

O R D E R
OF DIRECTOR OF THE FINANCIAL CRIME INVESTIGATION SERVICE
UNDER THE MINISTRY OF THE INTERIOR OF THE REPUBLIC OF LITHUANIA

**ON THE APPROVAL OF THE INSTRUCTIONS CONCERNING THE PROPER
IMPLEMENTATION OF INTERNATIONAL SANCTIONS IN THE REGULATION SPHERE OF
THE FINANCIAL CRIME INVESTIGATION SERVICE UNDER THE MINISTRY OF THE
INTERIOR OF THE REPUBLIC OF LITHUANIA**

09 November 2005 No 96-V
Vilnius

Following Article 12, Part 1, Point 2 of the Law on the Implementation of Economic and Other International Sanctions (Official Gazette 2004, No 68-2369) and Point 4 of the Order of the Implementation of International Sanctions, approved by Resolution No 1679 of the Government of the Republic of Lithuania of 30 December 2004 „On the Approval of the Schedule of Order of the Implementation of International Sanctions“ (Official Gazette 2004, No 1-4),

I hereby *a p p r o v e* the instructions concerning the proper supervision of the implementation of international sanctions within the regulatory sphere of the Financial Crime Investigation Service under the Ministry of the Interior of the Republic of Lithuania (attached).

DIRECTOR

ROMUALDAS BOREIKA

APPROVED
by Order No 96-V of 09 November 2005
of the Director of the Financial Crime Investigation Service
under the Ministry of the Interior of the Republic of Lithuania

**THE INSTRUCTIONS CONCERNING THE PROPER IMPLEMENTATION OF
INTERNATIONAL SANCTIONS IN THE REGULATION SPHERE OF THE FINANCIAL CRIME
INVESTIGATION SERVICE UNDER THE MINISTRY OF THE INTERIOR OF
THE REPUBLIC OF LITHUANIA**

I. GENERAL PROVISIONS

1. The instructions on the proper implementation of international sanctions within the regulation sphere (hereinafter referred to as “instructions”) of the Financial Crime Investigation Service (hereinafter referred to as the Financial Crime Investigation Service) establish the supervision order of the implementation of the requirements of the legal acts regulating the proper implementation of international sanctions.
2. These instructions are intended for the natural and legal persons (hereinafter referred to as “persons”), performing their activity in the Republic of Lithuania as well as on the territory of foreign countries:
 - 2.1. financial institutions;
 - 2.2. auditors;
 - 2.3. accounting undertaking or undertaking providing tax advice services;
 - 2.4. notaries and persons licensed to perform notarial acts;
 - 2.5. lawyers and lawyer assistants;
 - 2.6. persons engaged in economic-commercial activities;
 - 2.7. providers of postal services providing services of domestic and international money transfers.
3. The definitions used in these instructions should be understood so, as they are defined in the schedule approved by the Law of the Republic of Lithuania on Implementation of Economic and Other International

Sanctions, Resolution No 1679 of the Government of the Republic of Lithuania of 30 December 2004 „On the Approval of the Schedule of Order of the Implementation of International Sanctions“.

II. LEGAL ACTS, REGULATING THE SUPERVISION OF THE IMPLEMENTATION OF INTERNATIONAL SANCTIONS

4. The matters related to the supervision of the implementation of international sanctions in the Republic of Lithuania are regulated by:

4.1. The Law on Implementation of the Economic and Other International Sanctions (Official Gazette 2004, No 68-2369);

4.2. The Code of the Administrative Law Violations of the Republic of Lithuania (Official Gazette 1985, No 1-1) (Articles 187¹², 224 and 259¹);

4.3. The Criminal Code of the Republic of Lithuania (Official Gazette 2000, No 89-2741) (Article 123¹);

4.4. Resolution No 1679 of the Government of the Republic of Lithuania of 30 December 2004 „On the Approval of the Schedule of Order of the Implementation of International Sanctions“ (Official Gazette 2004, No 1-4);

4.5. Resolution No 1281 of the Government of the Republic of Lithuania of 31 October 2001 „On the Measures for Implementation of Resolutions of the United Nations Security Council (Official Gazette 2001, No 93-3283; 2002, No 56-2263);

4.6. Council Regulation (EC) No 2580/2001 of 27 December 2001 „On the means of specific restrictions applicable to the particular persons and associations aiming to counteract terrorism“;

4.7. Other legal acts, regulating the implementation of international sanctions.

III. PERSONS' OBLIGATIONS RELATED TO THE IMPLEMENTATION OF FINANCIAL SANCTIONS

6. The implementation of international sanctions is regulated and amended by Resolutions of the Government of the Republic of Lithuania and the Regulations of the European Union, directly applicable in the Republic of Lithuania. The persons are obliged to implement financial sanctions and to perform the actions established in the Resolutions of the Government of the Republic of Lithuania on the implementation of international sanctions and in the Regulations of the European Union on the international sanctions and exceptions of their implementation.

7. The persons are obliged:

7.1. to check whether the client is not included on the consolidated list of subjects and their groups, to which the financial sanctions of the European Union are applicable (the updated consolidated list is available on the official site of the European Commission);

7.2. to pay special attention to the clients from the countries, which are on the list of non-cooperating countries and territories, established by the Financial Action Task Force (FATF), and the financial operations and transactions performed by them or in their favour (the updated list of the non-cooperating countries and territories is available on the official site of FATF).

8. It is forbidden to the persons (if in the other legal acts it is not stipulated otherwise):

8.1. to perform the operations with money to the subjects, against whom the financial sanctions are being implemented;

8.2. to make transactions, the implementation of which would contradict the financial sanctions implemented in the Republic of Lithuania;

8.3. to perform the actions, the performance of which is forbidden by the financial sanctions implemented in the Republic of Lithuania;

9. Persons must terminate any transactions immediately, which have been made prior to the determination of implementation of financial sanctions in the Republic of Lithuania or to terminate their implementation for the period of the implementation of financial sanctions.

10. Persons must immediately terminate the implementation of obligations, which have appeared prior to the determination of the implementation of financial sanctions in the Republic of Lithuania, or terminate it for the period of the implementation of financial sanctions. It is forbidden to commit oneself to any new obligations, the implementation of which would contradict to the implemented financial sanctions in the Republic of Lithuania.

11. Financial institutions must ensure that the accounts of the subjects with respect to which international sanctions are implemented would not be in disposition. The financial institutions, which have suspended the disposition of the accounts of the subjects, against whom financial sanctions are being implemented, must report in the period of 2 working days to the Financial Crime Investigation Service and Ministry of Foreign Affairs of the Republic of Lithuania.

12. Restricting the disposition of the accounts of the subjects, with respect to which international sanctions are implemented, the usual account management fees and interest, as well as payments according to the transactions, established before starting the implementation of sanctions could be debited only in such a way, whenever the subject with respect to which international sanctions are implemented would not be able to have in his disposition any debits or credits.

13. If the decisions of the international organizations and (or) the legal acts of the European Union, excluding regulations, which have established financial sanctions, provide exceptions of their implementation to supply any humanitarian, peaceful missions or in any other special cases, the implementation of exceptions of sanctions in the Republic of Lithuania is determined by Resolutions of the Government of the Republic of Lithuania, except the case provided in Article 8, Part 1 of the Law on Implementation of the Economic and Other International Sanctions.

14. Persons or subjects with respect to whom international sanctions are implemented, aiming to use the exceptions provided in Point 13 of these guidelines shall appeal to the Financial Crime Investigation Service. The Financial Crime Investigation Service shall appeal to the Ministry of Foreign Affairs of the Republic of Lithuania on the implementation of exception in each concrete case and implement the exception only upon the receipt of its consent. Financial institutions aiming to use the exceptions provided in Point 13 of these guidelines, shall appeal directly to the Ministry of Foreign Affairs of the Republic of Lithuania and implement the exception only upon the receipt of its consent.

15. Persons must present the information about the implementation of financial sanctions to the Financial Crime Investigation Service, and financial institutions must also present the information to the Ministry of Foreign Affairs.

16. Persons must present all the data necessary for supervision to the Financial Crime Investigation Service.

17. Presentation of information to the Financial Crime Investigation Service and other institutions liable for the supervision of the implementation of international sanctions shall not be considered a disclosure of the official, industrial, commercial, bank secret or confidential information.

IV. SUGGESTIONS FOR PERSONS ON THE ESTABLISHMENT OF THE INTERNAL ORDER, IMPLEMENTING FINANCIAL SANCTIONS

18. It is suggested for persons:

18.1. to appoint the employee(-s), who would arrange the implementation of financial sanctions, would be responsible for suspension of the disposition of the accounts, regular update of the list of subjects with respect to which international sanctions are implemented, reporting to the Financial Crime Investigation Service and other institutions, responsible for supervision of the implementation of international sanctions;

18.2. to confirm the internal order, which would ensure the proper following of the requirements established in these guidelines;

18.3. to follow the information notes about the establishment of the international sanctions, of the Ministry of Foreign Affairs of the Republic of Lithuania;

18.4. to have and permanently update the list of subjects with respect to which international sanctions are implemented;

18.5. to establish the appropriate procedures of internal control, which would preclude any violations of the implementation of financial sanctions.