



# GOVERNMENT OF THE REPUBLIC OF LITHUANIA

## RESOLUTION No 562

of 5 June 2008

### **ON THE APPROVAL OF THE RULES OF KEEPING THE REGISTERS OF MONETARY OPERATIONS CONDUCTED BY THE CUSTOMER AS WELL AS SUSPICIOUS AND UNUSUAL OPERATIONS AND TRANSACTIONS AND ON ESTABLISHING THE CRITERION CHARACTERISING MAJOR CONTINUOUS AND REGULAR MONETARY OPERATIONS TYPICAL OF CUSTOMER ACTIVITIES**

Vilnius

Acting pursuant to Article 16(8) and Article 17(6) of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing (*Valstybės žinios* (Official Gazette) No 64-1502, 1997; No 10-335, 2008), the Government of the Republic of Lithuania has resolved:

1. To approve the Rules of Keeping the Registers of Monetary Operations Conducted by the Customer as well as Suspicious and Unusual Operations and Transactions (as appended).

2. To establish that financial institutions shall not be required to supply the Financial Crime Investigation Service under the Ministry of the Interior with the information specified in Article 17 (1) of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing when the customer activities involve major continuous and regular monetary operations, i.e. when the customer has been operating for at least one year and the actual cash inflow each quarter or the payments made over the last two quarters exceed EUR 300,000 or a respective amount in a foreign currency.

3. To repeal the following:

3.1. Resolution No 1409 of the Government of the Republic of Lithuania of 6 September 2002 on the Rules of Keeping the Register of Monetary Operations and Transactions Conducted by the Customer (*Valstybės žinios* (Official Gazette) No 89-3800, 2002).

3.2. Resolution No 931 of the Government of the Republic of Lithuania of 22 July 2004 Amending Resolution No 1409 of the Government of the Republic of Lithuania of 6 September 2002 on the Rules of Keeping the Register of Monetary Operations and Transactions Conducted by the Customer (*Valstybės žinios* (Official Gazette) No 115-4304, 2004).

Prime Minister

Gediminas Kirkilas

Minister of the Interior

Regimantas Čiupaila

APPROVED by  
Resolution No 562 of the Government of the  
Republic of Lithuania of 5 June 2008

**RULES OF KEEPING THE REGISTERS OF MONETARY OPERATIONS CONDUCTED BY  
THE CUSTOMER AS WELL AS SUSPICIOUS AND UNUSUAL OPERATIONS AND  
TRANSACTIONS**

**I. GENERAL PROVISIONS**

1. The Rules of Keeping the Registers of Monetary Operations Conducted by the Customer as Well as Suspicious and Unusual Operations (hereinafter referred to as "the Rules" shall regulate the keeping of the registers of the information specified in Article 16 of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing (*Valstybės žinios* (Official Gazette) No 64-1502, 1997; No 10-335, 2008), also registered data, the responsibilities of registrars and the inspection of register keeping.

2. These rules are binding on all financial institutions and other entities enumerated in paragraphs 1 to 7 of Article 16 of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing.

3. In keeping the registers, financial institutions and other entities shall follow the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing, other laws, resolutions of the Government of the Republic of Lithuania, the Rules and other legislative acts.

**II. KEEPING OF REGISTERS**

4. Financial institutions, except when the customer of a financial institution is another financial institution or a financial institution of another European Union state, must keep a register of:

4.1. performed one-off or several interconnected monetary operations and entered into transactions in excess of EUR 15,000 or a respective amount in a foreign currency, regardless of whether the transaction is conducted in the course of a single or several connected operations;

4.2. conducted one-off cash exchanges from one currency to another, when the amount of cash exchanged exceeds EUR 6,000 or a respective amount in a foreign currency;

4.3. conducted domestic and international postal orders, when the sum of transferred or received funds exceeds EUR 600 or a respective amount in a foreign currency;

4.4. performed and accepted money transfers – in compliance with the provisions of the Regulation (EC) No 1781/2006 of the European Parliament and of the Council of 15 November 2006 on information on the payer accompanying transfers of funds (OJ 2006, L 345, p. 1);

4.5. suspicious and unusual monetary operations or transactions.

5. Notaries or persons licensed to perform notarial actions, as well as bailiffs or persons licensed to perform bailiff's duties must keep the register of suspicious or unusual transactions of customers as well as transactions where the received or paid amount in cash exceeds EUR 15,000 or a respective amount in a foreign currency.

6. Providers of postal services must keep the register of conducted domestic and international postal orders, when the sum of transferred or received funds exceeds EUR 600 or a respective amount in a foreign currency, as well as of suspicious and unusual monetary operations and transactions.

7. Other entities (except for notaries or persons licensed to perform notarial actions, lawyers and assistant lawyers, bailiffs or persons licensed to perform bailiff's duties, and postal services providers) must keep the register of one-off payments in cash when the amount of received or paid cash exceeds EUR 15,000 or a respective amount in a foreign currency, also the register of suspicious and unusual monetary operations and transactions.

8. Companies organizing gaming must keep the register of checked customers entering the gaming establishments (casino), also of customers exchanging cash into chips or chips into cash.

9. The Lithuanian Bar must keep the register of the customers as well as suspicious or unusual transactions reported by their lawyers or assistant lawyers.

10. Financial institutions and other entities must keep the register of customers with which transactions or business relationships have been terminated under the circumstances named in Article 15 of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing or other circumstances related to violations of the procedure of money laundering and/or terrorist financing prevention.

11. In all cases, the registers shall be maintained electronically.

12. Financial institutions and other entities and the Lithuanian Bar shall establish the requirements regarding the computer, communication, technological and office equipment of the registrar and shall submit them to the Financial Crime Investigation Service under the Ministry of the Interior (hereinafter referred to as "the Financial Crime Investigation Service").

13. Financial institutions and other entities as well as the Lithuanian Bar, in coordination with the Financial Crime Investigation Service, shall establish the procedure of register filling and administration (including the requirements regarding organizational and technical measures intended to protect the register data from illegal destruction, alteration and use or any other type of unlawful handling).

### **III. REGISTER DATA**

14. Financial institutions and other entities as well as the Lithuanian Bar shall enter the following information into the register:

14.1. the data evidencing the customer's identity (in the case of natural persons – name, surname, date of birth, personal identification number or another unique sequence of characters

assigned to this person for identification purposes, and in the case of legal persons – name, legal status, office address and code, if such code has been assigned);

14.2. data evidencing the identity of the customer's agent when the monetary operation or transaction is entered into through an agent (name and surname, date of birth, personal identification number or another unique sequence of characters assigned to this person for identification purposes);

14.3. data on a monetary information or transaction (the date of the suspicious monetary operation or transaction, the amount of money involved and the currency, and the method of conducting the monetary operation or making the transaction);

14.4. the list of criteria on the basis of which the monetary operation or transaction is to be regarded as suspicious or unusual;

14.5. data about the beneficiary (name and surname, date of birth, personal identification number or another unique sequence of characters assigned to this person for identification purposes);

14.6. data on the person receiving the funds (in the case of natural persons – name, surname, date of birth, personal identification number or another unique sequence of characters assigned to this person for identification purposes, and in the case of legal persons – name, legal status, office address and code, if such code has been assigned);

14.7. the grounds of terminating transactions or business relationships under the circumstances specified in Article 15 of the Law of the Republic of Lithuania on Prevention of Money Laundering and Terrorist Financing or other circumstances related to violations of the procedure of money laundering and/or terrorist financing prevention.

15. Data shall be entered into the register in chronological order on the basis of documents attesting the operation or transaction or other documents having legal power in relation the performance of operations or entry into transactions. It shall be entered without delay, but no later than within three working days from the performance of the operation or entry into the transaction, except in the cases specified in paragraphs 16-19 of the Rules.

16. The company organizing gaming shall each time chronologically enter into the register the data of a customer entering the gaming establishment (casino) as well as the time of his every entry into the gaming establishment (casino) as soon as the company organizing gaming identifies the customer.

17. Auditors shall enter data into the register in chronological order on the basis of documents attesting the operation or transaction or other documents having legal power in relation to the performance of monetary operations or entry into transactions. The data shall be entered no later than within a working day of the performance of the operation or entry into the transaction or within one day of the day when the monetary operation performed or the transaction entered into was identified.

18. The Lithuanian Bar shall enter data into the register chronologically on the basis of documents attesting the operation or transaction or other documents having legal power in relation to the performance of monetary operations or entry into transactions. Data shall be entered no later than within a day of the day they were received from lawyers or assistant lawyers.

19. Under the circumstances indicated in paragraph 10 of the Rules, data shall be entered into the register chronologically but no later than within 7 working days from the occurrence or establishment of the specified circumstances.

#### **IV. INFORMATION PROTECTION AND INSPECTION OF REGISTER KEEPING**

20. The heads of financial institutions and other entities, notaries as well as persons licensed to perform notarial actions, the Lithuanian Bar, bailiffs or persons licensed to perform bailiff's duties, and providers of the services of trust and company establishment and administration shall ensure that the register data are protected from illegal destruction, alteration or use.

21. Register data shall be kept for 10 years from the day of expiry of transactions or business relationship with a customer.

22. The keeping of registers shall be inspected by the Financial Crime Investigation Service (in the case of companies organizing gaming – by the State Gaming Control Commission) in compliance with Resolution No 1150 of the Government of the Republic of Lithuania of 24 September 1998 on the Inspections Carried out by State Control Institutions (*Valstybės žinios* (Official Gazette), No 85-2373).

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