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CONFÉRENCE DES PARTIES

**Convention du Conseil de l'Europe relative au blanchiment, au
dépistage, à la saisie et à la confiscation des produits du crime
et au financement du terrorisme (STCE n° 198)**

**Étude de suivi thématique
de la Conférence des Parties à la STCE n° 198 sur
l'article 14 (« Report de transactions suspectes »)¹**

¹ Examiné et adopté par la Conférence des Parties à la STCE n° 198 lors de sa 11^e réunion, Strasbourg, 22-23 octobre 2019.

TABLE DES MATIÈRES

INTRODUCTION	2
CHAMP D'APPLICATION DE L'ARTICLE 14	3
METHODOLOGIE.....	4
SYNTHESE.....	5
MISE EN ŒUVRE EFFECTIVE	6
RECOMMANDATIONS ET SUIVI.....	6
ANALYSE PAR PAYS	8
ANNEXE I. RESUME DES REPONSES DES ÉTATS PARTIES	32
ANNEXE II. MISE EN ŒUVRE DE L'ARTICLE 47(1)	33
ANNEXE III – REGLES DE PROCEDURE: 19 <i>BIS</i>	36
ANNEXE IV – QUESTIONNAIRE	37
ANNEXE V – REPONSES DES ÉTATS: ARTICLE 14	39

Introduction

1. Lors de sa 9^e réunion, tenue à Strasbourg les 21 et 22 novembre 2017, la Conférence des Parties (ci-après : « la CdP ») a décidé d'engager un suivi thématique transversal pour une durée initiale de deux ans. Ce nouveau mécanisme de suivi porte sur la manière dont les États Parties ont mis en œuvre certaines dispositions de la Convention du Conseil de l'Europe relative au blanchiment, au dépistage, à la saisie et à la confiscation des produits du crime et au financement du terrorisme (STCE n° 198, ci-après : « Convention de Varsovie »). À cette fin, la CdP a ajouté à ses Règles de procédure la règle 19bis, annexée au présent rapport.
2. À sa 10^e réunion plénière, la CdP a examiné et adopté le premier rapport de suivi thématique qui portait sur l'article 11 et l'article 25(2) et 25(3) de la Convention de Varsovie. Elle a décidé que le deuxième suivi thématique traiterait de l'article 9(3) et de l'article 14 de la Convention.
3. En décembre 2018, un questionnaire (que l'on trouvera en annexe II au présent document) a été diffusé, auquel les États parties ont répondu fin février 2019. Les réponses ont été analysées par les rapporteuses Mme Oxana Gisca (République de Moldova) et Mme Ani Goyunyan (Arménie) avec l'appui du Secrétariat. Le projet d'analyse a ensuite été diffusé auprès des États parties pour observations et compléments d'information. On trouvera au chapitre « Synthèse » du présent rapport les principaux constats issus des réponses au questionnaire.
4. Le présent rapport entend déterminer dans quelle mesure les États ont adopté des mesures permettant à une cellule de renseignement financier (CRF) ou à toute autre autorité compétente de prendre des mesures d'urgence en cas de transaction suspecte. Vu la diversité des réponses au questionnaire, il est relativement difficile de tirer une conclusion générale qui soit valable pour tous les États de la CdP. Cela dit, plusieurs remarques et recommandations d'ensemble sont faites dans la présente synthèse.
5. Le rapport commence par préciser le champ d'application de l'article 14 de la Convention de Varsovie (ci-après : article 14) et la méthodologie employée pour l'étude. Il présente ensuite des conclusions sur les dispositions législatives et leur mise en œuvre effective et propose des recommandations. Les réponses des États parties sont analysées individuellement et des recommandations sont formulées pour chacun d'entre eux. Les réponses des États sont annexées au présent rapport.
6. L'article 14 est complété par l'article 47(1) qui dispose que la CRF devrait être autorisée à engager en urgence, à la demande d'une CRF étrangère, une mesure de report d'une transaction suspecte. Une grande majorité d'États parties à la CdP ont inclus des informations concernant l'article 47(1) dans leur réponse initiale au questionnaire sur l'article 14. En conséquence, les rapporteurs et le secrétariat de la CdP ont jugé utile et intéressant de comprendre dans quelle mesure les États parties à la CdP avaient recours à la coopération internationale pour demander le report d'une transaction suspecte. Il est toutefois entendu que ces informations n'entrent pas dans le champ de l'étude de base relative à l'article 14. Une synthèse de la mise en œuvre de l'article 47(1) dans les États parties qui ont fourni des informations sur la question a donc été élaborée et intégrée sous forme d'annexe au présent rapport. Elle n'est donnée qu'à titre indicatif et aucune conclusion ni recommandation n'est faite concernant la mise en œuvre de l'article 47(1).

Champ d'application de l'article 14

7. L'article 14 porte sur le pouvoir de la CRF ou de toute autre autorité compétente d'ordonner le report de transactions suspectes. Le paragraphe en question est rédigé comme suit :

« Chaque Partie adopte les mesures législatives et autres qui se révèlent nécessaires pour permettre à une cellule de renseignement financier 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. Chaque Partie peut limiter l'application d'une telle mesure aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée. La durée maximale pour toute suspension ou tout report de la conclusion d'une transaction est prévue par la législation nationale ».

8. Conjointement avec l'article 2 de la Convention de Varsovie, la disposition de l'article 14 est également applicable lorsqu'il y a un soupçon qu'une transaction est liée au financement du terrorisme.
9. Cette disposition demande donc aux Parties de prendre des mesures pour permettre aux CRF ou à d'autres autorités et organes compétents d'agir en urgence pour reporter une transaction nationale suspecte. Le paragraphe ne prévoit pas de durée maximale de report ; la durée des mesures est déterminée par la législation nationale. Les Parties peuvent permettre les entités déclarantes à réaliser une opération avant de transmettre une déclaration d'opération suspecte (DOS), dans les cas urgents. Elles peuvent également exiger une déclaration de transaction suspecte pour chaque décision de report prise par la CRF (ou toute autre autorité compétente) ou choisir de faire reposer la décision sur d'autres sources d'information (par exemple, à la demande d'une autorité judiciaire nationale ou d'une CRF étrangère).
10. Il est important de noter que l'expression « lorsqu'il existe un soupçon » signifie que l'autorité compétente peut ne pas ordonner le report si elle ne l'estime pas approprié. Si l'autorité constate, sur la base de la DOS ou des informations obtenues d'autres sources, que les soupçons ne sont pas suffisamment étayés, elle peut décider d'autoriser la poursuite de la transaction.
11. Pour que ces mesures préliminaires puissent être appliquées effectivement, l'autorité responsable doit être informée en temps utile. La déclaration a priori, c'est-à-dire avant l'exécution d'une transaction suspecte, joue donc un rôle important. Elle permet à l'autorité responsable de prendre des mesures immédiates pour ordonner le report et analyser les soupçons avant d'informer les autorités compétentes qui pourront décider d'ouvrir une enquête.
12. En avril 2013, MONEYVAL a publié un rapport de recherche sur le report des transactions financières et la surveillance des comptes bancaires, accessible depuis son site web. Ce rapport concluait que la plupart des États participants (23 au total, pas tous membres de la CdP) octroyaient à la CRF le pouvoir de reporter une transaction suspecte en vertu de leurs lois de lutte contre le blanchiment de capitaux et le financement du terrorisme (LAB/CFT). La durée des mesures de report était très variable : dans six pays, elle était limitée à 24 ou 48 heures, dans certains à 72 heures, tandis que dans d'autres elle pouvait aller jusqu'à six mois. Quinze CRF avaient également indiqué qu'elles pouvaient reporter des transactions suspectes pour le compte d'une CRF étrangère. Il y avait un important décalage entre le

nombre de DOS reçues et le nombre de mesures de report ordonnées par les CRF. Le rapport se demandait par conséquent si les CRF étaient réellement désireuses d'appliquer cette mesure administrative provisoire à des fonds susceptibles d'être des produits du crime². Le rapport examinait également le pouvoir des autorités de police de reporter des transactions, plutôt rare dans l'ensemble. Enfin, il notait que dans près de la moitié des pays participants, la loi donnait aux entités déclarantes le droit de reporter des transactions (de leur propre initiative, sans attendre la décision de la CRF).

13. Il convient de noter que l'article 14 (également conjugué à l'article 47(1)) va au-delà des recommandations de 2012 du GAFI puisqu'il n'y a pas de disposition analogue dans la R.29 (« Cellules de renseignements financiers »). Il vient donc compléter utilement les normes internationales actuelles en matière de LAB/CFT. Les États parties qui ont mis en œuvre cette disposition et sont en mesure de démontrer son application effective peuvent en retirer un avantage dans leur évaluation mutuelle par le GAFI ou par MONEYVAL (notamment en ce qui concerne le Résultat immédiat 6 : « *Les renseignements financiers et toutes les autres informations pertinentes sont utilisés de manière appropriée par les autorités compétentes dans le cadre des enquêtes sur le blanchiment de capitaux et le financement du terrorisme* »). Enfin, on notera que les articles 14 et 47 ont également inspiré la 4^e directive anti-blanchiment de l'Union européenne (Directive (UE) 2015/849)³.
14. Le présent rapport examine la législation nationale ou les procédures de report prévues par les États parties, ainsi que la durée de ces mesures et la possibilité de les ordonner lorsqu'il n'existe pas de DOS à l'appui. La mise en œuvre effective a également été évaluée en demandant aux États de fournir des exemples d'affaires ou des statistiques démontrant l'application de l'article 14 dans la pratique. Il est à noter que les statistiques qui comportaient des montants dans différentes devises ont toutes été converties en euros pour faciliter la compréhension et la comparaison. Les chiffres donnés en euros peuvent donc différer légèrement de la valeur réelle des avoirs ayant fait l'objet de mesures de report.

Méthodologie

15. Le « Questionnaire pour le suivi transversal de la mise en œuvre par les États parties de l'article 9(3) et de l'article 14 de la STCE n° 198 » demandait des informations aux autorités sur les trois questions suivantes concernant l'article 14 :

« Votre pays a-t-il adopté des mesures législatives et autres permettant à une cellule de renseignement financier 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, de suspendre ou de reporter l'autorisation de conclusion d'une transaction en cours, afin de lui permettre d'analyser la transaction et de confirmer les soupçons ? »

² On notera toutefois que le rapport précise : « il apparaît que les autorités ne tiennent pas de statistiques adéquates sur les questions de report ; par conséquent, aucune évaluation globale de l'efficacité du système dans les pays étudiés n'a été menée ».

³ La Directive (UE) 2015/849 relative à la prévention de l'utilisation du système financier aux fins du blanchiment de capitaux ou du financement du terrorisme stipule à l'article 32 que « Les États membres veillent à ce que leur CRF soit habilitée à agir sans délai, directement ou indirectement, lorsqu'une transaction est suspectée d'être liée au blanchiment de capitaux ou au financement du terrorisme, afin de suspendre ou de refuser l'exécution de cette transaction pour l'analyser, confirmer les soupçons et disséminer les résultats de l'analyse aux autorités compétentes. La CRF est habilitée à agir ainsi, directement ou indirectement, à la demande d'une CRF d'un autre État membre pendant la durée et selon les conditions précisées dans le droit national de la CRF saisie de la demande ».

« Votre pays limite-t-il l'application d'une telle mesure aux cas dans lesquels une DOS a été préalablement communiquée ? »

« Quelle durée maximale de suspension ou de report de l'autorisation de la conclusion d'une transaction votre législation interne prévoit-elle ? »

16. Les délégations étaient invitées à présenter les dispositions de leur législation interne traitant de ces questions. Par ailleurs, elles étaient encouragées à étayer leurs réponses par des exemples concrets ou d'autres informations pertinentes.
17. La présente étude de suivi thématique inclut des informations sur 33 États de la CdP⁴. Dix pays⁵ ont fait l'objet d'une évaluation individuelle par pays de la CdP, dont les analyses ont également été prises en compte.

Synthèse

18. L'évaluation de la mise en œuvre et de la transposition de l'article 14 permet d'aboutir à plusieurs constats généraux. On trouvera les conclusions spécifiques à chaque État partie dans l'analyse par pays.
19. Tous les États parties ont adopté des mesures pour permettre l'adoption de mesures urgentes de report d'une transaction nationale suspecte. Dans l'immense majorité des cas (30 États parties sur 33), la CRF est habilitée à prendre des mesures urgentes en cas de transaction nationale suspecte. Dans trois États parties seulement (Pays-Bas, Espagne et Turquie), ce pouvoir est attribué à une autorité différente (en l'occurrence le procureur public, le Tribunal pénal ou le ministre du Trésor et des Finances, à l'initiative de la CRF). Dans cinq pays (Arménie, Bulgarie, Danemark, Portugal et Suède), cette compétence a été attribuée à la fois à la CRF et à d'autres autorités compétentes (police, conseil d'administration de la banque centrale ou services de sécurité). De manière générale, le pouvoir de la CRF d'ordonner le report d'une transaction est établi dans la loi de LAB/CFT en vigueur, tandis que pour les autres autorités compétentes, des lois différentes peuvent s'appliquer.
20. La durée des mesures de report est très variable d'un État partie à l'autre. Dans la plupart des cas, elle est comprise entre 24 et 72 heures, mais certains États parties prévoient des périodes bien plus longues (par exemple 120 heures, voire 15 à 30 jours). Dans de nombreux pays (et en particulier ceux où les durées sont les plus courtes), elle peut être prolongée – de plusieurs jours à six mois – par décision du procureur ou du tribunal compétent, sur demande (dûment motivée) de la CRF.
21. Certains États parties ont noté l'obligation pour les entités assujetties de s'abstenir de procéder au report d'une transaction donnée dès qu'elles ont rempli une DOS concernant cette transaction. D'une durée de 24 heures à deux jours, cette mesure temporaire permet aux autorités compétentes d'analyser le soupçon et de le confirmer ou l'infirmer. Les autorités n'ayant pas toutes répondu aux rapporteurs sur ce point, il n'est pas possible de tirer une conclusion générale sur l'existence d'une possibilité de report temporaire d'une transaction

⁴ Aucune réponse n'a été reçue de Fédération de Russie. Monaco a ratifié la Convention de Varsovie après le lancement des présentes procédures de suivi thématique. Son cadre juridique et la mise en œuvre effective de l'article 14 ne sont donc pas analysés dans le présent document.

⁵ Albanie, Arménie, Belgique, Bosnie-Herzégovine, Croatie, Malte, République de Moldova, Monténégro, Pologne et Roumanie.

sur la base d'une simple DOS, la procédure applicable en la matière et la durée de cette mesure. Par conséquent, les analyses par pays ne traitent de cet aspect du cadre de LAB/CFT que dans les cas où des informations ont été fournies à ce sujet par les États. Aucune conclusion n'a pu être tirée sur le nombre de pays qui autorisent les entités déclarantes à exécuter une transaction suspecte avant de faire une DOS, dans les cas urgents.

22. Dans la quasi-totalité des États parties, sauf trois (Pays-Bas, Espagne et Royaume-Uni), le report d'une transaction ne se fait pas nécessairement sur la base d'une DOS. Au Royaume-Uni, il existe un système par lequel la CRF peut refuser d'autoriser l'exécution d'une transaction suspecte après avoir reçu une déclaration d'activité suspecte (d'une entité déclarante). Aux Pays-Bas, une DOS est requise car le report est ordonné par un procureur et ne peut donc reposer que sur un soupçon réel. En Espagne, le tribunal peut décider d'une mesure de report à la demande du procureur ou de la police, qui sont informés par une DOS. Tous les autres pays ont indiqué que l'autorité compétente pouvait ordonner le report sur la base d'une DOS mais également de sa propre initiative, à la demande d'autres autorités nationales et/ou à la demande d'une CRF étrangère ou d'autres autorités étrangères compétentes⁶. Dans ce dernier cas, l'autorité requise ne prend la mesure que si la demande est suffisamment motivée.

Mise en œuvre effective

23. Vingt-sept États parties ont inclus dans leur réponse des statistiques ou des exemples d'affaires démontrant l'application de l'article 14. Un des six États restants (l'Allemagne) a indiqué qu'aucune statistique n'était tenue sur la question ; les réponses des cinq autres n'ont pas permis d'établir clairement s'ils disposaient ou non de statistiques en la matière. Dans certains cas, les statistiques étaient très détaillées et comportaient entre autres informations le montant des transactions reportées, le nombre d'enquêtes ouvertes et le nombre de mesures faisant suite à des demandes étrangères. D'autres statistiques étaient plutôt basiques et ne concernaient que le nombre de mesures prises sur une période donnée, d'un ou deux ans. Il est donc difficile de tirer une conclusion générale significative sur la mise en œuvre effective de l'article 14 par les États parties.

Recommandations et suivi

24. Comme indiqué, tous les États parties ont adopté des mesures permettant à une autorité compétente – que ce soit la CRF ou une autre autorité – de prendre des mesures urgentes en présence de transactions nationales suspectes nécessitant une analyse plus poussée et donc une mesure de report. Les États parties n'appliquent pas tous la disposition de la même manière. Les différences les plus notables concernent la durée – très variable – des mesures de report et le fait que l'autorité compétente pour l'adoption de ces mesures n'est pas nécessairement la CRF. Les États parties agissent dans le cadre de la marge de manœuvre qui leur est laissée par la Convention de Varsovie et son rapport explicatif sur ces deux points. Cela dit, l'étude de base fait également apparaître des différences entre États en ce qui concerne la tenue de statistiques. Il y aurait peut-être des possibilités d'harmonisation en la matière.

⁶ La possibilité d'ordonner le report de transactions suspectes à la demande d'une CRF/autorité compétente étrangère (article 47(1)) est examinée à l'annexe II, comme cela a été noté au paragraphe 6, car cette question n'entre pas dans le champ de l'étude de suivi de l'article 14.

25. Nonobstant les recommandations spécifiques contenues dans les analyses individuelles par pays ci-dessous, les deux types de recommandations – générales et spécifiques – devraient être prises en compte lors de l'adoption de mesures visant à mettre en œuvre plus avant les dispositions de la Convention de Varsovie. Afin d'obtenir une vision plus claire du degré et du caractère effectif de la mise en œuvre de l'article 14, il est recommandé aux États parties d'envisager, s'ils ne l'ont pas encore fait :
- de tenir des statistiques détaillées sur : i) le nombre de mesures de report prononcées ; ii) le type d'informations ayant donné lieu aux reports (DOS, analyse propre, demandes des autorités compétentes, demandes étrangères) ; iii) la durée du report de la transaction ; et iv) le montant des transactions reportées.
26. Les États parties sont encouragés à mettre en œuvre les recommandations générales précitées en plus des recommandations par pays (voir « analyse par pays » ci-dessous).
27. Un mécanisme de suivi des recommandations découlant de cette analyse pourrait être lancé sur décision de la plénière de la CdP.

Analyse par pays

Albanie

1. La CRF albanaise a le pouvoir d'ordonner le blocage ou le gel temporaire de transactions ou d'opérations financières pour une durée maximale de 72 heures, en présence de faits et d'éléments concrets lui donnant des raisons de soupçonner une activité de blanchiment de capitaux ou de financement du terrorisme (article 22(g) loi LAB/CFT). Si des éléments constitutifs d'une infraction pénale sont mis en évidence, la CRF présente une copie de la mesure de blocage ou de gel temporaire au procureur dans le délai de 72 heures. Si aucun de ces éléments n'est détecté, la mesure est annulée.
2. Le CRF peut également ordonner la surveillance des transactions bancaires effectuées par l'intermédiaire d'un ou de plusieurs comptes spécifiques sur une période donnée, s'il existe des motifs sérieux de blanchiment de capitaux ou de financement du terrorisme (article 22(l) loi LAB/CFT).
3. Les entités déclarantes sont tenues de refuser l'exécution d'une transaction suspecte et de la déclarer immédiatement à la CRF, qui répond dans les 48 heures en ordonnant s'il y a lieu une mesure de gel.
4. Le tableau suivant montre le nombre de décisions de blocage ou de gel temporaire prises par la CRF et les montants saisis par la suite :

Année	Nombre de décisions de blocage/gel	Montant total gelé (en EUR)	Montant total saisi sur décision de justice (en EUR)	% des fonds saisis
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
Total	261	78 296 339	44 691 519	Moyenne : 60,1

5. L'Albanie ne limite pas les mesures de blocage ou de gel temporaire aux seuls cas dans lesquels une DOS a été communiquée. Les mesures s'appliquent en effet pour tous types d'indicateurs, ce qui inclut les déclarations d'activités ou d'opérations suspectes entre autres sources.
6. Le rapport d'évaluation de 2011 de la CdP a conclu que l'Albanie avait mis en œuvre l'article 14 de manière effective.

Conclusion

7. La CRF albanaise est compétente pour restreindre (par blocage temporaire) les transactions nationales suspectes et a exercé cette compétence à plusieurs reprises. Les mesures ne sont pas limitées aux seuls cas dans lesquels des déclarations d'opération suspecte ont été communiquées. Les mesures ont une durée maximale de 72 heures à compter de leur mise en place.

Arménie

1. La loi LAB/CFT prévoit que l'organe compétent (dans ce cas, le conseil d'administration de la Banque centrale d'Arménie sur la base d'une déclaration de la CRF) peut suspendre

une transaction ou une relation d'affaires suspectes, éventuellement liés a le BC ou FT, pour une durée maximale de cinq jours, après analyse des déclarations qui lui ont été soumises (DOS, déclaration d'opération en espèces), d'éléments fournis par les autorités de surveillance/autorités chargées des poursuites ou de toute autre information. Cette durée peut être prolongée de cinq jours (dix jours dans des cas exceptionnels) pour établir les motifs de présentation d'une notification aux autorités chargées des poursuites pénales.

2. Les entités déclarantes sont tenues de présenter une DOS le même jour ou, si cela n'est pas possible, avant midi le lendemain du jour où le soupçon se présente. L'autorité compétente dispose ensuite d'un délai de cinq jours maximum pour décider soit de prolonger la suspension en vue d'établir les motifs de présentation d'une notification aux autorités chargées des poursuites pénales, soit d'annuler la décision de suspension.

Année	Nombre de décisions de suspension	Montant arrondi des fonds temporairement suspendus (EUR)
2015	1	19 000
2016	2	354 600
2017	1	1 000 000
2018	1	17 000
<i>Total</i>	5	1 390 600

3. Le rapport d'évaluation de 2016 de la CdP a conclu que l'Arménie avait mis en œuvre les dispositions de l'article 14.

Conclusion

4. Les autorités sont compétentes pour suspendre les transactions nationales suspectes pendant une durée maximale de cinq jours (pour la CRF/Banque centrale) ou trois jours (pour la CRF). Ces mesures ne reposent pas nécessairement sur des DOS. Elles ont été appliquées dans la pratique.

Azerbaïdjan

1. La CRF peut ordonner la suspension de l'exécution d'une transaction suspecte liée au blanchiment de capitaux ou au financement du terrorisme pour une durée maximale de 72 heures (article 19(2) loi LAB/CFT). Elle est tenue d'envoyer directement cette décision et les documents correspondants aux autorités chargées des poursuites pénales pour blanchiment de capitaux/financement du terrorisme. Ces dernières peuvent prendre des mesures supplémentaires pour prolonger la durée de suspension, dans les 72 heures suivant la réception des informations de la CRF.
2. La CRF peut ordonner les mesures de suspension de sa propre initiative en cas de dépôt d'une DOS, mais également sur demande motivée d'une autorité nationale compétente ou d'autres sources.
3. Les entités déclarantes ont l'obligation d'informer la CRF de toute transaction suspectée d'être liée au blanchiment de capitaux ou au financement du terrorisme. Dans ce cas, il leur est interdit d'exécuter la transaction signalée pendant deux jours ouvrés. Lorsqu'elle reçoit les informations concernant la transaction suspecte, la CRF décide ou non de suspendre l'exécution de la transaction, puis donne des instructions à l'entité concernée. Si la CRF décide de ne pas suspendre l'exécution de la transaction signalée dans le délai de deux jours ouvrés, l'entité procèdera à son exécution. La durée maximale des mesures de suspension est de deux jours ouvrés plus 72 heures à partir du moment où une transaction nationale suspecte est détectée.

4. De 2014 à 2018, la CRF a imposé onze mesures de suspension liées au blanchiment de capitaux, pour un montant total de 6,6 millions d'AZN (près de 3,3 millions d'EUR). Neuf de ces mesures ont été prises à l'encontre de personnes physiques et les deux autres visaient des personnes morales. Les autorités ont également donné un exemple d'affaire démontrant la mise en œuvre effective de l'article 14.

Conclusion

5. La CRF de l'Azerbaïdjan est compétente pour suspendre des transactions nationales suspectes, mesure qui ne repose pas nécessairement sur l'existence d'une DOS. La durée maximale de suspension est de deux jours ouvrés plus 72 heures. Les mesures ont été appliquées dans la pratique.

Belgique

1. La CRF belge peut s'opposer à l'exécution d'une opération sur la base d'une déclaration de suspicion liés à BC ou FT, ou d'autres informations (article 80 de la loi LAB/CFT). La CRF détermine quels sont les opérations et les comptes bancaires concernés par les mesures d'opposition puis notifie immédiatement sa décision à l'entité concernée. Elle dispose pour cela d'un délai de cinq jours suivant la réception de la notification de suspicion. Dans l'intervalle, la transaction est suspendue. Si la CRF estime que la suspension doit être prolongée, elle en informe le procureur qui se prononce à son tour sur les mesures de suspension. Elle informe également l'Organe central pour la saisie et la confiscation. Si les entités déclarantes concernées par les mesures d'opposition ne reçoivent pas de notification de la CRF dans le délai de cinq jours, elles exécutent l'opération en question.
2. La CRF peut également prononcer des mesures d'opposition sur la base d'informations ou de demandes motivées des autorités compétentes belges ou d'autres sources. Ces informations seront toujours traitées comme une DOS. La CRF peut ordonner le blocage de transactions d'une entité déclarante donnée, même si les informations pertinentes lui ont été communiquées par une autre entité ou organisation.
3. Ces mesures ont été appliquées à plusieurs reprises entre 2015 et 2017 :

Année	Nombre de mesures de report ordonnées
2015	13
2016	17
2017	12
Total	42

4. Le rapport d'évaluation 2016 de la CdP recommandait à la CRF belge de faire en sorte que les mesures de report puissent reposer sur les déclarations des entités déclarantes quelles qu'elles soient et de donner à ces entités l'ensemble des moyens nécessaires pour appliquer des mesures de blocage. Le rapport de suivi de 2018 a conclu que la Belgique avait mis en œuvre les recommandations.

Conclusion

5. La CRF belge est compétente pour faire opposition à l'exécution d'une transaction nationale suspecte, sans qu'une DOS soit nécessaire à cet effet. La durée maximale de ces mesures est de cinq jours ouvrés après la transmission de l'information à la CRF. Ces mesures ont été appliquées dans la pratique.

Bosnie-Herzégovine

1. La CRF peut imposer une suspension temporaire de transaction lorsqu'il existe des soupçons d'activités de blanchiment de capitaux ou de financement du terrorisme concernant une transaction, un compte ou une personne (articles 58 et 59 de la loi LAB/CFT). Elle peut notifier cette décision par écrit aux entités déclarantes ou, dans les cas urgents, ordonner la mesure verbalement puis la confirmer par écrit. La durée maximale de la mesure est de cinq jours ouvrés à partir du moment où la décision de suspension est rendue ou à partir du signalement de l'opération suspecte si celui-ci a été fait avant l'opération.
2. Au terme de ces cinq jours, la suspension peut être prolongée sur décision solennelle du tribunal compétent. Si dans ce délai, la CRF ne relève aucun motif supplémentaire de suspension, elle en informe l'entité déclarante par écrit, cette dernière pouvant alors immédiatement procéder à la transaction. Si la CRF ne prend aucune mesure dans les cinq jours, l'entité peut également effectuer la transaction en question.
3. La décision de la CRF ne repose pas nécessairement sur l'existence d'une DOS ; elle peut également être rendue sur la base d'une demande motivée du bureau du procureur ou d'autres sources.
4. Le tableau ci-dessous montre le nombre de décisions de suspension temporaire prises par la CRF entre 2015 et 2018 :

Année	Nombre de décisions de suspension	Montant arrondi des fonds temporairement suspendus (EUR)
2015	24	1 707 316
2016	18	10 136 184
2017	8	138 619
2018	8	53 029 349
Total	58	65 011 468

5. D'autres statistiques détaillées montrent que des décisions de suspension ont été rendues sur ordre et à la demande du bureau du procureur, mais aussi après réception de DOS, portant notamment sur des soupçons de blanchiment de capitaux concernant des personnes physiques et morales.

Conclusion

6. La CRF de Bosnie-Herzégovine peut ordonner la suspension temporaire d'une transaction donnée, sans qu'une DOS soit nécessaire à cette fin. La durée maximale de suspension est de cinq jours ouvrés. La CRF a apporté des preuves de sa pratique en la matière.

Bulgarie

1. Les pouvoirs légaux de la CRF de Bulgarie ont été modifiés avec l'adoption de la nouvelle « loi sur les mesures contre le blanchiment de capitaux » et les amendements à la « loi sur les mesures contre le financement du terrorisme », tous entrés en vigueur le 31 mars 2018.
2. En cas de suspicion de blanchiment de capitaux, le responsable de la CRF bulgare peut reporter une transaction ou une opération pendant une durée maximale de cinq jours ouvrés (article 73 de la loi contre le blanchiment de capitaux). En cas de soupçons de financement du terrorisme, le ministre de l'Intérieur, le président de l'Agence de la sécurité nationale ou des agents expressément habilités peuvent reporter une transaction ou une opération pour une durée maximale de cinq jours ouvrés. Le délai court à compter du jour

où la décision est rendue. Une décision de report peut être prise après réception d'une DOS de la part des entités déclarantes ou sur la base d'informations reçues des autorités nationales compétentes ou d'autres sources.

3. Si la décision n'est pas confirmée par une mesure de saisie conservatoire ou d'autres mesures provisoires dans les cinq jours, la transaction ou l'opération peuvent être effectuées. Pendant la durée du report, la CRF dispose de trois jours pour procéder à une analyse dont elle communique les résultats au bureau du procureur qui peut ensuite demander au tribunal d'imposer des mesures préventives supplémentaires.
4. Par ailleurs, en cas d'urgence et lorsqu'il s'agit de la seule occasion de geler les biens d'une personne dont il existe des raisons de penser qu'elle s'apprête à commettre un acte terroriste, la loi contre le financement du terrorisme prévoit la possibilité pour le ministre de l'Intérieur, le président de l'Agence de la sécurité nationale ou des agents expressément habilités de prononcer par écrit une mesure de gel de fonds et d'autres avoirs financiers ou ressources économiques pour une durée maximale de 45 jours ouvrés à compter de la date à laquelle la décision est rendue.
5. Les autorités ont fourni un exemple d'affaire dans laquelle la CRF a reporté des transactions suspectées de relever du blanchiment de capitaux après avoir reçu plusieurs DOS de banques bulgares.
6. Par ailleurs, les statistiques suivantes ont été fournies sur le report des transactions en 2017 et 2018 :

Année	Nombre de transactions reportées	Nombre de décisions de report rendues	Montant total des transactions reportées (en EUR)
2017	19	6	Plus de 1 900 000
2018	16	12	Plus de 16 000 000
<i>Total</i>	35	18	<i>Plus de 17 900 000</i>

Conclusion

7. La CRF bulgare (dans le cas du blanchiment de capitaux) ainsi que le ministre de l'Intérieur, le président de l'Agence de sécurité nationale et d'autres agents expressément habilités ou compétents (dans le cas du financement du terrorisme) ont obtenu le pouvoir d'ordonner le report d'une transaction pour une durée maximale de cinq jours ouvrés, respectivement en cas de soupçon de blanchiment de capitaux ou de financement du terrorisme. La décision peut reposer sur des informations provenant de diverses sources, non limitées aux DOS. La mise en œuvre pratique est démontrée par la jurisprudence et les statistiques.

Croatie

1. La CRF croate peut ordonner la suspension temporaire d'une transaction suspecte lorsque : a) elle doit engager des actions urgentes pour vérifier les informations relatives à la transaction, aux personnes ou aux fonds en question ou b) lorsqu'elle estime qu'il existe des raisons de soupçonner que la transaction, les personnes ou les fonds en question sont liés au blanchiment de capitaux ou au financement du terrorisme. La suspension ne peut durer plus de 72 heures à compter du moment où la décision est notifiée à l'entité déclarante, ou plus de 120 heures en cas de jours non travaillés par la CRF.
2. La décision peut également être communiquée verbalement s'il n'est pas possible de le faire par écrit, mais elle devra être suivie d'une décision écrite le jour suivant.

3. Lorsque la mesure de suspension temporaire est prononcée, la CRF informe directement le bureau du procureur général afin que celui-ci y donne suite. Après expiration de la durée maximale de validité de la décision, seul le tribunal peut prolonger la suspension.
4. Si le CRF ne relève aucune raison supplémentaire de suspendre temporairement la transaction, elle en informe sans délai l'entité concernée et le bureau du procureur général compétent.
5. La CRF peut ordonner la suspension après réception d'une DOS, mais cela n'est pas obligatoire.
6. Les autorités ont fourni quatre exemples d'affaires dans lesquelles la CRF croate a ordonné à une institution financière de reporter une transaction suspecte. Ces quatre affaires, ainsi que l'analyse opérationnelle de la CRF relative à la transaction, aux personnes ou aux fonds suspects, ont été transmises au bureau du procureur pour la suite de la procédure. Par ailleurs, les autorités croates ont fourni les statistiques suivantes pour démontrer que la CRF a exercé dans la pratique ses compétences en matière de suspension temporaire d'une transaction nationale suspecte :

Année	Montant (approximatif) des décisions de report rendues (en 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
Total	41 934 027,38

Conclusion

7. La CRF de Croatie est compétente pour suspendre temporairement des transactions suspectes pour une durée maximale de 72 heures ou 120 heures en cas de jours non ouvrés. Ces mesures ne reposent pas nécessairement sur des DOS. La pratique de ces dernières années a été démontrée par la jurisprudence et les statistiques.

Chypre

1. La CRF de Chypre peut adresser des instructions à une entité assujettie, lui demandant de suspendre ou de ne pas exécuter une transaction ou de vérifier l'activité d'un compte bancaire lorsqu'il existe des raisons valables de soupçonner que ladite transaction est liée au blanchiment de capitaux ou au financement du terrorisme (article 55(1)(e)(i) de la loi LAB/CFT). Cela permet à la CRF d'analyser la transaction suspecte ou de rendre ou d'enregistrer une décision de blocage ou de confiscation d'avoirs.
2. La CRF chypriote peut faire usage de ce pouvoir non seulement lorsqu'elle reçoit une DOS, mais également sur demande motivée des autorités compétentes.
3. L'ordre de non-exécution ou de suspension d'une transaction a une durée de validité maximale de sept jours ouvrés. Il peut être prolongé pour une durée totale allant jusqu'à 30 jours ouvrés.
4. Les autorités ont fourni les statistiques suivantes pour démontrer l'application de l'article 14. On notera que le montant des transactions suspendues par année n'est pas disponible.

Année	Nombre de décisions de report rendues par la CRF pour suspendre des transactions/bloquer des comptes
2015	13
2016	10
2017	20
2018	7
Total	50

Conclusion/Recommandation

5. La CRF de Chypre a obtenu le pouvoir de suspendre temporairement une transaction nationale suspecte pour une durée maximale de sept jours – ou trente jours en cas de renouvellement de la mesure – après réception d'une DOS ou sur la base d'une demande des autorités nationales compétentes ou d'autres sources. L'application de l'article 14 a été démontrée. Les autorités sont néanmoins invitées à envisager de tenir des statistiques complètes sur l'application de l'article 14, incluant le montant des transactions reportées et toute autre information pertinente.

Danemark

1. La CRF et la police ont toutes deux le pouvoir de bloquer des transactions (éventuellement liés à BC ou FT), conformément à la loi sur l'administration de la justice (article 807 F).
2. Le blocage dure au maximum sept jours et peut, au cours de cette période, être converti en saisie régulière.
3. Les mesures temporaires ne se limitent pas aux cas dans lesquels une DOS a été communiquée.
4. Les autorités n'ont pas fourni de statistiques ou d'exemples d'affaires démontrant l'application de l'article 14.

Conclusion/Recommandation

5. Les autorités danoises, et notamment la CRF et les autorités de police, sont compétentes pour bloquer les transactions suspectes pour une durée maximale de sept jours, avec ou sans DOS à l'appui. On ignore dans quelle mesure cette compétence a été exercée dans la pratique. Il est par conséquent recommandé au Danemark d'envisager la tenue de statistiques sur le nombre de décisions de report rendues et toute autre information pertinente.

France

1. La loi LAB/CFT dispose à l'article L561-24 que la CRF a le pouvoir de suspendre l'exécution d'une opération non encore réalisée pendant une certaine durée, afin que les autorités judiciaires puissent prendre une décision sur la nécessité d'ordonner une saisie. L'opération peut porter sur une suspicion de BC ou de FT.
2. L'existence d'une DOS concernant la transaction en question n'est pas obligatoire.
3. La mesure de suspension est mise en place pour dix jours à compter de la notification par la CRF. La CRF peut transmettre le dossier en question au procureur.
4. La juridiction compétente (président du Tribunal de grande instance) peut prolonger le délai ou ordonner des mesures provisoires, à la demande du bureau du procureur.
5. Les autorités ont démontré l'application du pouvoir de reporter des transactions nationales suspectes au moyen des statistiques suivantes :

Année	Nombre de mesures d'opposition	Nombre de dossiers	Montant total concerné (en EUR)
2017	24	20	8,7 millions
2018	7	7	1,6 million
<i>Total</i>	31	27	10,3 millions

Conclusion

- La CRF française est compétente pour reporter des transactions nationales suspectes pendant une durée maximale de dix jours. Elle peut s'appuyer sur diverses sources. La pratique de l'application des mesures de report a été démontrée par des statistiques.

Géorgie

- La CRF de Géorgie a obtenu en 2015 le pouvoir de suspendre des transactions lorsqu'il existe des motifs sérieux de soupçonner des actes de blanchiment de capitaux ou de financement du terrorisme. L'entité assujettie doit immédiatement prendre toutes les mesures nécessaires pour mettre en œuvre l'instruction de la CRF. Bien que l'instruction soit généralement communiquée par écrit, elle peut également l'être verbalement ou par voie électronique dans les cas urgents.
- Après l'instruction de suspension, les documents doivent être diffusés immédiatement aux services compétents du bureau du procureur, du ministère de l'Intérieur et/ou des services de sécurité de l'État.
- La décision de suspendre une transaction peut être prise indépendamment de la communication d'une DOS à la CRF. La décision peut faire suite à une DOS ensuite analysée par la CRF, ou à des informations en provenance d'autres sources.
- Les transactions ne peuvent pas être suspendues plus de 72 heures, jours non ouvrés non compris.
- Le tableau suivant montre le nombre de suspensions ces dernières années :

Année	Nombre de transactions suspendues
2015	1
2016	1
2017	2
2018	0
<i>Total</i>	4

Conclusion

- La CRF géorgienne peut suspendre des transactions nationales pour une durée maximale de 72 heures (jours non ouvrés non compris) après réception d'une DOS ou sur demande motivée d'autres autorités. Une certaine pratique a été démontrée ces dernières années.

Allemagne

- La CRF allemande peut interdire l'exécution d'une transaction lorsqu'il existe des indications selon lesquelles cette transaction est liée au blanchiment de capitaux ou au financement du terrorisme, afin d'enquêter sur ces indications et d'analyser la transaction (article 40, « mesures urgentes » de la loi sur la lutte contre le blanchiment de capitaux). Elle peut ordonner des mesures urgentes conduisant au report ou à la suspension d'une transaction bancaire suspecte, après réception d'une DOS ou d'autres informations

pertinentes. Les autorités allemandes ont indiqué que la plupart des mesures urgentes reposeront sur une DOS ; la seule exigence de la CRF est l'existence d'un soupçon que la transaction en question est liée au blanchiment de capitaux ou au financement du terrorisme.

2. Les mesures urgentes prennent fin au plus tard un mois après qu'elles ont été ordonnées par la CRF ou à la fin du cinquième jour ouvré après que le dossier a été transmis à l'autorité compétente chargée des poursuites, ou lorsque la CRF l'autorise.
3. L'entité compétente est tenue de suspendre les transactions en cours signalées comme suspectes (au moyen d'une DOS). Ces transactions ne peuvent être exécutées que lorsque la CRF ou les autorités chargées des poursuites y consentent, ou après l'expiration d'un délai de trois jours à compter de l'envoi de la DOS si aucune autre mesure n'a été prononcée par la CRF ou le ministère public.
4. Le ministère public peut engager des actes de procédure pénale pour garantir l'application des mesures.
5. Aucune pratique de l'exercice des pouvoirs précités par la CRF n'a été démontrée car aucune statistique n'est tenue en la matière.

Conclusion/Recommandation

6. La CRF allemande est compétente pour reporter une transaction suspecte pour une durée maximale d'un mois, sans qu'une DOS soit nécessaire à cet effet. Aucune mise en œuvre effective de la compétence n'ayant été démontrée, il est recommandé aux autorités d'envisager de tenir des statistiques sur l'application de l'article 14, en ce qui concerne le nombre de mesures urgentes prises, le nombre de transactions reportées par les entités assujetties et toute autre information pertinente.

Grèce

1. Le président de la CRF ordonne la suspension de l'exécution d'une transaction dans les cas urgents, ou le gel provisoire des biens lorsque cette transaction ou ces biens sont soupçonnés d'être liés au blanchiment de capitaux ou au financement du terrorisme. La durée maximale de validité de la mesure est de 15 jours ouvrés. Durant cette période, la CRF examine les motifs de soupçon (article 48(2)(d) loi LBC). Si le soupçon n'est pas confirmé, le président lève la mesure de suspension ou de gel temporaire. À l'expiration du délai, les mesures provisoires sont automatiquement levées.
2. Lorsque l'enquête fait apparaître des motifs sérieux de soupçonner une infraction de blanchiment de capitaux ou de financement du terrorisme, le président de la CRF ordonne le gel des avoirs de la ou des personne(s) concernée(s). Il peut ensuite transmettre le dossier au procureur.
3. Le président peut ordonner des mesures provisoires sans DOS à l'appui. Ces mesures sont également ordonnées à la demande d'une autorité homologue d'un autre État membre de l'UE ou en cas de soupçons fondés sur la demande d'une telle autorité.
4. Les autorités ont fourni des statistiques qui démontrent l'application de mesures provisoires, malgré la mise en place récente de cette compétence le 31 mai 2018. Depuis, le président de la CRF a prononcé quatre mesures de gel provisoire sur la base de l'article 48(2)(d) de la loi LBC. Les avoirs gelés provisoirement étaient un voilier estimé à 29 137 576 € et des actions valorisées à 36 720 000 €.

Conclusion

5. Le président de la CRF grecque peut ordonner le report de transactions nationales suspectes pour une durée maximale de 15 jours ouvrés, et aucune DOS n'est nécessaire

à cette fin. Bien que cette possibilité n'ait été introduite que récemment, une pratique limitée a été démontrée.

Hongrie

1. La CRF hongroise peut ordonner la suspension d'une transaction lorsqu'il existe des soupçons de blanchiment de capitaux ou de financement du terrorisme relativement à un fait, des données ou une situation. Ce travail s'inscrit dans le cadre de son analyse opérationnelle. Elle transmet une notification par écrit à l'entité déclarante concernée, laquelle est ensuite tenue de suspendre la transaction en question. La CRF, dans un délai de quatre jours ouvrés à compter du signalement à l'entité, examine le soupçon à l'origine de la mesure. Elle peut prolonger son inspection pendant trois jours ouvrés supplémentaires si cela se révèle nécessaire pour obtenir suffisamment d'informations à transmettre aux autorités compétentes et à la police.
2. La décision de la CRF d'ordonner la suspension peut faire suite à une coopération avec l'autorité chargée de l'enquête ou le bureau du procureur, ou être prise sur la base d'informations communiquées par les autorités nationales compétentes ou d'autres sources. Lorsqu'une entité déclarante présente une déclaration d'activité suspecte à la CRF, elle doit également suspendre l'exécution de la transaction. La décision de la CRF d'ordonner la suspension tout comme le dépôt d'une déclaration d'activité suspecte par une entité assujettie nécessitent une action immédiate.
3. Les autorités ont présenté une affaire démontrant l'application de l'article 14 dans la pratique : en étroite coopération avec les prestataires de services financiers, les CRF étrangères et les autorités chargées des enquêtes pénales, la CRF a suspendu une transaction sur la base d'une déclaration d'activité suspecte, pour finalement parvenir à geler les produits d'une activité criminelle.
4. Les autorités ont également démontré la pratique en produisant des statistiques détaillées pour les années 2016 à 2018 :

Type de suspension			Valeur
	Compétence propre de la CRF*	Prestataire*	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

* Les chiffres correspondent au nombre total de cas. Le nombre effectif de cas (lorsque l'analyse opérationnelle a conduit la CRF à communiquer des informations aux autorités nationales compétentes pour engager une procédure pénale ou étayer une enquête pénale en cours) est indiqué entre parenthèses.

** Montant total en EUR des différents avoirs en HUF, USD, GBP et EUR. Le chiffre exact peut différer du fait des taux de conversion.

Conclusion

5. La CRF hongroise est compétente pour suspendre les transactions nationales suspectes pendant une durée maximale de sept jours ouvrés, sans qu'une DOS soit nécessaire à cet effet. Des statistiques détaillées et un exemple concret ont été fournis pour démontrer la mise en œuvre effective.

Italie

1. La CRF italienne a le pouvoir de reporter des transactions soupçonnées d'être liées au blanchiment de capitaux, à des infractions principales connexes ou au financement du terrorisme. Elle peut prendre cette décision de sa propre initiative ou à la demande d'autres autorités compétentes, pour une durée maximale de cinq jours ouvrés. La mesure repose sur une décision autonome, sous réserve que les conditions requises soient remplies. Pour une action efficace, la CRF s'assure auprès des autorités de police compétentes que la transaction ne fait pas déjà l'objet d'enquêtes ou de poursuites judiciaires et que le report ne compromet pas des investigations ou procédures en cours. La CRF veille également à ce que le report provisoire puisse être garanti et soit étayé par des ordonnances de saisie ou de confiscation appropriées, émises par les autorités compétentes. Après avoir rendu sa décision, la CRF se met en liaison avec les autorités de police compétentes pour s'enquérir de leur intérêt à saisir ultérieurement les fonds, et transmet rapidement des informations en retour à l'entité déclarante ou, selon le cas, à la CRF étrangère requérante.
2. Les entités déclarantes sont tenues de présenter une DOS à la CRF en cas de suspicion de blanchiment de capitaux ou de financement du terrorisme, avant l'exécution de la transaction. Il est demandé aux entités concernées de ne pas exécuter la transaction suspecte avant la fin du processus d'échange d'informations.
3. Des statistiques ont été fournies pour démontrer le caractère effectif des pouvoirs de la CRF en matière de report de transactions :

Année	Nombre de reports potentiels	Nombre de décisions de report effectives
2017	214	38
2018	328	47
Total	542	85

Conclusion

4. La CRF italienne peut ordonner le report d'une transaction suspecte pour une durée maximale de cinq jours ouvrés après réception d'une DOS et à la demande des autorités compétentes nationales ou étrangères. La CRF a démontré sa pratique effective en la matière.

Lettonie

1. Il est établi dans la loi LAB/CFT que l'entité déclarante ne doit pas exécuter une transaction s'il existe des soupçons sérieux que les fonds en question sont liés au blanchiment de capitaux/financement du terrorisme (article 32(1)). Dans ce cas, l'entité informe la CRF de Lettonie de la transaction et attend les instructions de celle-ci avant toute autre action.
2. La CRF s'est vue octroyer le pouvoir de reporter des transactions nationales suspectes en les gelant temporairement. Il s'agit d'une mesure d'urgence qui dure au maximum cinq jours ouvrés. La décision de reporter une transaction ne doit pas obligatoirement reposer sur une DOS. Pendant la durée de validité de la mesure, la CRF peut décider de geler les fonds pendant une durée allant jusqu'à 45 jours (et six mois pour FT), ce qui a été confirmé par des exemples de cas, s'il y a des motifs sérieux de soupçonner qu'une infraction pénale (y compris de blanchiment de capitaux) est commise ou a été commise. Dans ce cas, elle ouvre une enquête.

3. Les statistiques suivantes ont été fournies pour démontrer l'application du pouvoir de la CRF de suspendre des transactions pendant une durée de cinq jours, ou pour une période prolongée de 45 jours :

	À la suite d'une DOS			Propre initiative			Total (en EUR)
	5 jours	45 jours	Montant (en EUR)	5 jours	45 jours	Montant (en 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	1 044	681	150 675 989	397	233	44 943 932	204 903 597

Conclusion

4. La CRF lettone peut reporter des transactions nationales suspectes pour une période initiale de cinq jours, ou – si une enquête est ouverte par la CRF – pour une durée maximale de 45 jours. La CRF peut prendre cette mesure à la suite d'une DOS, mais également de sa propre initiative ou à la demande d'une autorité compétente. Les autorités ont démontré l'application de ces mesures dans la pratique au moyen de statistiques et des exemples de cas.

Malte

1. La CRF maltaise est habilitée à reporter l'exécution de toute transaction à effectuer par une entité déclarante si elle sait ou suspecte que cette transaction est liée au blanchiment de capitaux ou au financement du terrorisme ou concerne des biens tirant leur origine ou constituant le produit d'une activité criminelle (article 28(1) de la loi sur la prévention du blanchiment de capitaux).
2. Les entités déclarantes sont tenues de signaler toute transaction suspecte à la CRF et d'attendre une éventuelle décision de report de la CRF avant d'exécuter cette transaction. L'entité déclarante pourra néanmoins exécuter la transaction s'il lui est impossible d'informer la CRF au préalable, ou lorsque la non-exécution de la transaction risque de compromettre une enquête pour blanchiment de capitaux ou financement du terrorisme.
3. La décision de report peut être rendue sur la base d'une DOS ou de toute autre information communiquée à la CRF (par exemple à la demande d'une CRF étrangère).
4. La durée maximale de suspension d'une transaction varie selon l'origine de l'information. Lorsqu'elle fait suite à une DOS, la suspension peut durer jusqu'à trois jours ouvrés : un jour ouvré après la date à laquelle l'information est communiquée à la CRF en application de la loi et deux jours supplémentaires après que la CRF a rendu une décision de report. Lorsque la mesure est prise sur la base d'informations obtenues par d'autres moyens, il n'y a pas de suspension automatique de l'exécution de la transaction. La transaction peut être suspendue pendant une durée maximale de deux jours ouvrés à compter du jour où la CRF notifie l'opposition à l'entité déclarante.
5. À la fin de la période de suspension (de deux ou trois jours ouvrés selon le cas), la CRF ne peut plus reporter l'exécution d'une transaction en attente et l'entité concernée pourra procéder à la transaction, sauf si une décision de saisie conservatoire est prononcée.
6. Les statistiques suivantes ont été fournies :

Nombre de demandes reçues	Nombre de décisions de report	Nombre de décisions de report suivies	Montant total (en EUR)
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d'une saisie conservatoire				
2015	8	5	5	Non disponible
2016	25	2	1	13 675 012
2017	48	4	0	621 670
2018	129	13	8	17 298 323*
Total	210	24	14	31 595 005

* Les chiffres en euros peuvent différer légèrement de la valeur réelle des avoirs reportés, du fait de la conversion des dollars américains et couronnes suédoises en euros.

7. Par ailleurs, les autorités ont fourni trois exemples de cas dans lesquels des décisions de report ont été rendues sur la base d'une DOS ou d'informations provenant d'autres sources. Il est donc possible de conclure que la CRF exerce effectivement son pouvoir de reporter des transactions suspectes.
8. Au moment du rapport de 2014 de la CdP sur Malte, la CRF maltaise ne pouvait reporter des transactions que sur la base d'une DOS. Les compétences de la CRF ont été étendues à la suite d'amendements à la loi LBC.

Conclusion

9. La CRF maltaise a obtenu le pouvoir de reporter des transactions nationales suspectes pendant une durée de deux jours ouvrés, sur la base d'une DOS mais également d'autres sources. Dans le cas d'une DOS, la suspension d'une transaction peut durer un jour ouvré supplémentaire en application de la loi. La mise en pratique de ces pouvoirs a été démontrée par des statistiques ainsi que par des cas concrets.

République de Moldova

1. La CRF de Moldova est habilitée à prendre une décision de suspension de l'exécution d'une activité ou d'une transaction suspecte ou de suspension d'avoirs suspects, éventuellement liés au BC ou FT, pour une durée maximale est de trente jours ouvrés (article 33 de la loi LAB/CFT). Elle peut le faire de sa propre initiative ou à la demande d'une autorité compétente. La CRF informe la personne physique ou morale concernée par la décision.
2. Les entités déclarantes, d'office ou sur demande, suspendent ou reportent la conclusion d'une transaction pendant cinq jours ouvrés en cas de suspicion concernant une transaction.
3. Sur demande de la CRF, le tribunal peut décider de prolonger la période de suspension jusqu'à 60 jours ouvrés.
4. Les statistiques suivantes ont été fournies pour démontrer l'application effective :

Nombre de décisions de la CRF		Montant (en EUR)
2015	126	7 162 944
2016	144	6 149 699 + 43 % de 20 milliards d'actions USD
2017	34	2 495 858
2018	22	3 412 505
Total	326	19 221 006 + actions

5. Les autorités ont également démontré l'application de l'article 14 par deux cas concrets.

6. Le rapport d'évaluation de 2014 de la CdP sur la République de Moldova a conclu que l'article 14 était mis en œuvre de manière adéquate.

Conclusion

7. La CRF de la République de Moldova est en mesure prendre une décision de report d'une transaction suspecte, de sa propre initiative, après réception d'une DOS ou à la demande d'une autorité compétente. La durée maximale de cette mesure est de trente jours ouvrés. Sa mise en œuvre effective a été démontrée par des statistiques et deux exemples d'affaires.

Monténégro

1. La loi sur la prévention du blanchiment de capitaux et du financement du terrorisme autorise la CRF du Monténégro à suspendre temporairement une transaction pour laquelle il existe des soupçons de blanchiment de capitaux et d'infractions principales connexes ou de financement du terrorisme (article 61). La décision est notifiée par écrit aux entités déclarantes, mais peut également être communiquée verbalement en cas d'urgence (auquel cas elle sera suivie d'un ordre écrit).
2. La CRF peut ordonner la suspension pour une durée maximale de 72 heures, lors de laquelle elle évalue les motifs à l'origine des soupçons. Le délai peut être prolongé s'il comporte un jour non ouvré. Sur notification de la CRF, l'entité déclarante concernée prend immédiatement les mesures nécessaires. Au cours de cette période, la CRF informe également les autorités administratives de la suspension de la transaction. Ces dernières (généralement, le bureau du procureur) examinent la notification et peuvent prolonger la suspension pour une durée maximale de six mois.
3. La CRF peut prendre sa décision après avoir reçu une DOS ou une demande dûment motivée d'une autorité compétente.
4. La CRF a exercé ses pouvoirs à plusieurs reprises entre 2014 et 2018.

	Nombre de transactions suspendues	Montant (en EUR)
2014	19	10 009 179
2015	17	17 420 307
2016	6	6 233 925
2017	19	8 576 700
2.018	22	8 225 969
<i>Total</i>	83	50 466 080

Conclusion

5. La CRF du Monténégro est compétente pour suspendre une transaction nationale suspecte pour une durée maximale de 72 heures, sans qu'une DOS soit nécessaire à cet effet. La pratique a été démontrée par des statistiques.

Pays-Bas

1. Aux Pays-Bas, c'est le procureur public qui a le pouvoir de reporter une transaction nationale suspecte. En présence d'une transaction suspecte (liée à, *inter alia*, BC ou FT), la CRF notifie le procureur public qui décide alors d'un éventuel blocage (temporaire) de la transaction (article 14 du Code de procédure pénale). La décision de report est limitée aux cas dans lesquels il existe une DOS. La mesure de blocage temporaire d'une

transaction peut être prise en urgence s'il y a lieu. On ignore combien de temps pourrait prendre l'échange d'informations nécessaire entre la CRF et le procureur public.

2. La loi ne limite pas en durée la possibilité de saisir les avoirs ou les fonds concernés par la transaction, même si cette mesure n'est que temporaire.
3. Aucune statistique ou affaire concrète n'ont été fournies pour démontrer la mise en œuvre effective de cette mesure.

Conclusion/Recommandation

4. Le procureur public néerlandais a la possibilité d'ordonner le report de transactions pour une période illimitée, mais uniquement lorsque le dossier lui est transmis par la CRF et sur la base d'une DOS. Il est recommandé aux autorités néerlandaises d'envisager d'étendre les pouvoirs de la ou des autorités compétentes (par exemple procureur et/ou CRF) de prendre des décisions de report de leur propre initiative et à la demande des autorités nationales concernées. Il est également recommandé aux Pays-Bas d'envisager la tenue de statistiques sur le nombre de décisions de report émises et toute autre information pertinente.

Macédoine du Nord

1. La CRF de Macédoine du Nord est autorisée à agir en urgence pour suspendre ou reporter la conclusion d'une transaction soupçonnée d'être liée au blanchiment de capitaux ou au financement du terrorisme (article 64(3) et article 120(1) de la loi LAB/CFT). Cette décision sera notifiée par écrit à l'entité concernée, ou verbalement dans les cas urgents (avec confirmation écrite ultérieure).
2. La CRF demande ensuite au procureur public compétent de proposer l'instauration de mesures provisoires. La décision de la CRF est valable jusqu'à ce qu'une décision de justice soit rendue, mais sa durée totale ne peut être supérieure à 72 heures (ou 120 heures en cas de jours non ouvrés).
3. Si le procureur public juge la demande infondée, il en informe immédiatement la CRF qui notifie à son tour le refus à l'entité concernée. Si le procureur considère que la requête est fondée, il soumet la proposition à un juge qui dispose d'un délai de 24 heures à compter de sa réception pour décider de l'adoption de mesures provisoires supplémentaires.
4. La CRF peut ordonner le report d'une transaction dans tous les cas où il existe un soupçon de blanchiment de capitaux ou de financement du terrorisme : la mesure ne se limite pas aux transactions ayant fait l'objet d'une DOS.
5. Les statistiques suivantes ont été fournies pour démontrer l'application de l'article 14 dans la pratique :

Année	Nombre de décisions de report rendues	Montant total des mesures provisoires (en 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>

* Les chiffres en EUR peuvent différer légèrement de la valeur réelle des avoirs, du fait de la conversion des denars macédoniens et dollars américains en EUR.

Conclusion

6. La CRF de Macédoine du Nord a le pouvoir d'ordonner le report de transactions nationales suspectes pendant une durée maximale de 72 heures (ou 120 heures en cas de jours non

ouvrés). La mesure doit reposer sur des soupçons sérieux de blanchiment de capitaux ou de financement du terrorisme mais n'est pas limitée aux cas dans lesquels une DOS a été communiquée. La mise en pratique des mesures provisoires a été démontrée par des statistiques.

Pologne

1. L'Inspecteur général des informations financières placé sous l'autorité du ministère des Finances (la CRF) est autorisé à suspendre des transactions ou à bloquer un compte (pouvant être alimenté par d'autres transactions) lorsqu'il existe un soupçon justifié que la transaction ou les avoirs en question sont liés au blanchiment de capitaux ou au financement du terrorisme (article 86 de la loi LAB/CFT).
2. L'Inspecteur général peut décider de suspendre une transaction à l'initiative d'une entité assujettie (c'est-à-dire après réception d'une DOS) ou de sa propre initiative. Dans les deux cas, les mesures précitées restent en place pendant une durée maximale de 96 heures à compter du moment où l'Inspecteur général accuse réception d'une DOS ou donne l'ordre de les appliquer. Si les mesures font suite à une DOS, l'Inspecteur général vérifie les soupçons de l'entité et demande les mesures (ou les annule) dans les 24 heures suivant la réception de la déclaration. Immédiatement après avoir communiqué sa décision à l'entité assujettie, l'Inspecteur général informe le procureur du soupçon de blanchiment de capitaux ou de financement du terrorisme. Ce dernier peut ensuite décider de maintenir la suspension de la transaction ou le blocage du compte pour une durée maximale de six mois à compter de la date à laquelle il reçoit la notification.
3. Les entités assujetties ne doivent pas exécuter les transactions lorsqu'il existe une suspicion de blanchiment de capitaux/financement du terrorisme et une décision de report de la CRF. Les transactions peuvent également être bloquées à l'initiative de l'entité assujettie lorsque les avoirs tirent leur origine d'une infraction autre que le blanchiment de capitaux ou le financement du terrorisme, auquel cas l'entité déclarante communique directement avec le procureur.
4. Les autorités ont fourni les statistiques suivantes sur le nombre de suspensions de transactions et de blocages de comptes.

	Nombre de mesures prises		Montant concerné (en EUR)	
	Blocage de comptes*	Suspension de transactions*	Blocage de comptes	Suspension de transactions
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
Total	1319 (173)	98 (93)	210 740 743	35 932 465

* Ces chiffres correspondent au nombre total de blocages ou suspensions ordonnés « d'initiative » tandis que les chiffres entre parenthèses correspondent aux mesures ordonnées après notification des institutions assujetties (c'est-à-dire après réception d'une DOS).

5. Les autorités ont également fourni un certain nombre d'exemples d'affaires dans lesquelles l'Inspecteur général a ordonné avec succès le report de transactions ou le blocage de comptes.
6. Le rapport de 2013 de la CdP sur la Pologne recommandait aux autorités de tenir des statistiques complètes sur l'application de l'article 14. L'analyse de suivi de 2015 a conclu que cette recommandation avait été mise en œuvre.

Conclusion

7. L'Inspecteur général polonais (la CRF) est compétente pour bloquer des comptes ou de suspendre des transactions en cas de soupçons de blanchiment de capitaux ou de financement du terrorisme. Il peut prendre cette décision sur la base d'une DOS ou de sa propre initiative, pour une durée maximale de 96 heures. Le pouvoir de report a été régulièrement exercé.

Portugal

1. L'article 48 de la loi portugaise de LAB/CFT prévoit la suspension temporaire de l'exécution d'une transaction dans les cas suivants : (1) lorsqu'une DOS a été transmise ; (2) lorsqu'aucune DOS n'a été communiquée mais qu'il aurait dû y en avoir une ; (3) lorsque d'autres informations pertinentes ont été portées à la connaissance du Département central d'enquêtes et de poursuites pénales et (4) sur proposition de la CRF après analyse des DOS existantes. Les suspicions entre BC et FT peuvent donner lieu à une ordonnance de suspension temporaire.
2. Il est clairement stipulé dans la loi que les mesures de suspension peuvent concerner des transactions présentes ou futures.
3. Lorsqu'une entité assujettie a des soupçons concernant une transaction ou un groupe de transactions, elle en informe rapidement le Département central d'enquête et de poursuites pénales et la CRF ; elle n'exécute pas les transactions en question sauf si elle considère qu'il est impossible de ne pas le faire, auquel cas elle informera ensuite rapidement les deux autorités compétentes. La CRF rédige un avis sur les mesures d'opposition et le transmet au Département central d'enquête et de poursuites pénales.
4. Au total, les autorités portugaises ont six jours ouvrés pour évaluer le soupçon et prendre une décision sur le report de la transaction : la CRF dispose de deux jours pour l'évaluation et le ministère public de quatre jours consécutifs. Sur décision du juge d'instruction, les mesures de suspension s'étendront sur une période de trois mois au maximum, pouvant faire l'objet de prorogations successives au cours de l'enquête.
5. Aucune statistique ou affaire concrète n'ont été fournies pour démontrer la mise en œuvre effective.

Conclusion/Recommandation

6. Les autorités portugaises ont le pouvoir de reporter une transaction ou un groupe de transactions pour une durée totale de six jours ouvrés. Ce pouvoir ne se limite pas aux cas dans lesquels une DOS a été communiquée. Aucune pratique n'ayant été démontrée, il est recommandé aux autorités d'envisager de tenir des statistiques sur la mise en œuvre de l'article 14.

Roumanie

1. La CRF roumaine peut ordonner le report de transactions non exécutées s'il existe des soupçons de blanchiment de capitaux ou de financement du terrorisme. Pour confirmer ces soupçons, la CRF analyse les informations financières obtenues et informe immédiatement le bureau du procureur si elle relève des motifs de blanchiment de capitaux. Si des motifs de financement du terrorisme sont retrouvés, elle en informe également les services de renseignement roumains. Lorsque d'autres infractions principales sont détectées, la CRF communique l'information aux autorités de police compétentes.
2. La CRF peut ordonner le report après réception d'une DOS ou à la demande des autorités compétentes, pour une durée de 48 heures. Elle peut également demander au bureau du procureur de prolonger la suspension pour 72 heures supplémentaires.

3. Les statistiques suivantes ont été fournies pour démontrer l'application de l'article 14 pour l'année 2017 : sur un total de 326 DOS concernant des transactions non exécutées, la CRF a décidé de suspendre les opérations dans 232 cas. Dans 31 cas, la durée des mesures était insuffisante et la CRF a demandé au bureau du procureur de les prolonger. Dans 71 cas, la CRF a décidé de ne pas suspendre les opérations. Dans les 24 cas restants, les opérations avaient déjà été déclarées non exécutées et bloquées par l'entité déclarante concernée. Les montants ayant fait l'objet des mesures de suspension étaient de 19.670.096 EUR ; 13.482.096 RON ; 19.973.006 USD ; 15.000 GBP et 8.500 PLN.
4. Il a été noté dans le rapport d'évaluation de 2012 de la CdP que des amendements mettant en œuvre l'article 14 avaient été adoptés peu auparavant, mais que l'efficacité de cette mise en œuvre ne pouvait pas encore être mesurée.

Conclusion

5. La CRF roumaine peut reporter des transactions nationales suspectes après réception d'une DOS ou à la demande des autorités compétentes. Cette mesure est prise pour une durée initiale de 48 heures pouvant être prolongée de 72 heures par le procureur. Elle a démontré la mise en œuvre de ces mesures au moyen de données relatives à l'année 2017.

Saint-Marin

1. La CRF de Saint-Marin est habilitée à reporter des transactions, à bloquer des fonds, des avoirs et d'autres ressources économiques et à surveiller toute relation d'affaires sur le plan financier. La durée maximale de report de transactions suspectées de blanchiment de capitaux ou de financement du terrorisme (et de transactions portant sur des avoirs ou des fonds soupçonnés de tirer leur origine d'infractions principales) est de cinq jours ouvrés. La CRF peut ordonner ce report de sa propre initiative ou sur la base d'informations provenant d'une autre source.
2. La décision de blocage prise par la CRF, qui s'applique lorsqu'il existe des motifs sérieux de penser que les avoirs tirent leur origine du blanchiment de capitaux, d'infractions principales ou du financement du terrorisme ou pourraient être utilisés pour commettre ce type d'infractions pénales, dure 15 jours et peut être étendue à 45 jours par une autorité judiciaire sur demande motivée de la CRF. Une telle mesure est notifiée dans les 48 heures à l'autorité judiciaire qui confirmera le blocage dans les 96 heures qui suivent si les conditions nécessaires sont remplies. Lorsque la mesure de blocage arrive à terme ou est annulée, les avoirs bloqués sont remis à leur propriétaire légitime.
3. La CRF ne doit pas obligatoirement avoir reçu une DOS pour pouvoir ordonner le report de transactions ou le blocage d'avoirs. Au contraire, la CRF peut prendre une telle décision dès lors qu'il existe des éléments permettant de soupçonner un acte de blanchiment de capitaux/financement du terrorisme ou des infractions principales (dans le cas du report de transactions) ou des motifs sérieux de soupçonner des actes de blanchiment de capitaux/financement du terrorisme ou des infractions principales (dans le cas du blocage d'avoirs/de fonds).
4. Les statistiques suivantes ont été fournies pour démontrer l'application de l'article 14 dans la pratique :

	Mesures prises		Relations d'affaires concernées	Montant (en EUR)
	Report	Blocage		
2008	0	0	0	s o
2009	0	1	1	155 776

2010	0	0	0	s. o.
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	s. o.
<i>Total</i>	6	32	109	57 140 027

Conclusion

5. La CRF de Saint-Marín est habilitée à reporter des transactions pour une durée maximale de cinq jours ouvrés, de sa propre initiative (indépendamment de la réception d'une DOS) ou à la demande d'une autorité judiciaire nationale ou d'une CRF étrangère. Cette mesure a été appliquée dans la pratique.

Serbie

1. La loi serbe en matière de LAB/CFT autorise la CRF à ordonner par écrit à une entité assujettie la suspension temporaire d'une transaction, si elle estime qu'il existe un soupçon fondé de blanchiment de capitaux ou de financement du terrorisme concernant une transaction ou une personne effectuant une transaction. Elle en informe les autorités compétentes pour que ces dernières puissent agir en conséquence. La mesure s'étend sur une période de 72 heures qui peut être prolongée de 48 heures si elle comporte des jours non ouvrés.
2. Dans les cas urgents, le directeur de la CRF peut communiquer la décision verbalement, en la confirmant par écrit au plus tard le jour ouvré suivant.
3. Les entités assujetties peuvent également suspendre temporairement une transaction pour une durée maximale de 72 heures, s'il existe des raisons de soupçonner un blanchiment de capitaux.
4. La décision de la CRF n'est pas limitée aux cas dans lesquels une DOS a été transmise, mais peut également reposer sur des informations reçues d'une autre autorité compétente.
5. Les statistiques suivantes ont été fournies pour démontrer l'application de l'article 14 :

Année	Nombre de décisions de report rendues par la CRF en vue de la suspension de transactions
2015	1
2016	2
2017	0
2018	7
31.5.2019 –	1
<i>Total</i>	11

Conclusion

6. La CRF serbe est compétente pour reporter des transactions nationales suspectes pendant 72 heures au maximum (cette période pouvant être prolongée de 48 heures si elle comporte des jours non ouvrés), après réception d'une DOS ainsi qu'à la demande d'une autorité compétente.

République slovaque

1. La législation slovaque prévoit l'adoption de mesures urgentes pour suspendre ou reporter la conclusion d'une transaction, à la fois par la CRF et par les entités assujetties. Le délai initial est de 120 heures au maximum, mais il peut être prolongé de 72 heures (jours non ouvrés non compris). Lorsqu'elle a un soupçon, l'entité déclarante a l'obligation de reporter l'opération commerciale inhabituelle jusqu'à son signalement à la CRF.
2. La CRF ordonne le report d'une transaction à l'entité assujettie si cette mesure est nécessaire pour analyser le dossier en cas de soupçons de blanchiment de capitaux ou de financement du terrorisme. L'entité déclarante prolonge ainsi le délai initial d'exécution de la transaction jusqu'à la levée de la mesure d'urgence par la CRF.
3. Ces décisions ne se limitent pas aux cas où une DOS a été communiquée, bien qu'il s'agisse du scénario le plus courant dans lequel des mesures de report sont appliquées. Elles peuvent être prises à la demande des autorités de police ou d'autres sources.
4. Les chiffres suivants ont été fournis :

	Reports	Montant des transactions reportées (en EUR)	Dossier transmis à la police	Fonds retenus sur décision du procureur	Exercice de poursuites pénales	Affaires avec prévenus
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. La CRF slovaque peut ordonner le report de transactions nationales suspectes (pour une durée de 120 heures pouvant être prolongée de 72 heures) sans qu'une DOS soit nécessaire à cet effet. Les autorités ont démontré que la CRF avait appliqué ce pouvoir dans la pratique.

Slovénie

1. La CRF de Slovénie est habilitée à ordonner la suspension temporaire de transactions pour une durée maximale de trois jours ouvrés, si elle considère qu'il existe des motifs sérieux de soupçonner des activités de blanchiment de capitaux ou de financement du terrorisme (article 96 de la loi LAB/CFT). La décision peut être communiquée verbalement en cas d'urgence, mais doit ensuite être confirmée par écrit.
2. Si dans le délai de trois jours ouvrés, la CRF ne parvient pas à obtenir confirmation du soupçon de blanchiment de capitaux ou de financement du terrorisme, elle en informe les autorités compétentes et les entités assujetties qui exécutent alors la transaction immédiatement.
3. La loi ne stipule pas expressément qu'une DOS doit être communiquée pour permettre le report d'une transaction. Cependant, dans la pratique, c'est le plus souvent le cas.
4. La loi LAB/CFT prévoit des sanctions allant de 12 000 à 120 000 EUR pour les entités assujetties qui ne respecteraient pas la mesure de suspension temporaire d'une transaction ordonnée par la CRF.
5. Les statistiques suivantes ont été fournies. Un certain nombre de mesures ont donné lieu à une décision de justice ordonnant le gel provisoire des avoirs sur les comptes.

	Décisions	Montant (en EUR)	Comptes bancaires	Personnes physiques	Personnes morales
2015	7	581 438	9	5	2
2016	10	1 750 671	22	13	4
2017	17	816 338	19	11 (9 étrangères)	7
2018	14	3 356 244	19	11 (11 étrangères)	8 (1 étrangère)
Total	48	6 504 691	69	40 (20 étrangères)	21 (1 étrangère)

Conclusion

6. La CRF slovène a le pouvoir d'ordonner le report d'une transaction suspecte pendant une durée de trois jours ouvrés. Une telle mesure fait souvent suite à une DOS, mais celle-ci n'est pas indispensable pour prendre la décision de suspension. Ce pouvoir a été exercé dans la pratique.

Espagne

1. Le Tribunal pénal espagnol peut ordonner le report d'une transaction nationale suspecte en tant que mesure d'urgence. La durée du report est fixée librement par le juge. Le Tribunal ne peut ordonner cette mesure qu'à la demande d'un procureur ou de la police, qui sont informés par les entités assujetties au moyen d'une DOS en cas de suspicion de blanchiment de capitaux/financement du terrorisme concernant une transaction donnée. Les décisions de report ne peuvent donc reposer que sur l'existence d'une DOS.
2. Aucune information n'a été fournie sur l'exercice de ce pouvoir dans la pratique.

Conclusion/Recommandation

3. Le Tribunal pénal peut ordonner le report d'une transaction nationale suspecte à la demande d'un procureur ou de la police, informés par le biais d'une DOS. La durée de la mesure est déterminée au cas par cas. Aucune pratique de l'adoption de décisions de report par le tribunal n'a été démontrée. Il est par conséquent recommandé aux autorités d'envisager d'étendre les pouvoirs de l'autorité compétente (par exemple le procureur ou la CRF) afin qu'elle puisse adopter des mesures urgentes de report de transactions nationales suspectes i) de sa propre initiative ii) après réception d'une DOS et iii) à la demande d'une autorité nationale compétente. Il est également recommandé aux autorités d'envisager de tenir des statistiques sur l'application de l'article 14.

Suède

1. Les Services de sécurité suédois et la CRF (qui fait partie de l'autorité de police suédoise) peuvent prononcer un gel temporaire des mouvements ou cessions de biens (fonds, titres ou autres droits) ou de valeurs équivalentes détenues par une entité assujettie (chapitre 4, article 11, interdiction de la cession de biens, loi LAB/CFT). Cette mesure peut être interprétée comme le pouvoir des autorités compétentes de reporter la conclusion d'une transaction (future) donnée. La décision de report doit être communiquée au procureur dans les meilleurs délais, afin que ce dernier puisse à son tour se prononcer en urgence sur le maintien ou non de la mesure. L'entité assujettie est immédiatement informée de la décision du procureur.
2. Cette mesure n'est pas limitée aux cas dans lesquels une DOS a été communiquée. Elle peut durer jusqu'à deux jours ouvrés si elle n'a pas été levée auparavant.

- En ce qui concerne les déclarations a priori, la loi LAB/CFT prévoit au chapitre 3, article 3 qu'une entité assujettie devra s'abstenir d'exécuter une transaction avant de transmettre une déclaration à la CRF (conformément à la loi LAB/CFT, chapitre 4, section 3) s'il existe des motifs sérieux de soupçonner des activités de blanchiment de capitaux/financement du terrorisme. Cela dit, la transaction pourra tout de même avoir lieu s'il est impossible de faire autrement ou si le fait de ne pas l'exécuter risque de compromettre la suite de l'enquête.
- Un exemple concret a été fourni pour démontrer que la CRF de Suède a imposé des mesures visant à faire opposition à des transactions suspectes. Les statistiques suivantes indiquent le nombre de décisions prises et les montants correspondants :

Année	Décisions	Montant (en EUR)*
2014 (juillet-décembre)	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

* Les chiffres en euros peuvent différer légèrement de la valeur réelle des avoirs reportés, du fait de la conversion des dollars américains et couronnes suédoises en euros.

Conclusion

- Les autorités suédoises sont compétentes pour empêcher temporairement l'exécution de transactions suspectes pour une durée maximale de deux jours ouvrés, sur la base d'informations reçues des entités assujetties ou d'autres sources. La Suède a démontré sa pratique par une étude de cas ainsi que par des statistiques.

Turquie

- Le ministre du Trésor et des Finances turc peut officiellement reporter des transactions suspectées de blanchiment de capitaux ou de financement du terrorisme (article 19(a) de la loi LAB/CFT) pour une durée de sept jours ouvrés, à l'initiative de la CRF. Il peut imposer cette mesure après avoir reçu une DOS faisant apparaître la nécessité d'un report de la transaction, de sa propre initiative ou à la demande d'homologues étrangers.
- Le Règlement relatif au report des transactions dans le cadre de la prévention du blanchiment des produits du crime et du financement du terrorisme précise les principes et procédures à suivre en matière de report ou d'interdiction de l'exécution de transactions suspectes. Celles-ci peuvent être en voie ou en cours d'exécution par les entités assujetties. Cela étant, après la communication d'une DOS à la CRF, l'entité déclarante n'exécutera pas la transaction suspecte avant de recevoir des instructions supplémentaires.
- Les statistiques suivantes ont été fournies sur le nombre de demandes ou de DOS reçues et de transactions reportées :

	Demandes reçues	Transactions reportées*	Montant concerné (en EUR)**
2016	2790	961	64 790 000
2017	9 785	8 220	118 003 600
Total	12 575	9 181	182 793 600

* Cela inclut les DOS, les demandes étrangères et les décisions prises d'initiative. En 2017, une transaction a été reportée sur la base d'une demande étrangère et 71 transactions ont été reportées d'initiative. Les autres mesures de report faisaient suite à une DOS.

** Les chiffres en euros peuvent différer légèrement de la valeur réelle des avoirs reportés, du fait de la conversion des livres turques, dollars américains et GBP en euros. Outre les montants précités, des transactions portant sur de l'or, de l'argent et des biens immobiliers ont également été suspendues en 2016 et 2017.

Conclusion

4. La loi turque donne au ministre du Trésor et des Finances, à l'initiative de la CRF, le pouvoir de reporter des transactions nationales suspectes pour une durée maximale de sept jours ouvrés, sans qu'il soit nécessaire de disposer d'une DOS à cet effet. Les statistiques montrent que ce pouvoir a été exercé dans la pratique.

Ukraine

1. La CRF ukrainienne peut ordonner la suspension de transactions financières (article 17(2) de la loi LAB/CFT) pour une durée de cinq jours ouvrés. Durant cette période, elle procède à des analyses supplémentaires pour décider de prolonger ou non la suspension, la durée totale de la mesure ne pouvant être supérieure à trente jours ouvrés.
2. Si le soupçon n'est pas confirmé, la CRF annule immédiatement la décision de suspension et informe l'entité déclarante pour que celle-ci puisse exécuter la transaction.
3. Les entités déclarantes sont tenues de signaler les soupçons à la CRF, puis elles suspendent la ou les transaction(s) financière(s) en question pendant une durée maximale de deux jours ouvrés.
4. La CRF peut prendre la décision sur la base d'une DOS communiquée par une entité déclarante ou de sa propre initiative.
5. Les chiffres suivants ont été fournis pour démontrer l'application de l'article 14 :

	Suspension par l'entité déclarante	Suspension par la CRF	Total suspensions	Montant des fonds bloqués (en EUR)
2015	234	1676	1910	210 millions
2016	149	608	757	35 millions
2017	128	633	761	66 millions
2018	132	265	397	22 millions
<i>Total</i>	<i>643</i>	<i>3182</i>	<i>3825</i>	<i>333 millions</i>

Conclusion

6. La CRF ukrainienne a le pouvoir de reporter des transactions nationales suspectes de sa propre initiative ou après réception d'une DOS, pour une période initiale de cinq jours ouvrés qui peut être prolongée à 30 jours ouvrés maximum. L'application de ces mesures dans la pratique a été démontrée.

Royaume-Uni

1. La CRF du Royaume-Uni est habilitée à surseoir à l'autorisation de conclure une transaction pour une période initiale de sept jours ouvrés, après réception d'une déclaration d'activité suspecte. Le système appliqué est donc un système d'autorisation et non de report des transactions.

2. Toute personne agissant dans le cadre de son activité professionnelle au sein du secteur réglementé est tenue de procéder à une « communication d'informations autorisée » (également appelée « déclaration d'activité suspecte pour la défense contre le blanchiment de capitaux ») en cas de soupçon de blanchiment de capitaux ou de financement du terrorisme. Les informations doivent être communiquées avant que la transaction ait lieu, hormis dans les cas où la personne ne savait pas ou ne soupçonnait pas que le bien était d'origine criminelle au début de l'acte, ou lorsqu'elle peut justifier la non-divulgaration préalable par un motif sérieux. L'autorisation de conclure une transaction peut ensuite être accordée par un agent des douanes ou autre agent habilité en vertu de la loi LAB/CFT ou être présumée en l'absence de confirmation après sept jours ou à l'issue d'un moratoire de 31 jours. Le moratoire correspond à la période durant laquelle des investigations complémentaires sur d'éventuelles opérations de blanchiment de capitaux peuvent avoir lieu et des décisions être prises concernant les mesures coercitives supplémentaires (gel des comptes ou restitution civile du bien). Une décision judiciaire peut étendre le moratoire à 186 jours si l'enquête nécessite plus de temps.
3. L'agent des douanes ou autre agent habilité ne peut autoriser la conclusion de la transaction qu'après avoir fait une déclaration à l'Agence nationale de lutte contre la criminalité et obtenu le consentement de cette dernière.
4. Ces mesures ne s'appliquent que dans le cas où une déclaration d'activité suspecte a été communiquée.
5. En plus de cette procédure, les autorités de police peuvent demander une décision de gel de comptes ou une ordonnance de blocage pour empêcher une personne de réaliser des transactions sur des biens avant qu'une ordonnance de confiscation soit rendue ; cela dit, il ne s'agit pas d'une mesure urgente au sens où elle implique le report/sursis à l'octroi de l'autorisation de conclure une transaction. Les ordonnances de gel nécessitent des soupçons sérieux, généralement fondés sur l'existence d'une déclaration d'activité suspecte.
6. Les autorités n'ont pas démontré l'application de ces mesures.

Conclusion/Recommandation

7. Les autorités britanniques peuvent reporter des transactions nationales pour une durée maximale de sept jours, qui peut être étendue à 31 jours, et prorogeable à six mois, avec l'accord du tribunal, si cela est nécessaire aux fins d'une enquête pour blanchiment de capitaux. Ce pouvoir est limité aux cas dans lesquels une « déclaration d'activité suspecte pour la défense contre le blanchiment de capitaux » a été communiquée. Il est recommandé aux autorités britanniques d'envisager d'étendre les pouvoirs de la CRF afin qu'elle puisse surseoir à l'octroi de l'autorisation de conclure une transaction ou ordonner des mesures de report de sa propre initiative et à la demande des autorités nationales compétentes, indépendamment de l'existence d'une déclaration d'activité suspecte. Par ailleurs, il est recommandé aux autorités d'envisager de tenir des statistiques sur l'application de l'article 14.

Annexe I. Résumé des réponses des États Parties

Pays	Autorité	Durée	DOS requis	Statistiques
Albanie	CRF	72 heures	Non	Oui
Arménie	Banque centrale/CRF	5 jours	Non	Oui
Azerbaïdjan	CRF	72 heures	Non	Oui
Belgique	CRF	5 jours	Non	Oui
Bosnie-Herzégovine	CRF	5 jours	Non	Oui
Bulgarie	CRF/ministère de l'Intérieur	5 jours	Non	Oui
Croatie	CRF	72 heures	Non	Oui
Chypre	CRF	30 jours	Non	Oui
Danemark	CRF/autorités de police	7 jours	Non	Pas d'information
France	CRF	10 jours	Non	Oui
Géorgie	CRF	72 heures	Non	Oui
Allemagne	CRF	1 mois	Non	Non
Grèce	CRF	15 jours ouverts	Non	Oui
Hongrie	CRF	4 jours	Non	Oui
Italie	CRF	5 jours	Non	Oui
Lettonie	CRF	5/45 jours	Non	Oui
Malte	CRF	2-3 jours	Non	Oui
République de Moldova	CRF	30 jours	Non	Oui
Monténégro	CRF	72 heures	Non	Oui
Pays-Bas	Procureur	Illimitée.	Oui	Pas d'information
Macédoine du Nord	CRF	72 heures	Non	Oui
Pologne	Inspecteur général des informations financières	96 heures	Non	Oui
Portugal	CRF/Procureur public	6 jours	Non	Pas d'information
Roumanie	CRF	48+72 heures	Non	Oui
Saint-Marin	CRF	5 jours	Non	Oui
Serbie	CRF	72 heures	Non	Oui
République slovaque	CRF	120 heures	Non	Oui
Slovénie	CRF	3 jours	Non	Oui
Espagne	Tribunal pénal/CRF	Indéterminé e	Oui	Pas d'information
Suède	CRF/Services de sécurité	2 jours	Non	Oui (y compris exemple concret)
Turquie	Ministère des Finances/CRF	7 jours	Non	Oui
Ukraine	CRF	5/30 jours	Non	Oui
Royaume-Uni	CRF (autorisation non accordée)	7 jours	Oui	Pas d'information

Annexe II. Mise en œuvre de l'article 47(1)

Introduction Article 47(1)

1. L'article 14 est complété par l'article 47(1) qui dispose que la CRF devrait être autorisée à engager en urgence, à la demande d'une CRF étrangère, une mesure de report d'une transaction suspecte :
 - (1) *« Chaque Partie adopte les mesures législatives ou autres qui se révèlent nécessaires pour permettre à sa cellule de renseignement financier d'initier en urgence, à la demande d'une cellule de renseignement financier étrangère, une mesure de suspension ou de report de la conclusion d'une transaction en cours. Les conditions et la durée d'une telle mesure sont identiques à celles prévues par le droit interne de la cellule de renseignement financier requise pour le report des transactions »*
 - (2) *« La cellule de renseignement financier requise prend les mesures prévues au paragraphe 1 lorsqu'elle estime, sur la base des éléments développés communiqués par la cellule de renseignement financier requérante, que :
 - a. la transaction est liée à une opération de blanchiment et que
 - b. la transaction aurait été suspendue, ou l'autorisation de conclure celle-ci non accordée si elle avait fait l'objet d'une DOS au niveau national ».*
2. L'article 47 complète donc l'article 14 en demandant la mise en place de mesures pour permettre à une CRF d'initier en urgence une mesure de report d'une transaction suspecte à la demande d'une CRF étrangère. Conformément à l'article 47(1), la CRF requise est le point de contact de la CRF étrangère requérante. L'autorité qui prend la décision de report n'est pas nécessairement la CRF. Le report est effectué lorsque les critères énoncés à l'article 47(2) sont remplis, c'est-à-dire lorsque a) la CRF requise estime que la transaction est liée à une suspicion de blanchiment de capitaux et b) la transaction aurait été suspendue si elle avait été déclarée au niveau national.
3. La présente annexe examine le degré de mise en œuvre de l'article 47(1) par les États de la CdP. Une majorité d'États ayant fourni des informations pertinentes dans leur réponse initiale au questionnaire sur l'article 14, cette synthèse a été intégrée à l'étude sous forme d'addendum. Pour avoir une vue d'ensemble de la question, le Secrétariat a demandé aux États parties qui n'avaient pas donné d'informations sur l'article 47(1) de transmettre des informations supplémentaires sur le pouvoir de reporter des transactions à la demande d'une CRF étrangère, conformément à l'article 47(1).
4. Il est important de rappeler (voir au-dessus, paragraphe 6 de l'étude de suivi thématique relative à l'article 14) qu'aucune conclusion sur la mise en œuvre et les recommandations de suivi n'est faite concernant l'article 47(1), car initialement, cette disposition ne faisait pas partie du champ de l'étude de suivi thématique.
5. Comme l'a noté un des États parties dans ses réponses au questionnaire, les États de la CdP adoptent des approches très diverses pour ce qui est de la mise en œuvre des articles 14 et 47(1), à la fois en ce qui concerne l'autorité compétente et la durée des mesures de report. Concrètement, cela pourrait poser problème dans des dossiers présentant des éléments transfrontaliers au sens de l'article 47, car la CRF devra alors tenir compte des délais et procédures appliqués par l'autorité étrangère. Une approche

plus harmonisée entre les États de la CdP pourrait améliorer l'efficacité de l'action en la matière.

Mise en œuvre

6. La plupart des États parties prévoient dans leur législation la possibilité d'ordonner des mesures urgentes en réponse à une demande étrangère. Les paragraphes suivants n'ont d'autre but que de donner un aperçu des quelques particularités relevées lors de l'examen des informations fournies.

Au Royaume-Uni, par exemple, l'autorité compétente peut prendre une décision « de sa propre initiative », ce qui donne à penser que des informations de sources étrangères ou des demandes étrangères pourraient constituer un motif suffisant d'adoption de mesures par les autorités elles-mêmes. Cela dit, cette possibilité n'est pas expressément prévue par la loi. La CRF espagnole ne peut ordonner des mesures urgentes qu'à la demande d'une CRF d'un État membre de l'UE (ce qui ne concerne donc pas tous les États de la CdP). Un État partie n'a pas donné de précisions sur la possibilité d'ordonner des mesures temporaires sur la base d'une demande étrangère.

7. Dans les pays qui ont habilité une autorité autre que la CRF à suspendre les transactions suspectes, les demandes formulées par les CRF étrangères au titre de l'article 47 sont transmises par l'intermédiaire de la CRF nationale, conformément à la procédure énoncée à l'article 14. Les Pays-Bas n'ont pas expressément prévu dans leur loi la possibilité d'ordonner le report temporaire d'une transaction sur la base d'une demande étrangère. Néanmoins, la CRF néerlandaise répondra à toute demande de mesure temporaire émanant d'une CRF étrangère en prenant les mesures nécessaires pour autant que cette demande soit conforme aux exigences prévues dans le droit interne. La même règle s'applique en Turquie, où la CRF peut recevoir des demandes de report de transactions de CRF étrangères. La CRF communique la demande au ministre du Trésor et des Finances qui prend alors une décision concernant le report.
8. L'Italie, la Hongrie et la Turquie ont fourni des statistiques pour démontrer la mise en œuvre effective de l'article 47(1). Saint-Marin a indiqué ne pas avoir reçu de demande de report d'une transaction suspecte de la part d'une CRF étrangère.
9. Le tableau suivant montre la mise en œuvre de l'article 47(1) dans l'ensemble des États de la CdP qui ont participé à la présente étude⁷ :

Pays	Autorité compétente	Possibilité de donner suite à une demande étrangère
Albanie	CRF	Oui
Arménie	Banque centrale/CRF	Oui
Azerbaïdjan	CRF	Oui
Belgique	CRF	Oui
Bosnie-Herzégovine	CRF	Oui
Bulgarie	CRF/ministère de l'Intérieur	Oui
Croatie	CRF	Oui
Chypre	CRF	Oui

⁷ La Fédération de Russie n'a pas présenté d'informations sur la mise en œuvre de l'article 47(1).

Danemark	CRF/autorités de police	Pas d'information
France	CRF	Oui
Géorgie	CRF	Oui
Allemagne	CRF	Oui
Grèce	CRF	Oui
Hongrie	CRF	Oui
Italie	CRF	Oui
Lettonie	CRF	Oui
Malte	CRF	Oui
République de Moldova	CRF	Oui
Monténégro	CRF	Oui
Pays-Bas	Procureur	Oui
Macédoine du Nord	CRF	Oui
Pologne	CRF	Oui
Portugal	CRF/Procureur public	Oui
Roumanie	CRF	Oui
Saint-Marin	CRF	Oui
Serbie	CRF	Oui
République slovaque	CRF	Oui
Slovénie	CRF	Oui
Espagne	Tribunal pénal/CRF	Oui, mais uniquement pour les États membres de l'UE
Suède	CRF/Services de sécurité	Oui
Turquie	Ministère des Finances/CRF	Oui
Ukraine	CRF	Oui
Royaume-Uni	CRF (autorisation non accordée)	De sa « propre initiative »

Annexe III – Règles de procédure: 19 bis

Règle 19² – Procédure de contrôle de la mise en œuvre de la Convention

En relation avec sa fonction en vertu de l'article 48, paragraphe 1a de la Convention, la Conférence des Parties applique les procédures ci-après.

Questionnaire

1. La Conférence des Parties prépare dans un délai de six mois après la première réunion de la Conférence un questionnaire aux fins du contrôle de la mise en œuvre appropriée de la Convention (ci-après « le Questionnaire »).
2. Le Questionnaire vise à recueillir des informations sur la mise en œuvre de dispositions de la Convention qui ne sont pas couvertes par d'autres normes internationales pertinentes faisant l'objet d'une évaluation mutuelle par le GAFI, MONEYVAL et d'autres organismes d'évaluation équivalents LCB/FT (les organismes régionaux de type GAFI, le Fonds monétaire international et la Banque Mondiale).

² Lors de sa 9ème plénière, la CdP a décidé de suspendre la procédure établie par la Règle 19 et d'appliquer un suivi thématique transversal selon les termes de la Règle 19 bis nouvellement adoptée, pour une période initiale de deux ans, avec une nouvelle discussion faisant le bilan de la question lors de sa 11ème plénière en 2019. La procédure de suivi relative à la Règle 19 continuera au moins jusqu'à une prochaine discussion en 2018.

Annexe IV – Questionnaire

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Introduction

Lors de sa 9^e réunion, qui s'est tenue à Strasbourg du 21 au 22 novembre 2017, la Conférence des Parties à la Convention relative au blanchiment, au dépistage, à la saisie et à la confiscation des produits du crime et au financement du terrorisme (STCE n°198) a décidé de lancer la mise en œuvre d'un mécanisme de suivi thématique horizontal pour une période initiale de deux ans. Cet examen porte sur la manière dont tous les États parties appliquent certaines dispositions de la Convention, et doit être documenté dans un rapport de suivi thématique (Règle 19 bis des Règles de procédure).

Lors de sa 10^e réunion, tenue à Strasbourg du 30 au 31 octobre 2018, la Conférence des Parties a décidé que le deuxième rapport de suivi thématique devrait traiter de l'article 9(3) ainsi que de l'article 14 de la Convention.

Les Parties sont invitées à soumettre des informations sur la mise en œuvre de ces dispositions sur la base du questionnaire fourni ci-dessous. Les Parties sont également invitées à examiner le Guide pour la préparation des réponses, ajouté à ce questionnaire.

Soumission d'informations et date limite

Les questions ci-dessous reflètent les parties pertinentes du questionnaire adopté par la Conférence des Parties lors de sa 2^e réunion (Strasbourg, 15-16 avril 2010). Le questionnaire permet aux Parties de structurer les informations qu'elles soumettent, une fois recueillis les éléments et données nécessaires sur la mise en œuvre des dispositions de la Convention. Les Parties sont priées de s'assurer que leurs réponses restent aussi concises et brèves que possible.

Le Rapport explicatif de la STCE n°198⁸ peut être utile aux Parties pour structurer leurs réponses au questionnaire.

Les exemples fournis par les Parties peuvent inclure des cas de coopération fructueuse et/ou infructueuse avec d'autres Parties. La période de référence à prendre en compte pour le recueil de données doit commencer en janvier 2015.

Les réponses à ce questionnaire resteront confidentielles. Lorsque les parties communiquent des cas/exemples, certaines données (par exemple le nom de l'accusé ou d'autres détails pouvant révéler l'identité de celui-ci ou de la victime) peuvent être anonymisées si elles le souhaitent.

Les Parties sont invitées à envoyer leurs réponses au Secrétariat le **28 février 2019** au plus tard à l'adresse suivante : DGI-COP198@coe.int.

Contacts

Veillez indiquer le nom et les coordonnées de la ou des personnes dans votre pays qui peuvent être contactées au sujet des réponses au questionnaire.

Nom et prénom	
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⁸ Le document peut être consulté sur le site web du Conseil de l'Europe : <https://rm.coe.int/16800d388e>

Profession	
Institution	
Adresse électronique	

QUESTIONNAIRE

Article 14 – Report des transactions nationales suspectes

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 ?

Réponse

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

Réponse

Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ?

Réponse

Informations à l'appui de la réponse

L'article 14 impose aux Parties de prendre des mesures pour permettre aux CRF ou, le cas échéant, aux autres autorités ou organismes compétents de prendre des mesures urgentes en vue de différer une transaction suspecte nationale.

Il est considéré que la Convention apporte une valeur ajoutée en ce sens qu'elle impose aux Etats Parties d'adopter les mesures nécessaires pour permettre d'agir en urgence dans les cas appropriés pour suspendre ou reporter la conclusion d'une transaction en cours, afin de pouvoir analyser la transaction et confirmer les soupçons.

Chaque Partie peut limiter l'application d'une telle mesure aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée. La durée maximale pour toute suspension ou report de la conclusion d'une transaction est prévue par la législation nationale.

Les Parties sont tenues de fournir au minimum les **articles pertinents de la législation nationale, règlements ou d'autres documents** traitant de cette question, avec des **exemples de cas** et/ou des **données statistiques** et **toutes autres mesures** pertinentes démontrant la mise en œuvre de cette disposition de la Convention à l'appui de leur réponse. En outre, les Parties sont encouragées à appuyer leur réponse en fournissant toute autre information pertinente démontrant la mise en œuvre de cette disposition de la Convention.

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	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 article 22 letter “g” of the to the AML/CFT Law, the Albanian FIU (General Directorate for the Prevention of Money Laundering), GDPML <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> This instrument is applicable in the all sorts of indicia, that can be a SAR, CTR a foreign request etc. Also, GDPML, based on article 22 letter “l” of the to the AML/CFT Law <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> 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. 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.. Funds frozen by GDPML and also the portion that was further seized <table><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><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></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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	Does your country restrict such measures to cases where a suspicious transaction report has been submitted? NO What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 72 hours (see details above)
Armenia	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>Please refer to:</i> • <i>Article 10; Part 7, Article 13; Article 26 of the AML/CFT law</i> 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: - Filed reports (i.e. STRs and CTRs submitted by reporting entities); - Requests from foreign financial intelligence bodies; - Analysis of information provided by supervisory and criminal prosecution authorities; - Other information. 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. 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: - 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 - To repeal the decision on suspension. 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. 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 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.
	Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>Please refer to the response above.</i>
	What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <i>Please refer to the response above.</i>
Azerbaijan	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>Description and analysis</i> 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. 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. If no instruction is received by REs from the Service within this period, the REs should proceed with execution of the reported transaction. 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 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

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.

	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. <i>Implementation</i> 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 (<i>the real names of the parties in the case example have been changed to maintain confidentiality</i>). 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 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.
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		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.	
Belgium		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 ? Réponse 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. 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. 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. Article de loi « Art. 80. § 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. § 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. 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. § 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. § 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. » 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 : Nombre d'opposition 2015 13 2016 17 2017 12 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. 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 oeuvre 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. 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. 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. Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ? Réponse
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		5 Jours ouvrables à compter de la notification à l'entité assujettie.
Bosnia and Herzegovina	1.	2. 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? <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 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. 3. Question: Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <u>Answer:</u> 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. 4. Question: What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <u>Answer:</u> 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: <table><tr><th>Year</th><th>Number of orders</th><th>Summary amount of temporary suspended funds (BAM)*</th></tr><tr><td>2018</td><td>8</td><td>104,100,830.06</td></tr><tr><td>2017</td><td>8</td><td>272,119.40</td></tr><tr><td>2016</td><td>18</td><td>19,898,135.53</td></tr><tr><td>2015</td><td>24</td><td>3,351,596.69</td></tr><tr><td>TOTAL</td><td>58</td><td>127,622,681.68</td></tr><tr><td colspan="2">Value in EUR (total)</td><td>65,252,441.00</td></tr></table> *conversion was made on 5 March 2019, at the middle rate of the CBBH Please find attached detailed statistics per years.	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
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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?																					

		<i>Answer</i> 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: <u>Law on Measures Against Money Laundering (LMML) - Article 73:</u> 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	
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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).

	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. <u>Law on Measures Against Financing of Terrorism (LMFT) – Article 11:</u> 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, 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? <i>Answer</i> 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.
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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.

	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 from 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 on 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 in this case to postpone suspicious transactions conducted by the company established in Bulgaria involved in the scheme. The case also involves relevant checks by LEAs in foreign states. The sum of the suspended transactions were of a considerable amount of money. Statistics related to the practical implementation of Art. 14 of the Convention: <table><tr><td></td></tr><tr><td>Transactions postponed</td></tr><tr><td>Orders for postponement issued</td></tr><tr><td>Total value of the postponed transactions in EUR</td></tr><tr><td></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	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 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) 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). 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). <i>Order of the Office to the Reporting Entity for Temporary Suspending of the Performance of a Suspicious Transaction</i>					

		Article 117 (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: 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. (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. (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 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. <i>Termination of the Validity of the order for Temporarily Suspending of the Performance of the Suspicious Transaction</i> Article 118	
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		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. <i>Proposal of the Office Addressed to a Foreign Financial-Intelligence Unit for Temporary Suspending of a Suspicious Transaction Being Performed Abroad</i> 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. <i>Temporary Suspending of the Performance of a Suspicious Transaction at the proposal of a Foreign Financial-Intelligence Unit</i> 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.	
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	Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>Answer</i> 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? <i>Answer</i> 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. <u>Postponement Orders issued:</u> <table border="1" data-bbox="370 1152 1419 1465"> <thead> <tr> <th>Year</th> <th>Number of postponement orders issued by FIU to suspend transactions/block account</th> </tr> </thead> <tbody> <tr> <td>2015</td> <td>13</td> </tr> <tr> <td>2016</td> <td>10</td> </tr> <tr> <td>2017</td> <td>20</td> </tr> <tr> <td>2018</td> <td>7</td> </tr> </tbody> </table> 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 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.	Year	Number of postponement orders issued by FIU to suspend transactions/block account	2015	13	2016	10	2017	20	2018	7
Year	Number of postponement orders issued by FIU to suspend transactions/block account										
2015	13										
2016	10										
2017	20										
2018	7										

	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? <i>Answer</i> 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. Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>Answer</i> No What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <i>Answer</i> If a temporary restraint is not converted into a regular seizure (AJA section 801-806) the restraint have to be lifted within 7 days.
France	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 ? 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. Votre pays limite-t-il l'application de telles mesures aux cas dans lesquels une déclaration d'opération suspecte a été préalablement communiquée ? 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.

	Quelle est la durée maximale prévue par la législation nationale pour toute suspension ou report de la conclusion d'une transaction ? 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. 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.										
Georgia	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? 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. <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Year</th><th>Number of suspended transactions</th></tr> </thead> <tbody> <tr> <td>2015</td><td>1</td></tr> <tr> <td>2016</td><td>1</td></tr> <tr> <td>2017</td><td>2</td></tr> <tr> <td>2018</td><td>0</td></tr> </tbody> </table> 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 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? <i>Answer</i> Transactions can be suspended for no more than 72 hours excluding non-working days.	Year	Number of suspended transactions	2015	1	2016	1	2017	2	2018	0
Year	Number of suspended transactions										
2015	1										
2016	1										
2017	2										
2018	0										
Germany	<i>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?</i> 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”). <i>Question 4 – Does your country restrict such measures to cases where a suspicious transaction report has been submitted?</i> 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. 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. <i>Question 5 – What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation?</i> 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. Under section 40 (4) of the Money Laundering Act, measures end 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. <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
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	Money Laundering Act (<i>Geldwäschegesetz, GWG</i>) https://www.bafin.de/SharedDocs/Veroeffentlichungen/EN/Aufsichtsrecht/Gesetz/GwG_en.html
Greece	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? 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. 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." Does your country restrict such measures to cases where a suspicious transaction report has been submitted? There is no such condition in the above provision. What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 15 business days, according to the above provision.
Hungary	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? <u><i>I. Characteristics of the legal instrument suspension:</i></u> <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>

		<i>Please find enclosed the unofficial English version of the AML/CFT Act.</i> <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> <i>The subjects authorized to carry out the legal instrument suspension, the triggering parties are:</i> <i>A)</i> <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> <i>B)</i> <i>Suspension by the Hungarian FIU /Section 35 (1) of the AML/CFT Act/:</i> <i>- on its own competence (including the suspensions, which are the results of the cooperation between the investigative authority or public prosecutor and the HFIU);</i> <i>- upon the request of a foreign FIU /Article 47 of the CETS No. 198/.</i> <i>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.</i> <i>Conditions of the use of the legal instrument at stake according to the AML/CFT Act:</i> <i>- 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)/;</i> <i>- immediate action is necessary.</i> <i>Main changes, fine tuning of the system:</i> <i>- 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)/;</i> <i>- 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)/;</i>	
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		- 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). <u>II. Statistics:</u> Please find enclosed the relevant statistical data. <u>III. Case studies:</u> 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:	
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		Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>No, there is not such restriction in the Hungarian legislation.</i> <i>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.</i> <i>The HFIU notifies the service provider in the framework of its operative analysis.</i> <i>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/:</i> - <i>request, spontaneous information from foreign FIU;</i> - <i>information sent by supervisory body, Customs Authority;</i>	

		- cash control reports from Customs Authority; - report from FRM (financial restrictive measures) authority; - request from competent domestic authorities. <i>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.</i>	
		What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <i>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/.</i>	
Italy		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>Answer</i> <i>Legislative references and background</i> • 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 of 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”, “prior to executing a transaction”. • This general principle of “ex ante” or “a priori” 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).	

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>

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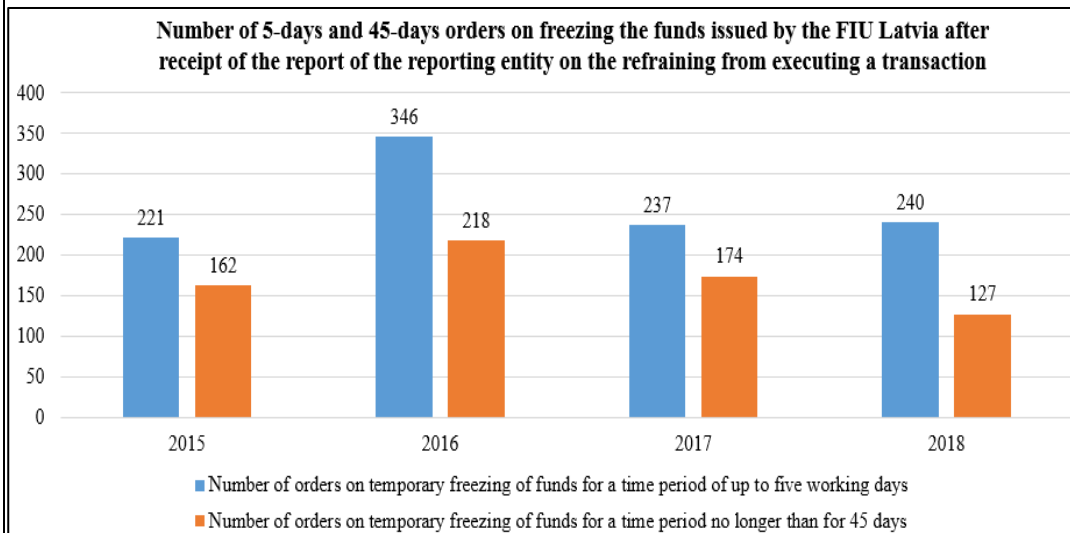
¹⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0849&from=EN>

	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 (<i>infra</i>). Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>Answer</i> • 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 transaction) or independently detected by UIF. • As said, requests for postponement of domestic suspicious transactions may also come from foreign FIUs (see <i>supra</i>) and from Law enforcement agencies / Judicial authority. In these 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. • 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. <i>Statistical data</i> • 2017. The cases considered by UIF for suspension purposes strongly increased in 2017: 388 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 of transactions had a trans-national dimension, with funds going to or coming from other jurisdictions, UIF coordinated with the competent foreign FIUs to secure the appropriate interest or follow up in the countries involved. • In 2018 the UIF received from foreign FIUs n. 22 requests for postponement. In such cases 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 in the subsequent possible interest of the Italian authorities in the seizure of the assets. In such cases, in the event 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.
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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).

	What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <i>Answer</i> • 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 s liaises with competent law enforcement agencies or prosecutors to ensure the app follow up. • The experience so far demonstrates that the system works in a highly effective manner, to identify, block and recover substantial amounts of money in support of investiga prosecutions. • At the international level, as far as FIU-to-FIU cooperation is concerned, differences in capacities and conditions underlying the postponement may limit effective action. This is heightened by existing differences in the duration of the postponement order across cc More uniform approaches would benefit the overall capacity to stop and seize criminal 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 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 <u>to refrain</u> 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 <u>to freeze</u> 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 indicted 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".

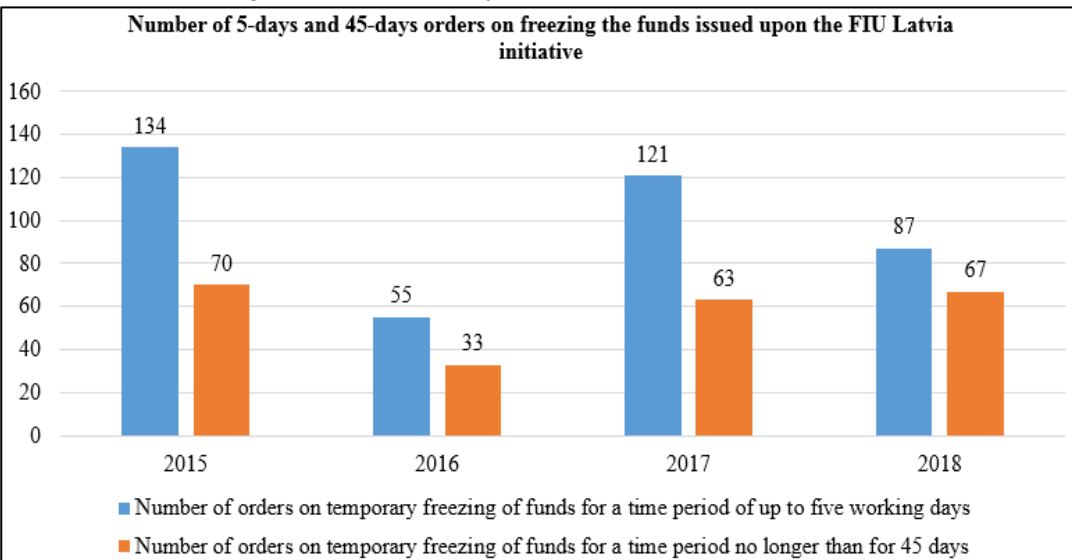
RESULTS

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.

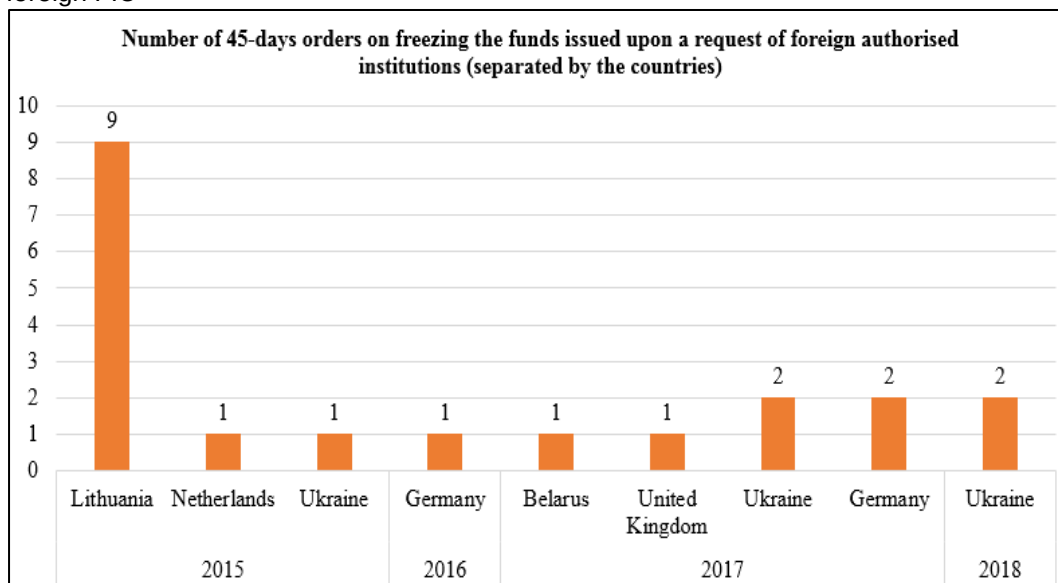
RESULTS

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



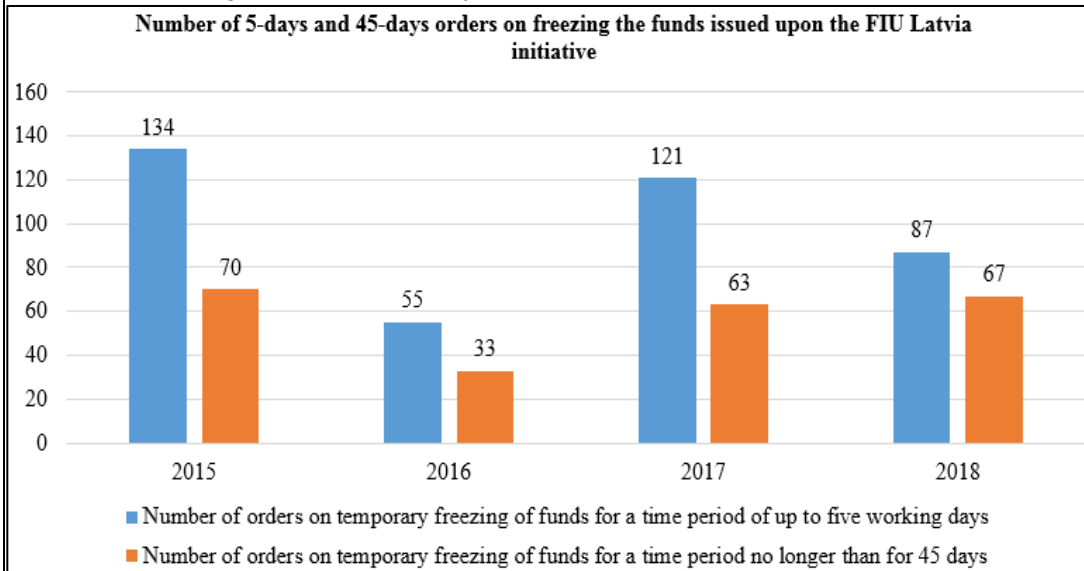
Case within which the FIU Latvia froze funds based on information provided by a foreign FIU

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) <u>upon its own initiative</u>; 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))	
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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:

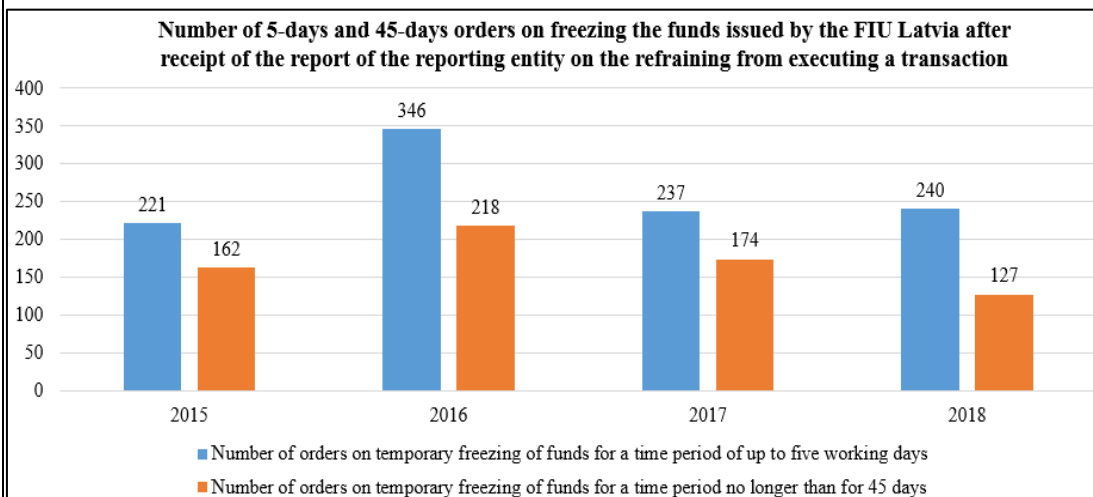
- Credit institution "X" did not have complete justifying documentation for the transactions carried out by company "V".
- The submitted justifying documentation had indication of a forgery:
 - signature and stamp's imprint on the documents might have been copied, as it was established that two different 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 of 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 issuance 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
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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)).

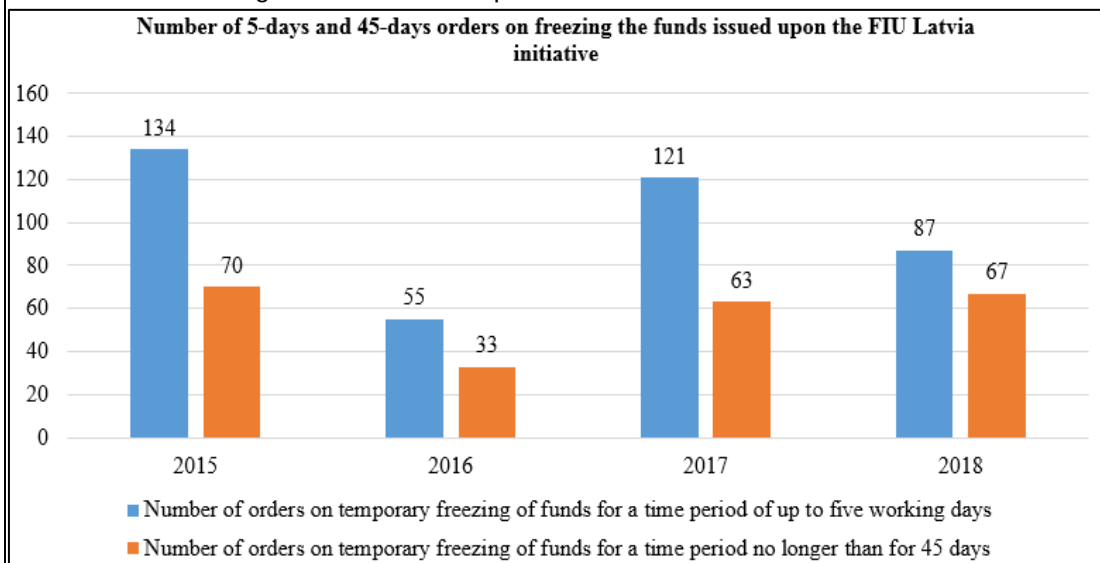
If the FIU Latvia has, upon its own initiative or upon a request of the foreign authorised institutions or authorities referred to in section 62(1) of AML/CFT Law to freeze the funds, issued an order on temporary freezing of funds on the basis of the information at its disposal, then such service shall, 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;
 - 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.

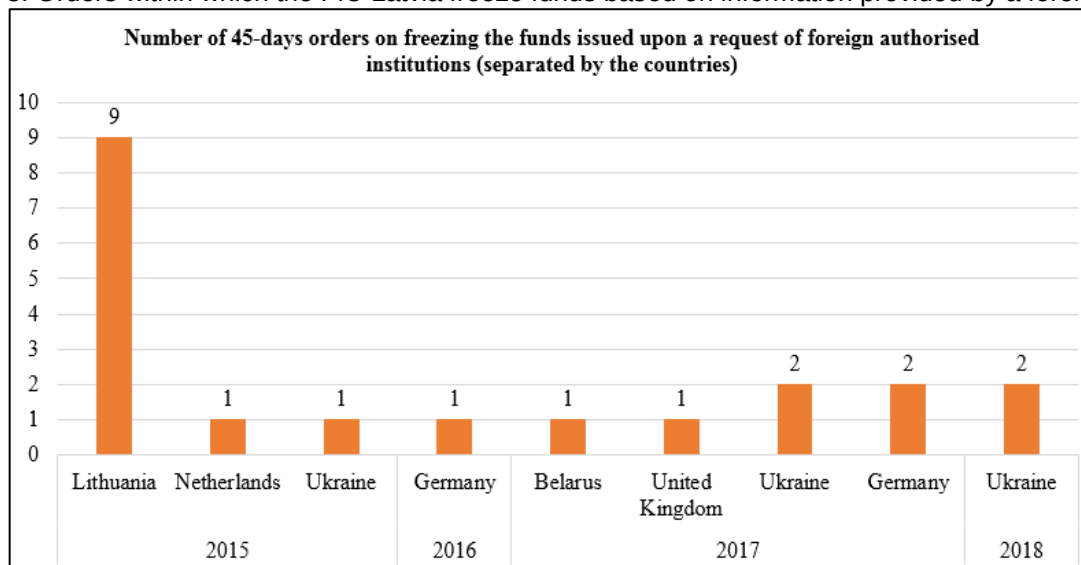
RESULTS

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. ----- 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)) 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)) The FIU Latvia has the right to revoke the freezing of funds before the term with an order. 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))
Malta	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? 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 ‘[w]here 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 request by a foreign body, authority or agency which is considered to have functions equivalent 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 the 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?
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	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. <u>Scenario 1 – Postponement Order Issued following Filing of STR</u> 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 <u>one (1) working day</u>¹⁸ 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 <u>second working day</u> (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 <u>third working day</u> (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. • 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
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¹⁸ A working day is any day other than a Saturday, a Sunday or a public or national holiday.

		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. Annex 5 sets out the postponement order timeline when a STR on a pending transaction is filed on a Friday. <u>Scenario 2 – Postponement Order Issued on the Basis of Other Information</u> 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.	
Montenegro		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>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> Order for temporary suspension of transaction Article 61 (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 terrorist 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 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 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. (2) The administrative authority is obliged to inform competent authorities about the order from the Paragraph 1 of this Article. (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. The initiative to a foreign competent authority for temporary suspension of transaction Article 73 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.	
		What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <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>	
Netherlands		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>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> Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>In order to make use of the aforementioned competence of the public prosecutor, a suspicious transaction must first be filled at the FIU.</i> What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <i>The possibility of seizing the credit to which the transaction relates doesn't have a maximum duration by law.</i>	

North Macedonia	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? 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 temporary withholds the transaction and defines procedures for implementation of provisional measures. In this context please consider following articles of the AML/ CFT Law: <i>“Article 64</i> <i>(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.</i> <i>(2) The Office is a government organization within the Ministry of Finance, with the capacity of a legal entity.</i> <i>(3) The Office has the following competencies:</i> <i>-collect, process, analyze, store and submit data obtained on the basis of this Law;</i> <i>-collects data, information and documents necessary for the performance of its competences;</i> <i>-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;</i> <i>-prepares and submits notification to the competent government authorities on basis for suspicion of other criminal offense committed;</i> <i><u>-issues a written warrant to the entity with which it temporary withholds the transaction;</u></i> <i>-submits a request for submission of proposal for determining interim measures to the competent public prosecutor;</i> <i>-submits a warrant to the entity for monitoring of business relation;</i> <i>-issues a misdemeanor payment warrant;</i> <i>-submits a request for initiating a misdemeanor procedure before the competent court;</i> <i>-prepares strategic analyses for determining the trends and typologies of money laundering and financing of terrorism;</i> <i>-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</i>
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		<i>institutions, as well as with other organizations, institutions and international authorities for combating money laundering and financing of terrorism;</i> <i>-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;</i> <i>-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;</i> <i>-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;</i> <i>-initiates initiatives or gives opinion on laws and bylaws related to the prevention of money laundering and financing of terrorism;</i> <i>-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;</i> <i>-establishes lists of indicators for recognizing suspicious transactions in cooperation with the entities and bodies supervising their operations and regularly updates them;</i> <i>-plans and conducts trainings events for training and development of the employees in the Office;</i> <i>-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;</i> <i>-provides clarification in the application of the regulations on prevention of money laundering and financing of terrorism;</i> <i>-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;</i> <i>-acts in accordance with the provisions of the Law regarding restrictive measures and the bylaws adopted on its basis;</i> <i>-performs other activities determined by law....</i> <i>Provisional measures</i> <i>Article 120</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <i>(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</i>	
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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 (approx.

				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 provisio measures are not restricted to case where STR has been submitted. Thus, FIO has competence issue warrant for temporary withholding and/or prohibition on performing transactions when ther suspicion of ML and/or FT. What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 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: “(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.”			
Poland		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>Answer</i> 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. 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: A) Art 86 provides for the procedure of postponement of transaction or blocking the account on the initiative of the obliged entity: <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</i>			

		transaction referred to in paragraph 1. With respect to the notification, the provision of Article 74(3) shall apply accordingly. 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. 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> 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;	
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		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 <u>suspending transaction or blocking the account on the initiative of obliged entity, but excluding the participation of the General Inspector of Financial Information</u>. The above mentioned article provides for the possibility to suspend transactions or block account, but this tool is used <u>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.</u> “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.	
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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 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 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?

		<i>Answer</i> 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 <u>24 hours</u> after the confirmation by the General Inspector of the notification from the obliged entity, as follows: <i>“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.”</i> In line with article 86.5 of the AML/CFT Act the General Inspector of Financial Information is empowered to “provide the obliged 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. 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.)	
Portugal		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? YES. 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. Article 48 Temporary suspension 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. 2 – Apart from the cases set out in the foregoing paragraph, temporary suspension may also be set forth in the following situations: (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; (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;	

(c) under a proposal from the Financial Intelligence Unit based on the analysis of reports of pre-existing suspicious transaction reports.

3 – The temporary suspension decision:

(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;

(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:

(i) the type of transaction or occasional transaction;

(ii) the accounts or other business relationships;

(iii) the specific discretions and delivery channels.

Article 47

Obligation to refrain from carrying out transactions

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.

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. 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. 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. 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. 7 – Where not specifically set out in this Article, the provisions of the law on penal procedure shall apply on a supplementary basis.	
Republic of Moldova	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 the provision of the art.33 of the AML/CFT Law nr. 308 from 22.12.2017, "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". 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: <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> <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> 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. Please refer to the relevant legislation: <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>	
	Does your country restrict such measures to cases where a suspicious transaction report has been submitted? 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. <i>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."</i> 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, 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 request of foreign institutions which have similar functions and the obligation of keeping the secret under similar condition. The applicable procedure in this case is the same as described above. 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 period, up to 72 hours. The 72 hours are calculated from the end of the initial 48 hours mentioned above. Statistical data 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: - 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 8.000 PLN and from these, for 31 cases the period for which suspension was disposed was sufficient and for this reason a request has been sent to the General Prosecutor of

		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. 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%).	
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 , <i>inter alia</i>, the following powers under article 5: Art. 5 (Powers of the Financial Intelligence Agency) <i>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:</i> <i>[...]</i> <i>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;</i> <i>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;</i> <i>[...]</i> <i>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;</i> <i>[...] “</i> On blocking of assets, the AML/CFT Law contains specific provisions under article 6, as follow: Art. 6 (Procedures and effects of blocking) <i>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.</i> <i>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.</i> <i>3. Blocked assets cannot be transferred, disposed of or used.</i> <i>4. Without prejudice to the validation referred to in the subsequent paragraph, the blocking measure shall be immediately effective.</i> <i>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.</i>	

	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.
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	<i>In the context of San Marino such measures have demonstrated their effectiveness when combined with:</i> <i>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</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i>
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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)

Serbia

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

Article 75, paras. 1 and 2 of the AML/CFT Law reads as follows:

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.

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.

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).

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

Answer

No, these measures are not restricted to cases of submitted STRs, rather, they are triggered by request from another state authority, for example, prosecutor's office, Security Information Agency, Tax Administration.

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

Answer

Article 75, para. 3 of AML/CFT Law reads as follows:

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.

Slovak Republic	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? 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 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). Does your country restrict such measures to cases where a suspicious transaction report has been submitted? 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 in 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 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 suspicious transaction report). Delaying of suspicious transactions executed by FIU Slovakia: <u>in 2018</u> – 71 delaying; 42 cases were submitted to LEA; in 7 cases the funds were detained upon prosecutor’s office order; in 13 cases a criminal proceeding was initiated; in 2 cases a specific person was accused <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 <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		

	What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 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.
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? <u>Temporary suspension of transactions:</u> <i>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:</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <u>Termination of suspension:</u> <i>The termination of a temporary suspension of a transaction is covered in Article 97, which stipulates:</i> <i>(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</i>

		<i>suspect money laundering or terrorist financing, it shall inform the competent authorities and the obliged person thereof, which may then execute the transaction immediately.</i> <i>(2) If the Office does not act within the time provided in the preceding paragraph, the obliged person may proceed with the transaction immediately</i> <u>International cooperation with regard to suspension of transactions:</u> <i>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:</i> <i>(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.</i> <i>(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.</i> <i>(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.</i> <i>Furthermore, Article 111 stipulates the provision, that FIU Slovenia may initiate the suspension of a transaction to a foreign FIU:</i> <i>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.</i> <u>Exclusion of liability in cases of suspension of transactions:</u> <i>The postponement of suspicious transactions is also included in Article 126 of the PMLTFA explicitly stating in para 2, point 3, that:</i> <i>(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:</i> <i>1. ...</i> <i>2. ...</i> <i>3. implement an order to temporarily suspend a transaction or instruction issued in connection with the said order</i> <u>Sanctions:</u> <i>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:</i> <i>(1) A fine of €12,000 to €120,000 shall be imposed for an infringement on a legal entity:</i> <i>...</i> <i>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);</i> <i>...</i> <i>(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.</i>
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(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 been submitted, as can be seen in the wording of Article 96. However, by the nature of the work of 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 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?

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.

		<i>(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.</i> <i>Furthermore, Article 111 stipulates the provision, that FIU Slovenia may initiate the suspension of a transaction to a foreign FIU:</i> <i>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.</i> <u>Exclusion of liability in cases of suspension of transactions:</u> <i>The postponement of suspicious transactions is also included in Article 126 of the PMLTFA explicitly stating in para 2, point 3, that:</i> <i>(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:</i> <i>1. ...</i> <i>2. ...</i> <i>3. implement an order to temporarily suspend a transaction or instruction issued in connection with the said order</i> <u>Sanctions:</u> <i>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:</i> <i>(1) A fine of €12,000 to €120,000 shall be imposed for an infringement on a legal entity:</i> <i>...</i> <i>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);</i> <i>...</i> <i>(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.</i> <i>(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.</i> <u>Statistical data:</u> <i>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.</i> <i>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.</i> <i>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.</i> <i>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.</i> <i>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</i>
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	<i>funds at the accounts. On the basis of this proposal, the courts issued the decrees for provisional securing of the assets at the accounts.</i> Does your country restrict such measures to cases where a suspicious transaction report has been submitted? <i>The PMLTFA does not explicitly provide for an obligation, that a suspicious transaction report been submitted, as can be seen in the wording of Article 96. However, by the nature of the work of 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 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.</i> What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? <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>
Spain	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. 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. We cannot suspend transactions at the request of non-EU FIUs. So the part between parentheses is wrong. Can it be adopted as an urgent measure? Of course: if not, money may fly away. How long? The judge decides freely. May the court of justice be informed directly of the need to postpone a transaction by Prosecutors or Police? Yes indeed.

	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.
Sweden	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? 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 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. <i>Case study</i> 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. Does your country restrict such measures to cases where a suspicious transaction report has been submitted? According to the Preparatory Works of the administrative Money Laundering Act PDPs are restricted to cases where a suspicious transaction report has been submitted (Government 2013/14:121, p. 126–127). What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 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.
Turkey	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? Yes To begin, Turkey 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. 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. 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 Communiqué No 13 which regulates the STR reporting regime was amended to encompass STRs with postponement requests on 10 August 2016. 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 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, 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. Does your country restrict such measures to cases where a suspicious transaction report has been submitted? No Article 19/A of the Law No 5549 and its implementing regulation draws up the legal framework for 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. What is the maximum duration of a suspension or withholding of consent to a transaction according to your domestic legislation? 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
Ukraine	<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> 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). 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. 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 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	
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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 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. 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. 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. 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. 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. 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. Currently, a part of these companies was eliminated, some of them have improper legal status and were registered by suspicious legal persons. 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. 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.
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United Kingdom	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? 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. 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 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. Un
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	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.	