may therefore only be based on the existence of an STR.
2. No information was provided as to whether the power of the Criminal Court of Justice to order the postponement measures has been applied in practice.

Conclusion/Recommendation

3. The Criminal Court of Justice may order the postponement of a suspicious domestic transaction, upon request of the police or prosecutor who are informed through the existence of an STR. The duration of the order is determined per individual case. No practice of the Court's orders of postponement has been demonstrated. The authorities are therefore recommended to consider widening the powers of the competent authority (e.g. the prosecutor or FIU) to adopt urgent postponement measures of domestic suspicious transactions upon i) own initiative, ii) upon receipt of an STR, and iii) upon request of a domestic competent authority. The authorities are recommended to consider maintaining statistics on the application of Article 14.

Sweden

1. The Swedish Security Service and the FIU (a part of the Swedish Police Authority) may order that property (money, claims or other rights) or an equivalent value held by an obliged entity temporarily cannot be moved or disposed of (Chapter 4, Section 11, prohibition on disposal of property, AML/CFT Law). This measure may be understood as the power of the competent authorities to withhold consent to the execution of a certain (future) transaction. The decision to do so shall be communicated to the prosecutor as

soon as possible, who in turn urgently determines if the measure remains in place. The obliged entity should be immediately informed of the prosecutor's decision.

2. The measure is not restricted to cases where an STR was submitted. They may last for no more than two working days, if it has not been lifted prior to this.
3. Concerning *a priori* reporting, the AML/CFT Law in Chapter 3, Section 3 establishes that an obliged entity may not conduct a transaction if there is reasonable suspicion for ML/TF before sending a report to the FIU (in line with AML/CFT Law, Chapter 4, Section 3). However, if it is impossible to abstain from conducting a suspicious transaction, or if abstention would likely complicate the further investigation, the transaction may nevertheless be conducted.
4. A case study was provided to demonstrate that the FIU of Sweden has imposed measures to stop suspicious transactions. The following statistics indicate the number of orders made and the value involved.

Year	Orders	Value (in EUR)*
2014 (July–December)	25	376.680
2015	72	770.685
2016	58	2.266.180
2017	70	1.598.053
2018	96	6.248.356
2019 –	41	3.546.282
Total	362	14.806.236

* The numbers in euro may differ slightly from the actual postponed value of assets, following the conversion of USD and Swedish kronor into euro.

Conclusion

5. The Swedish authorities have acquired the competence to temporarily restrain suspicious transactions, for a period no longer than two working days, based on information received from obliged entities or other sources. Sweden has demonstrated practice through a case study as well as through statistics.

Türkiye

1. The Türkiye's Minister of Treasury and Finance formally has the power to postpone suspicious transactions for ML or TF for seven working days (Art. 19/A AML Law), upon initiative of the FIU. This measure may be imposed upon receipt of an STR, which indicates that there is a need for postponing the transaction, or upon own initiative or upon the request of foreign counterparties.
2. The Regulation on Postponement of Transactions within the Scope of Prevention of Laundering Proceeds of Crime and on Financing of Terrorism further lays down the details of the principles and procedures for postponing or not allowing the execution of the suspicious transactions. These may be attempted to be conducted, or in the process of being conducted through obliged entities. Nevertheless, upon submission of a STR to the FIU, the reporting entity shall not execute the suspicion transaction until further instructions are received.
3. The following statistics were provided regarding the numbers of requests or STRs received and transactions postponed:

	Requests received	Transactions postponed*	Amount involved (in EUR)**
2016	2790	961	64.790.000
2017	9785	8220	118.003.600
Total	12.575	9181	182.793.600

* This includes STRs, foreign requests or decisions upon own initiative. In 2017, one transaction was postponed based on a foreign request and 71 transactions were postponed upon own initiative. The rest was based on an STR.

** The numbers in euro may differ slightly from the actual postponed value of assets, following the conversion of Türkiye's Lira, USD and GBP into euro. In addition to the value of amounts involved, transactions regarding gold, silver and real estate were also suspended in 2016 and 2017.

Conclusion

4. The Türkiye's law foresees the possibility for the Minister of Treasury and Finance, upon initiative of the FIU, to postpone domestic suspicious transactions for a period up to seven working days, for which no underlying STR is required. The statistics demonstrate that this power has been used in practice.

Ukraine

1. The Ukrainian FIU may order the suspension of financial transactions (Art. 17(2) AML/CFT Law) for a period up to five business days. During this period, it conducts further analyses to finally decide whether to extend the suspension with another period, the total delay not exceeding thirty business days.
2. If the ML/TF suspicion is not further confirmed, the FIU shall immediately cancel its decision on suspension and notify the reporting entity, so that the latter can execute the transaction in question.
3. The reporting entities are obliged to report suspicions to the FIU, after which they suspend the financial transaction(s) concerned for a period of two business days maximum.
4. The decision of the FIU may be informed by an STR of a reporting entity, as well as upon its own initiative.
5. The following figures were provided to demonstrate the application of Article 14:

	REs suspension	FIU suspension	Total suspensions	Amount of blocked funds (in EUR)
2015	234	1676	1910	210 million
2016	149	608	757	35 million
2017	128	633	761	66 million
2018	132	265	397	22 million
<i>Total</i>	<i>643</i>	<i>3182</i>	<i>3825</i>	<i>333 million</i>

Conclusion

6. The Ukrainian FIU has the power to postpone domestic suspicious transactions upon its own initiative or upon receipt of an STR, for an initial period of five working days, which may be prolonged to a maximum of 30 working days. Application in practice of such measures has been demonstrated.

United Kingdom

1. The FIU of the United Kingdom is entitled to withhold consent to a transaction going ahead for an initial period of seven working days, upon the receipt of an SAR. Therefore, a consent system and not a postponement system is applied.
2. Any person acting in the course of business in the regulated sector is required to make an authorised disclosure (also known as a 'Defence Against Money Laundering SAR') on a suspicion of ML or TF. The disclosure needs to be made before the transaction takes place, unless in case the person did not know or suspect the property was criminal property when he began the act, or in case he/she has a reasonable excuse for his/her failure to make a disclosure before the act. A customs officer or nominated officer under the AML/CFT Law may consequently give consent to the execution of the transaction, or the consent may be interpreted following the lack of any confirmation after seven days or

after a 'moratorium period' of 31 days. The moratorium period is the period in which further investigations into the possible ML transactions may take place and decisions may be made on further enforcement action (e.g. account freezing or civil recovery of the property). A court order may extend the moratorium period up to 186 days where further time is needed to conduct the investigation.

3. The customs officer or nominated officer may not give consent unless he makes a disclosure to the National Criminal Agency and receives consent thereof.
4. These measures are only applicable if an SAR is filed.
5. In addition to this process, there are a number of applicable powers available to law enforcement agencies to seek an account freezing order or a restraint order to prevent a person from dealing with property prior to the making of a confiscation order, yet this is not an urgent measure in the sense that it involves the postponement/withholding of consent of a suspicious transaction. These freezing orders require a reasonable suspicion, which is generally based on the existence of an SAR.
6. The authorities did not demonstrate the application of these measures.

Conclusion/Recommendation

7. The authorities of the UK are in the position to postpone domestic transactions for a period no longer than seven days, extendable to 31 days, and extendable to six months, if agreed by a court, if an investigation into ML requires so. This power is limited to cases with an existing 'Defence Against Money Laundering SAR'. The UK authorities are recommended to consider widening the powers of the FIU to withhold consent or issue postponement orders upon own initiative and upon request of domestic competent authorities, notwithstanding the (absence) of a filed SAR. Moreover, the authorities are recommended to consider maintaining statistics on the application of Article 14.

Annex I. Tabular overview of States Parties' responses

Country	Authority	Duration	STR required	Statistics
Albania	FIU	72 hours	No	Yes
Armenia	Central Bank/FIU	Five days	No	Yes
Azerbaijan	FIU	72 hours	No	Yes
Belgium	FIU	Five days	No	Yes
Bosnia and Herzegovina	FIU	Five days	No	Yes
Bulgaria	FIU/Mol	Five days	No	Yes
Croatia	FIU	72 hours	No	Yes
Cyprus	FIU	30 days	No	Yes
Denmark	FIU/LEA	7 days	No	No information
France	FIU	Ten days	No	Yes
Georgia	FIU	72 hours	No	Yes
Germany	FIU	One month	No	No
Greece	FIU	15 working days	No	Yes
Hungary	FIU	Four days	No	Yes
Italy	FIU	Five days	No	Yes
Latvia	FIU	Five/45 days	No	Yes
Lithuania	FIU	10 working days	No	No
Malta	FIU	Two/three days	No	Yes
Republic of Moldova	FIU	30 days	No	Yes
Monaco	FIU	5 days	No	Yes
Montenegro	FIU	72 hours	No	Yes
Netherlands	Prosecutor	Unlimited	Yes	No information
North Macedonia	FIU	72 hours	No	Yes
Poland	General Inspector of Financial Information	96 hours	No	Yes
Portugal	FIU/Public Prosecutor	Six days	No	No information
Romania	FIU	48+72 hours	No	Yes
Russian Federation	N/A	N/A	N/A	N/A
San Marino	FIU	5 days	No	Yes
Serbia	FIU	72 hours	No	Yes
Slovak Republic	FIU	120 hours	No	Yes
Slovenia	FIU	Three days	No	Yes
Spain	Criminal Court of Justice/FIU	Undetermined	Yes	No information
Sweden	FIU/Security Service	Two days	No	Yes (incl. case study)

Türkiye	MoF/FIU	Seven days	No	Yes
Ukraine	FIU	Five/30 days	No	Yes
United Kingdom	FIU (withhold consent)	Seven days	Yes	No information

Annex II. Implementation of Article 47(1)

Introduction Article 47(1)

1. Article 14 is complemented by Article 47(1), which establishes that the FIU should be permitted to initiate urgent action, at the request of a foreign FIU, to apply postponement measures:
 - (1) *“Each Party shall adopt such legislative or other measures as may be necessary to permit urgent action to be initiated by a FIU, at the request of a foreign FIU, to suspend or withhold consent to a transaction going ahead for such periods and depending on the same conditions as apply in its domestic law in respect of the postponement of transactions.”*
 - (2) *“The action referred to in paragraph 1 shall be taken where the requested FIU is satisfied, upon justification by the requesting FIU, that:*
 - a. *The transaction is related to money laundering; and*
 - b. *The transaction would have been suspended, or consent to the transaction going ahead would have been withheld, if the transaction had been the subject of a domestic suspicious transaction report.”*
2. Article 47 thus elaborates on Article 14 by requiring measures to be put in place to permit urgent action to be initiated by an FIU at the request of a foreign FIU to postpone a suspicious transaction. According to Article 47(1), the requested FIU is the point of contact for the foreign requesting FIU. The authority making the decision on postponement may not be the FIU itself. The postponement is carried out when the criteria of Article 47(2) are met. These establish that a) the requested FIU shall be satisfied that the transaction relates to a ML suspicion and b) the transaction would have been suspended had it been reported domestically.
3. This annex looks at the implementation of Article 47(1) among COP States Parties. Since a majority of states had provided relevant information within their initial response to the questionnaire on Article 14, this overview has been included as an addendum to the study. In order to have a complete picture for the purposes, the Secretariat asked those States Parties which had not provided information on Article 47(1) to send additional information on the power to postpone transactions upon request of a foreign FIU, in line with Article 47(1).
4. It is important to recall (see above, paragraph 6 of the thematic monitoring study of Article 14) that no conclusions on the implementation and follow-up recommendations are made with regard to Article 47(1), as the provision was not initially included in the scope of this thematic monitoring study.
5. As one state party noted in its responses to the questionnaire, the current approach taken by COP States Parties towards the implementation of Articles 14 and 47(1) varies both in terms of the competent authority and the duration of the postponement order. This may potentially pose problems in practice in cases with cross-border elements under Article 47, as the FIU will need to take into account the different timeframe and procedures of the foreign authority. A more harmonised approach taken across COP States Parties could be beneficial for greater efficiency and effectiveness.

Implementation

6. Almost all States Parties provided in their laws for the possibility to order urgent measures upon a foreign request. The following is merely meant as a short overview of certain particularities under this provision which became apparent on the basis for the additionally-submitted information. For example, in the United Kingdom, the responsible authority may issue the order upon its 'own initiative', which suggests that information from abroad or foreign requests would form sufficient ground to take measures upon the authorities' own initiatives. However, this is not explicitly provided by law. The Spanish FIU may order urgent measures upon request of an FIU of an EU Member State only (i.e. not for all COP States Parties). One state party did not elaborate on the possibility of ordering temporary measures upon a foreign request.
7. For those countries which have designated another authority than the FIU with the power to suspend a suspicious transaction, requests by foreign FIU under Article 47 are made through the domestic FIU, in accordance with the procedure described under Article 14. The Netherlands has not explicitly provided in law for the possibility to order the temporary postponement of a transaction upon a foreign request. Nevertheless, a foreign FIU may request the Dutch FIU for the temporary measure, upon which the Dutch FIU will take the necessary steps, provided that the foreign request meets the requirements in accordance with domestic law. The same applies with regard to Türkiye, where the FIU may receive requests for the postponement of transactions by foreign FIUs. The FIU will communicate this to the Minister of Treasury and Finance, which then decides on the postponement.
8. Italy, Hungary and Türkiye provided statistics to demonstrate the effective implementation of Article 47(1). San Marino indicated that it had not received a request from a foreign FIU to postpone a certain suspicious transaction.
9. The following table illustrates the implementation of Article 47(1) in all COP States Parties which participated in this study⁷:

Country	Competent authority	Possibility to act upon foreign request
Albania	FIU	Yes
Armenia	Central Bank/FIU	Yes
Azerbaijan	FIU	Yes
Belgium	FIU	Yes
Bosnia and Herzegovina	FIU	Yes
Bulgaria	FIU/MoI	Yes
Croatia	FIU	Yes
Cyprus	FIU	Yes
Denmark	FIU/LEA	No information
Estonia	FIU	Yes
France	FIU	Yes
Georgia	FIU	Yes
Germany	FIU	Yes
Greece	FIU	Yes

⁷ The Russian Federation has not submitted any information on the implementation of Article 14 of 47(1).

Hungary	FIU	Yes
Italy	FIU	Yes
Latvia	FIU	Yes
Lithuania	FIU	Yes
Malta	FIU	Yes
Republic of Moldova	FIU	Yes
Monaco	FIU	Yes
Montenegro	FIU	Yes
Netherlands	Prosecutor	Yes
North Macedonia	FIU	Yes
Poland	FIU	Yes
Portugal	FIU/Public Prosecutor	Yes
Romania	FIU	Yes
Russian Federation	N/A	N/A
San Marino	FIU	Yes
Serbia	FIU	Yes
Slovak Republic	FIU	Yes
Slovenia	FIU	Yes
Spain	Criminal Court of Justice/FIU	Yes, but with regard to EU member states only
Sweden	FIU/Security Service	Yes
Türkiye	MoF/FIU	Yes
Ukraine	FIU	Yes
United Kingdom	FIU (withhold consent)	Upon its "own initiative"

Annex III – Rules of Procedure: 19 *bis*

Rule 19² - Procedure for monitoring the implementation of the Convention

In respect of its function under Article 48 paragraph 1a of the Convention, the Conference of the Parties will apply the following procedures:

Questionnaire

1. The Conference of the Parties shall prepare, within six months from its first meeting, a Questionnaire for its use in the monitoring of the proper implementation of the Convention (hereinafter “the Questionnaire”).

2. The Questionnaire will seek information on the implementation of provisions in the Convention which are not covered by other relevant international standards on which mutual evaluations are carried out by FATF, MONEYVAL and other equivalent AML/CFT assessment bodies (the FATF style regional bodies, the International Monetary Fund and the World Bank).

² At its 9th Plenary the COP decided to suspend the procedure under Rule 19 and to apply a transversal thematic monitoring in line with the newly adopted Rule 19bis for an initial period of two years with a further stocktaking discussion on the matter at its 11th Plenary in 2019. The follow up process under Rule 19 will continue at least until further discussion in 2018.

Annex IV. Questionnaire

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Introduction

At its 9th meeting, held in Strasbourg from 21 to 22 November 2017, the Conference of the Parties to the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198) decided to initiate the application of a horizontal thematic monitoring mechanism, for the initial period of two years. Such review looks at the manner in which all States Parties implement selected provisions of the Convention which is then documented in a thematic monitoring report (Rule 19*bis*, Rules of Procedure).

At its 10th meeting, held in Strasbourg from 30 to 31 October 2018, the Conference of the Parties decided that the second thematic monitoring report should deal with Article 9(3) as well as with Article 14 of the Convention.

Parties are therefore invited to submit information on the implementation of these provisions on the basis of the questionnaire provided below. The Parties are also invited to consider the Guidance for the preparation of replies, added to this questionnaire.

Information submission and deadline

The questions below reflect the relevant parts of the questionnaire adopted by the Conference of Parties at its 2nd meeting (Strasbourg, 15-16 April 2010). The questionnaire enables Parties to structure the information they provide in view of gathering the necessary information and data on the implementation of the Convention's provisions. Parties are kindly asked to keep their replies as concise and brief as possible.

While filling in the questionnaire, Parties may find the Explanatory Report of the CETS No. 198 helpful in order to structure their replies⁸.

The examples that Parties wish to provide may cover both cases of successful and/or unsuccessful cooperation with other Parties. The reference period to take into account for data collection should be the period starting from January 2015.

Replies to this questionnaire will be treated as confidential. Should Parties provide cases/examples, details (e.g. name(s) of the accused, some other details which may reveal the identity of the accused or even the victim) can be anonymised if they prefer so.

Parties are invited to send replies to the Secretariat, no later than **28 February 2019**, to: DGI-COP198@coe.int.

Contact persons

Please indicate the name and contact numbers of the person(s) within your country who can be contacted in relation to the replies to the questionnaire.

Name and surname	
Job title	

⁸ The document can be found on the Council of Europe website under: <https://rm.coe.int/16800d3813>.

Institution	
e-mail:	

QUESTIONNAIRE

Article 14 – Postponement of domestic suspicious transactions

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Answer

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Answer

Information to support the answer

Article 9 regulates the criminalisation of money laundering. Article 9(3) in particular adds value on money laundering criminalisation, as it provides to allow for lesser mental elements for money laundering of suspicions and negligence.

“Each Party may adopt such legislative and other measures as may be necessary to establish as an offence under its domestic law all or some of the acts referred to in paragraph 1 of this article, in either or both of the following cases where the offender

a) suspected that the property was proceeds,

b) ought to have assumed that the property was proceeds.”

Parties are expected, at a minimum, to provide the relevant **articles of the domestic legislation** dealing with this issue, e.g. from their criminal code, criminal procedures code, or other legislation. In addition, Parties are encouraged to support their response with **case studies**, or **any other information** that may be relevant in this regard.

Annex V. State submissions

Note: the information provided hereinafter is limited to what States Parties submitted as their response to the questionnaire. Additional information which the rapporteurs/Secretariat subsequently requested and which were sent in different formats (emails, scanned documents, excel sheets, etc.) were not included in this annex.

Albania	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p>According article 22 letter “g” of the to the AML/CFT Law, the Albanian FIU (General Directorate for the Prevention of Money Laundering), GDPML</p> <p><i>“g) orders, when there are reasons based on facts and concrete circumstances for money laundering or financing of terrorism, the blocking or temporary freezing of the transaction or of the financial operation for a period no longer that 72 hours. If elements of a criminal offence are noted, the Authority shall, within this timeframe, present the denunciation to the Prosecution by submitting also a copy of the order for the temporary freezing of the transaction or of the account, according to this article as well as all the relevant documentation”.</i></p> <p>This instrument is applicable in the all sorts of indicia, that can be a SAR, CTR a foreign request etc.</p> <p>Also, GDPML, based on article 22 letter “i” of the to the AML/CFT Law</p> <p><i>l) orders, when there are reasonable grounds for money laundering and financing of terrorism, the monitoring, during a certain period of time, of bank transactions that are being made through one or more specified accounts.</i></p> <p>It is worth to mention that, Article 12 para 2 of the AML/CFT Law establish that when the reporting entities upon being asked by the customer to carry out a transaction, suspects that the transaction may be related to money laundering or terrorism financing, or funds involved derive from criminal activity, these entities should not perform the transaction and immediately report the case to the GDPML and ask for instructions as to whether it should execute the transaction or not.</p> <p>GDPML responds within 48 hours from the time when was first notified, setting out the position for permitting the transaction or the issuance of the freezing order. When the GDPML does not respond within the stipulated period the reporting subject may proceed with the execution of the transaction..</p> <p>Funds frozen by GDPML and also the portion that was further seized</p> <table border="1" data-bbox="383 1507 1474 1850"> <thead> <tr> <th>Year</th> <th>No. of Freezing Orders</th> <th>Total frozen in EUR</th> <th>Total seized by court order in EUR</th> <th>% of seized funds</th> </tr> </thead> <tbody> <tr> <td>2011</td> <td>13</td> <td>1,619,509</td> <td>872,125</td> <td>53.5</td> </tr> <tr> <td>2012</td> <td>8</td> <td>1,297,000</td> <td>1,145,950</td> <td>88.3</td> </tr> <tr> <td>2013</td> <td>15</td> <td>881,670</td> <td>213,500</td> <td>24.2</td> </tr> <tr> <td>2014</td> <td>65</td> <td>18,183,760</td> <td>13,967,770</td> <td>76.8</td> </tr> <tr> <td>2015</td> <td>47</td> <td>16,278,080</td> <td>11,266,941</td> <td>69.2</td> </tr> <tr> <td>2016</td> <td>61</td> <td>28,772,733</td> <td>8,129,000</td> <td>28.2</td> </tr> <tr> <td>2017</td> <td>52</td> <td>11,263,587</td> <td>9,096,233</td> <td>80.8</td> </tr> </tbody> </table>	Year	No. of Freezing Orders	Total frozen in EUR	Total seized by court order in EUR	% of seized funds	2011	13	1,619,509	872,125	53.5	2012	8	1,297,000	1,145,950	88.3	2013	15	881,670	213,500	24.2	2014	65	18,183,760	13,967,770	76.8	2015	47	16,278,080	11,266,941	69.2	2016	61	28,772,733	8,129,000	28.2	2017	52	11,263,587	9,096,233	80.8
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	<div data-bbox="349 193 1502 241" style="border: 1px solid black; height: 23px; margin-bottom: 10px;"></div> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <div data-bbox="349 363 1502 464" style="border: 1px solid black; padding: 5px; margin-bottom: 10px;">NO</div> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <div data-bbox="349 585 1502 724" style="border: 1px solid black; padding: 5px;">72 hours (see details above)</div>
Armenia	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div data-bbox="358 863 1502 1877" style="border: 1px solid black; padding: 10px;"> <p><i>Please refer to:</i></p> <ul style="list-style-type: none"> • <i>Article 10; Part 7, Article 13; Article 26 of the AML/CFT law</i> <p>The Law empowers the Authorized Body (i.e. the CBA Board upon submission by the FMC) to suspend a suspicious transaction or business relationship for up to 5 days based on the analysis of the following information:</p> <ol style="list-style-type: none"> a) Filed reports (i.e. STRs and CTRs submitted by reporting entities); b) Requests from foreign financial intelligence bodies; c) Analysis of information provided by supervisory and criminal prosecution authorities; d) Other information. <p>General rules of reporting provide that STRs shall be submitted within the same day when grounds or criteria of suspicion are identified regarding a transaction or business relationship or, if impossible, by 12:00 pm of the following business day.</p> <p>Within 5 days following the reporting of an STR or from the suspension of a transaction or business relationship by the Authorized Body, one of the following decisions shall be adopted:</p> <ol style="list-style-type: none"> a) To extend the suspension for a period of another 5 days (in exceptional cases – 10 days) in order to establish the grounds for submitting a notification to criminal prosecution authorities, or b) To repeal the decision on suspension. <p>During the period under review the Authorized Body has suspended a number of transactions, most of which based on STRs or its own analysis, while 2 of them were suspended based on a foreign request.</p> <p>As for the Customs Authorities, those are required, for AML/CFT purposes, to suspend the transportation of currency and/or bearer securities based on information received, inter alia, from the FMC. FMC shall be promptly notified about the suspension (Article 3 of the EEU Agreement on Measures for Counteracting Legalization (Laundering) of Proceeds of Crime and the Financing of Terrorism in Transportation of Cash and (or) Monetary Instruments through the Customs Border of the Customs Union, adopted in Moscow on 19 December 2011; effective for</p> </div>

	<p>Armenia from 1 January 2015). Within 3 days following the notification, the FMC shall either advise the customs authorities on lifting the suspension or shall submit a notification to law enforcement agencies accompanied by information substantiating the potential link between the suspended currency and/or the bearer securities and ML/TF. The FMC shall immediately advise the customs authorities on submitting a notification to LEAs. If the FMC's decision is not communicated within 30 days from the moment of suspension, the customs authority shall resolve to lift the suspension within 1 day.</p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p><i>Please refer to the response above.</i></p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p><i>Please refer to the response above.</i></p>
Austria	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>The Financial Markets Anti-Money Laundering Act (German: Finanzmarkt-Geldwäschegesetz – FM-GwG) provides the basis for the A-FIU to stop transactions. Article 17 para 3 and 4 is thereby the relevant provision:</i></p> <p><i>(3) The obliged entities shall be entitled to request that the Financial Intelligence Unit (Geldwäschemeldestelle) should decide whether concerns exist about the immediate execution of a transaction; if the Financial Intelligence Unit (Geldwäschemeldestelle) fails to respond by the end of the following banking day, the transaction may be executed immediately.</i></p> <p><i>(4) The Financial Intelligence Unit (Geldwäschemeldestelle) shall be authorised to instruct that an ongoing or upcoming transaction, for which a report pursuant to Article 16 para. 1 is to be submitted, shall be omitted or temporarily delayed, and that instructions given by the customer relating to the disbursement of funds shall only be allowed to be conducted with the consent of the Financial Intelligence Unit (Geldwäschemeldestelle). The Financial Intelligence Unit (Geldwäschemeldestelle) must inform the Public Prosecutor's office of this instruction without unnecessary delay. The customer shall also be informed, although informing the customer may be put off for up to a maximum of five banking days, if doing so could otherwise impede the pursuit of the beneficiary of a suspicious transaction. The obliged entities shall be informed about the delay in informing the customer. The notification to the customer must include an indication that the customer or another affected party may be entitled to lodge a complaint with the competent administrative court regarding violations of their rights.</i></p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p><i>No</i></p>

	<p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Article 17 para 5 of the Financial Markets Anti-Money Laundering Act stipulates the following:</i></p> <p><i>(5) The Financial Intelligence Unit (Geldwäschemeldestelle) shall repeal the instruction in accordance with para. 4 as soon as the conditions for its having been issued no longer prevail, or the public prosecutor declares that the conditions for confiscation pursuant to Article 109 no. 2 and Article 115 para. 1 no. 3 of the Code on Criminal Procedure (StPO - Strafprozessordnung) do not exist. Otherwise, the instruction shall be abrogated: 1. once six months have elapsed since it was issued, or 2. as soon as the court has issued a legally effective decision on a request for confiscation pursuant to Article 109 no. 2 and Article 115 para. 1 no. 3 StPO.</i></p> </div> <p>Information to support the answer</p> <p><i>This provision is applied very rarely as in practice the FIU cooperates very closely with investigators and the prosecutor’s office to initiate the immediate issuing of a seizure order.</i></p> <p><i>This practical approach is more efficient as the blocking of a transaction on the basis of Article 17 needs to be confirmed by the prosecutor’s office anyway.</i></p> <p><i>In addition, Article 17 requires the FIU to make a decision within 24h. This is not possible in many cases as a decision very often relies on further information, which cannot be obtained within such a short timeframe (for example if additional information from a foreign FIU is required).</i></p>
Azerbaijan	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <p><i>Description and analysis</i></p> <p>The Law of the Republic of Azerbaijan on “Prevention of legalization of criminally obtained funds or other property and financing of terrorism” (hereinafter – AML/CFT Law) includes provisions, in particular Articles 11 and 19, to permit fulfilment of the obligations arising from Article 14 of the Convention.</p> <p>To be more precise, monitoring participants and other persons involved in monitoring⁹ (hereinafter – REs) should inform the Financial Monitoring Service of the Republic of Azerbaijan (hereinafter – the Service) if they suspect that a transaction to be carried out is related to money laundering or terrorism financing before executing such transaction. Under Article 11.4 of the AML/CFT Law, upon provision of the respective information to the Service, the REs should not execute the reported transaction within 2 business days¹⁰. According to Article 19.1 of the AML/CFT Law, during this period the Service based on suspicious transaction information received is authorised to make a decision to suspend the execution of a suspicious transaction related to money laundering and financing of terrorism. If such decision is made, the Service should send the relevant instructions on suspension of the reported transaction to the respective REs.</p> <p>If no instruction is received by REs from the Service within this period, the REs should proceed with execution of the reported transaction.</p> <p>Furthermore, in accordance with Article 19.2 of the AML/CFT Law, in case if the Service decides to suspend execution of a suspicious transaction related to money laundering and the financing</p> </div>

⁹ The definitions of “monitoring participants” and “other persons involved in monitoring” under Azerbaijani legislation largely corresponds to the definitions of FIs and DNFBPs respectively.

¹⁰ Please kindly note that Article 11.4 of the AML/CFT Law directly prescribes the said actions for monitoring participants. However, the provisions of Article 11.4 are also applicable with respect to other persons involved in monitoring due to cross-reference stipulated under Article 5.1 of the AML/CFT Law.

of terrorism, it may do so for a period not exceeding 72 hours. On making such decision, the Service is legally bound to immediately send the said decision and respective documents to the law enforcement authorities responsible for criminal prosecution of cases on money laundering and financing of terrorism. The latter referenced to Article 19.3 of the AML/CFT Law within the same 72 hours period may take further measures to extend the suspension period based on the provisions of the Criminal Procedure Code of the Republic of Azerbaijan.

It should be also noted that under Article 11.3 of the AML/CFT Law in case when non-execution of a transaction is impossible or where non-execution by REs may cause impediments for identification of the beneficial owner, the REs should send the respective reports immediately after execution of such transactions.

Implementation

According to available statistics, between 2014 and 2018 (inclusive), the Service imposed 11 suspension measures related to money laundering on amounts totalling 6,6047 mln. AZN. Out of these measures 9 were applied against individuals and 2 against legal entities.

To further supplement the provided information and statistics, below is the case example demonstrating implementation of suspension measures by the Service (*the real names of the parties in the case example have been changed to maintain confidentiality*). Please note that the information below is not meant to be public.

According to the STR received from Bank X, the local individual "A" established "ABC" LLC in 2018. The main activity of "ABC" LLC is customs brokerage. Individual "A" also opened a card account in Bank X in the name of "ABC" LLC. The said card account received transfers of more than 100,000 USD within one week of its opening. Such funds were originated from card holders (more than 100 different plastic cards) of 2 foreign countries. One of the banks from the originating foreign countries sent notification to Bank X regarding non-execution of the relevant transaction by its customer-card holder. Based on received notification, Bank X questioned the operations conducted by individual "A". The latter was not able to provide reasonable/adequate responses to Bank X questions. Bank X suspected that the respective funds from the foreign originated plastic cards were transferred fraudulently and filed the respective STR with the Service. Based on analysis of information contained in the STR, the Service also suspected that the funds were fraudulently obtained and, respectively, transactions have elements of a crime. Referenced to Article 19.2 of the AML/CFT Law the Service made decision to suspend the transactions of individual "A" and "ABC" LLC for 72 hours and the materials of the respective case were transferred for further investigation to the law enforcement authority.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Yes. In accordance with provisions of Article 19 of the AML/CFT Law, the Service makes decision on suspension based on the information submitted by the REs on suspicious transactions related to the money laundering and financing of terrorism. Please refer to answer of question 1 of Article 14 for more details.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Under Article 19 of the AML/CFT Law, the Service should make decision on suspension within 2 business days upon receipt of information on suspicious transaction from the REs. In case if the Service decides to suspend the reported transaction, it may do so for the period not exceeding 72 hours. Therefore, maximum duration in such case consists of 2 business days and additional 72 hours.

	<p>As noted under answer to question 1 of Article 14, further suspension measures can be taken by the respective law-enforcement authorities as a part of a criminal proceeding.</p>
<p>Belgium</p>	<p>Votre pays a-t-il adopté des mesures législatives et autres pour permettre à une cellule de renseignements financiers ou, selon le cas, à toute autre autorité compétente ou organe, lorsqu'il existe un soupçon que la transaction est liée à une opération de blanchiment, d'agir en urgence pour suspendre ou reporter la conclusion d'une transaction en cours, afin de lui permettre d'analyser la transaction et de confirmer les soupçons ?</p> <p>Réponse</p> <p>Oui, l'article 80 de la loi du 18 septembre 2017 permet à la Cellule de Renseignement Financier CTIF de s'opposer à l'exécution de toute opération afférente à une déclaration de soupçon ou une information en application de l'article 79 de la loi.</p> <p>La loi du 18 septembre 2017 relative à la prévention du blanchiment de capitaux et du financement du terrorisme et à la limitation de l'utilisation des espèces, entrée en vigueur le 16 octobre 2017, a transposé en droit belge la directive (UE) 2015/849 du Parlement européen et du Conseil du 20 mai 2015, relative à la prévention de l'utilisation du système financier aux fins du blanchiment de capitaux ou du financement du terrorisme, modifiant le règlement (UE) n° 648/2012 du Parlement européen et du Conseil et abrogeant la directive 2005/60/CE du Parlement européen et du Conseil et la directive 2006/70/CE de la Commission. La loi du 18 septembre 2017 précitée abroge la loi du 11 janvier 1993 relative à la prévention de l'utilisation du système financier aux fins du blanchiment de capitaux et du financement du terrorisme.</p> <p>L'article 79 explicite clairement les compétences et pouvoirs de la CTIF entre autres de recevoir et d'analyser les déclarations de soupçon transmises par les entités assujetties (professions financières et non-financières désignées), les CRF étrangères et d'autres autorités désignées dans la loi (les autorités de contrôle, les fonctionnaires des services administratifs de l'Etat, les curateurs de faillite, les administrateurs provisoires, le SPF Santé publique, Sécurité de la chaîne alimentaire et Environnement, les points de contact régularisation fédéral et régionaux, les Douanes et Accises, les centres publics d'aide sociale, le Ministère public et l'OLAF). En outre, l'article 80 § 4 de la loi prévoit explicitement que la CTIF peut décider d'une mesure d'opposition, et faire usage des dispositions des paragraphes 1 à 3 de l'article 80, à la demande d'une CRF étrangère.</p> <p>Article de loi « Art. 80.</p> <p>§ 1er. Lorsque la CTIF est saisie d'une déclaration de soupçon ou d'informations en application de l'article 79, elle peut faire opposition à l'exécution de toute opération qui y est afférente. La CTIF détermine les opérations ainsi que les comptes bancaires concernés par l'opposition et notifie immédiatement sa décision, par écrit, aux entités assujetties concernées.</p> <p>§ 2. L'opposition visée au paragraphe 1er fait obstacle à l'exécution des opérations qui en sont l'objet pendant un maximum de cinq jours ouvrables à compter de la notification.</p> <p>Si la CTIF estime que la durée de la mesure visée à l'alinéa 1er doit être prolongée, elle en informe sans délai le procureur du Roi ou le procureur fédéral, qui prend la décision appropriée. A défaut de décision notifiée aux entités assujetties concernées par l'opposition dans le délai visé à l'alinéa 1er, celles-ci sont libres d'exécuter la ou les opérations qui en sont l'objet.</p> <p>§ 3. Lorsque la CTIF transmet des informations au procureur du Roi ou au procureur fédéral en application du paragraphe 2, elle en informe également, sans délai, l'Organe central pour la Saisie et la Confiscation, créé par l'article 2 de la loi du 26 mars 2003 portant des dispositions sur la gestion à valeur constante des biens saisis et sur l'exécution de certaines sanctions patrimoniales.</p> <p>§ 4. La CTIF peut également décider d'une mesure d'opposition visée au paragraphe 1er à la demande d'une autre CRF. Le cas échéant, les dispositions des paragraphes 1er à 3 sont d'application. »</p> <p>Le tableau ci-dessous indique le nombre de fois que la CTIF s'est opposée à l'exécution d'une opération au cours des 3 dernières années :</p> <p>Nombre d'opposition</p> <p>2015 13</p> <p>2016 17</p> <p>2017 12</p>

	<p>A la demande CRF étrangères Pour la période entre le 01/01/2016 et le 31/12/2018, la CTIF a bloqué à une reprise de manière effective des fonds sur un compte bancaire en Belgique sur base d'une demande d'une autre CRF.</p> <p>Depuis juin 2018, la CTIF enregistre dans sa base de données les demandes de blocage reçues d'autres CRF et la CTIF peut par conséquent donner des statistiques plus précises sur les mesures de blocage mises en œuvre à la demande d'une CRF étrangère. Depuis juin 2018, 3 demandes de blocage ont été encodées comme 'request to freeze'. Dans ces trois cas, la CTIF a immédiatement communiqué les soldes des comptes visés par la demande de blocage et a donné l'autorisation aux CRF étrangères (jour même ou lendemain) d'utiliser les informations communiquées, mais la CTIF n'a pas bloqué les fonds parce les soldes des comptes visés par la demande étaient déjà nuls au moment où la demande a été reçue ou parce que la demande émanait d'une CRF de type judiciaire qui a fait elle-même ensuite le nécessaire, sur des informations que nous lui avons communiquées, pour obtenir/requérir une saisie judiciaire des fonds.</p> <p>Votre pays limite-t-il l'application de telles mesures aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée ? Réponse Non pas nécessairement. L'article 80 § 1er de la loi du 18 septembre 2017 dispose que lorsque la CTIF est saisie d'une déclaration de soupçon ou d'informations en application de l'article 79, elle peut faire opposition à l'exécution de toute opération qui y est afférente. » L'article 79 explicite clairement les compétences et pouvoirs de la CTIF entre autres de recevoir et d'analyser les déclarations de soupçon transmises par les entités assujetties (professions financières et non-financières désignées), ainsi que les informations, qu'elle traite cependant comme étant des déclarations de soupçons, reçues des autorités suivantes: les CRF étrangères et d'autres autorités désignées dans la loi (les autorités de contrôle, les fonctionnaires des services administratifs de l'Etat, les curateurs de faillite, les administrateurs provisoires, le SPF Santé publique, Sécurité de la chaîne alimentaire et Environnement, les points de contact régularisation fédéral et régionaux, les Douanes et Accises, les centres publics d'aide sociale, le Ministère public et l'OLAF.</p> <p>La déclaration préalable des opérations suspectes, et le traitement des informations reçues des autorités citées ci-avant traitées comme des DOS, est d'autant plus utile qu'elle permet à la CTIF de faire usage de son pouvoir d'opposition à l'exécution d'une opération pour une durée maximale de cinq jours ouvrables, délai qui peut être prolongé par le procureur du Roi ou le procureur fédéral. La CTIF a non seulement le pouvoir de faire opposition à l'exécution de l'opération dont elle a été informée par le déclarant, avant l'expiration du délai pour l'exécution de cette opération mentionné par le déclarant, mais elle peut également utiliser cette faculté pour bloquer, dans le cadre de l'examen d'une déclaration ou d'informations reçues d'autres autorités mentionnées ci-dessus, des opérations qui pourraient être envisagées auprès d'une entité assujettie sans que celle-ci n'ait procédé à une quelconque transmission d'informations.</p> <p>Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ? Réponse 5 jours ouvrables à compter de la notification à l'entité assujettie.</p>
Bosnia and Herzegovina	<p>1. Question: Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><u>Answer:</u> Articles 58 and 59 of the Law on Prevention of Money Laundering and Financing of Terrorist Activities ("Official Gazette of BiH", no. 47/14 and 46/16) stipulate a "temporary suspension</p>

of transaction” by the Financial Intelligence Department, when there is suspicion of money laundering or financing of terrorist activities in reference to a certain transaction, account or person.

According to the mentioned Articles, in carrying out its duties related to analyses and investigations of money laundering or financing of terrorist activities on the basis of suspicious transaction reports or requests of the prosecutor’s office, bodies/institutions or foreign authorities, the Financial Intelligence Department has the authority to issue a written order to liable persons for a temporary suspension of transaction(s). In urgent cases, the Financial Intelligence Department issues a verbal order to liable persons, which is later confirmed by a written order.

Excerpt from the Law on Prevention of Money Laundering and Financing of Terrorist Activities (“Official Gazette of BiH”, no. 47/14 and 46/16):

Article 58
(Temporary suspension of transactions)

(1) If, while carrying out its duties, including acting on requests of the authorities referred to in Articles 57, 62 and 66 hereof, the FID suspects money laundering or financing of terrorist activities in reference to a certain transaction, account or person, the FID may issue a written order for a temporary suspension of the transaction or transactions for no longer than 5 working days, and the period of temporary suspended transaction shall be counted from the moment of issuing the order for suspension by the FID, or from the moment of reporting on the suspicious transaction, when the reporting was made before the transaction and was confirmed by the FID. The FID may give additional instructions to a liable person as regards that transaction, suspension of transaction, execution of transaction as well as communication with the person or persons who are connected with the transaction or transactions.

(2) In urgent cases, the FID may issue a verbal order for temporary suspension of a transaction or transactions referred to in paragraph (1) hereof but shall forward a written order to a liable person on the following working day at the latest.

(3) An order for temporary suspension of a transaction or transactions shall include:

- a) Date and time the period of temporary suspension is counted from;
- b) Transaction account number;
- c) Data about the owner of account;
- d) Name of liable person and his other data;
- e) Amount of financial transaction or transactions to be temporarily suspended or suspended from being made;
- f) Other data related to a liable person and a suspicious transaction or transactions.

(4) After the period referred to in paragraph (1) hereof expires, a financial transaction may be temporarily suspended only by a decision of the competent court pursuant to the criminal procedure codes of BiH, FBiH, RS and BDBiH.

(5) The FID shall inform the authorities referred to in Articles 57, 62 and 66 hereof on issued written orders or on reasons for rejecting requests for temporary suspension of a transaction or transactions.

Article 59
(Termination of orders for temporary suspension of transactions)

(1) Should FID, after issuing the order for temporary suspension of transaction(s) within the deadline stipulated in Article 58 paragraph (1) hereof, assess that there is no further reason for the temporary suspension of transaction, it shall without delay notify the liable person in writing, who then may immediately perform the transaction.

(2) If FID does not take actions prescribed in paragraph (1) hereof, the liable person may immediately perform the transaction.

(3) The termination of an order for temporary suspension of transactions referred to in paragraphs (1) and (2) hereof, as well as failure to issue an order for temporary suspension of a reported suspicious transaction shall not necessarily imply that a suspicion of money laundering or financing of terrorist activities does not exist.

2. Question: Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer: The Financial Intelligence Department of the State Investigation and Protection Agency may temporarily suspend the transaction(s), including actions upon the requests of prosecutor's office and other bodies, if there is a suspicion of money laundering or financing of terrorist activities related to a transaction, account or person.

Thus, the action of the Financial Intelligence Department is not restricted to the existence of a suspicious transaction report.

3. Question: What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Answer: Temporary suspension of a transaction or transactions is for a maximum of five working days, and the period of temporary suspended transaction is counted from the moment of issuing the order.

After expiration of this period, the financial transaction may be temporarily suspended only by a decision of the competent court in accordance with the criminal procedure codes of BiH, FBiH, RS and BDBiH.

Statistical data of the Financial Intelligence Department of the State Investigation and Protection Agency for the period from 1 January 2015 to 31 December 2018, which refers to the temporary suspended funds are:

Year	Number of orders	Summary amount of temporary suspended funds (BAM)*
2018	8	104,100,830.06
2017	8	272,119.40
2016	18	19,898,135.53
2015	24	3,351,596.69
TOTAL	58	127,622,681.68
Value in EUR (total)		65,252,441.00

*conversion was made on 5 March 2019, at the middle rate of the CBBH

Please find attached detailed statistics per years.

Bulgaria

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Answer

Bulgarian Parliament has recently adopted an entirely new Law on measures against money laundering (LMML). Amendments of the Law on measures against the financing of terrorism (LMFT) and other relevant laws have been also adopted. The new law was published in the Official Gazette on 27th March 2018 and entered into force on 31st March 2018. On 31st December 2018 the Rules on the implementation of the LMML have been adopted by the Council of Ministers.

The new preventive legislation is not only aimed at the transposition of the 4th AMLD, but also addresses requirements of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198), the UNSCRs and last but not least – the FATF Recommendations.

More specifically, the legislative amendments are related to the implementation of Chapter III, Section 2 and Chapter V of the Convention which are related to the functions and legal powers of the FIU and cooperation between FIUs.

Amendments have been introduced with regard to the rules for postponement of suspicious transactions/operations. These concern three main issues:

-The duration of the postponement has been increased from 3 to 5 working days (thus giving both the opportunity of the FIU, LEAs and the Prosecution to gather more evidence before proceeding with imposing provisional measures, also allowing the reporting entity to adequately handle any requests of the customer);

-Bearing in mind the general provision of Art. 14 and the relevant paragraphs of the Explanatory report to the Convention, the amendments also aim at a more efficient and timesaving procedure regarding the postponement as the new law gives power to the director of the Financial Intelligence Directorate of SANS (in its capacity of the Bulgarian FIU) to issue orders the postponement.

- There is an explicit provision for the postponement of transactions/operations upon request by another State Party (Art. 92 LMML and the amended Art. 11 LMFT) which provides a more comprehensive regulation of these issues. Prior to the adoption of the new LMML, the requirements of Art. 47 of the Convention were addressed by a more general provision of the former AML law.

Upon suspicion of money laundering the Head of the Bulgarian FIU may postpone a transaction/operation for a period of up to five working days.

Upon suspicion of terrorist financing the Minister of Interior or the Chairperson of the State Agency for National Security, or officials expressly empowered thereby may postpone a transaction/operation for a period of up to five working days.

The relevant provisions from the Bulgarian AML/CFT legislation are described below:

Law on Measures Against Money Laundering (LMML) - Article 73:

Upon the receipt of notification¹¹ on suspicions and/or knowledge of money laundering and/or funds of criminal origin, the Director of the Financial Intelligence Directorate of the State Agency for National Security may issue a written order for the postponement of a particular operation or transaction for a period of up to five working days reckoned from the day succeeding the day of issuing of the order, in order to analyse the said operation or transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities. Where a preventive attachment or garnishment¹² is not imposed within that period, the obliged entity may carry out the operation or transaction.

After carrying out the analysis, within three working days reckoned from the day succeeding the day of issuing of the order, the Financial Intelligence Directorate of the State Agency for National Security shall inform the prosecutor's office of the postponement of the operation or transaction, providing the necessary information while protecting the anonymity of the person who submitted the notification.

The prosecutor may approach the relevant court with a motion for the imposition of a garnishment or preventive attachment. The court must adjudicate on the motion within 24 hours from the receipt thereof.

Law on Measures Against Financing of Terrorism (LMFT) – Article 11:

Upon the receipt of notification on suspicions and/or knowledge of financing of terrorism, the Minister of Interior or the Chairperson of the State Agency for National Security,

¹¹ According to Art. 73, Para 1 LMML, the postponement may be ordered upon the receipt of a suspicious transaction report from the obliged entities under Art. 4 LMML (Art. 72 LMML), upon the receipt of information for ML from state authorities (Art. 88 LMML), upon the receipt of information for ML from a foreign FIU (Art. 89 LMML) as well as upon a request from a foreign FIU (Art. 90 LMML).

¹² These are different types of provisional measures depending on the type of assets (movable or immovable) which prevent the transfer, disposition or other actions to be undertaken with regard to the assets.

or officials explicitly empowered thereby, may issue a written order for the postponement of a particular operation or transaction for a period of up to five working days reckoned from the day succeeding the day of issuing of the order, in order to analyse the said operation or transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities. After carrying out the analysis, the Financial Intelligence Directorate of the State Agency for National Security shall promptly inform the prosecutor's office of the postponement of the operation or transaction, providing the necessary information while protecting the anonymity of the person who submitted the notification. Where a preventive attachment or garnishment is not imposed within that period, the obliged entity under LMML may carry out the operation or transaction.

Moreover, the LMFT envisages, in case of emergency, when this is the only opportunity to freeze funds and other financial assets or economic resources of a person in respect of whom there is reason to believe that he or she prepares to commit a terrorist act, the Minister of Interior or the Chairperson of the State Agency for National Security or an official explicitly authorised thereby may, by a written order, freeze funds and other financial assets or economic resources for a period of up to 45 working days reckoned from the day following the date of issuing of the order whereas they shall notify forthwith the prosecutor's office and shall provide to it any required information.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer

According to Art. 73, Para 1 LMML, the postponement may be ordered upon the receipt of a suspicious transaction report from the obliged entities under Art. 4 LMML (Art. 72 LMML), upon the receipt of information for ML from state authorities (Art. 88 LMML), upon the receipt of information for ML from a foreign FIU (Art. 89 LMML) as well as upon a request from a foreign FIU (Art. 90 LMML).

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

5 working days reckoned from the day following the issuing of the order.

Case example:

The case is based on several STRs from Bulgarian banks and relevant to requests from foreign FIUs from 2017 and 2018:

The case involves incoming transfers under bank accounts of Bulgarian entities ordered mainly by different natural persons from foreign states and subsequent outgoing transfers of amounts under the threshold for declaring of the source of funds. The beneficiaries were mainly legal entities in foreign jurisdictions.

The Bulgarian companies involved in the case had identical seat, client profile and economic behaviour. They were solely owned by foreign nationals and were incorporated in the Republic of Bulgaria by virtue of powers of attorney certified in a foreign state (a State Party).

After the STRs were analyzed and information was exchanged with the foreign FIUs (most of which are State Parties), materials on the case have been forwarded to the Bulgarian Prosecution with suspicions of established scheme for laundering of funds generated from participation in social engineering frauds. Pursuant to Bulgarian AML/CFT legislation our FIU has exercised its powers on this case to postpone suspicious transactions conducted by the company established in Bulgaria involved in the scheme. The case also involves relevant

	<p>checks by LEAs in foreign states. The sums of the suspended transactions were of a considerable amount of money.</p> <p>Statistics related to the practical implementation of Art. 14 of the Convention:</p> <table border="1" data-bbox="358 380 1500 604"> <tr> <td data-bbox="358 380 1500 432"></td> </tr> <tr> <td data-bbox="358 432 1500 485">Transactions postponed</td> </tr> <tr> <td data-bbox="358 485 1500 537">Orders for postponement issued</td> </tr> <tr> <td data-bbox="358 537 1500 604">Total value of the postponed transactions in EUR</td> </tr> </table>		Transactions postponed	Orders for postponement issued	Total value of the postponed transactions in EUR
Transactions postponed					
Orders for postponement issued					
Total value of the postponed transactions in EUR					
Croatia	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>Answer</i></p> <p>Croatian Parliament adopted the new Anti-Money Laundering and Terrorism Financing Law on 27 October 2017 and it was published in the Official Gazette No 108/17 (https://narodne-novine.nn.hr/clanci/sluzbeni/2017_11_108_2488.html)</p> <p>Consequently, Croatian legislation is harmonised with Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (4th EU AML Directive) and FATF Recommendations (2012).</p> <p>Relevant provisions from the AMLTF Law are Article 117 and Article 118. For the purposes of this translation, the expression “the Office” means Anti-Money Laundering Office (Croatian FIU).</p> <p><i>Order of the Office to the Reporting Entity for Temporary Suspending of the Performance of a Suspicious Transaction</i></p> <p style="text-align: center;">Article 117</p> <p>(1) The Office may order to the reporting entity, by written order, to temporarily suspend the performance of the suspicious transaction in the following cases:</p> <ol style="list-style-type: none"> 1. when the Office has to undertake urgent actions in order to verify the data on the suspicious transaction, certain person or funds, including the collection of additional data, information and documentation in the country and abroad, or 2. when the Office estimates that there are reasons for the suspicion that the transaction, certain person or funds are related to money laundering and/or terrorist financing. <p>(2) The Office may order to the reporting entity to temporarily suspend the performance of the suspicious transaction referred to in paragraph 1 of this Article for not more than 72 hours from the moment of the issuance of the order to the reporting entity.</p> <p>(3) As an exception, when the course of the deadline referred to in paragraph 2 of this Article includes Sundays, holidays and non-working days of the Office, the Office may order to the reporting entity to temporarily suspend the performance of the suspicious transaction</p>				

referred to in paragraph 1 of this Article for not more than 120 hours from the moment of the issuance of the order to the reporting entity.

- (4) When due to the nature or the manner of performing the suspicious transaction, or circumstances that follow the suspicious transaction, it is not possible to issue the written order to the reporting entity and in other urgent cases, the Office may issue a n oral order to the reporting entity to temporarily suspend the performance of the suspicious transaction referred to in paragraph 1 of this Article.
- (5) The office shall be obliged to confirm the oral order referred to in paragraph 4 of this Article by the written order not later than on the next working day following the issuance of the oral order.
- (6) The authorized person of the reporting entity shall compose the note on receiving the oral order referred to in paragraph 4 of this Article and shall store it in their records in line with the provisions of this Law referring to the protection and keeping of data by reporting entities.
- (7) The Office shall inform the competent state attorney's office of the issued order referred to in paragraphs 1, 2, 3 and 4 of this Article without any delay for the purpose of further actions to be taken in line with legal powers of that state attorney's office, of which it shall also inform the State Attorney's Office of the Republic of Croatia.
- (8) After the expiry of the deadline referred to in paragraphs 2 and 3 of this Article, the suspicious transaction may be temporarily suspended only by the decision of the court in line with the provisions of the act arranging the criminal proceedings.
- (9) Reporting entities referred to in Article 9 of this Law, in line with Article 74 paragraph 1 of this Law, shall not be allowed to reveal to the customer or a third person that the Office has issued orders referred to in paragraphs 1, 2, 3 and 4 of this Article.

Termination of the Validity of the order for Temporarily Suspending of the Performance of the Suspicious Transaction

Article 118

Should the Office, prior to the expiry of the order referred to in Article 117 paragraphs 2 and 3 of this Law, estimate that there are no reasons for the temporary suspending of the performance of the suspicious transaction any more, it shall without any delay inform of the termination of the validity of the issued order:

1. the reporting entity to which/whom the order has been issued, and
2. competent state attorney's office the Office has informed of the issued order, on the basis of Article 117 paragraph 7 of this Law, of which it shall also inform the State Attorney's Office of the Republic of Croatia.

Proposal of the Office Addressed to a Foreign Financial-Intelligence Unit for Temporary Suspending of a Suspicious Transaction Being Performed Abroad

Article 131

The Office may, within the framework of carrying out the tasks of the prevention and the detection of money laundering and terrorist financing, deliver a written proposal to a foreign financial-intelligence unit of a member state or a third country for the temporary suspending of a suspicious transaction being performed abroad should the Office estimates that in relation to the transaction,

certain person or funds there are reasons for the suspicion on money laundering or terrorist financing.

Temporary Suspending of the Performance of a Suspicious Transaction at the proposal of a Foreign Financial-Intelligence Unit

Article 132

- (1) The Office may, in a written form, issue an order to the reporting entity, upon the explained written proposal of a foreign financial-intelligence unit from a member state or a third country, under the condition set by this Law, for temporary suspending of the performance of a suspicious transaction, for no longer than a term prescribed by Article 117 paragraphs 2 and 3 of this Law.
- (2) The Office shall inform, without any delay, the competent state attorney's office of the issued order referred to in paragraph 1 of this Article for its further actions to be taken in line with legal powers of that state attorney's office, of which it shall also inform the State Attorney's Office of the Republic of Croatia.
- (3) The Office shall act in line with the provisions of paragraph 1 of this Article should it estimate on the basis of the reasons for the suspicion stated in the written recommendation of a foreign financial-intelligence unit, that the transaction, certain person or funds are related with money laundering or terrorist financing.
- (4) The Office shall not accept the proposal of a foreign financial-intelligence unit should the conditions referred to in paragraphs 1 and 3 not be met, and shall inform the foreign financial-intelligence unit of refusal to accept the proposal, in a written form, stating the reasons due to which the proposal of the foreign financial-intelligence unit has not been accepted.
- (5) The provisions of Articles 117 and 118 of this Law shall apply appropriately to the order issued to the reporting entity for temporary suspending of the performance of a suspicious transaction in line with this Article.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer

Croatian legislation does not impose such restrictions.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Answer

The maximum duration is 120 hours.

Cyprus

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion

that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

According to Article 55(1)(e)(i) of the AML/CFT Law, FIU Cyprus has the competence/authority to issue instructions to an obliged entity for the suspension or non-execution of a transaction or to have the movement of a bank account checked, where there is reasonable suspicion that the transaction relates to money laundering or terrorist financing for the purpose of analysis of a suspicious transaction or for the future issuance or registration of a restraint order or confiscation of assets.

Postponement Orders issued:

Year	Number of postponement orders issued by FIU to suspend transactions/block account
2015	13
2016	10
2017	20
2018	7

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

According to Article 55(1)(e)(ii) of the AML/CFT Law, the power to issue instructions to an obliged entity for the suspension or non-execution of a transaction or to have the movement of a bank account checked, may also be exercised in cases where the Unit receives relevant reasoned requests from the Police when the latter investigates predicate offences with the view of an application for a court freezing order. Moreover, when it receives justified requests from respective Units (FIUs) or competent Judicial Authorities of member states of the European Union or a third country. Therefore, such measures are not restricted only to cases where a suspicious transaction report has been submitted.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

According to Article 55(1)(e)(iii) of the AML/CFT Law, the instruction for suspension or non-execution of a transaction may be valid for up to seven (7) business days, but its validity may be renewed for a period not exceeding in total thirty (30) business days.

Denmark

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Answer

The Administration of Justice Act (AJA) Section 807 F – introduced by law in June 2013 – regulates temporary restraint of amounts that a company subject to the obligations set forth in the Danish Anti Money Laundering Act (MLA). Furthermore, the provision provides competent authorities, such as the FIU, with powers to restrain transactions. The possibility of temporary restraint is used by both police districts and the FIU.

	<p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <div data-bbox="358 268 1502 363" style="border: 1px solid black; padding: 5px;"> <p><i>Answer</i></p> <p>No</p> </div> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <div data-bbox="345 489 1502 611" style="border: 1px solid black; padding: 5px;"> <p><i>Answer</i></p> <p>If a temporary restraint is not converted into a regular seizure (AJA section 801-806) the restraint will have to be lifted within 7 days.</p> </div>
<p>Estonia</p>	<p>The corresponding legislative measures has been adopted in Estonia with Money Laundering and Terrorist Prevention Act (MLTFPA). Full text of the act is relevant here: https://www.riigiteataja.ee/en/eli/ee/521022023001/consolide/current.</p> <p>Financial Intelligence Unit (FIU) has the right to withhold a transaction in case of money laundering suspicion. According to MLTFPA § 57 - In the event of suspicion of money laundering or terrorist financing, the FIU may issue a compliance notice to stop a criminal activity or, at the request of the financial intelligence unit of another country, to suspend a transaction or impose restrictions on the disposal of property on an account, property kept on an account or property constituting the object of the transaction, official operation or official service or other property suspected of being associated with money laundering or terrorist financing for up to 30 calendar days as of the delivery of the compliance notice.</p> <p>Initial withhold can last up to 30 days, after that the FIU can withhold transaction another 60 days if the owner or the possessor does not prove the legal origin of the property or there is terrorism financing suspicion (MLTFPA § 57 (3)). If after that period still the beneficial owner of the money has not been established, the FIU may ask the administrative court for permission to restrict the disposal of the property until the owner of beneficial owner of the property has been established, but not for more than one year (MLTFPA § 57 (6)).</p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <div data-bbox="358 1266 1502 1352" style="border: 1px solid black; padding: 5px;"> <p>No, all restrictions come from the MLTFPA § 57 and they are not bound to the restriction, that previously should have been submitted suspicious transaction report.</p> </div> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <div data-bbox="345 1493 1502 1845" style="border: 1px solid black; padding: 5px;"> <p>According to the MLTFPA, the maximum duration of restricting the disposal of the property is one year. The 30+60-day restriction can be set by the FIU itself, up to a one-year limit is allowed only on the permission from administrative court.</p> <p>According to the MLTFPA § 57 subsection 1 in the event of suspicion of money laundering or terrorist financing, the FIU may issue a compliance notice to stop a criminal activity or, at the request of the financial intelligence unit of another country, to suspend a transaction or impose restrictions on the disposal of property on an account, property kept on an account or property constituting the object of the transaction, official operation or official service or other property suspected of being associated with money laundering or terrorist financing for up to 30 calendar days as of the delivery of the compliance notice. In the event property registered in the land register, ship register, central securities depository, motor register, register of construction works</p> </div>

or another state register, the FIU may, in the event of justified suspicion, restrict the disposal of the property for the purpose of ensuring its preservation for up to 30 calendar days.

According to subsection 3 by means of a compliance notice, the FIU may, in addition to the period specified in subsection 1 of this section, restrict the disposal of property for the purpose of ensuring its preservation for additional 60 calendar days where the possessor or owner of the property fails to prove the legal origin of the property or there is suspicion that the property is used for terrorist financing.

After that according to subsection 6, where the owner of the property or, in the event of property held on the account, also the beneficial owner of the property has not been established, the FIU may ask the administrative court for permission to restrict the disposal of the property until the owner or beneficial owner of the property has been established and the FIU may ask the same also upon termination of criminal proceedings, but not for more than one year.

The FIU has a powerful mechanism to issue suspension orders i.e., precepts. It can issue the precept to suspend a transaction or impose restrictions on the disposal of property. These measures were used regularly to safeguard assets. Other measures are also utilised, such as entering restrictions on the land register to prevent the sale, dissipation or lodging of a charge against immovable property.

In a time period of 2018 – 2022, FIU has restricted the assets:

Year	30-day restrictions	60-day restrictions	1 year restrictions
2018	69	51	-
2019	50	39	2
2020	32	15	2
2021	15	12	5
2022	56	12	5

* Restrictions on accounts and assets are both included. 60-day or one-year restrictions have been tied to the initial 30-day restriction. One year restriction may also be set after the end of the criminal proceedings.

Case example for FIU restriction and the initiated criminal proceedings

Estonian company X, manager of a crowd-funding platform, transferred millions of euros to its account in foreign country A. The credit institution servicing the accounts of company X suspected that the latter was not using the funds it received for their intended purpose and asked for additional information. Once the company X refused to provide it, the credit institution blocked the account of company X account and submitted an urgent report to the FIU in 2020.

The FIU analysed the report and, as a result of its preliminary analysis, found negative background information on a person related to the actual beneficiary of company X. The FIU imposed a restriction on the account of company X and subsequently asked all Estonian credit institutions for information related to company X, questioned the authorised representative of company X and requested information from the FIU of country A.

The authorised representative of company X was not able to explain to the FIU the substance or legality of the company's payment behaviour, nor did he provide any additional documents or evidence regarding the origin of the money, the intended nature of the transactions or the company's activities. It was suspected that the platform advertised some fictitious projects. The account of company X was suspended for an additional 60 days. The company X was requested to provide additional information on its investment projects and the member of the management board was called to provide explanations.

The FIU submitted a criminal report to the Police and Border Guard Board, followed by several disseminations thereafter to supplement the criminal case. During the additional analysis, it

	<p>emerged that the member of the management board of company X was a straw man, and that the actual beneficiary of the company was a citizen of country B. The FIU also cooperated with the relevant foreign FIUs and requested for restriction of funds in those jurisdictions. During the court proceedings funds were seized in Estonia and in one foreign jurisdiction.</p> <p><u>Case example for 1 year restriction and transfer the funds to state ownership</u></p> <p>FIU imposed a restriction on the account of person A and on that account was made money transfer from two different countries in a total sum of almost 90 000 euros. The credit institution serving the person A blocked the account because suspected BEC scheme.</p> <p>The Administrative Court seized the assets on persons A bank account during criminal procedure. Person A did not prove the legal origin of the assets therefor the money laundering suspicious remained. Since the criminal procedure was dismissed and the money laundering suspicious remained, the FIU asked the administrative court for permission to transfer the property to state ownership (MLTFPA § 57 (7)).</p> <p>Since the credit institution extraordinarily terminated the contract with person A and transferred the funds to its balance account, the administrative court gave the permission to transfer the funds to state ownership.</p>
France	<p>Votre pays a-t-il adopté des mesures législatives et autres pour permettre à une cellule de renseignements financiers ou, selon le cas, à toute autre autorité compétente ou organe, lorsqu'il existe un soupçon que la transaction est liée à une opération de blanchiment, d'agir en urgence pour suspendre ou reporter la conclusion d'une transaction en cours, afin de lui permettre d'analyser la transaction et de confirmer les soupçons ?</p> <p>L'article L561-24 du code monétaire et financier permet à la cellule de renseignement financier (TRACFIN) de s'opposer à la réalisation d'une opération qui n'a pas encore été exécutée pendant un certain délai afin que l'autorité judiciaire puisse apprécier l'opportunité d'ordonner une saisie pénale.</p> <p>Votre pays limite-t-il l'application de telles mesures aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée ?</p> <p>Jusqu'en 2013, seule la réception préalable d'une déclaration de soupçon émanant du professionnel en charge de la transaction permettait à TRACFIN d'exercer ce droit. L'article 9 de la loi de séparation et de régulation des activités bancaires du 26 juillet 2013 a étendu le champ d'application de l'article L.561-24 du code monétaire et financier pour permettre d'exercer le droit d'opposition sur la base d'une information apparue à l'occasion d'un droit de communication ou encore reçue d'un professionnel assujéti, d'une administration ou d'une cellule de renseignement financier étrangère, et ce même lorsqu'il n'y a pas eu de déclaration de soupçon préalable du professionnel concerné par la transaction.</p> <p>Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ?</p> <p>L'opération est reportée d'une durée de dix jours ouvrables à compter du jour d'émission de la notification de cette opposition. Toutefois, lorsque l'opération est le paiement d'un chèque, ce délai court à compter de la présentation en paiement par la banque bénéficiaire auprès de la banque tirée.</p> <p>Le président du tribunal de grande instance de Paris peut, sur requête de la CRF (TRACFIN), après avis du procureur de la République de ce siège, proroger le délai de 10 jours ou ordonner le séquestre provisoire des fonds, comptes ou titres concernés par la déclaration. Le procureur de la République peut présenter une requête ayant le même objet.</p>
Georgia	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p>

In 2015, the Financial Monitoring Service of Georgia (FMS) was given the power to suspend transactions when there are reasonable grounds to suspect money laundering or terrorism financing.

Following the suspension, the case materials must be immediately disseminated to the respective authorities of the Chief Prosecutor's Service, the Ministry of Internal Affairs and/or State Security Service of Georgia.

The obliged entity is required to immediately confirm the receipt of the FMS instruction and to undertake all necessary measures for the immediate implementation of the instruction.

The instruction to suspend a suspicious transaction is made by the head of FMS in writing, but can also be made verbally or electronically in urgent circumstances.

Year	Number of suspended transactions
2015	1
2016	1
2017	2
2018	0

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Transactions can be suspended by FMS irrespective of whether a suspicious transaction report has been submitted. The instruction to suspend a transaction can be based upon the analysis of FMS, as well as requests submitted by FIUs of other countries.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Answer
 Transactions can be suspended for no more than 72 hours excluding non-working days.

Germany

Question 3 – Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Under section 40 of the Money Laundering Act, the German FIU may prohibit execution of a transaction where there are indications that it is related to money laundering or serves to finance terrorism so as to be able to investigate those indications and analyse the transaction (“urgent measure”).

Pursuant to section 40 (1) of the Money Laundering Act, the German FIU can order urgent measures leading to the deferment or suspension of suspicious banking transactions. Pursuant to section 40 (2) of the Money Laundering Act, the German FIU can also take such measures based on a request from the FIU of another state. The public prosecution office may initiate criminal procedural measures to safeguard enforcement, in particular seizures or searches based on the powers granted under section 94 et seqq. and section 102 et seqq. of the German Code of Criminal Procedure.

Moreover, section 46 of the Money Laundering Act satisfies the requirements of Article 14, as the competent obliged entity pursuant to section 2 of the Money Laundering Act is required to suspend ongoing transactions which are reported as being suspicious (known as the “standstill obligation”).

	<p><i>Question 4 – Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</i></p> <p>Germany has chosen to apply the restriction provided for under Article 14, second sentence: section 46 of the Money Laundering Act presupposes that a suspicious transaction report pursuant to section 43 (1) of the Act which triggers the standstill obligation has already been sent.</p> <p>By contrast, urgent measures as defined in section 40 of the Money Laundering Act do not require a report to have been made pursuant to section 43 (1) of the Act. Nevertheless, urgent measures will generally be based on suspicious transaction reports. The only requirement is that the German FIU has evidence which indicates that a transaction is related to money laundering or serves to finance terrorism.</p> <p><i>Question 5 – What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</i></p> <p>Section 46 (1), first sentence, number 2 of the Money Laundering Act defines the standstill period following submission of a suspicious transaction report pursuant to section 43 of the Money Laundering Act. If the transaction is not explicitly authorised or prohibited, a standstill period of at least three working days following the day on which the report was sent applies. Under section 46 (1), second sentence, of the Money Laundering Act, Saturdays are not classed as working days when calculating this period.</p> <p>Under section 40 (4) of the Money Laundering Act, measures end</p> <ol style="list-style-type: none"> 1. no later than one month following the ordering of the measures by the German FIU, 2. at the end of the fifth working day after the matter was passed on to the competent prosecution authority, whereby Saturday is not classed as a working day or 3. at an earlier date if such date has been determined by the German FIU. <p><u>German laws</u> German Code of Criminal Procedure (<i>Strafprozeßordnung</i>, StPO) https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html German Criminal Code (<i>Strafgesetzbuch</i>, StGB) https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html Money Laundering Act (<i>Geldwäschegesetz</i>, GWG) https://www.bafin.de/SharedDocs/Veroeffentlichungen/EN/Aufsichtsrecht/Gesetz/GwG_en.html</p>
Greece	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div style="border: 1px solid black; padding: 5px;"> <p>Yes. According to Art. 48 par. 2(d) of the AML-Law (Law 4557/2018), “In urgent cases, when it is suspected that a property or transaction is related to money laundering or terrorist financing, the Chairman (of the Hellenic AML-Authority) shall order the provisional freezing of the property or the suspension of the execution of the specific transaction, in order to investigate the grounds of the suspicion as soon as possible and in any event within a period of fifteen (15) business days. Provided that the investigation is completed before the expiry of the above period without confirming the suspicion, the Chairman shall lift the temporary freezing or suspension. After expiry of the above period, the temporary freezing or suspension shall be automatically lifted. The temporary freezing or suspension shall also be ordered on the same conditions when requested by a corresponding authority from another member state of the European Union.</p> </div>

	<p>When the Authority's investigation reveals reasonable suspicion of the above offences, the Chairman shall order the freezing of the assets of the controlled persons, in accordance with the provisions of Article 42(5). Once an investigation has been completed, the Unit shall decide whether to close the case or to refer it, by a reasoned report thereof, to the competent prosecutor, when the information collected is sufficient for such referral. A closed case may be reopened at any time in order to continue the investigation or correlate it to any other investigation of the Authority.”</p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p>There is no such condition in the above provision.</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p>15 business days, according to the above provision.</p>
Hungary	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><u><i>I. Characteristics of the legal instrument suspension:</i></u></p> <p><i>In 2017 the Parliament of Hungary adopted the new anti-money laundering act, namely the Act LIII of 2017 on the Prevention and Combating of Money Laundering and Terrorist Financing (hereinafter: AML/CFT Act).</i></p> <p><i>Please find enclosed the unofficial English version of the AML/CFT Act.</i></p> <p><i>The new AML/CFT Act introduces several innovations compared to the former AML/CFT Act (Act CXXXVI of 2007 on the Prevention and Combating of Money Laundering and Terrorist Financing), thus some changes and progresses have been also carried out regarding the legal instrument suspension, upholding the values of the previous legislation. /The relevant part of the AML/CFT Act is Section 34-36./</i></p> <p><i>The subjects authorized to carry out the legal instrument suspension, the triggering parties are:</i></p> <p>A)</p> <p><i>Suspension by the service provider via reporting a SAR /Section 34 (1) of the AML/CFT Act/. The provisions on suspension cover all of the services of service providers.</i></p> <p>B)</p> <p><i>Suspension by the Hungarian FIU /Section 35 (1) of the AML/CFT Act/:</i></p>

- on its own competence (including the suspensions, which are the results of the cooperation between the investigative authority or public prosecutor and the HFIU);
- upon the request of a foreign FIU /Article 47 of the CETS No. 198/.

Thus, the HFIU can carry out such a suspension on the basis of its own analysis, on the basis of the cooperation between the investigative authority or the public prosecutor and the HFIU, and on the basis of the request of a foreign FIU.

Conditions of the use of the legal instrument at stake according to the AML/CFT Act:

- reporting obligation arises /any information, fact or circumstance indicating ML, TF or that a res originates from a punishable act (Section 30 (1) of the AML/CFT Act)/;
- immediate action is necessary.

Main changes, fine tuning of the system:

- *The service provider may suspend the transaction specified in Section 34 (1) also by suspending all transactions concerning the service engaged by the client decreasing the client's assets. In this case, the service provider shall call the financial intelligence unit's attention to this in its report specified in Section 34 (1) /Section 34 (2)/;*
- *Upon the request of the authority specified in Section 48 (1) instructing the financial intelligence unit thereto, the financial intelligence unit may obligate the service provider in writing – referring to crime prevention, crime detection and investigation purposes – to execute the transactions specified by the financial intelligence unit during the term of the suspension. /Section 34 (3)/;*
- *The service provider shall suspend execution of the transaction in accordance with the financial intelligence unit's instruction if the financial intelligence unit notifies the service provider in writing regarding a fact, data or circumstance constituting grounds for reporting in connection with the transaction or the service provider's client. /Section 35 (1)/;*
- *The duration of the suspension is 4 working days regardless the type of the transaction (domestic or international), which can be expanded with extra 3 working days /Section 35 (2) and (3) of the Hungarian AML/CFT Act/.*

The new legislation upholds the values of the previous legislation, thus also the safe harbour provisions are in force /Section 36 of the AML/CFT Act/:

The service provider and the financial intelligence unit shall – provided it acted in good faith – not have any civil law or criminal liability for suspending execution of the transactions in accordance with Sections 34(1) or 35(1) even if they can be executed later pursuant to Section 34(4).

It is worth mentioning the legal instrument prohibition of disclosure (Section 54-55 of the AML/CFT Act/, which also covers the legal instrument suspension.

The facilitating provisional measures of the LEA /prior to the actual procedural measures (e.g. house search, seizure, sequestration)/ by way of use transaction-suspension has changed in the practice.

The importance of such a use of the legal instrument suspension declined because of the new legal instrument "Monitoring of the payment transactions" established in the new Act on Criminal Procedure (the Act XC of 2017 on the Criminal Proceedings; effective as of 01/07/2018; relevant chapter XXXVII.: Covert tools authorised by the prosecutor).

During this monitoring activity there is also the possibility for the LEA to suspend the execution of payment transaction(s).

II. Statistics:

Please find enclosed the relevant statistical data.

III. Case studies:

It can be also stated that the HFIU has very similar experiences regarding the Article 14 of the CETS No. 198., as regarding the Article 47 of the CETS No. 198. The close cooperation between the HFIU and the financial service providers, the foreign FIUs, and the criminal investigative authorities is essential for achieving the intended result (securing the proceeds of criminal activity).

Case study:

The HFIU received a SAR in 2017, according to which the amount of 342.623 EUR was credited onto the bank account of a Hungarian company from a foreign bank account. The remitter's bank asked (via email) to transfer back the amount.

Meanwhile the credited amount was transferred further to foreign bank accounts, however the correspondent bank sent back the fund to the Hungarian bank due to suspicion of fraud.

Subsequently – as a result of the close cooperation with the Hungarian service provider and the HFIU – the HFIU requested the relevant Hungarian bank to suspend all of the transactions regarding the Hungarian bank account at stake.

Further information was available during the operative analysis:

- a crime was reported in the foreign country;*
- SWIFT message from the remitter's bank (fraud);*
- IP addresses, phone number of the beneficiary;*
- the UBO of the Hungarian company;*
- during the analysis of the bank account statement of the Hungarian company other suspicious (fraud) transactions were noticed.*

Taking into account the above written facts the HFIU disseminated all of the available information to the public prosecutor's office in order to initiate a criminal procedure in the criminal offense ML and to secure the fund via the criminal procedure.

The amount of 342.623,11 EUR was seized during the criminal procedure.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

No, there is not such restriction in the Hungarian legislation.

According to the Section 35 (1) of the AML/CFT Act the service provider shall suspend execution of the transaction in accordance with the HFIU's instruction if the HFIU notifies the service provider in writing regarding a fact, data or circumstance constituting grounds for reporting in connection with the transaction or the service provider's client.

The HFIU notifies the service provider in the framework of its operative analysis.

The operative analysis of the HFIU is triggered mainly by the obliged entities reporting a SAR, however there are other triggers (incoming information, requests, reports), which generate operative analysis of the HFIU /see Section 40 of the AML/CFT Act/:

- request, spontaneous information from foreign FIU;*
- information sent by supervisory body, Customs Authority;*
- cash control reports from Customs Authority;*
- report from FRM (financial restrictive measures) authority;*
- request from competent domestic authorities.*

In view of the above, the Hungarian legislation does not restrict the use of the legal instrument suspension to cases where a SAR was submitted.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

The duration of the suspension is 4 working days, which can be expanded with extra 3 working days /Section 35 (2) and (3) of the AML/CFT Act/.

Italy	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>Answer</i></p> <p><i>Legislative references and background</i></p> <ul style="list-style-type: none"> • According to the Italian AML legislation, the UIF, as the Italian Financial Intelligence Unit (FIU), is entrusted with the power of suspending transactions that are suspected of money laundering, associated predicate offences or terrorist financing. • In particular, under article 6(4)(c) of Legislative Decree n. 231 of 21 November 2007¹³, as amended by legislative decree n. 90 of 25 May 2017, implementing art. 32(7) of the Directive (EU) 2015/849 (Fourth AML Directive¹⁴), the UIF may suspend suspicious transactions, also upon request by competent Law enforcement bodies (Nucleo Speciale Polizia Valutaria di Guardia di Finanza and Direzione Investigativa Antimafia) and the Judicial authority, as well as upon request by another FIU, for up to five working days, provided there is no prejudice to ongoing investigations. • The effectiveness of the postponement power relies also on the provision in article 35(1) of Leg. Decree 231/2007. Obligated entities, in fact, have an obligation to “transmit without delay any Suspicious Transaction Report (STR) to UIF, whenever they know, suspect or have reasonable grounds to suspect that money laundering or terrorist financing is being or has been carried out or attempted, or that the funds, regardless of their origin, are the proceeds of criminal activity”, “<u>prior to executing a transaction</u>”. • This general principle of “ex ante” or “<i>a priori</i>” reporting (i.e. before executing a transaction) upon the detection of suspicion, is further qualified by the obligation, in article 35(2), for reporting entities to refrain from executing suspicious transactions until the disclosure process has been completed (as also foreseen by art. 32(7) of the Fourth Directive). • It is also important to underscore that, as prescribed by FATF standards and EU Directives, in accordance with article 35(1) recalled above, the obligation to file STRs applies also to <u>attempted transactions</u>: this is clearly conducive to the effective deployment of the postponement power by UIF. • As said, UIF is empowered to postpone transactions also upon request by a foreign FIU. This measure, introduced in the occasion of the implementation of the EU Fourth AML/CFT Directive (art. 32(7)), conforms to art. 47 of CETS 198. In accordance with these provisions, the postponement on behalf of a foreign counterpart can be carried out provided that UIF is satisfied that the transaction in question is indeed suspicious and, therefore, would have been suspended had it been reported domestically. <p><i>Sanctions</i></p> <ul style="list-style-type: none"> • Pursuant to art. 58(6) of the Leg. Decree 231/2007, obliged entities that fail to suspend suspicious transactions as established by the UIF, pursuant to art. 6(4)(c), shall be subject to an administrative pecuniary sanction ranging from EUR 5,000 to EUR 50,000. <p><i>The procedure</i></p>
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¹³ <http://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2007-11-21:231!vig.>

¹⁴ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0849&from=EN.>

- The postponement power of the UIF is an important administrative tool that is particularly effective in delaying the execution of suspicious transactions for an interim time, until further precautionary measures can be taken by competent law enforcement authorities.
- The provision in art. 6(4)(c) of Leg. Decree 231/2007 allows the UIF to adopt postponement actions based on an autonomous decision, provided that relevant requirements are fulfilled. As said, the postponement order can be issued also upon a request from other domestic agencies (Law enforcement agencies / Judicial authority) or from a foreign counterpart.
- In any event, in order for the postponement to be effective, appropriate contacts are swiftly taken by UIF with competent law enforcement agencies to verify if the case underlying the transaction is already subject to investigations or legal proceedings, ensure that the postponement do not endanger such investigations or proceedings and make sure that the provisional suspension can be secured and consolidated through appropriate seizure or forfeiture orders.
- In order to ensure a prompt and coordinated action by all the entities involved in the process (UIF, reporting entities/FIUs and other competent authorities), the UIF has issued instructions for filing reports, including as regards the aspects of “refraining” and postponing, (Provision of 4 May 2011, available in Italian on the UIF’s website¹⁵) and devised internal guidelines and procedures either for domestic Authorities’ or for foreign FIUs’ postponement requests.
- Once the relevance of the case has been assessed and the decision of suspending the transaction has been taken by the UIF, it is pivotal that further action and the necessary liaison with competent law enforcement authorities are taken as quickly as possible, in order to seek their interest in the subsequent seizure of the funds and so that the reporting entity (or the requesting foreign FIU) receives a prompt feedback from the UIF.
- The issue of the timeframe is particularly relevant in cross-border cases, where the suspension order issued by the UIF on behalf of a foreign counterpart must be followed by a MLA request. In such cases, feedback is provided by the UIF in a very short time, within which the transactions and the underlying assets have to be either refrained or released, and this poses significant challenges to effective cooperation (*infra*).

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer

- Postponement orders are issued by the UIF whenever it is informed of suspicious transactions that have not been executed (yet) or, in any event, of funds or other assets of suspicious origin deposited on an account or other relationship. The triggering element can be provided by the reporting entity in its disclosure (e.g. pointing to the request of withdrawal or of a pending transfer) or independently detected by UIF.
- As said, requests for postponement of domestic suspicious transactions may also come from foreign FIUs (see *supra*) and from Law enforcement agencies / Judicial authority. In these

¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0849&from=EN>.

	<p>instances, the UIF is empowered to postpone transactions or “freeze” funds regardless of whether such transactions or funds have been reported in a domestic disclosure.</p> <ul style="list-style-type: none"> • In any event, the case has to be assessed as relevant and a ground for suspicion is needed, in relation to either money laundering and associated predicate offences or financing of terrorism. <p><i>Statistical data</i></p> <ul style="list-style-type: none"> • 2017. The cases considered by UIF for suspension purposes strongly increased in 2017: 214 cases compared with 126 in 2016. In 38 cases the analysis led to a suspension order. The relevant cases mainly dealt with the redemption of insurance policies, while a smaller proportion involved the withdrawals of cash and transfers abroad (source: UIF Annual Report for 2017¹⁶). • 2018. The number of cases for suspension further increased in 2018: 328 cases have been assessed and 47 suspension orders have been issued by the UIF (source: UIF Newsletter I/2019¹⁷). Interestingly, in a few cases where the activities targeted by the postponement order had a trans-national dimension, with funds going to or coming from other jurisdictions, UIF has coordinated with the competent foreign FIUs to secure the appropriate interest or follow up in all countries involved. • In 2018 the UIF received from foreign FIUs n. 22 requests for postponement. In such cases the UIF took urgent actions in order to detect, monitor and keep blocked, at domestic intermediaries, funds of allegedly illicit origin from abroad. • In 44 cases foreign FIUs communicated the execution of refraining measures in their countries for subsequent possible interest of the Italian authorities in the seizure of the assets. In such cases of postponement of foreign transactions, UIF rapidly liaised with domestic LEAs to secure prompt responses on possible need for seizure or forfeiture through appropriate channels. <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p><i>Answer</i></p> <ul style="list-style-type: none"> • According to the a.m. art. 6(4)(c) of leg. decree 231/2007, the maximum duration of a postponement order issued by the UIF is five working days. Within this timeframe, as said, UIF liaises with competent law enforcement agencies or prosecutors to ensure the appropriate follow up. • The experience so far demonstrates that the system works in a highly effective manner, allowing to identify, block and recover substantial amounts of money in support of investigations or prosecutions. • At the international level, as far as FIU-to-FIU cooperation is concerned, differences in domestic capacities and conditions underlying the postponement may limit effective action. This problem is heightened by existing differences in the duration of the postponement order across countries. More uniform approaches would benefit the overall capacity to stop and seize criminal funds in cross-border situations.
Latvia	Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion

¹⁶ <http://uif.bancaditalia.it/pubblicazioni/rapporto-annuale/2018/index.html> (p. 56).

¹⁷ <http://uif.bancaditalia.it/pubblicazioni/newsletter/2019/newsletter-2019-I/index.html> (p. 16).

that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

AML/CFT Law sec. 32(1) provides that the reporting entity (AML/CFT Law uses terminology "Subjects of the Law") shall take a decision to refrain from executing a transaction if the transaction is related with or there are reasonable suspicions that it is related with money laundering or terrorism financing, or there are reasonable suspicions that the funds are directly or indirectly obtained as a result of a criminal offence or are related with terrorism financing, or an attempt of such criminal offence.

When refraining from executing a transaction, the reporting entity shall not carry out any actions with the funds involved in the transaction until receipt of an order of the Office for Prevention of Laundering of Proceeds Derived from Criminal Activity (the FIU Latvia) to terminate the refraining from executing a transaction. (AML/CFT Law sec. 32(3))

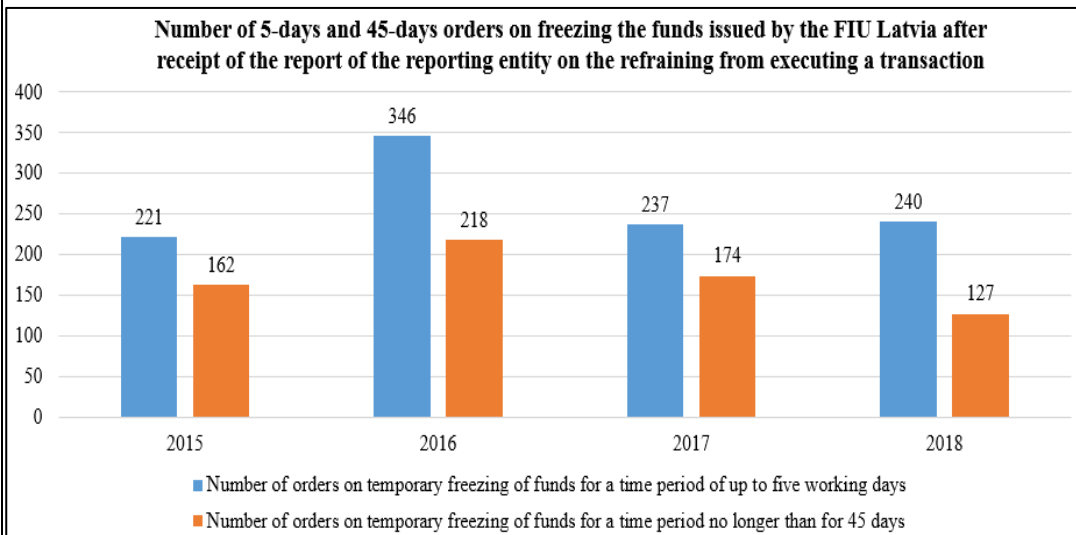
The FIU Latvia has the right to issue an order binding on the reporting entity or the State information system manager to freeze the funds if there are reasonable suspicions that a criminal offence is being committed or has been committed, including money laundering, terrorism financing or an attempt of such criminal offences. (AML/CFT Law sec. 32¹(1))

The FIU Latvia shall issue an order on freezing the funds:

- 1) after receipt of the report of the reporting entity on the refraining from executing a transaction;
- 2) upon its own initiative;
- 3) upon a request of foreign authorised institutions referred to in AML/CFT Law section 62(1) of AML/CFT Law to freeze the funds. (AML/CFT Law sec. 32¹(2))

After receipt of the order of the FIU Latvia to freeze funds, the reporting entity or the State information system manager has an obligation to ensure immediate freezing of funds until the date indicated in the order of such Service or until receipt of the order of the FIU Latvia to terminate the freezing of funds. (AML/CFT Law sec. 32¹(3))

1. Orders on freezing the funds issued by the FIU Latvia after receipt of the report of the reporting entity on the refraining from executing a transaction



Case within which the FIU Latvia froze funds after the reporting entity (bank) initiated refraining from carrying out transaction

FACTS

1) The FIU Latvia received information concerning suspicious transactions in Latvian company's SIA "B" (further in text – SIA "B") account held in credit institution in Latvia "Z" (further in text – credit institution "Z"):

- In the account of SIA "B" in credit institution "Z" ~1.2 million EUR were received from foreign company's "C" account held in foreign credit institution "R";
- part of the funds from SIA "B" account held in credit institution "Z" were debited:
 - ~200 000.00 EUR to SIA "B" accounts in different credit institutions in Latvia;
 - ~50 000.00 EUR to the account of natural person "K" in foreign credit institution (payment made as a repayment of a loan).
- from SIA "B" account in credit institution "Z" another payment was submitted in total of 90 000.00 EUR to an account of "K" in a foreign credit institution.

2) It was established that a year before the transfers were made by natural person "K" had become the sole owner and one of the officials of SIA "B". Credit institution "Z" had not been informed about the change of the beneficial owner.

3) To acquire a more detailed information concerning the submitted payment (90 000.00 EUR), credit institution "Z" sent a request to the previous official and contact person of SIA "B" – natural person "L".

Natural person "L" submitted explanations in the name of SIA "B" despite formally not having the rights to represent SIA "B".

4) SIA "B" supporting documents were submitted to credit institution "Z":

- several signs of forgery were established in documents (inaccuracies, discrepancies and contradictions);
- natural person "K" had signed the agreement between SIA "B" and foreign company "C" in the name of both companies;
- as SIA "B" does not actually carry out any business activity, the capabilities of SIA "B" to repay the loan from income gained through business activity are questionable;
- it was established that the funds, that were transferred/planned to transfer from SIA "B" to natural person "K" were the same funds that in SIA "B" account were received from foreign company "C".

5) Almost no justification was provided regarding the transfer made by SIA "B" to natural person "K".

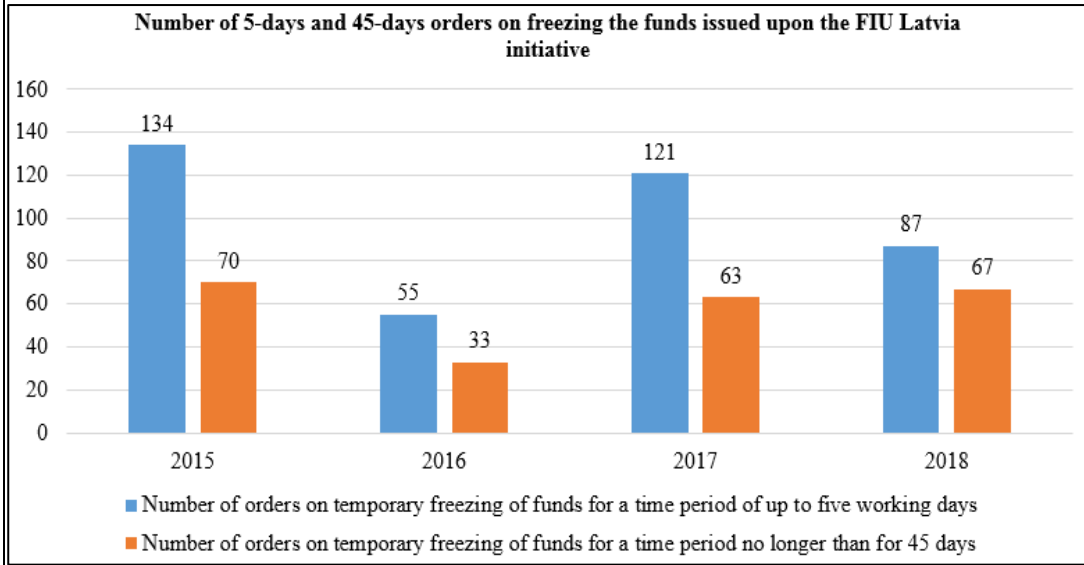
RESULTS

6) To prevent further legalization of proceeds the FIU Latvia:

- on its own initiative froze funds – issued orders for freezing funds for a set period of time in the account of credit institution "Z" client – SIA "B" for ~990 000 EUR and 190 000 USD;
- referred the case materials to investigatory institution (the case holds a reference to Warsaw convention).

7) Investigatory institution initiated a criminal proceeding based on the information provided by the FIU Latvia.

2. Orders on freezing the funds issued upon the FIU Latvia initiative



Case within which the FIU Latvia froze funds upon its own initiative

FACTS

1) In foreign company's "V" (further in text – company "V") account held in credit institution in Latvia "X" (further in text – credit institution "X") two payments were received for ~5 million EUR from foreign company's "T" (further in text – company "T") account held in foreign credit institution "S" (further in text – credit institution "S").

According to the supporting documentation (agreements and invoices) of the payments, company "V" sold to company "T" gaming laptops.

2) Large part of the funds (~3.3 million EUR) were transferred from company's "V" account in credit institution "X" to a different credit institution's "X" client – foreign company "M" (further in text – company "M").

Payments were justified with a loan agreement.

3) The following were established during the analysis of the transactions:

- Credit institution "X" did not have complete justifying documentation for the transactions carried out by company "V".
- The submitted justifying documentation had indication of a forgery:
 - signature and stamp's imprint on the documents might have been copied, as it was established that two different documents had identical signatures and stamps;
 - the justifying documentation for movement of goods (that confirms custom's control and the movement of goods across the border) was printed on top of stamps.
- Payments for computers were not established in company's "V" account in a scale that could correspond to the payments received from company "T".

4) Taking into account the established facts and considering that the sphere for trading computers and similar goods is connected to a high falsification risk, as it is difficult to appraise the value of goods and their movement, the FIU Latvia suspects that the transactions might be related to a criminal offence inter alia legalization of funds of unknown origin.

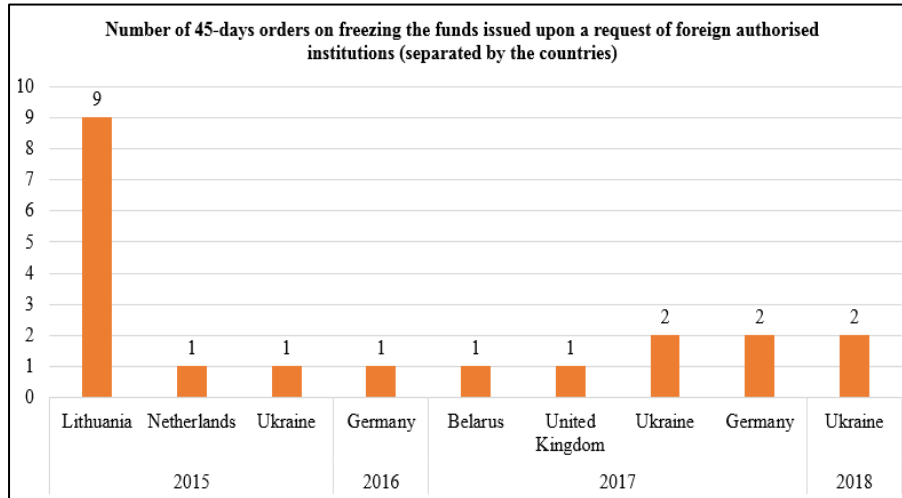
RESULTS

5) To prevent further legalization of proceeds the FIU Latvia:

- on its own initiative froze funds – issued orders for freezing funds for a set period of time in the accounts of credit institution’s “X” client – company “V” for ~1.6 million EUR;
- referred the case materials to investigatory institution (the case holds a reference to Warsaw convention).

6) Investigatory institution initiated a criminal proceeding based on the information provided by the FIU Latvia.

3. Orders within which the FIU Latvia freeze funds based on information provided by a foreign FIU



Case within which the FIU Latvia froze funds based on information provided by a foreign FIU

FACTS

1) The FIU Latvia received information from a foreign FIU, that the transactions carried out in foreign company’s “G” (further in text – company “G”) account held in credit institution in Latvia “Y” (further in text – credit institution “Y”) might be connected to foreign corruption and misappropriation.

The foreign FIU informed the FIU Latvia that an investigation is being carried out regarding the possible corruption case.

2) The FIU Latvia verified the information by, among other things, requesting information from credit institution “Y”.

The following was established:

- in the account of company “G” ~12 million USD were received from foreign company’s “S” account held in foreign credit institution “L”. (Purpose of payment – consultation services);
- debit operations made from company’s “G” account (~3 million USD) are related regarding investments made in the interests of company “G”;
- for several years in credit institution “Y” no information had been submitted regarding the person empowered to carry out actions with the account of company “G”.

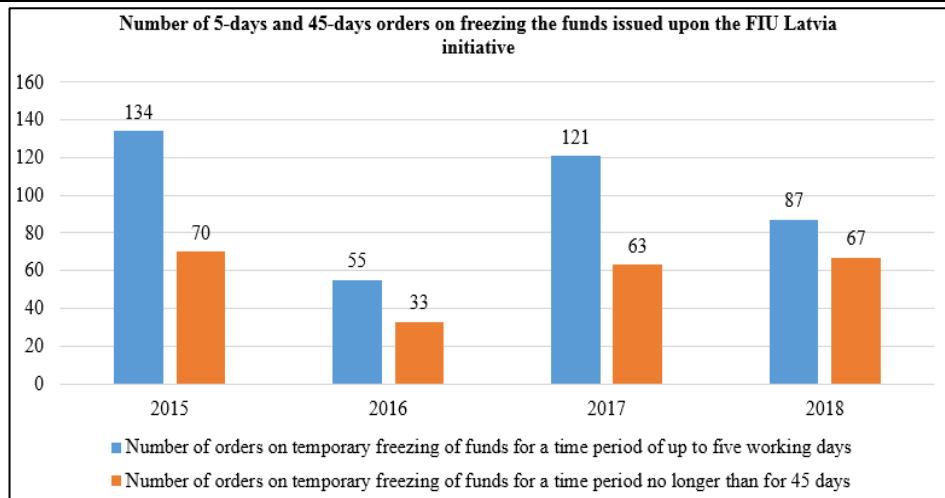
RESULTS

3) As suspicion rose of legalization of proceeds derived from criminal offences in a foreign country, the FIU Latvia:

- froze funds (~8.8 million USD) in the account of company “G”, and froze the investments of company “G” (~2 million USD and investments in gold).
- referred the case materials to investigatory institution.

4) Investigatory institution added information from the case to an already existing criminal proceeding.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?



In conformity with the requirements of AML/CFT Law, the reporting entity shall, without delay, but not later than on the following working day, notify the FIU Latvia of refraining from executing a transaction. (AML/CFT Law sec. 32(2))

The FIU Latvia has the right to issue an order binding on the reporting entity or the State information system manager to freeze the funds if there are reasonable suspicions that a criminal offence is being committed or has been committed, including money laundering, terrorism financing or an attempt of such criminal offences. (AML/CFT Law sec. 32¹(1))

The FIU Latvia shall issue an order on freezing the funds:

- 1) after receipt of the report of the reporting entity on the refraining from executing a transaction;
- 2) upon its own initiative;
- 3) upon a request of foreign authorised institutions referred to in AML/CFT Law section 62(1) of AML/CFT Law to freeze the funds. (AML/CFT Law sec. 32¹(2))

Orders on freezing the funds issued upon the FIU Latvia initiative

Case within which the FIU Latvia froze funds upon its own initiative

FACTS

1) In foreign company's "V" (further in text – company "V") account held in credit institution in Latvia "X" (further in text – credit institution "X") two payments were received for ~5 million EUR from foreign company's "T" (further in text – company "T") account held in foreign credit institution "S" (further in text – credit institution "S").

According to the supporting documentation (agreements and invoices) of the payments, company "V" sold to company "T" gaming laptops.

2) Large part of the funds (~3.3 million EUR) were transferred from company's "V" account in credit institution "X" to a different credit institution's "X" client – foreign company "M" (further in text – company "M").

Payments were justified with a loan agreement.

3) The following were established during the analysis of the transactions:

- Credit institution "X" did not have complete justifying documentation for the transactions carried out by company "V".
- The submitted justifying documentation had indication of a forgery:

- signature and stamp's imprint on the documents might have been copied, as it was established that two different documents had identical signatures and stamps;
- the justifying documentation for movement of goods (that confirms custom's control and the movement of goods across the border) was printed on top of stamps.
- Payments for computers were not established in company's "V" account in a scale that could correspond to the payments received from company "T".

4) Taking into account the established facts and considering that the sphere for trading computers and similar goods is connected to a high falsification risk, as it is difficult to appraise the value of goods and their movement, the FIU Latvia suspects that the transactions might be related to a criminal offence inter alia legalization of funds of unknown origin.

RESULTS

5) To prevent further legalization of proceeds the FIU Latvia:

- upon its own initiative froze funds – issued orders for freezing funds for a set period of time in the accounts of credit institution's "X" client – company "V" for ~1.6 million EUR;
- referred the case materials to investigatory institution (the case holds a reference to Warsaw convention).

6) Investigatory institution initiated a criminal proceeding based on the information provided by the FIU Latvia.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Section 32² of AML/CFT Law describes procedures by which the FIU Latvia shall issue an order on freezing of funds.

AML/CFT Law provides for 5 day refraining and 8 day refraining:

The FIU Latvia shall, not later than within 5 working days, but, if additional information needs to be requested, within 8 working days, after receipt of the report of the reporting entity the refraining from executing a transaction, assess whether the reporting entity has taken the decision provided for in section 32 of AML/CFT Law in accordance with the provisions of AML/CFT Law and whether the restriction of the rights determined for the particular person is commensurate, and shall issue an order to terminate the refraining from executing a transaction or to carry out temporary freezing of funds. An order of the FIU Latvia in accordance with which the reporting entity terminates the refraining from executing a transaction shall be substantiated. (AML/CFT Law sec 32²(1))

If the FIU Latvia has issued an order on temporary freezing of funds on the basis of the report of the reporting entity on the refraining from executing a transaction, then the FIU Latvia shall compile and analyse the obtained information and not later than within 40 days after receipt of the report of the reporting entity on the refraining from executing a transaction, but - in exceptional case - within an additional time period determined by the Prosecutor General or his or her specially authorised prosecutor (not longer than 40 days) that is necessary for the receipt of significant requested information, including from abroad, shall carry out one of the following actions:

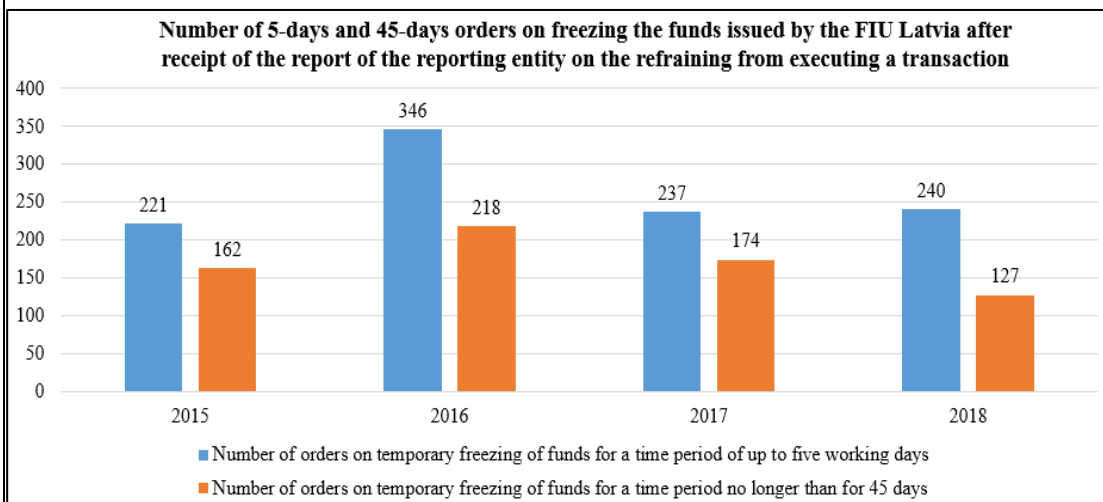
- 1) issue an order on freezing of funds for a certain period of time if:
 - a) money or other funds are to be considered proceeds of crime pursuant to section 4(3) of AML/CFT Law. In such case the funds shall be frozen for a period of time determined in the order, however, no longer than for six months;
 - b) on the basis of the information at the disposal of the FIU Latvia, there are suspicions that

a criminal offence is being committed or has been committed, including money laundering or an attempt of such criminal offence. In such case the funds shall be frozen for a period of time determined in the order, however, no longer than for 45 days;

2) provide a written notification to the reporting entity or the State information system manager that further temporary freezing of funds shall be terminated because there are no grounds for the issue of the order referred to in paragraph 2, subparagraph 1 of section 32²;

3) not later than on the fortieth day from the time when the report of the reporting entity on the refraining from executing the transaction has been received, notify the reporting entity or the State information system manager with a written order on the extension of the time period for freezing of funds of an additional time period determined by the Prosecutor General or his or her specially authorised prosecutor provided for in paragraph 2 of section 32². (AML/CFT Law sec. 32²(2)).

1. Orders on freezing the funds issued by the FIU Latvia after receipt of the report of the reporting entity on the refraining from executing a transaction



Case within which the FIU Latvia froze funds after the reporting entity (bank) initiated refraining from carrying out transaction

FACTS

1) The FIU Latvia received information concerning suspicious transactions in Latvian company's SIA "B" (further in text – SIA "B") account held in credit institution in Latvia "Z" (further in text – credit institution "Z"):

- In the account of SIA "B" in credit institution "Z" ~1.2 million EUR were received from foreign company's "C" account held in foreign credit institution "R";
- part of the funds from SIA "B" account held in credit institution "Z" were debited:
 - ~200 000.00 EUR to SIA "B" accounts in different credit institutions in Latvia;
 - ~50 000.00 EUR to the account of natural person "K" in foreign credit institution (payment made as a repayment of a loan).
- from SIA "B" account in credit institution "Z" another payment was submitted in total of 90 000.00 EUR to an account of "K" in a foreign credit institution.

2) It was established that a year before the transfers were made by natural person "K" had become the sole owner and one of the officials of SIA "B". Credit institution "Z" had not been informed about the change of the beneficial owner.

3) To acquire a more detailed information concerning the submitted payment (90 000.00 EUR), credit institution "Z" sent a request to the previous official and contact person of SIA "B – natural person "L".

Natural person "L" submitted explanations in the name of SIA "B" despite formally not having the rights to represent SIA "B".

4) SIA "B" supporting documents were submitted to credit institution "Z":

- several signs of forgery were established in documents (inaccuracies, discrepancies and contradictions);
- natural person "K" had signed the agreement between SIA "B" and foreign company "C" in the name of both companies;
- as SIA "B" does not actually carry out any business activity, the capabilities of SIA "B" to repay the loan from income gained through business activity are questionable;
- it was established that the funds, that were transferred/planned to transfer from SIA "B" to natural person "K" were the same funds that in SIA "B" account were received from foreign company "C".

5) Almost no justification was provided regarding the transfer made by SIA "B" to natural person "K".

RESULTS

6) To prevent further legalization of proceeds the FIU Latvia:

- on its own initiative froze funds – issued orders for freezing funds for a set period of time in the account of credit institution "Z" client – SIA "B" for ~990 000 EUR and 190 000 USD;
- referred the case materials to investigatory institution (the case holds a reference to Warsaw convention).

7) Investigatory institution initiated a criminal proceeding based on the information provided by the FIU Latvia.

The FIU Latvia has the right to, upon its own initiative or upon a request of the foreign authorised institutions or authorities referred to in section 62(1) of AML/CFT Law to freeze the funds, issue an order on temporary freezing of funds for a time period of up to five working days on the basis of the information at its disposal. (AML/CFT Law sec. 32²(3)).

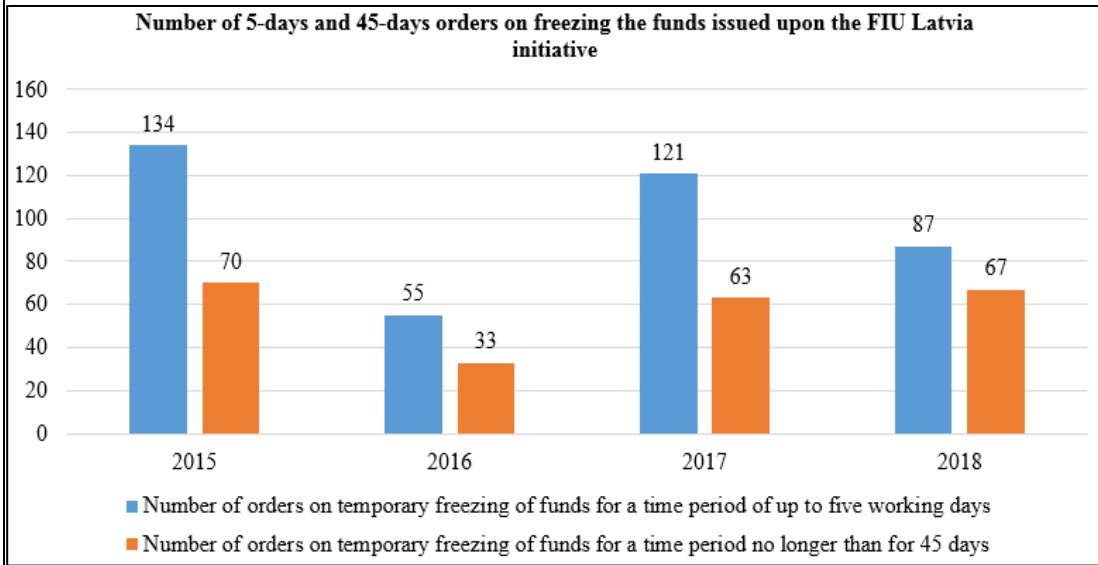
If the FIU Latvia has, upon its own initiative or upon a request of the foreign authorised institutions or authorities referred to in section 62(1) of AML/CFT Law to freeze the funds, issued an order on temporary freezing of funds on the basis of the information at its disposal, then such service shall, not later than within five working days after issue of the order referred to in section 32²(3) carry out one of the following actions:

1) issue an order on freezing of funds for a certain period of time if:

- a) money or other funds are to be considered proceeds of crime pursuant to section 4 (3) of AML/CFT Law. In such case the funds shall be frozen for a period of time determined in the order, however, no longer than for six months;
- b) on the basis of the information at the disposal of the FIU Latvia, there are suspicions that a criminal offence is being committed or has been committed, including money laundering or an attempt of such criminal offence. In such case the funds shall be frozen for a period of time determined in the order, however, no longer than for 45 days;

2) notify the reporting entity or the State information system manager with a written order on the termination of temporary freezing of funds that further temporary freezing of funds shall be terminated because there are no grounds for the issue of the order on the freezing of funds for a certain period of time. (AML/CFT Law sec. 32²(4))

2. Orders on freezing the funds issued upon the FIU Latvia initiative



Case within which the FIU Latvia froze funds upon its own initiative

FACTS

1) In foreign company's "V" (further in text – company "V") account held in credit institution in Latvia "X" (further in text – credit institution "X") two payments were received for ~5 million EUR from foreign company's "T" (further in text – company "T") account held in foreign credit institution "S" (further in text – credit institution "S").

According to the supporting documentation (agreements and invoices) of the payments, company "V" sold to company "T" gaming laptops.

2) Large part of the funds (~3.3 million EUR) were transferred from company's "V" account in credit institution "X" to a different credit institution's "X" client – foreign company "M" (further in text – company "M").

Payments were justified with a loan agreement.

3) The following were established during the analysis of the transactions:

- Credit institution "X" did not have complete justifying documentation for the transactions carried out by company "V".
- The submitted justifying documentation had indication of a forgery:
 - signature and stamp's imprint on the documents might have been copied, as it was established that two different documents had identical signatures and stamps;
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- Payments for computers were not established in company's "V" account in a scale that could correspond to the payments received from company "T".

4) Taking into account the established facts and considering that the sphere for trading computers and similar goods is connected to a high falsification risk, as it is difficult to appraise the value of goods and their movement, the FIU Latvia suspects that the transactions might be related to a criminal offence inter alia legalization of funds of unknown origin.

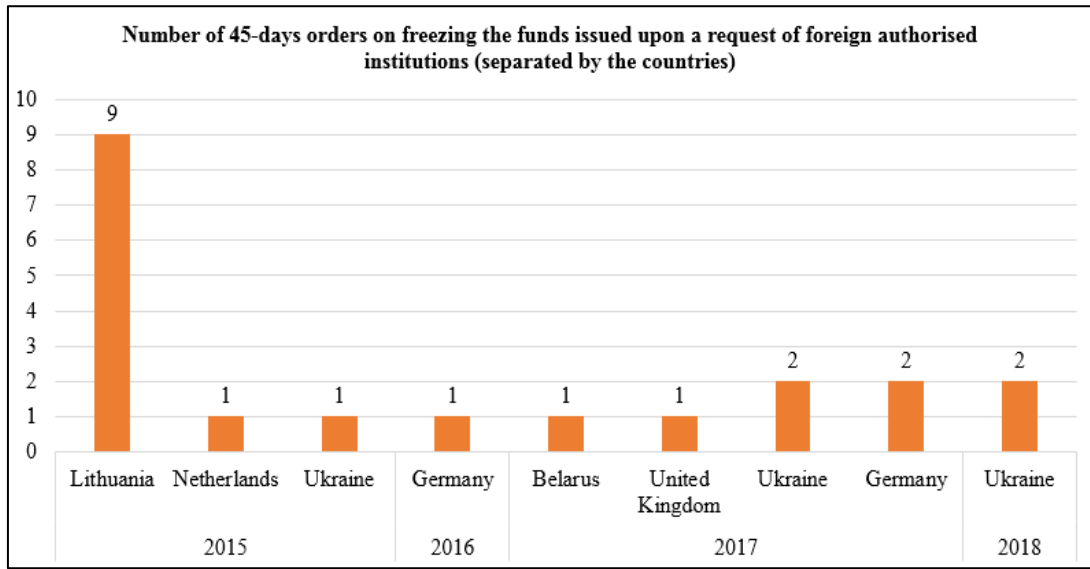
RESULTS

5) To prevent further legalization of proceeds the FIU Latvia:

- on its own initiative froze funds – issued orders for freezing funds for a set period of time in the accounts of credit institution’s “X” client – company “V” for ~1.6 million EUR;
- referred the case materials to investigatory institution (the case holds a reference to Warsaw convention).

6) Investigatory institution initiated a criminal proceeding based on the information provided by the FIU Latvia.

3. Orders within which the FIU Latvia freeze funds based on information provided by a foreign FIU



Case within which the FIU Latvia froze funds based on information provided by a foreign FIU

FACTS

1) The FIU Latvia received information from a foreign FIU, that the transactions carried out in foreign company’s “G” (further in text – company “G”) account held in credit institution in Latvia “Y” (further in text – credit institution “Y”) might be connected to foreign corruption and misappropriation.

The foreign FIU informed the FIU Latvia that an investigation is being carried out regarding the possible corruption case.

2) The FIU Latvia verified the information by, among other things, requesting information from credit institution “Y”.

The following was established:

- in the account of company “G” ~12 million USD were received from foreign company’s “S” account held in foreign credit institution “L”. (Purpose of payment – consultation services);
- debit operations made from company’s “G” account (~3 million USD) are related regarding investments made in the interests of company “G”;
- for several years in credit institution “Y” no information had been submitted regarding the person empowered to carry out actions with the account of company “G”.

RESULTS

3) As suspicion rose of legalization of proceeds derived from criminal offences in a foreign country, the FIU Latvia:

- froze funds (~8.8 million USD) in the account of company “G”, and froze the investments of company “G” (~2 million USD and investments in gold).
- referred the case materials to investigatory institution.

	<p>4) Investigatory institution added information from the case to an already existing criminal proceeding.</p> <p>-----</p> <p>In the cases laid down in section 32²(2;4), the FIU Latvia has the right to determine with an order the freezing of funds for a time period of up to 45 days by previously not issuing the order on temporary freezing of funds. (AML/CFT Law sec. 32²(5))</p> <p>The FIU Latvia shall revoke the order on freezing of funds if the customer has provided justified information on the lawfulness of the origin of funds. The customer shall submit the abovementioned information to the reporting entity or the State information system manager who shall immediately transfer it to the FIU Latvia. (AML/CFT Law sec. 32²(6))</p> <p>The FIU Latvia has the right to revoke the freezing of funds before the term with an order.</p> <p>If the order on freezing of funds for a certain time period has not been revoked, the FIU Latvia shall, within 10 working days after its issuing, provide information to the pre-trial investigating institutions or the Office of the Prosecutor in accordance with the procedures specified in section 55 of AML/CFT Law. (AML/CFT Law sec. 32²(8))</p>
Lithuania	<p>Lithuania has adopted a national legislative measures permitting urgent actions to be taken by the Lithuanian Financial Intelligence Unit (Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the 'Financial Crime Investigation Service')) to suspend a suspicious monetary operation or transaction for a period of 10 (ten) working days.</p> <p>National legislation adopted:</p> <p>1. Law on the Prevention of Money Laundering and Terrorist Financing of the Republic of Lithuania</p> <p>Article 7. Rights of the Financial Crime Investigation Service in implementing money laundering and/or terrorist financing prevention measures</p> <p>The Financial Crime Investigation Service shall have the right:</p> <p>Paragraph 5. To instruct financial institutions and other obliged entities to suspend, for up to ten working days, the suspicious monetary operations or transactions carried out.</p> <p>Financial Crime Investigation Service does not restrict the suspension of the suspicious monetary operations or transactions only to cases where a suspicious transaction report has been received.</p> <p>Financial Crime Investigation Service applies such measure in the following cases in relation to money laundering, associated predicate offences or terrorist financing:</p> <ul style="list-style-type: none"> - where a suspicious transaction report has been submitted by the obliged entities; - upon requests received from foreign FIUs as well as both national and international Law Enforcement Authorities. <p>During the suspension time, competent authorities must provide obliged entities with the order of temporarily restriction of the ownership rights in accordance with the Code of Criminal Procedure of the Republic of Lithuania or, in foreign cases, a request of mutual legal assistance in accordance international procedures. Execution of requests of mutual legal assistance are coordinated via the Prosecutor General's Office and the Ministry of Justice of the Republic of Lithuania.</p> <p>Other national Law Enforcement Authorities shall have the right to suspend the transactions in accordance to the provisions stipulated in the Criminal Procedure Code of the Republic of Lithuania.</p> <p>In accordance to Lithuanian national legislation the maximum duration of a suspension of the suspicious monetary operations or transactions is up to 10 (ten) working days (no extension of the mentioned term is foreseen).</p>
Malta	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion</p>

that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Article 14 of the Warsaw Convention (together with Article 47 of the same) has been implemented through Article 28 of the Prevention of Money Laundering Act [Cap 373 of the Laws of Malta] ("PMLA"), a copy of which is being attached hereto as Annex 1.

Article 28(1) of the PMLA empowers the Financial Intelligence Analysis Unit ("FIAU"), i.e. the Maltese FIU, to postpone, where it considers it necessary, the execution of any transaction to be carried out by a reporting entity which the FIAU knows or suspects to be related to money laundering or the funding of terrorism, or involves property that is derived from or constitutes the proceeds of criminal activity. A postponement order can be issued not only following a Suspicious Transaction Report ("STR") by a reporting entity but also on the basis of any other information that may be obtained by the FIAU, including upon a request from a counterpart FIU.

It should be noted that Article 28 is complemented by Regulation 15(4) of the Prevention of Money Laundering and Funding of Terrorism Regulations ("PMLFTR"). This particular provision of the PMLFTR obliges a reporting entity to file a STR with respect to any pending transaction which it knows to, or suspects may, be related to proceeds of criminal activity or the funding of terrorism and to refrain from its execution in line with what is provided under Article 28 of the PMLA.

The PMLFTR do however provide for circumstances in which a reporting entity may still execute a pending transaction and report subsequently to the FIAU but this only 'where it is not possible for a subject person to refrain from carrying out a transaction prior to informing the Financial Intelligence Analysis Unit ... or where refraining from carrying out any such transaction is likely to frustrate the efforts of investigating or pursuing the beneficiaries of the suspected money laundering or funding of terrorism' [Regulation 15(5) of the PMLTR]. In any such case, once the transaction has been executed, the reporting entity has to submit a STR immediately and also set out the reasons why it deemed it impossible to refrain from executing the transaction. Regulation 15 is reproduced in Annex 2 hereto.

Information on how the said power can be exercised and the duration of any such postponement order is provided in the replies to the additional questions hereunder.

With regards to the actual implementation of this provision, statistical data on transactions postponed by the FIAU in terms of the said Article 28 over the period 2015 to 2018 is being provided in Annex 3 hereto. As the figures will show, postponement orders are not issued automatically by the FIAU but there has to be a reasonable suspicion on its part that justifies the issue of such an order. In addition, statistical data is also being provided as to how many of these postponement orders were then followed by an attachment order. A series of case studies are also being included in Annex 4 hereto.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

As already remarked in the reply to the above question, Article 28 imposes no such limitation. In terms of Article 28(1) the FIAU can order the postponement of a transaction which it considers to be suspicious either on the basis that it has been 'informed by a subject person [i.e. through a suspicious transaction report ("STR")] ... or ... on the basis of information in its possession, including upon a request by a foreign body, authority or agency which is considered to have functions equivalent or analogous to those of the Unit'.

Thus, the said power is exercisable whenever the FIAU considers that a transaction is suspicious, including on the basis of information obtained through a STR or information which it has otherwise acquired, including upon receiving a request from a counterpart FIU or from any

other source, including for example through a foreign Law Enforcement Agency (“LEA”). To this effect, please note in particular Case Study 4.3 in Annex 4 hereto.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

A distinction has to be drawn between situations where the FIAU orders the postponement of a transaction on the basis of information obtained through a STR and situations where the postponement results from information obtained through other means.

Scenario 1 – Postponement Order Issued following Filing of STR

When acting on the basis of information obtained through a STR, the suspension of a transaction’s execution can last for up to three (3) working days following the day on which the reporting entity submits the information to the FIAU, one (1) working day by operation of the law and a maximum of a further two (2) days upon a postponement order being issued by the FIAU.

In these circumstances, the PMLA provides that:

- whenever a STR is submitted to the FIAU on a transaction that is still to be executed, the reporting entity is to desist from executing the transaction for one (1) working day¹⁸ following the day on which the entity submitted the STR (please refer to the proviso to Article 28(1) of the PMLA). Thus, if a STR on a pending transaction is filed on Monday, the reporting entity is by law obliged to desist from executing the transaction for all of Tuesday;
- In the course of the said one (1) working day, the FIAU is to determine if there are sufficient grounds to oppose the execution of the reported transaction, in which case it has to notify its opposition thereto to the reporting entity in writing within the said working day. This will result in the suspension of the transaction for a second working day (please refer to Article 28(2) of the PMLA). Continuing with the example given above, if within Tuesday the FIAU determines that there are grounds for a postponement order and it communicates its decision on the matter in writing to the reporting entity, the said reporting entity cannot execute the transaction for all of Wednesday. On the other hand if no communication is received from the FIAU by the reporting entity within Tuesday, it is left to the said entity to determine whether it still wants to execute the transaction or otherwise – the FIAU is not obliged to give its consent to the transaction’s execution;
- Should it be necessary, the FIAU is empowered to extend the suspension period for an additional working day resulting in the transaction being suspended for a third working day (please refer to Article 28(3) of the PMLA). However, any such decision would need to be communicated to the reporting entity prior to the lapse of the second working day on which the transaction’s execution is suspended. Continuing with the example provided above, if the FIAU considers that the transaction needs to be postponed for a further day, it has to communicate its order to the reporting entity in writing within Wednesday in which case the transaction cannot be processed until the end of Thursday. On the other hand, if no such communication is received, the decision rests once more with the reporting entity whether to proceed with the transaction or otherwise.

¹⁸ A working day is any day other than a Saturday, a Sunday or a public or national holiday.

	<ul style="list-style-type: none"> At the end of the third working day, the FIAU can no longer postpone the execution of a pending transaction and, unless an attachment order is issued, it would be left to the reporting entity to determine if it still wants to execute the transaction or otherwise. It should be noted that an attachment order can be equally issued at any point in time where there is a postponement order already in place, in which case the attachment order will replace the postponement one and render the latter's extension unnecessary. <p>Annex 5 sets out the postponement order timeline when a STR on a pending transaction is filed on a Friday.</p> <p><u>Scenario 2 – Postponement Order Issued on the Basis of Other Information</u></p> <p>On the other hand, when acting on the basis of information obtained through other means, including on the basis of information obtained from a counterpart FIU, there is no automatic suspension of the transaction's execution by operation of the law as described above and therefore the transaction can only be suspended for a maximum of two (2) working days following the day on which the FIAU notifies to the reporting entity its opposition to the transaction, in line with the same process outlined under Scenario 1.</p>
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Monaco	<p>Votre pays a-t-il adopté des mesures législatives et autres pour permettre à une cellule de renseignements financiers ou, selon le cas, à toute autre autorité compétente ou organe, lorsqu'il existe un soupçon que la transaction est liée à une opération de blanchiment, d'agir en urgence pour suspendre ou reporter la conclusion d'une transaction en cours, afin de lui permettre d'analyser la transaction et de confirmer les soupçons ?</p> <p>L'article 37 de la loi n° 1.362 relative à la lutte contre le blanchiment de capitaux, le financement du terrorisme et la corruption, modifiée le 28 juin 2018, énonce que :</p> <p><i>« Dès réception de la déclaration, le Service d'Information et de Contrôle sur les Circuits Financiers en accuse réception, sauf si la personne déclarante a indiqué expressément ne pas le souhaiter.</i></p> <p><i>Si, en raison de la gravité ou de l'urgence de l'affaire, le Service d'Information et de Contrôle sur les Circuits Financiers l'estime nécessaire, il peut faire opposition à l'exécution de toute opération pour le compte du client concerné par la déclaration. Cette opposition est notifiée par écrit ou, à défaut, par télécopie ou par un moyen électronique approprié, avant l'expiration du délai dans lequel l'opération doit être exécutée visé à l'article précédent. Elle fait obstacle à l'exécution de toute opération pendant une durée maximale de cinq jours ouvrables à compter de la notification. À défaut d'opposition notifiée dans le délai prescrit, l'organisme ou la personne concernée est libre d'exécuter l'opération ».</i></p> <p>A ce titre, le SICCFIN a utilisé plusieurs fois son droit d'opposition à la réalisation d'opérations par des personnes mises en cause dans des signalements présentant des éléments de suspicion suffisants pour justifier une transmission de rapports à l'autorité judiciaire. Ces oppositions concernaient plusieurs comptes bancaires. Ces dernières ont été relayées par un séquestre ordonné par le Président du Tribunal de Première Instance. Veuillez trouver ci-dessous tableau des oppositions effectuées par le SICCFIN sur la période allant de 2014 à 2018.</p> <table border="1"> <thead> <tr> <th>Années</th> <th>Déclarations de soupçon reçues</th> <th>Dossiers transmis au Parquet Général</th> <th>Représentant X déclarations de soupçon</th> <th>Rapport transmissions / déclarations</th> <th>Oppositions en nombre</th> <th>Oppositions en valeur</th> </tr> </thead> <tbody> <tr> <td>2014</td> <td>744</td> <td>15</td> <td>32</td> <td>4,30%</td> <td>2</td> <td>2.200.000 €</td> </tr> <tr> <td>2015</td> <td>726</td> <td>16</td> <td>35</td> <td>4,82%</td> <td>2</td> <td>4.400.000 €</td> </tr> <tr> <td>2016</td> <td>725</td> <td>8</td> <td>50</td> <td>6,90%</td> <td>-</td> <td>-</td> </tr> <tr> <td>2017</td> <td>711</td> <td>6</td> <td>13</td> <td>1,83%</td> <td>2</td> <td>2 950 000 €</td> </tr> <tr> <td>2018</td> <td>590</td> <td>14</td> <td>33</td> <td>5,59%</td> <td>1</td> <td>11 382 365 USD</td> </tr> </tbody> </table>	Années	Déclarations de soupçon reçues	Dossiers transmis au Parquet Général	Représentant X déclarations de soupçon	Rapport transmissions / déclarations	Oppositions en nombre	Oppositions en valeur	2014	744	15	32	4,30%	2	2.200.000 €	2015	726	16	35	4,82%	2	4.400.000 €	2016	725	8	50	6,90%	-	-	2017	711	6	13	1,83%	2	2 950 000 €	2018	590	14	33	5,59%	1	11 382 365 USD
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Les statistiques pour 2019 n'étant pas encore arrêtées, il peut d'ores et déjà être indiqué que sur 15 dossiers transmis à aux autorités judiciaires monégasques, le SICCFIN a utilisé par trois fois son droit d'opposition pour un montant d'avoirs s'élevant à environ 12.776.650 USD et 14.279.780 EUR.

Votre pays limite-t-il l'application de telles mesures aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée ?

Non, cela ne se limite pas qu'à ce cas, l'article 51 de la loi n° 1.362 relative à la lutte contre le blanchiment de capitaux, le financement du terrorisme et la corruption, modifiée le 28 juin 2018, énonce que :

« Le Service d'Information et de Contrôle sur les Circuits Financiers reçoit à sa demande ou à leur initiative, tout renseignement utile à l'accomplissement de sa mission auprès des cellules de renseignement financier étrangères qui exercent des compétences analogues...

Ces renseignements ne peuvent être transmis à une autre autorité qu'avec l'autorisation préalable de la cellule de renseignement financier qui les a fournis.

La transmission ne peut être refusée que :

- lorsqu'elle n'entre pas dans le champ d'application des dispositions applicables en matière de lutte contre le blanchiment de capitaux ou le financement du terrorisme, ou ;

- lorsqu'elle est susceptible d'entraver une enquête pénale, ou ;

- lorsqu'elle est manifestement disproportionnée aux intérêts légitimes d'une personne, ou ;

- lorsqu'elle serait pour une autre raison, contraire aux principes fondamentaux du droit national de cette cellule de renseignement.

Le Service d'Information et de Contrôle sur les Circuits Financiers peut communiquer, à leur demande ou à son initiative, aux cellules de renseignement financier étrangères qui exercent des compétences analogues, les informations en lien avec la présente loi, sous réserve de réciprocité. La communication ne peut avoir lieu, si elle porte atteinte à la souveraineté ou aux intérêts nationaux, à la sécurité ou à l'ordre public.

L'information n'est communiquée qu'aux conditions suivantes :

- les cellules de renseignement financier étrangères sont soumises à des obligations de secret professionnel équivalentes à celles auxquelles le Service d'Information et de Contrôle sur les Circuits Financiers est légalement tenu ;

- le traitement des informations communiquées garantit un niveau de protection adéquat conformément aux dispositions de la loi n° 1.165 du 23 décembre 1993, modifiée.

Les renseignements communiqués à la cellule de renseignement étrangère ne peuvent être transmis à une autre autorité qu'avec l'autorisation préalable du Service d'Information et de Contrôle sur les Circuits Financiers. Il peut s'y opposer si cette communication est de nature à entraver ou porter préjudice à des investigations en cours ou à une procédure pénale déjà engagée devant les juridictions monégasques pour les mêmes faits.

Pour le traitement de ces échanges d'informations le Service d'Information et de Contrôle sur les Circuits Financiers dispose des mêmes pouvoirs que ceux qui lui sont attribués par la présente loi, et notamment du droit d'opposition prévu à l'article 37 ».

A ce titre, en 2018, le SICCFIN a utilisé une fois son droit d'opposition à la réalisation d'opérations par des personnes ou entités à la suite d'une demande émanant d'une CRF étrangère. Cette demande présentait des éléments de suspicion suffisants pour justifier la transmission d'un rapport à l'autorité judiciaire. Ce droit d'opposition portait sur une opération s'élevant à 8.281.000 EUR enregistrée sur le compte bancaire détenu par une société étrangère en Principauté de Monaco. Cette opposition a été relayée par un séquestre ordonné par le Président du Tribunal de Première Instance(cf. tableau ci-dessous).

Années	Demandes de renseignements FIU reçues	Dossiers transmis au Parquet Général	Représentant X demande de renseignements	Rapport transmissions / déclarations	Oppositions en nombre	Oppositions en valeur
2018	124	1	1	0,81%	1	8 281 000 €

	<p>Les statistiques pour 2019 n'étant pas encore arrêtées, il peut d'ores et déjà être indiqué que le SICCFIN a de nouveau utilisé son droit d'opposition l'année dernière, suite à une demande en provenance d'une CRF étrangère. Ce droit d'opposition portait sur une somme de 120.000 USD.</p> <p>Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ?</p> <p>Comme indiqué <i>supra</i>, l'opposition fait obstacle à l'exécution de toute opération pendant <u>une durée maximale de cinq jours ouvrables</u> à compter de la notification.</p> <p>L'article 38 de la loi n° 1.362, modifié énonce que :</p> <p>« <i>L'opposition peut être prorogée en ses effets au-delà de la durée légale par ordonnance du Président du Tribunal de première instance sur réquisition du Procureur Général, saisi par le Service d'Information et de Contrôle sur les Circuits Financiers, conformément aux articles 851 et 852 du Code de procédure civile , qui peut, à toute fin de sauvegarde, placer sous séquestre les fonds, titres ou matières concernés par la déclaration.</i></p> <p><i>L'ordonnance est exécutoire sur minute après son enregistrement, ou même avant l'accomplissement de cette formalité, si le Président du Tribunal de première instance l'ordonne exceptionnellement à raison de l'urgence ».</i></p>
Montenegro	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>The Law on the Prevention of Money Laundering and Terrorist Financing(Official Gazette of Montenegro, No. 033/14 dd 04.08.2014, 044/18 dd 06.07.2018), defines in Article 61 that the Administration for the Prevention of Money Laundering and Terrorist Financing (FIU Montenegro) has power to temporarily suspend a transaction in relation to which there are reasons for suspicion in money laundering and related predicate offences or terrorism financing, as follows:</i></p> <p style="text-align: center;">Order for temporary suspension of transaction Article 61</p> <ol style="list-style-type: none"> (1) The administrative authority may require in written order the reporting entity to temporarily suspend a transaction, but not longer than for 72 hours, if it evaluates that there are reasons for suspicion of money laundering and related predicate offences or terrorism financing, and is obliged, without delay, to notify competent authorities thereof in order to take measures from their own competence. (2) If the last day of a deadline referred to in Paragraph 1 of this Article occurs during non-working days of the competent authorities, such deadline can be extended with an order for additional 48 hours. (3) The reporting entity shall, without delay, take measures and actions in accordance with the order from Paragraphs 1 and 2 of this Article. (4) Notwithstanding Paragraph 1 of this Article, in case of urgency or other circumstances of the transaction execution, an order can be given verbally. (5) The responsible person of a reporting entity shall make a note on receiving a verbal order from the Paragraph 1 of this Article. (6) The administrative authority shall, without delay, provide the previously given verbal order to the reporting entity in written form. (7) Upon received notification of suspension of transaction, competent authorities from Paragraph 1 of this Article shall act, without delay, in accordance with their powers and not later than 72 hours from the beginning of the temporary suspension of transaction and shall, without delay, notify the administrative authority in written form on the decision on further procedure regarding the suspended transaction.

Upon reception of notification on temporary suspension of the transaction from the APMLTF, the competent authorities i.e. State Prosecutors Office or Special State Prosecutors Office make a review of the notification and if the reasons for suspension are justified, they extend the suspension i.e. act in accordance with Criminal Procedure Code, Article 89 ,paragraph 2 that defines the following:

Obtaining Information from the Competent Public Authority for Temporary Suspension of Monetary Transactions
Article 89

.....

(2) State Prosecutors may request that the competent authority or organization temporarily suspends the payment, or the issuing of suspicious money, securities and objects, at the longest for six months.

APMLTF statistics on the suspended transactions

Year	Number of suspended transactions	Amount
2014	19	€ 9,575,870.33 \$ 486.072,00
2015	17	€ 8,002,835.00 \$ 10,564,332.00
2016	6	€ 6.233.925,00
2017	19	€ 5,522,495.00 \$ 3,425,783.00
2018	22	€ 5,818,254.00 \$2,700,640.00

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

The APMLTF is, in accordance with the Law on PMLTF , authorized to suspend transactions for which there are reasons for suspicion of money laundering and related predicate offences or terrorism financing regardless to that whether the information on the reasons for suspicion are received from the reporting entity or the competent state authority.

Additionally, the APMLTF has powers to temporary suspend transaction upon the initiative of the competent authority of a foreign state and initiative to a foreign competent authority for temporary suspension of transaction. These powers are defined in Articles 72 and 73 of the Law on PMLTF, as follows:

Temporary suspension of transaction upon the initiative of the competent authority of a foreign state
Article 72

(1) In accordance with this Law, the administrative authority may, under the condition of reciprocity, by reasoned written initiative of a foreign competent authority, suspend a transaction, with written order, for the period not exceeding 72 hours.

	<p>(2) The administrative authority is obliged to inform competent authorities about the order from the Paragraph 1 of this Article.</p> <p>(3) The administrative authority may reject the initiative of the authority from the Paragraph 1 of this Article, if based on the facts and circumstances stated in the initiative, it evaluates that given reasons are not sufficient for a suspicion of money laundering and related predicate offences or terrorist financing, and shall inform in written form the initiating authority on the rejection stating the reasons for its rejection.</p> <p>The initiative to a foreign competent authority for temporary suspension of transaction Article 73</p> <p>The administrative authority may, within its competencies in the area of detection and prevention of money laundering and terrorist financing, submit written initiative for temporary suspension of transaction to a foreign authority competent for the prevention of money laundering and terrorist financing, if it evaluates that there are sufficient reasons for a suspicion of money laundering and related predicate offences or terrorist financing.</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p><i>Article 89, paragraph 2 of the Criminal Procedure Code defines that upon the State Prosecutors request the temporary suspension of payment, or the issuing of suspicious money, securities and objects cannot exceed six months.</i></p>
The Netherlands	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>Yes, as far as the implementation of Article 14 is concerned, the possibility of (temporarily) blocking a transaction regulated therein is within the competence of the public prosecutor. This means that relevant transactions must be notified by the FIU to the public prosecutor as soon as possible, so that the public prosecutor can decide to seize the credit to which the transaction relates. This possibility is laid down Article 94 and 94 of the Criminal Procedure Code.</i></p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p><i>In order to make use of the aforementioned competence of the public prosecutor, a suspicion transaction must first be filled at the FIU.</i></p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p><i>The possibility of seizing the credit to which the transaction relates doesn't have a maximum duration by law.</i></p>
North Macedonia	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p>

Yes, Macedonian authorities adopted legislative measures permitting urgent actions to be taken by the FIU when there is a suspicion that a transaction is related to money laundering or financing of terrorism, to suspend or withhold consent to a transaction.

Namely, Law on prevention of money laundering and financing of terrorism (AML/ CFT Law) stipulates competences of the Financial Intelligence Office (Office) to issue a written warrant to the entity with which it temporarily withholds the transaction and defines procedures for implementation of provisional measures. In this context please consider following articles of the AML/ CFT Law:

"Article 64

(1) The Office is financial intelligence unit of the Republic of Macedonia, established for the purpose of collecting and analysing reports of suspicious transactions and other information of importance for the prevention and detection of money laundering and financing of terrorism and delivering the results of the analysis and other additional relevant information to the competent authorities when there is basis for suspicion of money laundering and financing of terrorism.

(2) The Office is a government organization within the Ministry of Finance, with the capacity of a legal entity.

(3) The Office has the following competencies:

-collect, process, analyze, store and submit data obtained on the basis of this Law;

-collects data, information and documents necessary for the performance of its competences;

-prepares and submits reports to the competent government authorities, whenever there is basis for suspicion of committed criminal offence money laundering or financing of terrorism;

-prepares and submits notification to the competent government authorities on basis for suspicion of other criminal offense committed;

-issues a written warrant to the entity with which it temporarily withholds the transaction;

-submits a request for submission of proposal for determining interim measures to the competent public prosecutor;

-submits a warrant to the entity for monitoring of business relation;

-issues a misdemeanour payment warrant;

-submits a request for initiating a misdemeanour procedure before the competent court;

-prepares strategic analyses for determining the trends and typologies of money laundering and financing of terrorism;

-cooperates with the entities referred to in Article 5 of this Law, with the Ministry of Interior, Ministry of Defence, Ministry of Justice, Ministry of Foreign Affairs, Public Prosecutor's Office of the Republic of Macedonia, Intelligence Agency, Financial Police Office, Customs Administration, the Public Revenue Office, State Foreign Exchange Inspectorate, Securities and Exchange Commission of the Republic of Macedonia, National Bank of the Republic of Macedonia, Agency for Supervision of Fully Funded Pension Insurance, Insurance Supervision Agency, State Commission for Prevention of Corruption, State Audit Office, Central Registry of the Republic of Macedonia and other government authorities and institutions, as well as with other organizations, institutions and international authorities for combating money laundering and financing of terrorism;

-executes agreements for cooperation and exchange of data and information with financial intelligence units of other countries and international organizations involved in the fight against money laundering and financing of terrorism;

-independently or in cooperation with the supervisory authorities of this Law, supervises the entities on the implementation of the measures and activities determined by this Law;

- participates in the implementation of a national risk assessment of money laundering and financing of terrorism and conducts risk assessment on certain categories of entities;
- initiates initiatives or gives opinion on laws and bylaws related to the prevention of money laundering and financing of terrorism;
- may assist in the professional development of the authorized persons and employees in the department for prevention of money laundering and financing of terrorism in the entities referred to in Article 5 of this Law;
- establishes lists of indicators for recognizing suspicious transactions in cooperation with the entities and bodies supervising their operations and regularly updates them;
- plans and conducts trainings events for training and development of the employees in the Office;
- carries out activities for raising the awareness of the non-government sector on the risks of their possible abuse for the purposes of financing of terrorism;
- provides clarification in the application of the regulations on prevention of money laundering and financing of terrorism;
- keeps records, as well as comprehensive statistics, for the purpose of evaluating the effectiveness of the system for combating money laundering and financing of terrorism;
- acts in accordance with the provisions of the Law regarding restrictive measures and the bylaws adopted on its basis;
- performs other activities determined by law....

Provisional measures

Article 120

- (1) *If there is suspicion of a criminal offense of money laundering and/or financing of terrorism, the Office may issue to the entity a written warrant for temporary withholding and/or prohibition on performing transactions.*
- (2) *After the submission of the warrant referred to in paragraph (1) of this Article, the Office shall submit a request to the competent public prosecutor for submitting a proposal for instituting provisional measures.*
- (3) *The withholding and/or prohibition of performing transactions shall last until court decision on the proposal is reached, but no longer than 72 hours after the delivery of the written warrant for temporary withholding and/or prohibition on performing transactions.*
- (4) *When the time period referred to in paragraph (3) of this Article covers weeks, holidays or other non-working days, the Office may submit a warrant for temporary withholding and/or prohibition on performing transactions to the entity for a maximum of 120 hours from the time the warrant was issued.*
- (5) *When, due to the nature or the method in which the suspicious transactions are carried out or the circumstances that follow the suspicious transaction, it is not possible to issue a written warrant to the entity, as well as in other emergency cases, the Office may issue a verbal warrant to the entity for temporary withholding and/or prohibition on performing transactions.*
- (6) *The Office must confirm the warrant from paragraph (5) of this Article with a written warrant no later than the first following working day after the issuance of the verbal warrant.*
- (7) *The authorized person shall compile a record for the received verbal warrant from paragraph (5) of this Article that he/she keeps in his/her records in accordance with Article 51 of this Law."*

The procedure for implementation of provisional measures is further defined with articles 121, 122 and 123 of the AML/ CFT Law, as follows:

“Article 121

The request for submitting a proposal for determining provisional measures referred to in Article 120 of this Law shall contain data on the criminal offence for which the provisional measure is requested, the facts and circumstances justifying the need for application of the provisional measure, data for the natural person or legal entity referred in the proposal for provisional measure and the amount of money or the type of property.

Article 122

(1) The competent public prosecutor shall examine the request for submitting a proposal for determining provisional measures referred to in Article 120 of this Law, and if it determines that the request is justified, without delay and within 24 hours from the receipt of the request, will submit a proposal for determining provisional measures to the judge of the competent basic court.

(2) If the competent public prosecutor determines that the request for submitting a proposal for determining provisional measures referred to in Article 120 of this Law is unfounded, he/she shall inform the Office without delay that the request has been rejected. Upon receipt of the notification from the public prosecutor, the Office shall, without delay, submit to the entity a written notification for the refusal.

Article 123

(1) The judge of the competent basic court, within 24 hours from the receipt of the proposal from Article 122, paragraph (1) of this Law, shall issue a decision for provisional measure or for rejecting the proposal of the public prosecutor.

(2) If the decision includes provisional measures, within the same time period, the judge shall submit the decision to the public prosecutor, the entity and the client.

(3) If the decision rejects the proposal of the public prosecutor, within the same time period, the judge shall submit the decision to the public prosecutor.

(4) The competent public prosecutor shall immediately inform the Office on the decision of the judge referred to in paragraph (1) of this Article.

(5) The competent public prosecutor and the client have the right to an appeal to the criminal council of the competent court against the judge's decision referred to in paragraph (1) of this Article, within three days from the day of the receipt of the decision, which does not postpone the execution of the decision.

Following table provides information regarding effective implementation of provisional measures:

	2016	2017	2018
Total value	20,786 Euros	720.226 Euros	19.235.585 denars (approx. 312.773 Euros), 3.607.738,00 Euros and 126.910,00 USD

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

No, according provisions of the article 120 of the AML/ CFT Law implementation of provisional measures are not restricted to case where STR has been submitted. Thus, FIO has competences

	<p>to issue warrant for temporary withholding and/or prohibition on performing transactions when there is suspicion of ML and/or FT.</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p>Article 120 para (3) and (4) define maximum duration of a suspension or withholding of consent to a transaction upon issued warrant by the FIO as follows:</p> <p>“(3) The withholding and/or prohibition of performing transactions shall last until court decision on the proposal is reached, but no longer than 72 hours after the delivery of the written warrant for temporary withholding and/or prohibition on performing transactions.</p> <p>(4) When the time period referred to in paragraph (3) of this Article covers weeks, holidays or other non-working days, the Office may submit a warrant for temporary withholding and/or prohibition on performing transactions to the entity for a maximum of 120 hours from the time the warrant was issued.”</p>
Poland	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p><i>Answer</i></p> <p>Poland has adopted legislative measures permitting to suspend transaction or to block the account in case when the specific transaction or specific assets may be associated with money laundering or terrorist financing. There was the <i>Act of 1 March 2018 on counteracting money laundering and financing of terrorism</i> (hereinafter referred to as the AML/CFT Law) enacted which entered into force on 13 July 2018. The new legislation aims at implementation of the AML Directive 2015/849 and amended FATF Recommendations, as well as at increasing the level of effectiveness of Polish AML/CFT system.</p> <p>In line with the AML/CFT Act the General Inspector of Financial Information is empowered to suspend transactions or to block the accounts which are linked with <u>transactions that are to be executed</u> as follows:</p> <p>A) Art 86 provides for the procedure of postponement of transaction or blocking the account <u>on the initiative of the obliged entity</u>:</p> <p><i>“Transaction suspension and account blocking</i> <i>Article 86. 1. The obligated institution shall immediately notify the General Inspector, with the use of electronic communication means, of any case of justified suspicion that the specific transaction or specific assets may be associated with money laundering or terrorist financing.</i> <i>2. In the notification, the obligated institution shall provide information available to it, associated with the suspicion and information on the expected time of performing the transaction referred to in paragraph 1. With respect to the notification, the provision of Article 74(3) shall apply accordingly.</i> <i>3. Upon the receipt of the notification, the General Inspector shall immediately confirm the receipt thereof in the form of an official confirmation of the receipt, containing in particular the date and the time of accepting the notification.</i> <i>4. Until the time of receipt of the request referred to in paragraph 5, or the exemption referred to in paragraph 6, in any case no longer than for 24 hours after the confirmation of the receipt of the notification referred to in paragraph 3, <u>the obligated institution shall not carry out the transaction referred to in paragraph 1 or other transactions charging the account on which assets referred to in paragraph 1 have been collected.</u></i></p>

5. In case of recognising that the transaction referred to in paragraph 1 can be associated with money laundering or terrorist financing, the General Inspector shall provide the obligated institution with a request to suspend the transaction or block the account for no more than 96 hours from the date and time indicated in the confirmation referred to in paragraph 3. The obligated institution shall suspend the transaction or block the account immediately upon the receipt of such request. In the request, the General Inspector shall determine assets subject to the request.

6. The General Inspector may relieve the obligated institution from the obligation referred to in paragraph 4 in the case if the available information does not provide grounds to notify the prosecutor of suspected crime of money laundering or terrorist financing or in the case of recognising that the transaction suspension or account blocking could jeopardise the performance of tasks by the judicial authorities and services or institutions responsible for the protection of public order, citizens' security or prosecution of perpetrators of crime or fiscal crime.

7. The General Inspector shall submit the request referred to in paragraph 5 or the exemption referred to in paragraph 6 to the obligated institution with the use of electronic communication means.

8. Immediately after the submission of the demand referred to in paragraph 5, the General Inspector shall notify the competent prosecutor on a suspicion of committed crime of money laundering or terrorist financing.

9. Upon receipt of the notification referred to in paragraph 8, the prosecutor may issue the decision to suspend the transaction or block the account for a definite period, in any case no longer than 6 months from the day of receipt of such notification.

10. The decision concerning the suspension of the transaction or the blocking of the account referred to in paragraph 9 can be also issued despite the absence of the notification defined in paragraph 8.

11. In the decision referred to in paragraph 9, the scope, method and time of suspending the transaction or blocking the account shall be determined. The decision may be appealed to the court competent to hear the case.

12. The obligated institution, on request of the customer issuing the instruction or the order to perform the transaction referred to in paragraph 1, or being the account holder or owner of assets referred to in paragraph 1, may inform such customer about the submission of the request referred to in paragraph 1 by the General Inspector. In such a case, the provision of Article 54 shall not apply.

13. The suspension of the transaction or the blocking of the account shall fall before the expiry of 6 months from the receipt of the notification referred to in paragraph 8 unless a decision on asset seizure or a decision concerning material evidence is issued."

While the article 74(3) stipulates what data shall be provided in the notification, as follows:

"Article 74.3. The following data shall be provided in the notification:

1) identification data referred to in Article 36(1) related to the customer of the obligated institution providing the notification;

2) available identification data referred to in Article 36(1) related to natural persons, legal persons or organisational units without legal personality other than customers of the obligated institution submitting the notification;

3) value and type of assets and place of their storage;

4) number of the account maintained for the customer of the obligated institution submitting the notification, identified by the International Bank Account Number (IBAN) or other identification containing country code and account number in case of accounts other than identified by IBAN;

5) available identification data referred to in Article 72(6) related to the transactions or their attempted execution;

6) indicating a state of the European Economic Area the transaction is associated with, if it was conducted under the cross-border activity;

7) available information concerning the identified money laundering or terrorist financing risk and a prohibited act from which assets can originate;

8) justification of providing the notification".

B) The Article 87 provides for the procedure for blocking the account or postponing the transaction on the initiative of the FIU:

“Article 87. 1. In the event of recognising that the specific transaction or the specific assets may be associated with money laundering or terrorist financing, the General Inspector shall submit the demand to suspend the transaction or block the account to the obligated institution with the use of electronic communication means. In the demand related to account blocking, the General Inspector shall determine assets covered by the demand.

2. The obligated institution shall suspend the transaction or block the account for a period not longer than 96 hours from the moment of receiving the demand referred to in paragraph 1.

3. Immediately after the submission of the demand referred to in paragraph 1, the General Inspector shall notify the competent prosecutor on a suspicion of committed crime of money laundering or terrorist financing.

4. The provisions of Article 86(9-13) shall apply accordingly.”

C) Article 89 of AML/CFT Act provides for the procedure for suspending transaction or blocking the account on the initiative of obliged entity, but excluding the participation of the General Inspector of Financial Information. The above mentioned article provides for the possibility to suspend transactions or block account, but this tool is used when the assets stem from the crime other than ML or FT or there are no links to ML/FT and it imposes on obliged institution (with the exception of domestic banks, branches of foreign banks, branches of credit institutions and the cooperative savings and credit unions), in case of justified suspicion, that the transaction or particular assets are linked with any criminal activity other than ML or FT or linked with fiscal criminal activity - the obligation to notify the competent prosecutor's office. The prosecutor issues decision on initiation of proceedings (i.e. imposing the blockade of the account or suspension of the transaction) or on refusal to initiate it. The General Inspector is informed by the obliged institution thereof later on.

“Article 89. 1. The obligated institution, excluding domestic banks, branches of foreign banks, branches of credit institutions and the cooperative savings and credit unions shall immediately notify the competent prosecutor of any case of reasonable suspicion that the specific assets subject to transaction or collected on the account originate from a crime other than the crime of money laundering or terrorist financing or a fiscal crime, or are associated with a crime other than the crime of money laundering or terrorist financing or a fiscal crime.

2. In the notification, the obligated institution shall provide information available to it, associated with the suspicion and information on the expected time of performing the transaction referred to in paragraph 1.

3. Until the time of receipt of the decision referred to in paragraph 4, in any case no longer than for 96 hours after the submission of the notification referred to in paragraph 1, the obligated institution shall not carry out the transaction referred to in paragraph 1 or any other transactions charging the account on which assets referred to in paragraph 1 have been collected.

4. Within the time limit defined in paragraph 3, the prosecutor shall issue the decision on institution or refusal to institute the proceedings, immediately notifying the obligated institution thereof. In the event of institution of the proceedings, the prosecutor shall suspend the transaction or block the account, by way of the relevant decision, for a period not longer than 6 months from the date of receipt of the notification referred to in paragraph 1.

5. The decision concerning the suspension of the transaction or the blocking of the account referred to in paragraph 4 can be also issued despite the absence of the notification defined in paragraph 1.

6. In the decision referred to in paragraph 4, the scope, method and time of suspending the transaction or blocking the account shall be determined. The decision may be appealed to the court competent to hear the case.

7. The suspension of the transaction or the blocking of the account shall fall before the expiry of 6 months from the issuance of the decision referred to in paragraph 4 and 5 unless a decision on asset seizure or a decision concerning material evidence is issued.

8. Immediately upon the receipt of the decisions referred to in paragraph 4 and 7, the obligated institution shall submit, with the use of electronic communication means, information on the notifications referred to in paragraph 1 and copies thereof to the General Inspector.”

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Answer

No. Polish Authorities are able to request suspending the transaction or to block the account also without prior suspicious transaction report filed, in line with Art. 87.1, which enables The General Inspector of Financial Information to request the suspension of the transaction or to block the account on his own initiative, as follows:

“Article 87. 1. In the event of recognising that the specific transaction or the specific assets may be associated with money laundering or terrorist financing, the General Inspector shall submit the demand to suspend the transaction or block the account to the obligated institution with the use of electronic communication means. In the demand related to account blocking, the General Inspector shall determine assets covered by the demand.

2. The obligated institution shall suspend the transaction or block the account for a period not longer than 96 hours from the moment of receiving the demand referred to in paragraph 1.

3. Immediately after the submission of the demand referred to in paragraph 1, the General Inspector shall notify the competent prosecutor on a suspicion of committed crime of money laundering or terrorist financing.

4. The provisions of Article 86(9-13) shall apply accordingly.”

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Answer

The obliged institution which has notified the General inspector in line with art. 86 of the AML/CFT shall not execute the suspicious transaction until the time of receipt of the confirmation from the General Inspector, but no longer than 24 hours after the confirmation by the General Inspector of the notification from the obliged entity, as follows:

“86.4. Until the time of receipt of the request referred to in paragraph 5, or the exemption referred to in paragraph 6, in any case no longer than for 24 hours after the confirmation of the receipt of the notification referred to in paragraph 3, the obligated institution shall not carry out the transaction referred to in paragraph 1 or other transactions charging the account on which assets referred to in paragraph 1 have been collected.”

In line with article 86.5 of the AML/CFT Act the General Inspector of Financial Information is empowered to “provide the obligated institution with a request to suspend the transaction or block the account for no more than 96 hours” from the date and time indicated in the confirmation by the General Inspector of Financial Information the receipt of notification received from the obliged entity. (Please refer to art 86.5 above). The same period of time applies when the General Inspector suspends transaction or blocks the account on his own initiative, in line with art 87.

	<p>The General Inspector of Financial Information notifies the prosecutor on suspicion of committed ML or FT, and the prosecutor in line with art 86.9 may decide on suspension of transaction or blocking of the account for no longer <u>than 6 months</u> from the day of receipt of the notification. (for the exact wording, please refer to art. 86. 8 and 86.9.)</p>
<p>Portugal</p>	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p>YES.</p> <p>Article 48 of Law no. 83/2017, of 18 August (the AML/CFT Law) foresees the temporary suspension of the carrying out of transactions relating to which the obligation to refrain from carrying out transactions was or should be exercised, notifying the entity in question for that purpose.</p> <p style="text-align: center;">Article 48 Temporary suspension</p> <p>1 – In the four working days following the submission of the information referred to in Article 47 (4), the Central Department for Criminal Investigation and Prosecution may determine the temporary suspension of the carrying out of transactions relating to which the obligation to refrain from carrying out transactions was or should be exercised, notifying the entity in question for that purpose.</p> <p>2 – Apart from the cases set out in the foregoing paragraph, temporary suspension may also be set forth in the following situations:</p> <p>(a) when obliged entities have not complied with the obligation to issue suspicious transaction reports as provided for in Article 43 or with the obligations to refrain from carrying out transactions or to report provided for in the foregoing Article, and these are due;</p> <p>(b) based on other information known by the Central Department for Criminal Investigation and Prosecution itself, within the scope of its powers in terms of prevention of criminal activity from which money or other property derive, money laundering or terrorist financing;</p> <p>(c) under a proposal from the Financial Intelligence Unit based on the analysis of reports of pre-existing suspicious transaction reports.</p> <p>3 – The temporary suspension decision:</p> <p>(a) may cover present or future transactions, including those relating to the same account or other accounts or business relationships identified from a suspicious transaction report or other additional information known by the Central Department for Criminal Investigation and Prosecution itself, regardless of the ownership of said accounts or business relationships;</p> <p>(b) shall identify the data subject to the measure, specifying the persons and entities covered and, on a case-by-case basis, the following data:</p> <p>(i) the type of transaction or occasional transaction;</p> <p>(ii) the accounts or other business relationships;</p> <p>(iii) the specific discretions and delivery channels.</p> <p style="text-align: center;">Article 47 Obligation to refrain from carrying out transactions</p> <p>1 – Obligated entities shall refrain from carrying out any transaction or group of transactions, current or future, which they know or suspect to be related to money or other property derived from criminal activity or terrorist financing.</p>

2 – The obliged entity shall report this promptly, pursuant to Articles 43 and 44, also informing the Central Department for Criminal Investigation and Prosecution and the Financial Intelligence Unit that it refrained from carrying out a transaction or group of transactions under the foregoing paragraph.

3 – In the event the obliged entity considers that refraining as referred to in paragraph 1 shall not be possible or, after consultation of the Central Department for Criminal Investigation and Prosecution and the Financial Intelligence Unit, may jeopardise the prevention or future investigation of criminal activity from which money or other property derive relating to money laundering or terrorist financing, transactions may be carried out, and the obliged entity shall promptly report to the Central Department for Criminal Investigation and Prosecution and the Financial Intelligence Unit the information relating to the transactions.

4 – The Financial Intelligence Unit shall, within two working days of receiving the reports set out in paragraphs 2 and 3, issue an opinion thereon, sending the information obtained to the Central Department for Criminal Investigation and Prosecution.

(...)

Therefore, in conclusion, the Portuguese authorities have a total of 6 working days to assess the situation (FIU 2 days (Article 47) + Public Prosecution 4 days (Article 48)) and for take the decision of postponement of the transaction. This is a maximum deadline, and the suspicious operation can be suspended on the same day the STR is received, if the evidence that a ML case is underway is strong.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

NO.

The temporary suspension may also be decided in the situations set forth in Article 48 (2) (a) to (c). Please see the wording in the previous answer.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

The duration of the measure of suspension is decided by the Criminal Instruction Judge and shall not exceed three months, and may be successively renewed for new periods during the investigation, according to Article 49 (2) of Law no. 83/2017.

Article 49

Confirmation of the suspension

1 – The temporary suspension decision laid down in the foregoing Article shall expire without judicial confirmation from a criminal investigation, within two working days of its delivery.

2 – The temporary suspension shall be confirmed through a decision of the judge in charge of preliminary enquiries specifying the data set out in paragraph 3 (b) of the foregoing Article, as well as the duration of the measure, which shall not exceed three months, and may be successively renewed for new periods during the investigation.

3 – Notification to the persons and entities covered of the investigating judge's decision confirming the temporary suspension for the first time may be deferred for a maximum period of 30 days, should the investigating judge, by way of reasoned order, understand that such notification may compromise the result of investigative measures to be immediately developed.

	<p>4 – The provisions of the foregoing paragraph shall be without prejudice to the right of the persons and entities covered by the decision, at all times and after being notified of it or the respective renewals, to request the measure’s revision and change, the notifications being sent to the address of the person or entity indicated by the obliged entity, failing any other.</p> <p>5 – Under the suspension measure, the persons and entities covered may, by way of a reasoned request, ask for authorisation to carry out a one-off transaction covered by the measure applied, which is decided by the investigating judge, once the Public Prosecution Service has been heard and the interests at stake are weighed.</p> <p>6 – Upon request from the Public Prosecution Service, the investigating judge may determine the freezing of the funds, securities or assets subject to the suspension measure applied, in the event of signs that these are the proceeds of criminal activity or are related to terrorist financing and there is a risk that they spread into the legitimate economy.</p> <p>7 – Where not specifically set out in this Article, the provisions of the law on penal procedure shall apply on a supplementary basis.</p>
<p>Republic of Moldova</p>	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div style="border: 1px solid black; padding: 10px; margin: 10px 0;"> <p>According to the provision of the art.33 of the AML/CFT Law nr. 308 from 22.12.2017, “<i>the reporting entities, the FIU, the legal and judicial authorities shall apply efficient measures for identification, prosecution, suspension, seizure and confiscation of assets proceeding from money laundering, from offenses related to it, from terrorism financing and proliferation of mass destruction weapons</i>”.</p> <p>Within the framework of the art. 33 Precautionary Measures” of the AML/CFT Law the reporting entities can <i>suspend</i>, or withhold consent for a transaction going ahead in order to analyze the transactions and confirm the suspicion for a period of 5 working days on the basis of a written permission and confirmed by the FIU. Please refer to the relevant provision:</p> <p><i>‘(2) The reporting entities, ex officio or on request, refrain from execution of activities and transactions with assets, including financial means, for a period of up to 5 working days if they establish pertinent suspicions that may indicate to money laundering actions, offenses related to them, terrorism financing or mass destruction weapons proliferation actions, in the course of preparation, attempt, accomplishment or already executed, and shall immediately inform the Service, but not later than 24 hours after the moment of abstention.</i></p> <p><i>(3) The measures applied according to provisions of par. (2) ceases ex officio on the basis of written permission and confirmed by the Service.”</i></p> <p>The FIU can suspend for a period of 30 working days the transactions suspicious of ML/FT according to the provision of the para.4 of the art.33 of the AML/CFT Law.</p> <p>Please refer to the relevant legislation:</p> <p><i>“4) In the event of establishment of pertinent suspicions of money laundering or commitment of offenses related to it, terrorism financing or proliferation of mass destruction weapons, on the basis of information received in accordance with the provisions of this law, including the requests of the competent authorities of other jurisdictions, for the purpose of the application of precautionary measures, the Service issues decisions on suspension, of the execution of suspicious activities or transactions, as well as decisions on suspension of suspicious assets, for a period of up to 30 working days, the fact about which notifies the natural or legal person subject of suspension decision.”</i></p> </div> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p>

According to the provision of the art. 33 of the AML/CFT Law, the application of the suspension, is not limited to cases where a suspicious transaction report has been submitted. It's provisions are broader and are related to any information received within the framework of the AML/CFT Law, that means suspicious transactions, threshold transactions and cash transactions, as well as any other relevant information from public authorities foreseen in the art.4 submitted in accordance with the provision of and art. 11 of the AML/CFT Law.

Please refer to the relevant legal provision “4) In the event of establishment of pertinent suspicions of money laundering or commitment of offenses related to it, terrorism financing or proliferation of mass destruction weapons, on the basis of information received in accordance with the provisions of this law, including the requests of the competent authorities of other jurisdictions, for the purpose of the application of precautionary measures, the Service issues decisions on suspension of the execution of suspicious activities or transactions, as well as decisions on suspension of suspicious assets, for a period of up to 30 working days, the fact about which notifies the natural or legal person subject of postponement.”

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

The suspension duration established by the AML/CFT Law are 5 working days in cases applied by the reporting entities, up to 30 working days applied by the decision of the FIU and up to 60 working days applied by Court based on the request of the FIU.

Please refer to the relevant provision of the AML/CFT Law.

“ (7) The Office may cancel the decision on freezing of the execution of suspicious activity or transaction or the decision on freezing of suspicious goods until the expiration of indicated term if the reasons and conditions that justified the issuance of these decisions have disappeared.

(8) The Office, until the expiration of the term of decisions stipulated in par. (4), using motivated request, claim the court in territorial jurisdiction in which has the residence, about prolongation of the decision term if, in the stage of financial investigations and verifications of the source of the goods involved in activities or transactions, the initial suspicions are confirmed, if the Office is awaiting the answers to the request sent to foreign institution, or if the owner, possessor of goods or their representative avoids to disclosure the complete information on the legality of the source of the goods which constitute the object of verification, as well as in other circumstances that impede to establish of the source of goods that constitute the object of verification.

(9) The court, on the basis of decision, disposes the prolongation or rejection of the prolongation of the suspension decision of the execution of suspicious activity or transaction or of the suspension of suspicious goods on the basis of a motivated request submitted by the Office at least one day before the expiration of the term of decisions provided in par. (4). Prolongation of the term established by the judge can not exceed 60 working days on each case separately. About decision of the judge on the prolongation of the term of suspension shall be brought to attention of natural or legal person in respect of whom the suspension was disposed.

(10) Before the expiration of the term provided in par. (9), the Office shall take all necessary measures, in accordance with the provisions of present law, in order to disseminate the materials to the competent authorities for adoption of subsequent decisions.”

Statistical data on FIU suspension decisions

Year	Nr. of FIU decisions	Amount
2015	126	2 590 000 MDL, 3 260 000 USD, 4 060 000 EURO, 300 000 RON
2016	144	3 191 608 MDL, 2 095 443 USD, 19 559 241 RON, 43 % shares in total value of 22 billion of USD
2017	34	11 003 643 MDL, 1 293 313 USD, 704 466 EURO, 5 500 500 RUB
2018	22	22 051 583 MDL 1 387 000 EURO, 1 005 443 USD

Attachment nr. 1 Practical case 1 and 2.

Romania

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

According to art. 5 (3) of the Law no. 656/2002, republished, as amended and completed, the Romanian FIU may dispose, based on a reason, the suspension of the operations reported as not performed by the reporting entities and for which there are suspicions that their aims is money laundering or terrorist financing. In order to confirm or to infirm the suspicions, the Office proceeds at analysing the received or obtained financial information in relation to the reported transaction as not performed and, if subsequently, are identified grounds of money laundering, notifies immediately the Prosecutor's Office attached to the High Court of Cassation and Justice. In cases where, following the analysis process, suspicions of terrorism financing are identified, the Office also immediately notifies the Romanian Intelligence Service. In cases where, based on the data and information obtained in relation to the reported unperformed transaction, there are solid ground for other predicate offences than money laundering or terrorism financing, the Office will proceed to notify the competent law enforcement authorities (police units or territorial units of the prosecutor's office).

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

In accordance with art. 26 (4) of the Law no. 656/2002, republished, as amended and completed, the Office may dispose the suspension of carrying out a transaction that has the purpose of money laundering or terrorism financing also at the request of the Romanian judicial authorities or at the request of foreign institutions which have similar functions and the obligation of keeping the secrecy under similar condition. The applicable procedure in this case is the same as described above. By implementing these legal provisions, the Office does not restrict the application of the suspension measure to the execution of a transaction by receiving a suspicious transaction report.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

According to Law no. 656/2002, republished, as amended and completed, the measure of suspension of transactions can be disposed by the Office for 48 hours. In case that, following the analysing process performed in relation with the transactions to whom the suspension measure was ordered, if the Office considers that the period is not sufficient, based on a reason and before the end of those 48 hours, may request to the Prosecutor's Office attached to the High Court of Cassation and Justice, the extension of the suspension of the operation for another

	<p>period, up to 72 hours. The 72 hours are calculated from the end of the initial 48 hours mentioned above.</p> <p>Statistical data</p> <p>Regarding the suspicious transactions reported as unperformed, as well as the operations actually suspended by the Romanian FIU during 2017, the situation is as follows: - were reported to the Office 326 suspicious transaction reports containing unperformed transactions, out of which:</p> <ul style="list-style-type: none"> Ø in 232 The Office decided suspending the operations, the amounts for which suspension was disposed being 19.670.096 EUR, 13.482.096 RON, 19.973.006 USD, 15.000 GBP and 8.500 PLN and from these, for 31 cases the period for which suspension was disposed wasn't sufficient and for this reason a request has been sent to the General Prosecutor of the Prosecution Office attached to the High Court of Cassation and Justice to extent the suspension of the operation; Ø in 71 cases, the Office decided not to suspend operations; Ø in other 24 cases, the operations were reported as not performed, being blocked by the reporting entities. <p>Note that, the number of cases for which the Office decided suspension has increased from 52 cases in 2016 to 232 cases in 2017 (with 446%).</p>
<p>Russian Federation</p>	<p>In the Russian anti-money laundering system the authority to block, freeze, seize or recover assets is vested in various agencies.</p> <p>In accordance with Article 7 (10) of Federal Law No. 115-FZ <i>On Countering the Legalization (Laundering) of Criminally Obtained Incomes and the Financing of Terrorism</i> of 07 August 2001 (hereinafter referred to as Federal Law No. 115-FZ), organizations performing operations with monetary funds or other assets shall suspend an operation, except for operations of crediting accounts of an individual or legal entity, for five working days from the day when the customer's order should be executed, if at least one of the parties is:</p> <ul style="list-style-type: none"> – a legal entity directly or indirectly owned or controlled by an organization or an individual, whose monetary funds or other assets were frozen (blocked), or an individual or legal entity acting on behalf or at the instruction of such organization or individual; – an individual performing operations with monetary funds or other assets. <p>Organizations performing operations with monetary funds or other assets shall immediately provide information on suspended operations to the national FIU – Rosfinmonitoring.</p> <p>According to Part 3 of Article 8 of Federal Law No. 115-FZ Rosfinmonitoring is authorized to issue a resolution to suspend such operations for an additional period of 30 days if it deems, basing on the results of the preliminary review, that the information received is reasonable.</p> <p>Immediate suspension of operations for 35 days makes it possible to initiate additional, more long-term freezing tools. For example, in accordance with Part 4 of Article 8 of Federal Law No. 115-FZ, by court ruling based on an application from Rosfinmonitoring operations on bank accounts (deposit accounts) as well as other operations with monetary funds or other assets of</p>

	<p>organizations or individuals shall be suspended until the reversal of this decision in accordance with the Russian law.</p> <p>Law enforcement agencies are also able to seize property during the investigation of criminal cases related to legalization (laundering) of criminal proceeds. Thus, in accordance with Part 1 of Article 115 of the Code of Criminal Procedure of the Russian Federation, a court may seize, upon request from an investigator or interrogator, the property of a suspect, accused person or persons who are materially liable under the law for their actions in order to execute the sentence in relation to a civil claim, fine recovery, other property sanctions or possible confiscation of property</p> <p>The court shall consider such a request from an investigator or interrogator within 24 hours of the submission of the materials to the court (Part 2 of Article 165 of the Russian Code of Criminal Procedure). This process is held behind closed doors and no third parties, including the owner and proprietor of the property, are notified thereof.</p> <p>Moreover, in accordance with Part 5 of Article 165 of the Code of Criminal Procedure of the Russian Federation, the seizure of property specified in Part 1 of Article 104.1 of the Criminal Code of the Russian Federation, including criminally obtained incomes, shall be carried out immediately on the basis of the decision of the investigator (interrogator) with subsequent notification of the prosecutor and the court within 3 days of the adoption of such decision. The court, having received the relevant notification, shall consider the legality of this procedural action and either maintain the arrest or withdraw it.</p> <p>Following an application from the authorized body, a court orders to suspend operations on bank accounts (deposit accounts) as well as other operations with monetary funds or other assets of organizations or individuals, in respect of which the information on their involvement in extremist activity, terrorism or proliferation of weapons of mass destruction is received in the manner prescribed by the Federal law on countering legalization, or that of legal entities directly or indirectly owned or controlled by such organizations or individuals, or that of individuals and legal entities acting on behalf or at the instruction of such organizations or individuals, until this decision is reversed in accordance with the Russian law (Article 8 of the Law on countering legalization).</p> <p>Immediate freezing of funds is carried out by Rosfinmonitoring according to the scheme 5+30, that is operations are first suspended for 5 days during which the national FIU – Rosfinmonitoring – can issue an order and extend the freezing for another 30 days.</p> <p>As a rule, the arrest or freezing of operations by court decision is permanent, but in the context of criminal cases when the arrest is imposed on the property of third parties (who are not suspects, accused persons or those materially responsible under the law for their actions), the relevant court decision has a time limit and requires to be extended each time when the period of arrest established by the court expires.</p>
San Marino	Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction

going ahead in order to analyse the transaction and confirm the suspicion? Under AML/CFT Law (Law n. 92 of 17 June 2008 as amended), the FIA is empowered to postpone transactions, to block funds, assets or other economic resources and to monitor any financial business relations. Such powers are used by the FIA when performing analysis of cases related to ML, associated predicate offences and TF.

Law 92/2008 sets forth , *inter alia*, the following powers under article 5:

Art. 5

(Powers of the Financial Intelligence Agency)

1. In order to fulfil the functions assigned by this Law, the Agency, by means of a written reasoned act for the purposes of preventing and combating money laundering and terrorist financing, shall have the power to:

[...]

d) order the blocking of assets, funds or other economic resources when there are reasonable grounds to believe that these assets, funds or resources are derived from money laundering, predicate offences or terrorist financing or may be used to commit such criminal offences;

e) suspend for a maximum of five working days, also upon request of the criminal judicial authority or of a foreign financial intelligence unit, suspected money laundering or terrorist financing transactions or transactions concerning assets or funds suspected to derive from predicate offences;

[...]

g) order financial entities, also upon request of a foreign financial intelligence unit and for a fixed period of time, to monitor one or more business relationships according to the procedures and time limits laid down by the Agency;

[...] “

On blocking of assets, the AML/CFT Law contains specific provisions under article 6, as follow:

Art. 6

(Procedures and effects of blocking)

1. The blocking referred to in letter d) of Article 5 shall be ordered by the Agency through a written reasoned measure. Without prejudice to the time limits set forth in paragraph 5 hereunder, in case of urgency the reasons for the measure may also be submitted in writing after the blocking.

2. The Agency shall notify the measure to the person holding the assets, funds or economic resources according to the procedures deemed most appropriate. If the assets are registered movable or immovable property, the Agency shall order State administrations in charge of keeping public registers to register the blocking measure.

3. Blocked assets cannot be transferred, disposed of or used.

4. Without prejudice to the validation referred to in the subsequent paragraph, the blocking measure shall be immediately effective.

5. Within 48 hours from the execution of the blocking measure, the latter shall be notified to the judicial authority, which shall validate the blocking measure within the following 96 hours, if the necessary conditions are fulfilled. Failing such conditions, the judicial authority shall declare that the blocking measure has ceased to be effective. The judicial authority shall declare that the blocking measure has ceased to be effective also when the precautionary reasons specified in the measure ordered by the Agency no longer exist.

6. The measure of the judicial authority shall be notified to the Agency and to the person subject to the blocking.

7. *The blocking shall not exceed 15 days starting from the date of issuance of the order by the Agency. Such time limit shall be established by the judicial authority in the validation measure and it may be extended up to 45 days, upon reasoned request of the Agency, when the financial analysis is particularly complex or requires the cooperation of foreign financial intelligence units. The request for extension shall be deposited with the judicial authority before the expiry of the time limit. The judicial authority shall grant or deny the extension within 96 hours from receipt of the request and shall communicate its decision to the Agency and to the person holding the assets, funds or economic resources.*

8. *Before the expiry of the time limits in the preceding paragraph, the Agency, with a specific report based on the financial analysis conducted, shall provide the judicial authority with any data useful for the seizure or for the revocation of the blocking measure. The judicial authority shall issue a reasoned order on the above within the following 96 hours.*

9. *If the blocking ceases to be effective or is revoked, the judicial authority shall take the necessary measures in order to return the blocked assets to the rightful owner or, in case of registered movable or immovable property, to enter the cancellation of the blocking measure in the public registers.*

10. *The provisions of this Article shall not prevent the judicial authority from ordering seizures under the procedural rules in force. In this case, the blocking measure ordered by the Agency shall cease to be effective.”*

The English text of the AML/CTF Law is available on the FIA website.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

The submission of STRs to the FIA from reporting entities is not a condition based on which the FIA might order the blocking of assets or might order the postponement of transactions.

Based on AML/CFT Law, such powers are used by the FIA when there are elements to *suspect* ML/TF or associated predicate offences or when *there are reasonable grounds to believe that these assets, funds or resources are derived from money laundering, predicate offences or terrorist financing [...] (see above, article 5 of the AML/CFT Law).*

As stated in the AML/CFT Law, the FIA might also act under foreign FIUs' requests and under the San Marino Court mandate: It's worth noting that, as of today, this never happened.

As for the Court, this is due to the fact that blocking measures are “convalidated” by the Judicial Authority when conditions set forth in the AML/CFT Law are met and seizure measures are applied.

Of course, the Judicial Authority may order the seizure of funds, assets and other economic resources without the prior issuing of blocking or postponement measures by the FIA.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Under AML/CFT, article 6 para 7 indicates that “The blocking shall not exceed 15 days starting from the date of issuance of the order by the Agency. Such time limit shall be established by the judicial

authority in the validation measure and it may be extended up to 45 days, upon reasoned request of the Agency, when the financial analysis is particularly complex or requires the cooperation of foreign financial intelligence units”

As indicated earlier, under article 5 of the AML/CFT Law, the suspension of transactions last of a maximum of five working days.

Other information to support the answer: statistical data and any other measures

The blocking and postponement (suspension) measures are used by the FIA based on conditions set forth in the AML/CFT Law.

In the context of San Marino such measures have demonstrated their effectiveness when combined with:

a) an effective and prompt international exchange of information among FIUs which provides relevant intelligence to the FIA in order to support its suspicious and

b) The power to monitor the movements of current accounts and other business relations (see above, article 5, para 1, letter g) introduced recently (see statistic below). This is considered by the FIA an “ancillary instrument” to control/monitor the movements of funds or of business relationships related to ML, associated predicate offences and TF.

By this power, the FIA requests FIs to monitor the current account which is analysed and to the report to the FIA any inward/outward operations. In case of outwards operations the FIA requests FIs to be notified duly in advance. If circumstances related to ML/TF or predicate offence occur, the FIA blocks accounts or postpones outgoing transactions, based on conditions set forth in the AML/CFT Law.

Based on our experience, the suspension of transactions is ordered by the FIA with the aim to scrutinize the information and documents provided (within 5 working days). Whether elements of suspicious are actually there, the FIA usually orders the blocking measure, based on provisions of AML/CFT Law. Of course, the FIA may orders the blocking measures regardless the adoption of suspension order, if conditions of AML/CFT are met.

On suspension of transactions, the main difficulties encountered relate to the limited duration of suspension of transactions power (5 working days) which conflicts with the efforts by the FIA to obtain information from foreign FIUs within that limited period. For this reasons the timing indicated in the AML/CFT Law for blocking measures (15 days extendable to 45 days), based on our experience is considered proper.

Monitoring measures (article 5, para 1, letter g) of the AML/CFT Law)

year	Orders issued by the FIA	Business relationships concerned
2014	22	48
2015	8	14
2016	10	23
2017	6	12
2018	4	11
TOTAL	50	108

Suspension measures (article 5, para 1, letter e) of the AML/CFT Law)

Year	Orders issued by the FIA	Business relationships concerned	Amount involved (Eur)
2008	0	0	-
2009	0	0	-
2010	0	0	-
2011	1	1	100.000
2012	1	1	912.204
2013	0	0	-
2014	0	0	-
2015	3	4	789.783
2016	1	1	225.075
2017	0	0	-
2018	0	0	-
TOTAL	6	7	2.027.062

Blocking measures (article 5, para 1, letter e) of the AML/CFT Law)

Year	Orders issued by the FIA	Business relationships concerned	Amount involved (EUR)
2008	0	0	-
2009	1	1	155.776
2010	0	0	-
2011	13	32	14.710.960

2012	6	28	23.621.777
2013	2	4	12.051.253
2014	2	3	517.672
2015	5	30	2.479.879
2016	1	1	43.528
2017	2	3	1.532.120
2018	0	0	-
TOTAL	32	102	55.112.965

Source: information provided by the FIA (San Marino FIU)

<p>Serbia</p>	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div data-bbox="358 331 1502 842" style="border: 1px solid black; padding: 5px;"> <p><i>Answer</i></p> <p>Article 75, paras. 1 and 2 of the AML/CFT Law reads as follows:</p> <p><i>The APML may issue a written order to the obliged entity for a temporary suspension of a transaction if it assesses that there is grounded suspicion of money laundering or terrorism financing in respect to a transaction or person conducting the transaction, of which it informs the competent authorities so that they take measures within their competence.</i></p> <p><i>The APML's Director may, in urgent cases, issue an oral order for temporary suspension of a transaction, which shall be confirmed in writing on the next working day at the latest.</i></p> <p>On the other hand, obliged entities are entitled to temporarily suspend a transaction on their own initiative, for 72 hours maximum if there are reasons to suspect money laundering in relation to the transaction or a person conducting it. This is a discretionary right of an obliged entity and is not related to the APML's written order (Article 75, para. 8 of AML/CFT Law).</p> </div> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <div data-bbox="358 961 1502 1171" style="border: 1px solid black; padding: 5px;"> <p><i>Answer</i></p> <p>No, these measures are not restricted to cases of submitted STRs, rather, they are triggered by a request from another state authority, for example, prosecutor's office, Security Information Agency, Tax Administration.</p> </div> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <div data-bbox="358 1291 1502 1581" style="border: 1px solid black; padding: 5px;"> <p><i>Answer</i></p> <p>Article 75, para. 3 of AML/CFT Law reads as follows:</p> <p><i>Temporary suspension of a transaction on the basis of paragraphs 1 and 2 of this Article may last 72 hours following the moment of temporary suspension of a transaction. If the deadline referred to in this paragraph falls on non-working days, the APML may issue an order to extend the deadline for additional 48 hours.</i></p> </div>
<p>Slovak Republic</p>	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div data-bbox="358 1717 1502 1906" style="border: 1px solid black; padding: 5px;"> <p>Within Slovak legislative measures permitting urgent actions to suspend or withhold consent to a transaction are stipulated in Act No. 297/2008 Coll. (Act on protection against money laundering and terrorist financing and on the amendment to certain acts), especially in Article 16 "Delaying unusual business operations". According to the Act the obliged person shall be obliged to delay an unusual business operation (suspicious transaction) until it is reported to the financial intelligence unit. The obliged person shall be obliged to delay an unusual business operation if</p> </div>

	<p>there is a threat that if it is carried out, it can frustrate or essentially hinder the seizure of proceeds from criminal activity or funds determined for terrorist financing; or if asked for it by the financial intelligence unit in writing, until it receives the notice from the financial intelligence unit that it has to carry out the unusual business operation. The time period of delaying enables the FIU to execute analysis of the case and as result make a decision, if the case will be submitted to competent law enforcement authority (which is authorized to seize affected funds) or not. If not, delaying of transaction is cancelled by FIU and funds are released to execute requested transaction (after the FIU's notice to obliged person).</p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p>Within Slovak legislation measures in question are not restricted only to cases, when suspicious transaction report has been submitted to FIU. However, listed measures has been mostly applied to cases, where a suspicious transaction report was submitted by reporting entity (obliged person). There were particularly cases of phishing or fraud (e.g. CEO fraud) reported by foreign bank to a Slovak bank with request to return funds back to remitter's bank account. Such restriction is not regulated within legislation of the Slovak Republic, so it is allowed to apply delaying of suspicious transaction without previously submitted suspicious transaction report, it depends on decision of FIU based on its own analysis of obtained information (reasonable suspicion of ML/TF offence). Measures for transaction delaying are also applied upon the request of law enforcement authority (in cases of money laundering or terrorist financing), however to a lesser extent. There were also a few cases (16 cases in the period from 2016-2018) of transaction delaying on the initiative of foreign partner FIU (however, so far only in cases, where within verification it was found out that the partner FIU's request matches with suspicion transaction report). Delaying of suspicious transactions executed by FIU Slovakia:</p> <p><u>in 2018</u> – 71 delaying; 42 cases were submitted to LEA; in 7 cases the funds were detained upon the prosecutor's office order; in 13 cases a criminal proceeding was initiated; in 2 cases a specific person was accused</p> <p><u>in 2017</u> – 123 delaying; 87 cases were submitted to LEA; in 13 cases the funds were detained upon the prosecutor's office order; in 31 cases a criminal proceeding was initiated; in 1 case a specific person was accused</p> <p><u>in 2016</u> – 196 delaying; 143 cases were submitted to LEA; in 20 cases the funds were detained upon the prosecutor's office order; in 31 cases a criminal proceeding was initiated; in 2 cases a specific person was accused</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p>According to Article 16 (2) of the Act No. 297/2008 Coll. unusual business operation (suspicious transaction) can be delayed for maximum 120 hours; after the expiry of this time-limit, the obliged person shall be obliged to delay the unusual business operation based on the notice from the financial intelligence unit that the matter has been handed over to law enforcement authorities, however, no longer than for additional 72 hours. The period of delaying the unusual business operation shall not include Saturdays and rest days. The obliged person have to immediately inform the financial intelligence unit on the delaying of the unusual business operation.</p>
Slovenia	Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion

that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

Temporary suspension of transactions:

The Prevention of Money Laundering and Terrorist Financing Act of Slovenia (PMLTFA) (<http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7132>) provides in Article 96 the provision enabling the Office for Money Laundering Prevention of the Republic of Slovenia (FIU Slovenia) to issue orders to temporarily suspend transactions as follows:

(1) The Office may issue a written order temporarily suspending a transaction for a maximum of three working days if the Office considers that there are reasonable grounds to suspect money laundering or terrorist financing, and it shall inform the competent authorities thereof.

(2) The purpose of the temporary suspension is to give the Office the necessary time to analyse suspicious transactions, other data, and information and to forward its findings to competent authorities.

(3) If, due to the nature or manner of executing the transaction or accompanying circumstances, no delay is possible, as well as in other urgent cases, the order may exceptionally be issued orally, but the Office shall be obliged to submit a written order to the obliged person as soon as possible and/or on the same day that the order was issued. The responsible person in the obliged person shall make a note of the receipt of oral order and keep the note in its records in accordance with the provisions of the present Act regulating protection and retention of data.

(4) In respect of issuing an order and if additional information needs to be obtained during pre-criminal or criminal proceedings, or due to other justified reasons, the Office may give the obliged person instructions on the procedure regarding the persons to whom the temporary suspension refers, including information that may be disclosed to the party.

(5) The competent authorities referred to in paragraphs one and two of this Article shall be obliged to act very quickly after receiving the notification concerning the order or the Office's findings, and within three working days of the temporary suspension of the transaction, shall take measures in accordance with their competencies.

Termination of suspension:

The termination of a temporary suspension of a transaction is covered in Article 97, which stipulates:

(1) If the Office finds within three working days of the time the order on temporary suspension of a transaction was issued that there are no longer reasonable grounds to suspect money laundering or terrorist financing, it shall inform the competent authorities and the obliged person thereof, which may then execute the transaction immediately.

(2) If the Office does not act within the time provided in the preceding paragraph, the obliged person may proceed with the transaction immediately

International cooperation with regard to suspension of transactions:

The possibility of suspending a transaction at the initiative of a foreign financial intelligence unit is provided for in Article 110 of the PMLTFA as follows:

(1) The Office may, under the conditions stipulated by this Act and subject to effective reciprocity, issue a written order temporarily suspending a transaction for a maximum of three working days also on the basis of a reasoned and written request by a foreign financial intelligence unit, and inform the competent authorities thereof.

(2) The Office may refuse an initiative given by a foreign financial intelligence unit if, based on facts and circumstances stated in the initiative referred to in the preceding paragraph of this Article, the Office finds that no reasonable grounds have been given to suspect that money

laundering or terrorist financing have been committed. The Office shall inform the initiator of the refusal in writing, stating the reasons for the refusal of the initiative.

(3) With respect to the order on the temporary suspension of a transaction under this Article, the provisions of Articles 96 and 97 herein shall apply mutatis mutandis.

Furthermore, Article 111 stipulates the provision, that FIU Slovenia may initiate the suspension of a transaction to a foreign FIU:

In conducting its tasks of discovering and preventing money laundering and terrorist financing, the Office may send to foreign financial intelligence units a written initiative to suspend a transaction if it discovers reasonable grounds to suspect that money laundering or terrorist financing have been committed.

Exclusion of liability in cases of suspension of transactions:

The postponement of suspicious transactions is also included in Article 126 of the PMLTFA explicitly stating in para 2, point 3, that:

(2) Obligated persons and their employees shall not be held liable for any damage caused to customers or third parties if, in accordance with the provisions of this Act, they:

1. ...

2. ...

3. implement an order to temporarily suspend a transaction or instruction issued in connection with the said order

Sanctions:

Sanctions in case of breach by obliged entities fall under the category of the gravest violations under Article 163 of the PMLTFA, namely in point 29:

(1) A fine of €12,000 to €120,000 shall be imposed for an infringement on a legal entity:

...

29. if they fail to comply with the Office's order temporarily suspending a transaction or the Office's instructions issued in this regard (Article 96 and paragraphs one and three of Article 110 hereof);

...

(2) A fine from €4,000 to €40,000 shall be imposed on a sole trader or self-employed person for the offence referred to in the preceding paragraph.

(3) A fine from €800 to €4,000 shall be imposed on the responsible person of a legal entity, the responsible person of a sole trader or a self-employed person for the offence referred to in paragraph one of this Article.

Statistical data:

In 2015, the OMLP issued such orders in 7 cases, when it postponed transactions in the total amount of 581.438 EUR at the debt of 9 bank accounts held by 5 domestic natural persons and 2 domestic legal persons.

In 2016, the OMLP issued such orders in 10 cases, when it postponed transactions in the total amount of 1.745.084 EUR and 6.266 USD at the debt of 22 bank accounts held by 13 domestic natural persons and 4 domestic legal persons.

In 2017, the OMLP issued such orders in 17 cases, when it postponed transactions in the total amount of 813.134 EUR and 5.052 AUD at the debt of 19 bank accounts held by 2 domestic and 9 foreign natural persons and 7 domestic legal persons.

In 2018, the OMLP issued such orders in 14 cases, when it postponed transactions in the total amount of 3.103.340 EUR and 283.677 USD at the debt of 19 bank accounts held by 11 foreign natural persons, 7 domestic legal persons and 1 foreign legal person.

In part of those cases, the State Prosecutor Office proposed (before the expiry of the temporary postponement of transaction) the temporary prohibition of disposing with all the funds at the accounts. On the basis of this proposal, the courts issued the decrees for provisional securing of the assets at the accounts.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

The PMLTFA does not explicitly provide for an obligation, that a suspicious transaction report has been submitted, as can be seen in the wording of Article 96. However, by the nature of the work of an FIU the FIU can only react on information it has received, and these information are most usually suspicious transaction reports. This does not mean, that there is an administrative obstacle when timely proceedings are necessary in order to achieve the aim that Article 96 is intended for. In practice, there are several cases, when suspicious transactions are reported by phone (and after that also in the regular way via electronic reporting system) to the FIU in order to make it possible for the FIU to issue a suspension order as soon as possible. In such urgent cases intensive communication with the obliged entity (usually a bank) is taking place.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

As stipulated in Article 96, para 1, of the PMLTFA the FIU may issue the order for suspending a transaction for a maximum of three working days. In the previous legislation the suspension period was set to be 72 hours, which in practice proved to be difficult especially when bank holidays or weekends would fall under this timeline. On that ground the new legislation (PMLTFA is in force since 19 November 2016) defined the duration in a way, that it includes working days only.

Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?

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(1) The Office may issue a written order temporarily suspending a transaction for a maximum of three working days if the Office considers that there are reasonable grounds to suspect money laundering or terrorist financing, and it shall inform the competent authorities thereof.

(2) The purpose of the temporary suspension is to give the Office the necessary time to analyse suspicious transactions, other data, and information and to forward its findings to competent authorities.

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orally, but the Office shall be obliged to submit a written order to the obliged person as soon as possible and/or on the same day that the order was issued. The responsible person in the obliged person shall make a note of the receipt of oral order and keep the note in its records in accordance with the provisions of the present Act regulating protection and retention of data.

(4) In respect of issuing an order and if additional information needs to be obtained during pre-criminal or criminal proceedings, or due to other justified reasons, the Office may give the obliged person instructions on the procedure regarding the persons to whom the temporary suspension refers, including information that may be disclosed to the party.

(5) The competent authorities referred to in paragraphs one and two of this Article shall be obliged to act very quickly after receiving the notification concerning the order or the Office's findings, and within three working days of the temporary suspension of the transaction, shall take measures in accordance with their competencies.

Termination of suspension:

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(2) The Office may refuse an initiative given by a foreign financial intelligence unit if, based on facts and circumstances stated in the initiative referred to in the preceding paragraph of this Article, the Office finds that no reasonable grounds have been given to suspect that money laundering or terrorist financing have been committed. The Office shall inform the initiator of the refusal in writing, stating the reasons for the refusal of the initiative.

(3) With respect to the order on the temporary suspension of a transaction under this Article, the provisions of Articles 96 and 97 herein shall apply *mutatis mutandis*.

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The PMLTFA does not explicitly provide for an obligation, that a suspicious transaction report has been submitted, as can be seen in the wording of Article 96. However, by the nature of the work of an FIU the FIU can only react on information it has received, and these information are most usually suspicious transaction reports. This does not mean, that there is an administrative obstacle when timely proceedings are necessary in order to achieve the aim that Article 96 is intended for. In practice, there are several cases, when suspicious transactions are reported by phone (and after that also in the regular way via electronic reporting system) to the FIU in order

	<p><i>to make it possible for the FIU to issue a suspension order as soon as possible. In such urgent cases intensive communication with the obliged entity (usually a bank) is taking place.</i></p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p><i>As stipulated in Article 96, para 1, of the PMLTFA the FIU may issue the order for suspending a transaction for a maximum <u>of three working days</u>. In the previous legislation the suspension period was set to be 72 hours, which in practice proved to be difficult especially when bank holidays or weekends would fall under this timeline. On that ground the new legislation (PMLTFA is in force since 19 November 2016) defined the duration in a way, that it includes working days only.</i></p>
Spain	<p>A Spanish bank finds a domestic transaction suspicious of ML/TF. In such case, it has two duties: filing an STR to us and refraining from executing the transaction. So suspension must be done on the reporting entity side. We are also supervisors and should the bank execute the transaction and we discover such execution during an inspection, it is very, very likely that the bank will end up fined for doing so. We also included in our law a provision saying that, if they decide to execute the transaction despite of the fact of it being suspicious, they must inform us of the valid reasons for doing so. So they need to explain why. And should their explanation be poor, then supervisory or sanction action will likely be adopted.</p> <p>So the Spanish FIU does not have the power to suspend a transaction, except for the cases where there is a request from another EU FIU, as explained in previous replies. Suspension may come: from the obliged entity itself (under the duty to refrain) or from a criminal Court of Justice. Obligated entities also have the possibility to file a denuncia to the Police or the prosecutor. The Police or the Prosecutor have the possibility to request from the criminal court of justice the suspension of the transaction and then the judge decides.</p> <p>We cannot suspend transactions at the request of non-EU FIUs. So the part between parentheses is wrong.</p> <p>Can it be adopted as an urgent measure? Of course: if not, money may fly away.</p> <p>How long? The judge decides freely.</p> <p>May the court of justice be informed directly of the need to postpone a transaction by Prosecutors or Police? Yes indeed.</p> <p>How often is it used? We do not know. Probably addressing the question to the representatives of the Spanish Judicial Power (acronym in Spanish CGPJ) you may get an answer as they keep statistics on judicial proceedings.</p>
Sweden	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p>The Swedish Security Service as well as the Swedish Police Authority, through its Financial Intelligence Unit, are able, before initiating a preliminary investigation, to temporarily prohibit the customer from moving or otherwise disposing of property held by an operator, such as a bank (prohibition on disposals of property [PDP]). This is regulated by Chapter 4 Sections 11–13 of the administrative Money Laundering Act (Annex C). PDP can only concern money, claims or</p>

	<p>other rights. The decision regarding PDP shall be relayed to the prosecutor as soon as possible, who in turn shall swiftly determine if the measure shall remain in place.</p> <p><i>Case study</i></p> <p>In autumn 2015 Fipo received intelligence information indicating that specific accounts in a Chinese bank would be used for money laundering and that a person of strategic interest controlled the accounts. A request was made to the largest four banks in Sweden in order to identify outgoing transactions to these accounts since January 2015. Almost at the same time as the request, a bank notified Fipo of payments with a fraudulent source to mentioned accounts. Fipo sized approximately SEK 300 000 (approximately EUR 31 000) in PDPs, but approximately SEK 200 000 (approximately EUR 22 000) were executed. During 2015 at least SEK 4.2 million (approximately EUR 420 000) were or were supposed to be transferred to the mentioned accounts. Some transactions, before the request was made to the banks, were executed, however after the request, several were stopped by the banks.</p> <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p>According to the Preparatory Works of the administrative Money Laundering Act PDPs are not restricted to cases where a suspicious transaction report has been submitted (Government Bill 2013/14:121, p. 126–127).</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p>PDP applies for no more than two working days from the decision of the Police Authority or the Security Service, if it has not been lifted prior to this. (Chapter 4 Section 12, second paragraph of the administrative Money Laundering Act [Annex C]). Most of the time PDP is confirmed into seizure.</p>
Türkiye	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <p>Yes</p> <p>To begin, Türkiye ratified the Council of Europe Convention No. 198 titled as “Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on Financing of Terrorism” with the Law No. 6665, published in the Official Gazette No. 29629 on 19 February 2016.</p> <p>In order to transpose the provisions of the Convention (Articles 14 and 47 which are also in line with the Article 32/7 of the AML Directive No. 2015/849), into national legislative system, a new article (Article 19/A) was added into the AML Law No. 5549 titled as “Law on Prevention Laundering Proceeds of Crime” through the Law No. 6704 which was published in the Official Gazette No. 29695 on 26 April 2016.</p> <p>Moreover, Regulation on Postponement of Transactions Within the Scope of Prevention of Laundering Proceeds of Crime and Financing of Terrorism entered into force on 29 July 2016 and MASAK General Communique No 13 which regulates the STR reporting regime was amended to encompass STRs with postponement requests on 10 August 2016.</p> <p>a) Thanks to this new Article (19/A), the Minister of Treasury Finance has assumed the power of suspending suspicious transactions carried out by obliged parties for 7 work</p>

	<p>days in case of a suspicion of money laundering and terrorism financing. This power may be used upon: Receipt of a Suspicious Transaction Report (STR) by MASAK which indicates that there is a need for postponing the transaction,</p> <ul style="list-style-type: none"> b) Upon a serious suspicion reached by MASAK during its works related to money laundering and financing of terrorism offences, c) Receipt of a request received from the foreign counterparties. <p>Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</p> <p>No</p> <p>Article 19/A of the Law No 5549 and its implementing regulation draws up the legal framework of postponement of suspicious transactions. As it is mentioned above these measures may be applied based on suspicious transaction reports, findings of MASAK during its analysis works, requests received from foreign countries' counterpart units.</p> <p>What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</p> <p>As it is outlined above, maximum duration of any postponement decision is set out as 7 work days in Article 19/A of the Law No 5549</p>
Ukraine	<p><i>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</i></p> <p>In accordance with paragraph 13 of Article 46 of the CETS No. 198 (hereinafter – the Convention), Ukraine stated that the body authorized by Ukraine to perform functions of the financial intelligence unit within the meaning of Article 46 of the Convention is a central executive body with a special status on financial monitoring issues in Ukraine. Such a body in Ukraine is the State Financial Monitoring Service of Ukraine (hereinafter – the FIU of Ukraine).</p> <p>The Basic AML/CFT Law in Ukraine is the Law of Ukraine on "Prevention and counteraction of the legalization (laundering) of proceeds from crime, terrorist financing and financing of proliferation of weapons of mass destruction" (hereinafter – the Basic Law), adopted on October 14, 2014. No. 1702-VII. The financial transactions suspension is carried out in accordance with the provisions of the Basic Law and the Procedure for making by the FIU of Ukraine decisions on the suspension financial transactions (hereinafter - the Procedure), approved by the Order of the Ministry of Finance of Ukraine as of December 28, 2015, No. 1200, registered in the Ministry of Justice of Ukraine as of January 22, 2016 No. 123/28253.</p> <p>Thus, in accordance with part 1 of Article 17 of the Basic Law, the reporting entity has the right to suspend financial transaction that contains the features provided for in Article 15 (Financial transactions subjected to mandatory financial monitoring) and/or in Article 16 (Financial transactions subjected to internal financial monitoring) of the Basic Law and/or financial transactions for the funds crediting or debiting resulting in actions which have features of commission of a crime defined in the Criminal Code of Ukraine, and has the obligation to suspend the financial transaction(s), where a party or beneficiary is a person included in the list of designated persons involved in terrorist activity or subject to international sanctions (provided that the types and conditions of sanctions require financial</p>

transactions to be suspended or prohibited). Such financial transactions suspension is made for two business days from the suspension day (inclusively).

In this case, in accordance with part 2 of Article 17 of the Basic Law, the FIU of Ukraine may decide to further financial transaction suspension carried out in accordance with part 1 of Article 17 of the Basic Law for a period of up to five business days.

In case of further decision on suspension of the relevant financial transaction, the FIU of Ukraine during the further suspension conducts analytical work, collects the necessary additional information, processes, examines, analyzes it and, if there are motivated suspicions based on the results of the examination, decides to extend the suspension of the relevant financial transaction, prepares and submits relevant case referral or additional case referral to law enforcement authorities empowered to make decisions in accordance with the Criminal Procedure Code of Ukraine.

The suspension is extended by the FIU of Ukraine from the next working day after the submission of the relevant case referral or additional case referral, provided that the total term of such suspension will not exceed 30 business days.

In addition, in accordance with part 3 of Article 17 of the Basic Law, the FIU of Ukraine, in case of suspicion, may decide to suspend financial transactions for a period of up to five business days.

In case of decision to suspend expense financial transactions, the FIU of Ukraine during the suspension conducts analytical work, collects the necessary additional information, processes, examines, analyzes it and, if there are motivated suspicions based on the results of the examination, decides to extend the suspension of the relevant expense financial transaction, prepares and submits relevant case referral or additional case referral to law enforcement authorities empowered to make decisions in accordance with the Criminal Procedure Code of Ukraine.

The suspension is extended by the FIU of Ukraine from the next business day after the submission of the relevant case referral or additional case referral, provided that the total term of such suspension will not exceed 30 business days.

It should be noted that in case of decision-making in accordance with the 2nd and 3rd parts of Article 17 of the Basic Law, the FIU of Ukraine during the further suspension of the relevant financial transaction(s) or suspension of the expense financial transactions conducts analytical work, collects the necessary additional information, processes, examines, analyzes it, and, if according to the results of the examination the features of legalization (laundering) of proceeds from crime, or terrorist financing, or the commission of another crime, determined by the Criminal Code of Ukraine is not confirmed, is obliged to immediately cancel its decision to further relevant financial transaction(s) suspension or expense financial transactions suspension and notify the reporting entity.

In particular, in pursuance of the above-mentioned provisions of the Basic Law, the FIU of Ukraine, during 2015-2018, in accordance with the Procedure, the following number of decisions on financial transactions suspension was made:

Period	Number of decisions according to part 2 of Art. 17 of the Basic Law (on the initiative of the reporting entities)	Number of decisions according to part 3 of Art. 17 of the Basic Law (on the initiative of the FIU of Ukraine)	Total amount of suspension decisions	Total amount of blocked funds (UAH million)
2015	234	1676	1910	6 330,86
2016	149	608	757	1 064,20

2017	128	633	761	1 996,30
2018	132	265	397	653,74
Total	643	3182	3825	10 045,10

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

Doesn't. According to part 3 of Article 17 of the Basic Law, the FIU of Ukraine may independently decide on the suspension of the expense financial transactions in case of suspicion that this or that transaction may be related to ML/FT or another crime determined by the Criminal Code of Ukraine.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

In accordance with the provisions of Article 17 of the Basic Law, the maximum duration of suspension is 30 business days.

The effectiveness of the instrument for financial transactions suspension in accordance with Article 14 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (The Warsaw Convention) The FIU of Ukraine conducted a multi-stage and unprecedented investigation of corruption and money laundering by former high-level officials of Ukraine, which, due to the application of the mechanism for suspending financial transactions in accordance with Article 14 of the Warsaw Convention, was suspended and, ultimately, returned to the State Budget of Ukraine.

At the initial stage of this case, the FIU of Ukraine conducted several separate, unrelated investigations, based on suspicious activity reports involving both domestic and foreign companies. The analysis of the aforementioned communications revealed that some of the suspicious companies are associated with former Ukrainian high-ranking officials.

At the same time, the Prosecutor General's Office of Ukraine opened a criminal investigation into the numerous facts of the founders and executives of a significant number of legal entities, with the assistance of the supreme government of the state, taking over by abuse of office at the prior conspiracy by a group of persons with a state property in a large scale and legalization (laundering) obtained by criminal means.

The FIU of Ukraine established that the assets obtained as a result of the committed crimes were legalized, both in Ukraine and abroad. Therefore, an extremely important task was to conduct a successful financial investigation, to find out all details of the case, identify the suspects and establish the amount of legalized assets with a view to their subsequent arrest and confiscation (return). During the conducted financial investigation of the FIU of Ukraine, more than 600 bank statements were analyzed (among which more than 300 bank accounts opened abroad) and information received from 12 FIUs of foreign countries.

According to the results of the analysis, a global scheme for the legalization of proceeds from crime, which engages more than 1000 business entities, has been established.

As a result of the analysis of suspicious transaction reports received from the financial sector, additional statements of accounts, additional identification information and data from law enforcement and other government agencies, a list of foreign companies controlled by different citizens of Ukraine, which had one thing in common - all of them worked in Ukraine together with one former high-ranking official. Financial transactions conducted with the participation of a number of such companies were the final stage of the scheme, which consisted in investing a significant

	<p>amount of funds (about 1.4 billion USD) into Ukraine through the purchase of debt obligations, depositing funds, and also the purchase of shares in Ukrainian enterprises.</p> <p>Already at the beginning of the investigation, a part of the Ukrainian companies, who transferred funds to the benefit of non-resident companies, who "invested" in Ukraine, were also found.</p> <p>More than 20 Ukrainian companies were also associated with another former high-ranking official through Ukrainian citizens, many of whom also acted as controllers of non-resident companies that "invested" in Ukraine.</p> <p>Analysis of constituent-official links and registration addresses of a part of Ukrainian enterprises confirmed that incorporation and adjustment of these companies' activity were made by the same persons (both individual and legal) that related to PEP, and joint registration addresses and managing the flow of funds on accounts of the same IP addresses show the link between these companies.</p> <p>The FIU of Ukraine in 2014 decided to suspend debit transactions on Ukrainian accounts of non-resident companies for a total term of 30 business days. Subsequently, following the submission of the General Prosecutor's Office of Ukraine, a court decision was suspended for arrest. Thus, more than 1.4 billion USD was frozen on the accounts of non-resident companies in banking institutions of Ukraine.</p> <p>Due to active interagency and international cooperation, the FIU of Ukraine determined that the process of withdrawal of funds from Ukraine and their "investment" into Ukraine, were managed from a single management centre with the help of a significant number of companies. The signs of functioning of an international professional "platform" for money laundering with billions of turnover, which provided services to other business entities were also identified.</p> <p>Currently, a part of these companies was eliminated, some of them have improper legal status and were registered by suspicious legal persons.</p> <p>Within the framework of criminal proceedings, according to the decision of the General Prosecutor's Office of Ukraine, according to the court's decision, funds totalling \$ 1.5 billion were confiscated into the State's revenue in 2017.</p> <p>Given the foregoing, this case is an unprecedented and successful example of the use of the instrument for stopping financial transactions in accordance with Article 14 of the Warsaw Convention.</p>
<p>United Kingdom</p>	<p>Has your country adopted legislative and other measures permitting urgent actions to be taken by the FIU or, as appropriate, by any other competent authorities or body, when there is a suspicion that a transaction is related to money laundering, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion?</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>The three principal money laundering offences in s.327-329 POCA, as outlined above, provide for an exemption where a person has received consent to carry out a transaction. This regime provides a mechanism for the FIU to be alerted to transactions that may constitute money laundering and allows for the FIU to withhold consent to the transaction going ahead, whilst they investigate and consider enforcement action.</p> <p>A person can benefit from the exemption to committing one of these money laundering offences where he has made an "authorised disclosure" (known as a 'Defence Against Money Laundering SAR' or 'DAML SAR') and he has the "appropriate consent". Under s.338 POCA a disclosure is authorised if it discloses to a constable, a customs officer or a nominated officer (a person nominated by an employer to receive such disclosures) that property is criminal property. Under s.340(13), the reference to "constable" includes any person designated for the purpose of the money laundering provisions of POCA by the Director General of the National Crime Agency; this means authorised disclosures can be</p> </div>

submitted to the FIU which is housed in the NCA. The disclosure needs to be made before the transaction takes place, unless when he began the act the person did not know or suspect the property was criminal property, or he has a reasonable excuse for his failure to make a disclosure before the act.

There are two types of “appropriate consent”; actual consent by a constable, a customs officer or a nominated officer under s.335(1); or deemed consent under s.335(2). Deemed consent occurs where a person has made an “authorised disclosure” to a constable or a customs officer and either (i) the person does not receive notice that consent is refused within seven working days, or (ii) where he does receive a refusal within that seven days, but the subsequent “moratorium period” has expired. The “moratorium period” is a period of time in which further investigations into the possible money laundering transaction can take place and decisions can be made about enforcement action, e.g. account freezing or civil recovery of the property. The moratorium period after a refusal is 31 days under s.355(6); it is extendable to up to 186 days by court order under s.336A(7) where further time is needed to conduct the investigation.

Under s.336 a nominated officer must not give consent under s.335(1) unless he makes a disclosure to the National Crime Agency (NCA) and receives consent either actual or deemed from the NCA.

These provisions allow for the FIU, within the NCA, to withhold consent to the transaction, which allows time for them to carry out investigations and consider undertaking enforcement action.

Does your country restrict such measures to cases where a suspicious transaction report has been submitted?

The authorities can only refuse consent to a transaction concerning criminal property which has been notified to them by means of a DAML SAR.

However, in addition to the DAML SAR process outlined above, the UK has a range of other powers that prevent transactions which are not, as a matter of law, contingent on a SAR having been submitted. S.303Z1 POCA allows a law enforcement agency to seek an account freezing order (AFO), to freeze funds in a bank account where there are reasonable grounds for suspecting that the money was obtained through unlawful conduct or is intended for use in unlawful conduct. Under s.41 POCA the Crown Court can make a restraint order to prevent a person from dealing with property prior to the making of a confiscation order.

Whilst these powers do not require there to have been a DAML SAR submitted, in practice, the reasonable grounds for suspicion thresholds are likely in many cases to be satisfied because of information provided in a SAR in the first instance.

What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?

Under the DAML SAR process, consent can be withheld for an initial period of 7 working days, then a moratorium period of a further 31 days. Following this, the moratorium period can be extended for a maximum of 186 days.