



GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION No 680

of 9 July 2008

AMENDING RESOLUTION NO 527 OF THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA OF 1 JUNE 2006 ON THE APPROVAL OF THE RULES OF PROVIDING THE LAW ENFORCEMENT AGENCIES AND OTHER STATE INSTITUTIONS OF THE REPUBLIC OF LITHUANIA WITH INFORMATION REGARDING CUSTOMERS' MONETARY OPERATIONS AT THE DISPOSAL OF THE FINANCIAL CRIME INVESTIGATION SERVICE UNDER THE MINISTRY OF THE INTERIOR

Vilnius

The Government of the Republic of Lithuania has resolved:

Resolution No 527 of the Government of the Republic of Lithuania of 1 June 2006 On the Approval of the Rules of Providing the Law Enforcement Agencies and Other State Institutions of the Republic of Lithuania with Information Regarding Customers' Monetary Operations at the Disposal of the Financial Crime Investigation Service under the Ministry of the Interior (*Valstybės žinios* (Official Gazette) No 63-2317, 2006) shall be amended and shall read as follows:

"GOVERNMENT OF THE REPUBLIC OF LITHUANIA

RESOLUTION

ON THE APPROVAL OF THE RULES OF PROVIDING THE LAW ENFORCEMENT AGENCIES AND OTHER STATE INSTITUTIONS OF THE REPUBLIC OF LITHUANIA WITH INFORMATION REGARDING CUSTOMERS' MONETARY OPERATIONS AND TRANSACTIONS AT THE DISPOSAL OF THE FINANCIAL CRIME INVESTIGATION SERVICE UNDER THE MINISTRY OF THE INTERIOR AND OF THE EXCHANGE OF INFORMATION BETWEEN THE STATE SECURITY DEPARTMENT AND THE FINANCIAL CRIME INVESTIGATION SERVICE UNDER THE MINISTRY OF THE INTERIOR IN IMPLEMENTING THE TERRORIST FINANCING PREVENTION MEASURES

Acting pursuant to Article 5(3), Article 6(2) and Article 14(12) 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:

to approve the Rules of Providing the Law Enforcement Agencies and Other State Institutions of the Republic of Lithuania with Information Regarding Customers' Monetary Operations and Transactions at the Disposal of the Financial Crime Investigation Service under the Ministry of the Interior and of the Exchange of Information Between the State Security Department and the Financial Crime Investigation Service under the Ministry of the Interior in Implementing the Terrorist Financing Prevention Measures (as appended)."

Prime Minister

Gediminas Kirkilas

Minister of the Interior

Regimantas Čiupaila

APPROVED By
Resolution No 527 of the Government of the
Republic of Lithuania of 1 June 2007 (as amended
by Resolution No 680 of the Government of the
Republic of Lithuania of 9 July 2008)

**THE RULES OF PROVIDING THE LAW ENFORCEMENT AGENCIES AND OTHER
STATE INSTITUTIONS OF THE REPUBLIC OF LITHUANIA WITH INFORMATION
REGARDING CUSTOMERS' MONETARY OPERATIONS AND TRANSACTIONS AT THE
DISPOSAL OF THE FINANCIAL CRIME INVESTIGATION SERVICE UNDER THE
MINISTRY OF THE INTERIOR AND OF THE EXCHANGE OF INFORMATION
BETWEEN THE STATE SECURITY DEPARTMENT AND THE FINANCIAL CRIME
INVESTIGATION SERVICE UNDER THE MINISTRY OF THE INTERIOR IN
IMPLEMENTING THE TERRORIST FINANCING PREVENTION MEASURES**

I. GENERAL PROVISIONS

1. The Rules of Providing the Law Enforcement Agencies and Other State Institutions of the Republic of Lithuania with Information Regarding Customers' Monetary Operations and Transactions at the Disposal of the Financial Crime Investigation Service under the Ministry of the Interior and of the Exchange of Information Between the State Security Department and the Financial Crime Investigation Service under the Ministry of the Interior in Implementing the Terrorist Financing Prevention Measures (hereinafter referred to as "the Rules") shall regulate the provision of the information regarding customers' monetary operations and transactions (hereinafter referred to as "information on monetary operations and transactions") at the disposal of the Financial Crime Investigation Service under the Ministry of the Interior (hereinafter referred to as "the Financial Crime Investigation Service") to the law enforcement agencies and other state institutions of the Republic of Lithuania (hereinafter referred to as "institutions") and shall regulate the exchange of information between the State Security Department and the Financial Crime Investigation Service in implementing terrorist financing prevention measures.

2. The terms used in the Rules are defined in 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).

**II. MANNER OF PROVIDING INFORMATION ON MONETARY OPERATIONS AND
TRANSACTIONS**

3. The Financial Crime Investigation Service shall provide information on monetary operations and transactions to the institutions that are entitled under the law to receive information on monetary operations and transactions in order to perform their functions, in the following manner:

3.1. it shall provide institutions with the information on monetary operations and transactions necessary to perform their functions, in accordance with their cooperation agreements;

3.2. it shall provide, in writing or by technical means, the State Security Department with information on monetary operations and transactions that may be related to terrorist financing. Having determined that a monetary operation or transaction may be related to terrorist financing, the Financial

Crime Investigation Service shall submit, in writing or by technical means, the information on monetary operations or transactions to the State Security Department no later than within 24 hours of the receipt of the information. This information shall be transferred by technical means to the State Security Department based on a cooperation agreement;

3.3. it shall provide information on monetary operations and transactions to the institutions based on the institutions' requests or on its own initiative in accordance with the procedure laid down in Chapter III of the Rules.

III. REQUEST FOR INFORMATION ON MONETARY OPERATIONS AND TRANSACTIONS AND DELIVERY OF SUCH INFORMATION

4. Institutions may apply to the Financial Crime Investigation Service requesting information on monetary operations and transactions if the laws grant the institutions access to such information to enable them to perform their functions.

5. Wishing to receive information on monetary operations and transactions, an institution shall submit to the Financial Crime Investigation Service a request signed by the head of the institution, indicating:

5.1. the purpose of using the received information on monetary operations and transactions;

5.2. the necessary identification data on a specific customer whose monetary operations and transactions are the subject of the information sought;

5.3. the volume and type of the required information on monetary operations and transactions.

6. Having examined the institution's request, the Financial Crime Investigation Service shall supply, in the written form, the institution with the information on monetary operations and transactions it requested, unless the circumstances specified in paragraph 7 of the Rules exist.

7. The Financial Crime Investigation Service shall not provide information on monetary operations and transactions when:

7.1. provision of the information on monetary operations and transactions to the requesting institution could have a negative impact on an investigation by the Financial Crime Investigation Service into possible legalization of the funds or property unlawfully acquired by the specified customer or on other related criminal activities or other violations of the law;

7.2. provision of the information on monetary operations and transactions to the requesting institution could have a negative impact on the implementation of the terrorist financing prevention measures pursued by the Financial Crime Investigation Service and the State Security Department.

7.3. provision of the information on monetary operations and transactions to the requesting institution could have a negative impact on a joint investigation by the Financial Crime Investigation Service and foreign law enforcement agencies into possible legalization of the funds or property unlawfully acquired or on other related criminal activities;

7.4. an institution's request for information on monetary operations and transactions does not meet the requirements set out in Paragraph 5 of the Rules.

8. If the Financial Crime Investigation Service receives a request from an institution to provide information on monetary operations and transactions that is necessary for pre-trial investigation of a very serious or serious crime, it shall provide the information sought regardless of the circumstances indicated in paragraphs 7.1-7.3 of the Rules.

9. If information on monetary operations and transactions cannot be provided due to the circumstances specified in paragraph 7 of the Rules, the Financial Crime Investigation Service shall send a reasoned decision refusing the information to the requesting institution without delay.

10. Unless the circumstances indicated in paragraphs 7.1 and 7.3 of the Rules exist, the Financial Crime Investigation Service, conducting the analysis of the information on monetary operations and transactions at its disposal, shall provide the institutions with the information on monetary operations and transactions in writing in the following cases:

10.1. having established elements of tax law violations – to the tax administrator;

10.2. having established elements of criminal activities or other violations of the law falling within the competence of other institutions – to these institutions if the laws grant these institutions access to information on monetary operations and transactions for the performance of their functions.

11. The Financial Crime Investigation Service shall provide the information indicated in paragraph 10 of the Rules only to the extent that is necessary to achieve the set objective of handling it.

IV. EXCHANGE OF INFORMATION BETWEEN THE STATE SECURITY DEPARTMENT AND THE FINANCIAL CRIME INVESTIGATION SERVICE IN IMPLEMENTING TERRORIST FINANCING PREVENTION MEASURES

12. In implementing the terrorist financing prevention measures, the State Security Department and the Financial Crime Investigation Service shall exchange information in the following manner:

12.1. the Financial Crime Investigation Service shall supply the State Security Department with information in accordance with the procedure established in paragraph 3.2 of the Rules;

12.2. when necessary, the State Security Department, on its own initiative or upon a request from the Financial Crime Investigation Service, shall provide the Financial Crime Investigation Service with information on possible terrorist financing identification criteria in writing or by technical means;

12.3. the State Security Department, having established the elements of criminal activities or other violations of the law falling within the competence of the Financial Crime Investigation Service, shall deliver this information to the Financial Crime Investigation Service in writing or by technical means.
