

**ON ACTIONS TO PREVENT LEGITIMIZATION OF
PROCEEDS OF CRIME AND FINANCING OF
TERRORISM AND FINANCING WEAPONS OF MASS
DESTRUCTION PROLIFERATION**

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Amendments and addenda:

Law of the Republic of Belarus No. 231-3 dated January 5, 2015 (National Legal Internet Portal of the Republic of Belarus, January 10, 2015, 2/2229);

▶ Law of the Republic of Belarus No. 376-3 dated June 13, 2016 (National Legal Internet Portal of the Republic of Belarus, June 17, 2016, 2/2374)

This Law defines the legal and organizational bases of the public policy in the field of preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation.

**CHAPTER 1
GENERAL PROVISIONS**

Article 1. Basic terms used herein and definitions thereof

The following basic terms and definitions thereof shall be used in this Law:

beneficiary owner – means a natural person who is an owner of the customer’s property or holder of at least ten percent of shares (equity interests, shares of stock) of the customer organization, or directly or indirectly (through any third parties) is ultimately entitled or has an opportunity to give instructions binding upon the customer or is able to influence decision-making or otherwise control its/his activities;

▶ blocking of a financial transaction – means a ban on conducting a financial transaction (except for receipt of funds transfer (bank, postal), deposit of securities into custody accounts) which participant or beneficiary is an organization, natural person, including an individual entrepreneur, entered in the duly established list of organizations and natural persons involved in terrorist activity, or is an organization which beneficiary owner is a natural person included in such list;

internal control – means a set of measures to prevent and detect financial transactions associated with legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, conducted by persons engaged in conduct of financial transactions;

beneficiary – means an organization, natural person, including an individual entrepreneur, in which/whose favour the participant of the financial transaction acts on the grounds of insurance/coinsurance agreements, trust management of funds or other property;

monetary instruments – mean bills, cheques (bank cheques), other certificated securities certifying issuer's (debtor's) repayment undertaking, where there is no indication of a person for whom such payment is intended, as well as travel cheques;

proceeds of crime – denote funds obtained as a result of crime, as well as income from use of such funds;

► freezing of funds – means a ban on disposal, use of funds (except for use of real estate for internal requirements), if the proprietor or owner of such funds is an organization, natural person, including an individual entrepreneur, entered in the duly established list of organizations and natural persons involved in terrorist activity, or is an organization which beneficiary owner is a natural person included in such list;

customer – means a participant of a financial transaction serviced by a person engaged in conduct of financial transactions, in particular, under a written agreement for conduct of financial transactions;

laundering of proceeds of crime – means imparting a legitimate appearance to owing, use and/or disposal of proceeds of crime for the purpose of concealment or miss-presentation of their origin, location, placement, flow or their true ownership, including the rights associated therewith;

► cash resources – mean currency notes in the form of banknotes and treasury notes, coins (excluding coins made of precious metals) which circulate and are the legal tender in the Eurasian Union member-states or foreign states (group of foreign states), including those withdrawn or being withdrawn from circulation but subject to be exchanged for currency notes in circulation;

special control – means a set of measures applied by the financial monitoring body with a view to controlling over financial transactions on the basis of information obtained from persons engaged in conduct of financial transactions, in order to prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

funds – denotes monetary funds, securities, e-money, other property, including proprietary rights, and also exclusive rights to intellectual deliverables;

financial transaction amount – means the amount of funds or money equivalent of nonmonetary assets of the financial transaction, in particular specified by consent of participant of such financial transaction providing for assignment of rights to such funds;

participant of a financial transaction – means an organization, natural person, in particular an individual entrepreneur involved in such financial transaction, as well as representatives thereof;

► financing of proliferation of mass destruction weapons – means providing or raising funds by any means for the purpose of acquisition, possession, sale, use of mass destruction weapons;

financial transaction – means any transaction involving funds, irrespective of form and way of conducting. For the purpose of banking business opening a bank account, one-off payments, transfer or receipt or payment or exchange or deposit of funds shall be deemed the financial transaction. For the purpose of custody transactions opening of depository accounts, depository transfer of securities shall be deemed the financial transaction.

For the purpose of this Law the following shall be deemed the persons engaged in conduct of financial transactions:

the National Bank of the Republic of Belarus, banks and nonbank financial institutions, the Development Bank of the Republic of Belarus Joint Stock Company (hereinafter “the Banks” unless otherwise provided);

▶ the securities market professionals

commodity exchanges;

persons engaged in trade in precious metals and gems;

pawnshops, buying-up facilities;

insurance companies and insurance brokers;

organizers of lottery and electronic interactive games;

notaries;

agencies rendering real estate services and participating in the real estate sale-and-purchase transactions for their customers;

auditing firms, auditors who are individual entrepreneurs, rendering professional services associated with accounting, writing accounting reports and/or and financial statements related to financial transactions conducted in the name and/or on the instructions of the customer;

▶ organizations and individual entrepreneurs, lawyers and law offices rendering legal services (legal assistance) related to establishment of organizations or participation in the management thereof, or purchase or sale of enterprises as a property complex, conduct of financial transactions and/or fund management in the name and on behalf of the customer;

postal operators;

organizers of gambling;

▶ organizations engaged in the state registration of real estate, title thereto and transactions therewith;

leasing companies;

▶ microfinance organizations;

▶ Forex companies, the National Forex Center.

For the purpose of this Law the following shall be deemed nonresidents:

▶ foreign citizens and stateless persons, except for foreign citizens and stateless persons mentioned in paragraph two of Part four in this Article;

organizations incorporated under the laws of foreign states, with their places of business located outside the Republic of Belarus, their branches and representative offices located in and outside the Republic of Belarus, as well as diplomatic missions and other official representative bodies, consular offices of foreign states located in and outside the Republic of Belarus, international organizations and their branches and representative offices.

For the purpose of this Law the following shall be deemed residents:

citizens of the Republic of Belarus, as well as foreign citizens and stateless persons who have obtained permit for permanent residence in the Republic of Belarus;

organizations incorporated under the laws of the Republic of Belarus, with their places of business located in the Republic of Belarus, their branches and representative offices located in and outside the Republic of Belarus, as well as individual entrepreneurs registered in the Republic of Belarus, diplomatic missions and other official representative bodies, consular offices of the Republic of Belarus located outside the Republic of Belarus.

The term “financing of terrorism” shall be used in this Law in the meaning defined by the counter-terrorism legislation.

► The term “weapons of mass destruction” shall be used in this Law in the meaning defined by the export control legislation.

Article 2. Scope of application of this Law

This Law shall govern the relations between the participants of a financial transaction and persons engaged in conduct of financial transactions in the territory of the Republic of Belarus, activity of the financial monitoring body and government bodies engaged in control over persons engaged in conduct of financial transactions in terms of compliance with the laws on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation.

Article 3. Legal framework of activities on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation

► Legal framework of activities on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation shall be provided by the Constitution of the Republic of Belarus, this Law, other pieces of legislation, and by international treaties to which the Republic of Belarus is a party.

Should any international treaty to which the Republic of Belarus is a party set forth the provisions other than those contained in this Law, the provisions of such international treaty shall take precedence.

CHAPTER 2

PREVENTING LEGITIMIZATION OF PROCEEDS OF CRIME AND THE FINANCING OF TERRORISM AND FINANCING OF WEAPONS OF MASS DESTRUCTION PROLIFERATION

Article 4. Measures to prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation

The following shall be classified among the measures on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation:

internal control;

special control;

► suspension of cash and/or monetary instruments movement across the Eurasian Union’s customs borders in the Republic of Belarus with due regard to the requirements set forth in the international regulatory legal acts constituting the law of the Eurasian Union;

prohibition to notify the participants of a financial transaction of measures taken to prevent from legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, except as otherwise provided in this Law;

other measures in compliance with the legislative acts.

Article 5. Internal Control

The internal control shall be exercised with due regard to risk-oriented approach which calls for the development and implementation, by the persons engaged in conduct of financial transactions, of procedures for management (identification, assessment, monitoring, control, limitation (reduction)) of risks inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation. Such risk-oriented approach provides for application of advanced internal control measures when there is high risk inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, and application of simplified internal control measures if such risk is low, in accordance with the procedure established by the internal control regulations.

► The internal control regulations shall be specified by the persons engaged in conduct of financial transactions with due consideration of general requirements set forth by the Council of Ministers of the Republic of Belarus, and requirements applied to the internal control regulations set forth by the government bodies engaged in control over the persons engaged in conduct of financial transactions, in compliance with Article 16 of this Law.

The internal control regulations shall include the following:

procedures for management of risks inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

the procedure of application of internal control measures in order to prevent from legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, with due regard to identified risks;

► the procedure of freezing funds and/or blocking financial transactions, as well as procedure of notifying the owner of proprietor of funds, participant of the financial transaction of freezing such funds and/or blocking such financial transaction;

► the procedure of enforcement of decisions of the financial monitoring body on suspension and resumption of financial transactions where provided for by this law;

The procedure of monitoring money (bank, postal) transfers to/from the country (to/from the territory) which fails to comply with the requirements of the Financial Action Task Force on Money Laundering (hereinafter “FATF recommendations”), does not participate in the international cooperation in the field of preventing from legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation. The procedure of compiling the list of such mentioned countries (territories) and publication thereof shall be established by the Council of Ministers of the Republic of Belarus;

the procedure of identification of the financial transaction participants and update of information thereon;

the procedure of documenting of financial transaction subject to special control;

► the procedure of monitoring financial transactions conducted by the persons and organizations mentioned in paragraph sixteen of Part one in Article 6 of this Law;

the procedure of ensuring storage and confidentiality of information;

requirements to qualification and training of relevant officials;

the identification criteria and financial transaction alerting attributes. Such criteria and attributes shall be sensitive to special aspects of persons engaged in conduct of financial transactions.

The following shall be additionally included in the banks' internal control regulations:

the identification criteria and financial transaction alerting attributes which may be the grounds for denial of a financial transaction (except for receipt of funds); criteria for denial of connection to the remote banking system, termination or suspension of servicing via such system. Such criteria and attributes shall be sensitive to special aspects of banks' activities;

the procedure of notification of the customer of suspension of the financial transaction by the banks and of denial thereof, denial of connection to the remote banking system, termination or suspension of servicing via such system, unilateral abandonment of performance under the written agreement for conduct of financial transactions.

Criteria and attributes mentioned in paragraph two Part four of this Article shall be specified by the banks, nonbank financial institutions, Development Bank of the Republic of Belarus Joint Stock Company, with due regard to special aspects of their activities, from among criteria and attributes established by the National Bank of the Republic of Belarus; additional criteria and attributes may be specified by them subject to prior notice to the National Bank of the Republic of Belarus at least within a month prior to introduction thereof into effect. The National Bank of the Republic of Belarus, within twenty business days from receipt of such notice, may provide the bank, nonbank financial institutions, Development Bank of the Republic of Belarus Joint Stock Company with its substantiated objections. Should this be the case, the criteria and attributes to which objections have been advanced shall not be put into effect.

Article 6. Obligations and rights of persons engaged in conduct of financial transactions

To implement internal control, the persons engaged in conduct of financial transaction shall undertake the following in compliance with the legislation:

approve and comply with the internal control regulations;

elaborate the procedures for management of risks inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

identify and assess risks inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation during introduction and use of state-of-the-art information technologies for conduct of financial transactions;

take measures on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation consistent with the risks identified;

appoint officials responsible for implementation of the internal control regulations from among the organization's officers;

take the required organizational measures for implementation of effective internal control;

identify the participants of a financial transaction in compliance with Article 8 of this Law;

take measures that are reasonable and affordable in the circumstances concerned, to identify beneficiary owners of the customers, adequate to be of the opinion that the person engaged in conduct of financial transactions knows who is the customer's beneficiary owner;

▶ record financial transactions subject to special control in a special form and submit the same as an electronic document to the financial monitoring body no later than the business day immediately following the day when the financial transaction has been conducted, or on the day when a decision to deny such financial transaction has been made (should the financial transaction be not conducted), or no later than the business day immediately following the decision day (should the decision day fall on a non-business day); or no later than the business day when a respective decision has been made (should performance under the written agreement for conduct of financial transactions be abandoned or should signing such agreement be denied); or no later than the business day immediately following the day when documentary evidence (information) has been received (should funds under international settlement transactions be received); or on the day of freezing or blocking (should funds or financial operation be frozen or blocked) or no later than the business day immediately following the day of freezing or blocking (should the day of freezing or blocking fall on a non-business day); or – should a decision be made on denial of the customer connection to the remote banking system or on termination or suspension of servicing thereof via such system – no later than the business day when such decisions have been made; or no later than the business day immediately following the day when the person engaged in conduct of financial transactions has made a decision to consider such financial transaction suspicious (should the financial transaction be detected which is subject to special control and is non-identifiable at the implementation stage);

▶ take measures associated with freezing of funds and/or blocking of financial transactions specified in Article 9¹ of this Law in accordance with the procedure established by the Council of Ministers of the Republic of Belarus and with due consideration of the requirements specified by the government bodies engaged in control over activities of persons engaged in conduct of financial transactions, in compliance with Article 16 of this Law;

▶ notify the financial monitoring body of freezing of funds and/or blocking of financial transactions within the time limit prescribed by paragraph ten of this Part;

submit, at the request of the financial monitoring body and within the time limit prescribed by the same, information and documents required for discharging of functions entrusted to it;

▶ keep data and documents (copies thereof) acquired during identification of customers and their representatives and obtained and drawn up in the course of application of advanced internal control measures for at least five years from termination of written agreements for conduct of financial transactions, or for at least five years from the day when financial transactions have been conducted (should no such agreements be available); and information on financial transactions of the customers, documents which have been the grounds for conducting of financial transactions, information on other participants of the financial transaction, documents (copies thereof) acquired and drawn up in the course of internal control, copies of special forms as electronic documents shall be kept for at least five years from conduct of financial transactions. Such mentioned information and documents or copies thereof replacing the same shall be kept on paper or as electronic documents in the format ensuring their timely reproduction and submission to authorized government bodies and the financial monitoring body;

take measures to prevent establishing relations with nonresident banks if accounts with the same are used by the banks which have no permanent management bodies within their states of incorporation and are not the members of any banking group (bank holding company). The persons conducting financial transactions shall not be allowed to establish and maintain relations with nonresident banks which have no permanent management bodies within their states of incorporation and are not the members of any banking group (bank holding company);

discover, from among the customers and their beneficiary owners, foreign public officials, officials of public international organizations, persons who occupy positions included in the List of public positions of the Republic of Belarus specified by the President of the Republic of

Belarus (hereinafter for the purposes of this Article “the List of public positions”), their family members and people closely associated with the same, as well as organizations beneficially owned by such mentioned persons. The procedure of making the list of persons classified as foreign public officials, officials of public international organizations, persons who occupy positions included in the List of public positions, and bringing the information on such persons to the notice of the financial monitoring body and persons conducting financial transactions, as well as the procedure of handling such information shall be established by the Council of Ministers of the Republic of Belarus;

monitor financial transactions conducted by foreign public officials, officials of public international organizations, persons who occupy positions included in the List of public positions, their family members and people closely associated with the same, as well as organizations beneficially owned by such mentioned persons in accordance with the procedure established by the internal control regulations;

sign written agreements for conduct of financial transactions, following written approval by the manager (person authorized by the same from among the managers) of the person engaged in conduct of financial transactions, with foreign public officials, organizations beneficially owned by such foreign public officials, and (in cases specified by the internal control regulations) with officials of international public organizations, persons who occupy positions included in the List of public positions; or receive written approval of the respective manager (person authorized by the same from among the managers) to continue (prolong) such agreement if the customer has acquired the appropriate status and/or has become a beneficiary owner of the organization after signing such agreement;

take measures that are reasonable and affordable in the circumstances concerned, to discover the sources of origin of funds of the customer, in particular, foreign public officials, officials of public international organizations, persons who occupy positions included in the List of public positions, their family members and people closely associated with the same.

Should no information and documents required for identification in compliance with Article 8 of this Law be submitted, the persons engaged in conduct of financial transactions shall deny the financial transaction of the customer.

Should information mentioned in part fourteen Article 8 of this Law be unavailable in the settlement or any other document containing the sender’s (payer’s) instruction, or not received through any means, the persons engaged in conduct of financial transactions may refuse to conduct the sender’s (payer’s) instruction.

The banks shall be entitled to:

deny the customer’s financial transaction (except for receipt of funds) if such financial transaction falls under identification criteria and financial transaction alerting attributes which may be the grounds for denial of a financial transaction in accordance with the internal control regulations;

suspend a financial transaction (except for receipt of funds), however, no longer than for two business days including the day when the customer’s instruction to conduct the same should be executed, in order to make a decision on conduct of such financial transaction or denial of the same in compliance with paragraph two of this Part;

unilaterally abandon performance of the written agreement for conduct of financial transactions, subject to availability of two or more decision to deny the customer’s financial transactions made within six months, with compulsory notification to such customer in accordance with the procedure established by the banking law;

deny connection of the customer to the remote banking system, unilaterally terminate or suspend servicing via such system, when financial transactions conducted by such customer meet the criteria for denial of connection (termination, suspension) which may be the grounds for such actions in accordance with the internal control regulations;

deny the customer's financial transaction, when information is available on involvement of the bank, nonresident bank including, with which an account of the funds recipient has been opened, or on involvement of the funds recipient in any illegal financial transactions or on application of sanctions against them.

The banks shall undertake to notify the customer, its/his representative of suspension and/or denial of the financial transaction, denial of connecting the customer to the remote banking system, termination or suspension of servicing via such system, unilateral abandonment of performance of the written agreement for conduct of financial transactions, with indication of substantiated grounds in accordance with the procedure established by the banks' internal control regulations. Notice to the participant of the financial transaction, where provided for by paragraph four Part one in Article 11 of this Law, shall be sent by the bank after receipt of such customer's written request.

Persons engaged in conduct of financial transactions shall notify the customer, its/his representative of their responsibility to submit documents (data) for identification of the financial transaction participants.

Disclosure of information on data transfer to the financial monitoring body by the person engaged in conduct of financial transactions and its employees shall be prohibited, unless otherwise provided for by the legislative acts.

Submission of information on financial transactions subject to special control to the financial monitoring body by the persons engaged in conduct of financial transactions in accordance with the procedure established by this Law shall not be deemed violation of any business, bank secret or any other secret protected by the law and may not entail liability for any damages and moral harm resulting from such actions.

► Freezing of funds, blocking of a financial transaction, suspension or denial of the financial transaction, denial of customer connection to the remote banking system, termination or suspension of servicing via such system, unilateral abandonment of performance of the written agreement for conduct of financial transactions, refusal to sign the written agreement for conduct of financial transactions in compliance with this Law may not incur the liability of a person engaged in conduct of financial transactions for any damages and moral harm resulting from such actions.

► The banks, by submission of a special form, shall notify the financial monitoring body of freezing of funds, blocking of financial transactions, denial of the financial transaction, denial of customer connection to the remote banking system, termination or suspension of servicing via such system, unilateral abandonment of performance of the written agreement for conduct of financial transactions or refusal to sign such agreement.

The banks shall not be entitled to:

open and maintain banking accounts in the name of anonymous holders (without submission, by the person opening an account, of documents required for identification), as well as open and maintain such accounts of the holders using fictitious names (pseudonyms);

open banking accounts for natural persons without personal attendance of the person opening such account or his/her representative, except as otherwise established by Part seventeen of Article 8 in this Law, and save other cases provided by the banking laws.

Application of measures established by the laws on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation shall be ensured directly by the person pseudonyms financial transactions, and also by their branches, economically autonomous subdivisions, subsidiary (affiliated) companies within the framework established by the laws of their country of residence. Should the laws of such country fail to provide for application of measures set forth by the laws of the Republic of Belarus, the persons engaged in conduct of financial transactions shall notify the financial monitoring body and appropriate government body engaged in control over activities of persons engaged in conduct of financial transactions of inapplicability of such measures.

The persons engaged in conduct of financial transactions shall undertake to control compliance of their branches, economically autonomous subdivisions, subsidiary (affiliated) companies located outside the Republic of Belarus with the laws on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation.

Article 7. Financial transactions subject to special control

Financial transactions shall be subject to special control, whether or not they have been conducted, upon occurrence of at least one of the following conditions:

when a person engaged in conduct of a financial transaction is suspicious that such financial transaction is associated with deriving and/or legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation; is inconsistent with the customer non-profit organization's constituent documents, customer's types and/or nature of activities; is conducted by the participants of such financial transaction repeatedly with a view to evading registration in a special form;

▶ when a participant or beneficiary of a financial transaction is an organization, natural person, including an individual entrepreneur, entered in the duly established list of organizations and natural persons involved in terrorist activity, or is an organization beneficially owned by the natural person included in such list;

when a participant of a financial transaction is registered, has its/his domicile or place of business in the state (territory) which does not participate in the international cooperation in the field of preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation or fails to comply with the FATF recommendations, and also when financial transactions are conducted using bank account registered in such state (territory) and the amount of the financial transaction exceeds 500 base values for natural persons or is equal to or exceeds 1000 base values for organizations and individual entrepreneurs;

when the amount of a financial transaction is equal to or exceeds 2000 base values for natural persons or is equal to or exceeds 20 000 base values for organizations and individual entrepreneurs, and may be assigned to one of the following types of financial transactions: cash transaction; postal transfer; financial transaction in movable property and real estate; financial transaction in securities; borrowing transactions; financial transaction in debt transfer and assignment of claim.

The list of other financial transactions subject to special control shall be specified by the President of the Republic of Belarus.

Article 8. Identification of participants of a financial transaction

Persons engaged in conduct of financial transactions shall identify the participants of a financial transaction when:

signing a written agreement for conduct of financial transactions;

conducting financial transactions which amount is equal to or exceeds 1000 base values, unless they have been identified in compliance with paragraph two of this Part;

conducting financial transactions subject to special control;

▶ opening an e-wallet;

▶ conducting transactions in e-money in cases and amount specified by the National Bank of the Republic of Belarus;

making money (bank, postal) transfers in accordance with Part fourteen of this Article;

there is a suspicion regarding reliability and accuracy of data earlier obtained in accordance with Parts three to six of this Article.

The participants of a financial transaction shall undertake to submit the documents (information) required for identification thereof and/or for recording a financial transaction subject to special control, to the persons engaged in conduct of financial transactions and persons charged with identification.

To identify the customers who are natural persons, their representatives (should the customer be not present) on the grounds of any identity document and other documents (copies thereof), the persons engaged in conduct of financial transactions shall establish and record the following data:

surname, first name, patronymic (if any);

citizenship;

date and place of birth;

place of residence and/or place of stay;

details of the identity document;

information on the beneficiary (when available).

To identify the customers who are individual entrepreneurs, their representatives (should the customer be not present) on the grounds of any identity document, registration and other documents (copies thereof), the persons engaged in conduct of financial transactions shall establish and record the following data other than those mentioned in Part three of this Article:

the registration number and date of the state registration of an individual entrepreneur, name of the registration authority;

payer's identification number;

types of business activities;

information on the beneficiary (when available).

In the event that a representative (commercial agent) acts in the name of an individual entrepreneur, data of such representative (agent) provided for by Part three of this Article shall be recorded.

To identify the customers which are organizations on the grounds of their constituent, registration, and other documents (copies thereof), the persons engaged in conduct of financial transactions shall establish and record the following data on such organizations:

name;

registration number and date of the state registration of the customer organization, name of the registration authority (if any);

principal place of business; other identification number (for nonresidents);

surname, first name, patronymic (if any) of the head (other person authorized under constituent documents to act in the name of such customer organization), of a person who manages business accounting, and/or of other officials duly authorized by their head or by virtue of law to act in the name of the customer organization. Should an individual entrepreneur (a manager or commercial agent) act as a head, data provided for by Part three of this Article shall be recorded; should a legal entity (management company) act as a head, data provided for by this Part shall be recorded;

data on beneficiary owners and (should the identification measures fail to reliably identify the beneficiary owner) data on the person who/which fulfills functions of a sole executive body of the customer organization or a person who heads its collective executive body;

composition of founders (partners, members) holding at least 10 percent of shares (stakes in the authorized capital, units) of the organization; their shareholdings (amount of stakes in the authorized capital, units) in the organization;

structure of management bodies;

types of activities;

purpose of maintaining relations and intended type of relations with the person engaged in conduct of financial transactions.

Should no data provided for by paragraphs three and four of Part one, paragraphs five to eleven of Part six of this Article be available in the documents submitted for identification of customers and other participants of the financial transaction, such data shall be recorded according to oral information provided by the participants of such financial transaction.

The persons engaged in conduct of financial transactions shall be entitled to ascertain and record other data required for application of internal control advanced measures for customer identification.

To identify the participants of a financial transaction conducted through the bank account, the persons engaged in conduct of financial transactions (except for banks) shall ascertain and record the name and location of the banks through which accounts such transaction is conducted.

The persons engaged in conduct of financial transactions shall apply measures that are reasonable and affordable in the circumstances concerned in order to obtain information on the participants of the financial transaction (excluding the persons which/who have been identified) required for filling in a special form.

The persons engaged in conduct of financial transactions shall apply internal control advanced identification measures, when a participant of a financial transaction is registered, has a domicile or place of stay in the state (territory) which does not participate in the international cooperation in the field of preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation or fails to comply with the FATF recommendations, and also when financial transactions are conducted using an account with the bank registered in such state (territory).

The persons engaged in conduct of financial transactions shall update information on the customers, their representatives and beneficiaries (if any) in accordance with the procedure and within the time limit established the internal control regulations and with due regard to risk inherent in customer relations and customer's financial transactions associated with legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation; nevertheless, when there is a suspicion regarding reliability and accuracy of data earlier obtained, such mentioned information shall be updated within twenty business days from the day when a decision to consider such transaction suspicious has been made by the person engaged in conduct of financial transactions.

Requirements to information update provided for by Part twelve of this Article may differ depending on the risk inherent in customer relations and customer's financial transactions. To update such information, the persons engaged in conduct of financial transactions may request necessary documents and data from the customer or its/his representative, request and obtain information from the government bodies and other institutions in accordance with established procedure. Such information shall be submitted by such government bodies and institutions to the person engaged in conduct of financial transactions free of charge within ten business days from receipt of the request, unless otherwise provided by law.

► While conducting financial transactions involving money (bank, postal) transfers when and as instructed by the sender (payer) to the amount equal to or exceeding 100 base values (except for settlements with bank cards in commercial (servicing) organizations, payment self-service terminals, ATMs, and via remote banking when the sender (payer) is a natural person; cash settlements through cash-in ATMs; cash receipt by bank cards at ATMs; interbank settlements when a bank acts as a payer in its own name) the persons engaged in conduct of such financial transactions shall ensure transfer and safe keeping, at any stage thereof, of the following data in compliance with Part one of Article 6 in this Law:

data on the sender (payer) who is a natural person: surname, first name, patronymic (if any), account number (or, should it be unavailable, the number of the financial transaction), domicile and/or place of stay, and (if such natural person is an individual entrepreneur) payer's identification number;

► data on the sender (payer) and recipient which are organizations: name, account number (or, should it be unavailable, the number of the financial transaction), payer's identification number (or, should it be unavailable (when referring to foreign organizations), other identification number and/or place of business);

data on the recipient who is a natural person: surname, first name, patronymic (if any), account number (or, should it be unavailable, the number of the financial transaction), domicile and/or place of stay, and (if such natural person is an individual entrepreneur) payer's identification number.

For the citizens of the Republic of Belarus, foreign citizens and stateless persons who have residence permits in the Republic of Belarus the identification number shall be used as an essential detail of the identity document.

While conducting financial transactions involving money (bank, postal) transfers to the amount not exceeding 100 base values when and as instructed by the sender (payer) who is a natural person, data provided for by Part fourteen of this Clause may be obtained without presentation of the identity document of such sender (payer);

The persons engaged in conduct of financial transactions shall be entitled to delegate identification of the customer, its/his representative, beneficiary (if any) to any other person engaged in conduct of financial transactions or any other organization under an agreement or where provided for by the legislation.

The persons to which/whom identification has been delegated, shall communicate full information obtained during identification, to the person engaged in conduct of financial transactions which/who has delegated identification, in accordance with the procedure and within the time limit established by such agreement.

In case defined by Part seventeen of this Article, the persons engaged in conduct of financial transactions, which/who have delegated identification, shall bear responsibility for compliance with identification requirements set forth by this Law and other legislative acts. Noncompliance, by the person to which/whom identification has been delegated, with such mentioned requirements may serve as a ground for unilateral abandonment of performance of the agreement by the person engaged in conduct of financial transactions.

Article 9. Recording of financial transactions subject to special control

Financial transactions subject to special control shall be recorded in a special form by the person engaged in conduct of financial transactions.

Financial transactions described in paragraph five of Part one of Article 7 in this Law shall not be subject to recording in special forms by the banks.

For transactions in non-cash money transferred from accounts opened with the banks of the Republic of Belarus (senders) to accounts opened with the banks of the Republic of Belarus (recipients) a special form shall be filled in and submitted to the financial monitoring body by the senders of such non-cash money.

For transactions in funds paid as insurance contribution (insurance premium) or insurance benefit, insurance cover a special form shall be filled in and submitted to the financial monitoring body by insurance companies and insurance brokers.

For civil transactions in property, when transactions therewith and/or title thereto are subject to official registration, a special form shall be filled in and submitted to the financial monitoring body by the persons engaged in the state registration of such property, title thereto and transactions therewith.

► For transactions in uncertificated securities and in certificated securities deposited for safe-keeping in the depository system of the Republic of Belarus a special form shall be filled in and submitted to the financial monitoring body by the depositories that keep depository records of rights to securities; for transactions in certificated securities under which rights to securities are assigned from/to the residents, a special form shall be filled in and submitted to the financial monitoring body by the transferor of securities. Should financial transactions be conducted

within the trading system of the organizer of trade in securities, a special form shall be filled in and submitted to the financial monitoring body by:

- ▶ the organizer of trade in securities, when organizing trade in securities is combined with clearing activities and when no services of a clearing house are employed for settlement of securities transactions;
- ▶ a clearing house, when services of a clearing house are employed for settlement of transfer of securities and funds;

The format of a special form, procedure of filling in, submission, registration, recording and safe keeping shall be established by the Council of Ministers of the Republic of Belarus.

▶ **Article 9¹. Freezing of funds. Blocking of a financial transaction**

▶ To prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation the persons engaged in conduct of financial transactions shall:

▶ freeze funds owned or possessed by an organization, natural person, in particular an individual entrepreneur, entered in the duly established list of organizations and natural persons involved in terrorist activity, or when such organization is beneficially owned by the natural person included in such list;

▶ block a financial transaction when a participant or beneficiary of such financial transaction is an organization, natural person, in particular an individual entrepreneur, entered in the list of organizations and natural persons involved in terrorist activity, or when such organization is beneficially owned by the natural person included in such list;

▶ notify the financial monitoring body of freezing of funds and/or blocking of the financial transaction within the time limit set by paragraph ten Part one of Article 6 in this Law.

▶ The authorized body engaged in formation and maintaining the list, as well as the procedure of establishing such list, appeal of a decision on entering an organization, natural person, in particular an individual entrepreneur, in such list, and consideration of other applications of such organization, natural person, in particular an individual entrepreneur, disclosure of such list to the persons engaged in conduct of financial transactions and to the financial monitoring body shall be specified by the Council of Ministers of the Republic of Belarus.

▶ To implement the requirements set forth in Part one of this Article, the persons engaged in conduct of financial transactions shall apply the following measures:

▶ funds belonging to organizations, natural persons, in particular individual entrepreneurs entered in the list, organizations beneficially owned by natural persons entered in the list shall be detected and frozen immediately but no later than one business day from disclosure of the list to the persons engaged in conduct of financial transactions;

▶ the financial transaction in funds to which freezing measures have been applied shall be blocked;

▶ the financial transaction shall be blocked, if the identification has discovered that its participant or beneficiary is an organization, natural person, in particular an individual entrepreneur, entered in the list, or such organization is beneficially owned by the natural person included in such list;

▶ the state registration of real estate, title thereto and transactions therewith, recording of transactions in securities, transaction certification, notarization of a financial transaction, and

signing and/or performance of a written agreement for conduct of financial transactions shall be denied to an organization, natural person, in particular an individual entrepreneur, entered in the list, or to an organization beneficially owned by the natural person included in such list;

▶ the presence, among their customers, of organizations, natural persons, in particular individual entrepreneurs entered in the list, organizations beneficially owned by natural persons entered in the list shall be checked for and, should such customers be detected, their funds shall be frozen.

▶ Should a substantiated written application for conduct of financial transactions for life support be received by the financial monitoring body from a natural person, in particular, an individual entrepreneur included in the list by virtue of Resolution of the UNO Security Council No. 1267 (1999) (hereinafter the “Resolution”) directed against the Taliban, who has no other sources of the means of subsistence and whose funds have been frozen, the financial monitoring body shall, within two business days from receipt of such application, notify the UN Committee established by the mentioned Resolution (hereinafter the “UN Committee”) of the need for granting a permit authorizing such natural person, in particular, an individual entrepreneur to conduct financial transactions concerned and, no later than five business days from receipt of the UN Committee’s opinion by the financial monitoring body, shall grant a permit authorizing to conduct financial transactions in the amount equal to the monthly average subsistence rate per capita established by the State, or shall deny such permit.

▶ Should a substantiated written application for conduct of financial transactions for life support be received by the financial monitoring body from a natural person, in particular, an individual entrepreneur included in the list on other grounds, who has no other sources of the means of subsistence and whose funds have been frozen, the financial monitoring body shall, within five business days from receipt of such application, grant a permit authorizing to conduct financial transactions in the amount equal to the monthly average subsistence rate per capita established by the State, or shall reasonably deny such application.

▶ The permit granted by the financial monitoring body to authorize financial transactions for support of life of a natural person, in particular, an individual entrepreneur, or substantiated denial shall be notified to the applicant and appropriate person engaged in conduct of financial transactions no later than five business days from receipt of the UN Committee’s opinion by the financial monitoring body or, in other cases, no later than five business days from receipt of the application.

▶ Should there be disagreement with the decision of the financial monitoring body to conduct or deny the financial transaction for support of life of a natural person, in particular, an individual entrepreneur, such natural person, in particular, an individual entrepreneur may appeal to a higher-level authority (superior official). A decision of such higher-level authority (superior official) may be appealed to a public prosecutor or a court in accordance with the procedure established by legislative acts.

▶ Removal of an organization, natural person, in particular, an individual entrepreneur, from the list shall be the grounds for unfreezing of funds and/or unblocking of financial transactions. Should any measures relating to freezing of funds and/or blocking of financial transactions be applied by the person engaged in conduct of the financial transaction due to unavailability of required identification information on the customer, other participant of the financial transaction or beneficiary, and should subsequently the financial monitoring body or any other competent authority assisted by the financial monitoring body establish their noninvolvement in terrorist activity or proliferation of mass destruction weapons, the appropriate notification on electronic media or on paper sent by the financial monitoring body to the person engaged in conduct of financial transactions no later than the business day immediately following the day when a

decision on unfreezing of funds and/or unblocking of the financial transaction has been made, shall be the grounds for revocation of the decision on freezing of funds and/or blocking of the financial transaction.

► Measures relating to freezing of funds and/or blocking of financial transactions shall be applied by the persons engaged in conduct of financial transactions to the extent not contradicting to the orders of prosecuting authorities, court orders on seizure, confiscation or forfeiture of funds to the State.

► Measures relating to freezing of funds and/or blocking of financial transactions, as well as to conduct of financial transactions for support of life of natural persons, in particular, individual entrepreneurs, applied in criminal proceedings shall be governed by criminal laws and laws of criminal procedure.

CHAPTER 3 FINANCIAL MONITORING BODY

Article 10. Body carrying out activities on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation

A body carrying out the activities on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation shall be the financial monitoring body incorporated by the decision of the President of the Republic of Belarus.

Article 11. Competence of the financial monitoring body

In exercising special control, the financial monitoring body shall:

apply measures for creation of a computer-aided system of recording, processing and analysis of information on financial transactions subject to special control;

acquire and analyze information on suspicious financial transactions;

► Give a ruling on suspending financial transactions (except for receipt of funds) when there is sufficient evidence of links of such financial transactions with deriving and/or legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation; and rule on freezing of funds and/or blocking of financial transactions when no appropriate measures have been applied by the person engaged in conduct of financial transactions. Such ruling on suspension of financial transactions and ruling on freezing of funds and/or blocking of financial transactions shall be sent on electronic media or on paper to the persons engaged in conduct of financial transactions without delay, but no later than the business day immediately following the day when such rulings have been given. The notice on electronic media or on paper sent by the financial monitoring body to the person engaged in conduct of financial transactions no later than the business day immediately following the day when the respective decision has been made shall be the grounds for resumption of financial transactions suspended by virtue of the decision of the financial monitoring body. The procedure of suspension of financial transactions by the financial monitoring body, interaction between the financial monitoring body and the persons engaged in conduct of financial transactions shall be approved by the Council of Ministers of the Republic of Belarus;

► send the relevant information and materials related to freezing of funds and/or blocking of a financial transaction in cases provided for by Article 9¹ of this Law to the prosecuting authority

according to its terms of reference, and send a notice thereof on electronic media or on paper to the person engaged in conduct of financial transactions which/who has made a decision to apply measures for freezing of funds and/or blocking of the financial transaction;

▶ in response to suspending, by customs authorities, cash and/or monetary instruments movement make, within three business days from receipt of relevant information, a decision to return such cash and/or monetary instruments so suspended or send information and materials on possible links of such cash and/or monetary instruments so suspended with legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation to prosecuting authority according to its competence. Information on a decision made by the financial monitoring body shall be sent to the respective customs authority no later than the business day immediately following the day when such decision has been made;

▶ send the relevant information and materials to prosecuting authority according to its competence when there is sufficient evidence of links of the financial transaction with deriving and/or legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation. Should financial transactions be suspended, such information and materials shall be sent to prosecuting authority no later than five business days from execution, by the person engaged in conduct of financial transactions, of a financial monitoring body's decision on suspension of financial transactions, or no later than five business days from receipt of the relevant information from customs authorities when movement of cash and/or monetary instruments has been suspended by customs authorities;

use information contained in special forms and other sources for application of measures on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

▶ apply other measures in compliance with this Law and other legislative acts.

Suspension of a financial transaction in accordance with paragraph four of Part one in this Article may not give rise to liability of the financial monitoring body or its employees for any damages and moral harm caused as a result of such action.

To prevent legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation the financial monitoring body shall:

obtain from government bodies exercising control over persons engaged in conduct of financial transactions requested information on control over such persons as it pertains to their compliance with the laws on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation; summarize practical application of such legislation on the basis of received information, and draw up proposals for improving thereof;

take part in implementation of measures to preclude violation of laws on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

take part in the activities of international organizations in due order;

take part, in accordance with established procedure, in the preparation of draft regulatory and legal acts as well as in signing and execution of international treaties on preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

exercise other powers in compliance with the legislation.

The employees of the financial monitoring body shall ensure safety of information on activities of the financial monitoring body disclosed to them, which constitutes official, banking or other secret protected by law, and shall bear responsibility for disclosure of such information, as established by law.

Submission of information and materials by the financial monitoring body to prosecuting authority in accordance with paragraph seven of Part one of this Article shall not be deemed breach of official, banking or other secret protected by law and may not give rise to liability of such body and its employees for any damages and moral harm caused as a result of such action.

Article 12. Submission of information to the financial monitoring body

Government bodies and other organizations shall, in accordance with the statutory procedure, furnish the financial monitoring body with information and documents (except for privacy information of natural persons) required for due performance of its assigned functions, which action shall not be deemed breach of official, banking or other secret protected by law.

Article 13. International cooperation in the field of preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation

The financial monitoring body, in compliance with legislation, in particular, international treaties to which the Republic of Belarus is a party, shall cooperate with competent authorities of foreign countries in the field of preventing legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, at the stage of acquisition of information, preliminary investigations, trial, and enforcement of judgments.

The financial monitoring body, in compliance with legislation, in particular, international treaties to which the Republic of Belarus is a party, shall furnish competent authorities of foreign countries, upon their requests, with relevant information (in particular information containing official, banking or other secret protected by law) only to the extent such action is not in prejudice of the national security of the Republic of Belarus and as long as such information is not used without prior consent of the financial monitoring body.

ARTICLE 4

**RESPONSIBILITY FOR VIOLATION OF THE LEGISLATION
ON PREVENTING THE LEGITIMIZATION OF THE PROCEEDS OF CRIME AND
THE FINANCING OF TERRORISM AND FINANCING THE WEAPONS OF
OF MASS DESTRUCTION PROLIFERATION.
SUPERVISION AND CONTROL OVER THE OBSERVANCE THEREOF**

Article 14. Responsibility for violation of the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation

The persons guilty of violation of the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation shall bear responsibility established by legislative acts.

Article 15. Supervision over compliance with the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation

Supervision over precise and uniform implementation of the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation shall be provided by the Prosecutor General of the Republic of Belarus and his/her subordinate prosecutors.

Article 16. Control over activities of persons engaged in conduct of financial transactions in terms of compliance with the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation

Control over activities of persons engaged in conduct of financial transactions in terms of compliance with the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation shall be provided, within their terms of reference, by:

- ▶ The National Bank of the Republic of Belarus – over banks and nonbank financial institutions; Development Bank of the Republic of Belarus Joint Stock Company; leasing companies; microfinance organizations, pawnshops inclusive, as it pertains to their microfinance granting and raising activities; Forex companies and the National Forex Center;
 - ▶ The Ministry of Finance of the Republic of Belarus – over the securities market professionals; persons trading in precious metals and gems; pawnshops, buying-up facilities, as it pertains to their dealing in precious metals and gems; auditing firms, auditors who are individual entrepreneurs, rendering professional services associated with accounting, drawing up accounting reports and/or and financial statements related to financial transactions conducted in the name and/or on the instructions of the customer; insurance companies and insurance brokers; organizers of lottery and electronic interactive games;
 - ▶ The Ministry of Justice of the Republic of Belarus – over notaries, agencies rendering real estate services and participating in the real estate sale-and-purchase transactions for their customers; organizations and individual entrepreneurs, lawyers and law offices rendering legal services (legal assistance) related to establishment of organizations or participation in the management thereof, or purchase or sale of enterprises as a property complex, conduct of financial transactions and/or fund management in the name and on behalf of the customer;
- The Ministry of Communication and Informatization of the Republic of Belarus – over postal operators;
- The Ministry of Taxes and Duties of the Republic of Belarus – over organizers of gambling;
- The Ministry of Commerce of the Republic of Belarus – over commodity exchanges;
- ▶ The State Property Committee of the Republic of Belarus – over organizations engaged in the state registration of real estate, title thereto and transactions therewith.

The government bodies exercising control over the persons engaged in conduct of financial transactions shall:

- ▶ specify the requirements to the internal control regulations, in particular the procedure of application of measures for freezing of funds and/or blocking of financial transactions, with due regard to general requirements and procedure established by the Council of Ministers of the Republic of Belarus and special aspects of activities of persons engaged in conduct of financial transactions;

provide methodological guidance of activities of persons under control, engaged in conduct of financial transactions, in the field of preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation, with due consideration of identified risks in the respective field of activities;

coordinate activities of persons under control, engaged in conduct of financial transactions, in organization of internal control and management of risks inherent in legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation;

develop recommendations for persons under control, engaged in conduct of financial transactions, on the identification criteria and alerting attributes of financial transaction associated with deriving or legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation, with due regard for special aspects of such persons' activities;

summarize practical application of legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation in the respective field of activities and draw up proposals for improving thereof;

apply measures to prevent violation of laws on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation;

apply, in compliance with legislative acts, sanctions to violators of the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation;

be entitled to set requirements of reporting of financial transactions subject to special control, applicable to persons under control, engaged in conduct of financial transactions.

Information on imposition of administrative sanctions on any bank, nonbank financial institution, Development Bank of the Republic of Belarus Joint Stock Company for noncompliance with the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation shall be placed by the National Bank of the Republic of Belarus to its official Internet site within thirty days from entry of decision on imposing administrative sanctions into legal force.

Should the facts of non-submission of information on a financial transaction subject to special control or any other violations of the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation be detected, the government bodies shall notify thereof the financial monitoring body within five business days from signing the relevant inspection report.

CHAPTER 5 FINAL PROVISIONS

Article 17. Introduction of amendments and supplements to certain laws

1. The following amendments and supplements shall be introduced to the Criminal Code of the Republic of Belarus dated July 9, 1999 (National Register of Legal Acts of the Republic of Belarus 1999, No. 76, 2/50; 2006, No. 9, 2/1194; No. 111, 2/1242; 2007, No. 173, 2/1361; 2008, No. 184, 2/1514; 2011, No. 4, 2/1775; National Legal Internet Portal of the Republic of Belarus November 01, 2012, 2/1987):

Article 235 shall have the following wording:

“Article 235. Legitimization ("laundering") of the proceeds of crime

1. Effecting financial transactions with the proceeds of crime, for attaching a justifiable aspect for the possession, use and/or disposal of the above funds with a view to conceal or distort the origin, location place, movement or actual accessory of the above funds

- shall be punishable by a financial penalty, or deprivation of the right to occupy certain positions or be involved in certain activities with a financial penalty or deprivation of freedom for a period from two to four years with a financial penalty or without it and with deprivation of the right to occupy certain positions or be involved in certain activities.

2. The same actions committed repeatedly or by an official while using his/her official duties, or on an especially large scale,

- shall be punishable by deprivation of freedom for a period from four to seven years with the forfeiture of property and with deprivation of the right to occupy certain positions or be involved in certain activities.

3. The actions set forth in parts 1 or 2 hereof, committed by an organized group,

- shall be punishable by deprivation of freedom for a period from five to ten years with the forfeiture of property and with deprivation of the right to occupy certain positions or be involved in certain activities.

22 Notes:

1. The financial transaction herein means a transaction with funds irrespective of a form or way of effecting thereof.

2. The funds herein and in Article 290-1 hereof mean funds, securities, electronic money, other property, property rights inclusive, as well as exclusive rights to the intellectual property results.

3. A person who participated in the legitimization of the proceeds of crime shall be discharged from criminal liability for such actions provided he/she has voluntarily reported such actions and contributed to discovering a crime.";

in paragraph one Part 2 of Article 289 the words “290¹ or” shall be replaced by the words “290¹–290⁵, Part 4 of Article 309, Part 3 of Article 311 and Article”

in Article 290¹:

paragraph one of Part 1 shall have the following wording:

“1. Providing or raising of funds by any means for the purpose of using for terrorist activities, material security or other support knowingly for guilty terrorists, terrorist groups and terrorist organizations (financing of terrorist activity) –“;

paragraph two of Part 2 shall have the following wording:

“2. The same actions, when committed repeatedly or by an organized group or by an official using his/her official position or by a person who has previously committed offenses under Articles 124–127, 131, 287, 289, 290, 290²–292, Part 4 of Article 294, Part 4 of Article 295, Part 4 of Article 309, Part 3 of Article 311, Articles 359 and 360 of this Code, –“;

the Code shall be supplemented with Article 290²–290⁵ reading as follows:

“Article 290². Facilitation of terrorist activities

1. Recruitment or other involvement of a person into terrorist activities, as well as any other training of a person for participation in terrorist activities –

shall be punishable by deprivation of liberty for the period from five to twelve years with forfeiture of property.

2. The same actions, when committed by a person using his/her official authorities – shall be punishable by deprivation of liberty for the period from seven to fifteen years with forfeiture of property.

Note. The person who has committed offenses under the present Article shall be exempt from criminal liability for such actions provided such person, by a timely notice to the government bodies or otherwise, has contributed to prevention and suppression of crime under the present Article.

Article 290³. Instruction and training for participation in terrorist activities

Undergoing instruction and training, knowingly for the trainee aimed at his/her subsequent participation in terrorist activities, –

shall be punishable by deprivation of liberty for the period from six to ten years with or without forfeiture of property.

Note. The person who has committed offenses under the present Article shall be exempt from criminal liability for such actions provided such person, by a timely notice to the government bodies or otherwise, has contributed to prevention and suppression of crime under the present Article.

Article 290⁴. Creation of an organization for carrying out terrorist activities or involvement therein

1. Activities involving creation of an organization for carrying out terrorist activities or management of such organization or any part thereof or of structural units thereof – shall be punishable by deprivation of liberty for the period from eight to twelve years with forfeiture of property.

2. Participation in the organization created for carrying out terrorist activities – shall be punishable by deprivation of liberty for the period from seven to ten years with forfeiture of property.

Note. The person who has voluntarily ceased his/her participation in the organization created for carrying out terrorist activities shall be exempt from criminal liability under the present Article.

Article 290⁵. Arrangement of activities of a terrorist organization and participation therein

1. Arrangement of activities of an organization recognized as terrorist under the laws of the Republic of Belarus –

shall be punishable by deprivation of liberty for the period from ten to fifteen years with forfeiture of property.

2. Involvement in the activities of an organization recognized as terrorist under the laws of the Republic of Belarus –

shall be punishable by deprivation of liberty for the period from eight to twelve years with forfeiture of property.

Note. The person who has voluntarily ceased his/her participation in the organization recognized as terrorist under the laws of the Republic of Belarus shall be exempt from criminal liability under the present Article.

Article 292 shall have the following wording:

“Article 292. Seizure of buildings and structures

1. Seizure of buildings and structures, lines or means of communication, other communications, fixed platforms located on a continental shelf, or holding thereof combined with threat of destruction or damage thereof or with threat of homicide of people or infliction of bodily injury on the same with a view to forcing any government body, legal entity or a natural person or a group of persons to perform or refrain from performance of any act as a precondition for refraining from carrying out such threat, as well as financing and other material support of such actions –

shall be punishable by detention for a period from three to six months or restriction of liberty for the period up to five years or deprivation of liberty for the same period.

2. The same actions when committed by an organized group or resulting through negligence in loss of life or damaging on an especially large scale or other severe consequences –

shall be punishable by deprivation of liberty for the period from seven to twelve years.

3. Actions stipulated in Parts 1 and 2 of this Article committed with the use of armaments, explosives, explosive devices as well as nuclear, chemical, biological or any other type of mass destruction weapons or major parts thereof –

shall be punishable by deprivation of liberty for the period from eight to fifteen years with forfeiture of property.”;

paragraph one Part 4 of Article 294 shall have the following wording:

“4. Actions stipulated in Parts 1, 2 or 3 of this Article committed by robbery or extortion or by an organized group, as well as with a view to committing crimes stipulated in Articles 124–127, 131, 287, 289–292, 359 and 360 of this Code, –“;

paragraph one Part 4 of Article 295 shall have the following wording:

“4. Actions stipulated in Parts 2 or 3 of this Article, when committed by an organized group as well as with a view to committing crimes stipulated in Articles 124–127, 131, 287, 289–292, 359 and 360 of this Code, –“;

Article 4 shall be supplemented with Part 4 reading as follows:

“4. Actions stipulated by Part 1 of this Article performed with a view to committing crimes stipulated in Articles 124, 126, 289, 359 and 360 of this Code, –

shall be punishable by deprivation of liberty for the period from seven to fifteen years with or without forfeiture of property.”;

in paragraph one Part 3 of Article 311:

the words “first or second” shall be replaced with “1 or 2”;

after the word “damages” the paragraph shall be supplemented with the words” as well as with a view to committing crimes stipulated in Articles 124, 126, 289, 359 and 360 of this Code”;

Article 322 shall have the following wording:

“Article 322. Illegal acquisition, possession, use, sale or destruction of radioactive materials

1. Illegal acquisition, possession, use, sale or destruction of radioactive materials (sources of ionizing radiation, radioactive substances and nuclear materials in whatever physical state in the plant, product or other form) –
shall be punishable by a fine or detention for the period up to six months or restriction of liberty for the period up to four years or deprivation of liberty for the same period.
2. The same actions when committed repeatedly or by a group of persons or by an official using his/her official authorities or by a person who has previously committed offenses under Articles 323 – 325 of this Code, –
shall be punishable by deprivation of liberty for the period from four to ten years with or without forfeiture of property.
3. The actions stipulated in Parts 1 or 2 of this Article committed with a view to committing a crime under Articles 124–127, 131, 287, 289–292, 359 and 360 of this Code, –
shall be punishable by deprivation of liberty for the period from eight to fifteen years with or without forfeiture of property.”;

in Article 323:

in Part 1:

paragraph one after the word “materials” shall be supplemented with the words “as well as financing such theft”;

in paragraph two the words “is punishable” shall be replaced with the words “are punishable”;

in paragraph one Part 3:

the words “first or second” shall be replaced with “1 or 2”;

after the word “group” the paragraph shall be supplemented by the words “as well as with a view to committing crimes under Articles 124–127, 131, 287, 289–292, 359 and 360 of this Code”;

Article 324 shall have the following wording:

“Article 324. Threat of hazardous use of radioactive materials

1. The threat of hazardous use of radioactive materials for the purpose to forcing any government body, international organization, natural person or legal entity to perform or refrain from performance of any act or for any other purpose, provided there are grounds to fear such threat –
shall be punishable by deprivation of liberty for the period up to five years.
2. The same action when committed repeatedly or by a group of persons by prior conspiracy –
shall be punishable by deprivation of liberty for the period from five to ten years with or without forfeiture of property.

3. The actions stipulated in Parts 1 and 2 of this Article when committed by a person who has previously committed offenses under Articles 124, 126, 289, 290, Part 4 of Article 309, Part 3 of Article 311, Articles 359 and 360 of this Code –

shall be punishable by deprivation of liberty for the period from seven to fifteen years with or without forfeiture of property.”;

paragraph one Part two of Article 333 after the words “blackmailing offenses” shall be supplemented with the words “as well as with a view to committing crimes under Articles 124–127, 131, 287, 289–292, 359 and 360 of this Code,”.

2. In Part 2 of Article 182 in the Code of Criminal Procedure of the Republic of Belarus dated July 16, 1999 (National Register of Legal Acts of the Republic of Belarus, 2000, No. 77–78, 2/71; 2011, No. 140, 2/1877) the figures “290¹” shall be replaced by the words “290⁵, Part 4 of Article 294, Part 4 of Article 295, Part 4 of Article 309, Part 3 of Article 311, Part 3 of Article 322, Part 3 of Article 323, Part 3 of Article 324, Part 2 of Article 333, Articles”.

3. Paragraph fourteen of Article 3 in the Law of the Republic of Belarus On Combating Terrorism dated January 3, 2001 (National Register of Legal Acts of the Republic of Belarus, 2002, No. 6, 2/825; 2006, Bo. 9, 2/1194) shall be reworded as follows:

“financing of terrorism – provision or raising monetary funds, securities, e-money or any other property, in particular, proprietary rights, as well as exclusive rights to intellectual deliverables, by any means for the purpose of using thereof for terrorist activities, material security or other support of known terrorists, terrorist groups and terrorist organizations.”.

4. The following amendments and addenda shall be introduced to the Code on Administrative Offenses of the Republic of Belarus dated April 21, 2003 (National Register of Legal Acts of the Republic of Belarus, 2003, No. 63, 2/946; 2005, No. 120, 2/1128; 2006, No. 112, 2/1245; 2007, No. 120, 2/1325; No. 160, 2/1343; No. 175, 2/1370; No. 305, 2/1397; 2010, No. 16, 2/1651; No. 162, 2/1701; No. 300, 2/1750; National Legal Internet Portal of the Republic of Belarus, July 19, 2012, 2/1961; July 27, 2013, 2/2062):

Article 11.72 shall have the following wording:

Article 11.72. Non-application of measures aimed at preventing from legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation

1. Non-application, by the person engaged in conduct of financial transactions, of statutorily required measures to prevent from legitimization of the proceeds of crime and the financing of terrorism and financing the weapons of mass destruction proliferation –

shall be subject to the fine at the rate from twenty to one hundred base values or from fifty to five hundred base values – for an individual entrepreneur, or from fifty to one thousand base values – for a legal entity;

2. Repeated (two and more times during a year) violation of established procedure of questionnaire survey of customers –

shall be subject to a notice of violation or fine at the rate up to twenty base values.

Note. The terms “the person engaged in conduct of financial transactions” and “the customer” used in this Article shall have the meanings defined in the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation.”;

The Code shall be supplemented with Articles 11.79 and 11.80 to read as follows:

“Article 11.79. Conduct of a financial transaction resulting in legitimization of proceeds of crime

Conduct, by a legal entity, of a financial transaction in funds knowingly obtained by criminal means for an official of such legal entity, resulting in imparting a legitimate appearance to possession, use or disposal of such funds –

shall be subject to the fine against such legal entity at the rate of one hundred percent of the amount of such transaction.

Note. The terms “financial transaction” and “funds” used in this Article and in Article 11.80 of this Code shall have the meanings defined in the legislation on preventing legitimization of proceeds of crime and financing of terrorism and financing weapons of mass destruction proliferation.

Article 11.80. Financing of terrorism

Provision or raising, by a legal entity, of funds by any way for the purpose of using thereof for terrorist activities, material security or other support of terrorists, terrorist groups and terrorist organizations pre-known by the official of such legal entity as such –

shall be subject to the fine against such legal entity at the rate from five hundred to one thousand base values.

5. The following amendments and addenda shall be introduced to the Procedural-Executive Code of Administrative Offences of the Republic of Belarus dated December 20, 2006 (National Register of Legal Acts of the Republic of Belarus, 2007, No.14, 2/1291; No. 118, 2/1307; No. 120, 2/1325; No. 121, 2/1326; No. 132, 2/1330; No. 160, 2/1343; No. 263, 2/1376; No. 305, 2/1397, 2/1401; 2009, No. 148, 2/1578; 2010, No. 16, 2/1651; No. 162, 2/1701; No. 183, 2/1718; No. 300, 2/1750; 2011, No. 134, 2/1869; 2012, No. 62, 2/1928; National Legal Internet Portal of the Republic of Belarus, July 19, 2012, 2/1961; July 27, 2013, 2/2062; January 12, 2014, 2/2118):

in Article 3.2:

Part 1 after the figures “11.71,” and “23.18,” shall be supplemented with the words “Part 2 of Article 11.72” and with figures “23.20,”;

Part 2 after the figures “11.65,” shall be supplemented with the words “Part 1 of Article 11.72, Articles”;

Part 1 of Article 3.6 after the words “11.4, Articles” shall be supplemented with the figures “11.79,”;

in Part 1 of Article 3.6 the figures “11.78” shall be replaced by the figures “11.79”;

Part 1 of Article 3.13 after the figures “11.61,” and “23.16” shall be supplemented with the figures “11.72,” and “23.20,” respectively

Part 1 of Article 3.15 after the figures “11.66,” and “23.1,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

Part 1 of Article 3.21 after the figures “11.59,” and “23.16,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

Part 1 of Article 3.25 after the words “provided for” shall be supplemented with the words “Article 11.80,”;

Part 1 of Article 3.25 after the words “Articles” and figures “12.36,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

in Part 1 of Article 3.27¹ the word “Article” shall be replaced by the words “Articles 11.72, 23.20,”;

in Part 1 of Article 3.30:

paragraph 1 after the figures “11.33,” shall be supplemented with the figures “11.79,”

in paragraph 14 the figures “22.2–22.5” shall be replaced with the figures “11.72, 22.2–22.5, 23.20”;

in paragraph 16 the figures “11.78” shall be replaced with the figures “11.79”;

paragraph 26 after the figures “11.61,” and “23.16,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

paragraph 59 after the figures “11.59,” and “23.16,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

paragraph 60 after the words “under Articles” shall be supplemented with the figures “11.80,”;

paragraph 62 after the figures “11.66,” and “22.13,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

paragraph 64 after the words “11.66, under Articles” and the figures “22.16,” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

paragraph 67 after the words “under Articles” and “persons” shall be supplemented with the figures “11.72,” and “23.20,” respectively;

in paragraph 71 the figures “12.41” shall be replaces with the figures “11.72, 12.41, 23.20”.

Article 18. Invalidation of Laws and Certain Provisions Thereof

The following shall be deemed to have lost force:

1. The Law of the Republic of Belarus dated July 19, 2000 “On Measures to Prevent from Laundering of Proceeds of Crime and Financing of Terrorism” (National Register of Legal Acts of the Republic of Belarus, 2000, No. 75, 2/201).
2. Article 23 in the Law the Republic of Belarus dated July 24, 2002 “On Introduction of Amendments and Addenda to Certain Legislative Acts of the Republic of Belarus owing to Restructuring of the System of the Republican State Administration Bodies” (National Register of Legal Acts of the Republic of Belarus, 2002, No. 87, 2/883).
3. Article 21 in the Law the Republic of Belarus dated January 4, 2003 “On Introduction of Amendments to Certain Legislative Acts of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2003, No. 8, 2/932).
4. Has ceased to be in force.
5. The Law of the Republic of Belarus dated December 11, 2005 “On Introduction of Amendments and Addenda to the Law of the Republic of Belarus “On Measures to Prevent from Laundering of Proceeds of Crime” (National Register of Legal Acts of the Republic of Belarus, 2005, No. 196, 2/1165).
6. Article 12 in the Law of the Republic of Belarus dated December 26, 2007 “On Introduction of Amendments and Addenda to Certain Legislative Acts of the Republic of Belarus and Invalidation of Some Legislative Acts of the Republic of Belarus and Certain Provisions of

- Laws of the Republic of Belarus on Insurance Issues” (National Register of Legal Acts of the Republic of Belarus, 2007, No. 305, 2/1397).
7. Article 2 in the Law of the Republic of Belarus dated July 16, 2008 “On Introduction of Amendments and Addenda to Certain Laws of the Republic of Belarus on the Issues of Registration of Citizens at their Places of Residence and Temporary Residence” (National Register of Legal Acts of the Republic of Belarus, 2008, No. 184, 2/1510).
 8. The Law of the Republic of Belarus dated November 6, 2008 “On Introduction of Addenda to the Law of the Republic of Belarus “On Measures to Prevent from Laundering of Proceeds of Crime and Financing of Terrorism” (National Register of Legal Acts of the Republic of Belarus, 2008, No. 266, 2/1535).
 9. Article 6 in the Law of the Republic of Belarus dated July 15, 2009 “On Introduction of Amendments and Addenda to Certain Laws of the Republic of Belarus on the Issues of Documentation of the Population of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2009, No. 173, 2/1595).
 10. Article 1 in the Law of the Republic of Belarus dated June 14, 2010 “On Introduction of Amendments and Addenda to Certain Laws of the Republic of Belarus on the Issues of Preventing from Laundering of Proceeds of Crime and Financing of Terrorism” (National Register of Legal Acts of the Republic of Belarus, 2010, No. 147, 2/1684).
 11. Article 9 in the Law of the Republic of Belarus dated December 22, 2011 “On Introduction of Amendments and Addenda to Certain Laws of the Republic of Belarus” (National Register of Legal Acts of the Republic of Belarus, 2012, No. 1, 2/1878).
 12. The Law of the Republic of Belarus dated April 24, 2014 “On Introduction of Addenda and Amendments to the Law of the Republic of Belarus “On Measures to Prevent from Laundering of Proceeds of Crime and Financing of Terrorism” (National Legal Internet Portal of the Republic of Belarus, April 29, 2014, 2/2131).

Article 19. Measures for Implementation of Provisions of this Law

The Council of Ministers, National Bank of the Republic of Belarus shall within six months:

bring the relevant pieces of legislation in full compliance with this Law;

ensure elaboration of and furnishing the persons engaged in conduct of financial transactions with recommendations on managements of risks inherent in laundering of proceeds of crime, financing of terrorism and proliferation of mass destruction weapons;

apply other measures required for implementation of provisions of this Law.

Article 20. Entry of this Law into Legal Force

This Law shall enter into legal force in the following order:

Articles 1–18 – in six months from official publication of this Law;

other provisions – after official publication of this Law.

President of the Republic of Belarus

A. Lukashenko