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LAW OF THE REPUBLIC OF BELARUS No.165-Z, dated June 30, 2014

ON MEASURES FOR PREVENTION OF LAUNDERING OF CRIMINAL PROCEEDS, FINANCING OF TERRORISM AND FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Adopted by the House of Representatives on June 5, 2014

Approved by the Council of the Republic on June 12, 2014

(as amended by Law №.231-Z dated January 5, 2015 and by Law № 376-Z dated June 13, 2016)

This Law establishes the legal and institutional framework for pursuing the state policy aimed at prevention of laundering of criminal proceeds, financing of terrorism and financing of proliferation of weapons of mass destruction.

CHAPTER 1

GENERAL PROVISIONS

Article 1 - Basic Terms and Definitions

Listed below are the basic terms used herein and their definitions:

Beneficial owner means a natural person who owns assets of a customer, or owns at least 10 percent of shares (interest in the authorized capital) of a corporate customer, or ultimately has the right or is able to, either directly or indirectly (through third parties), give mandatory instructions to a customer, exert influence on decisions taken by a customer or otherwise control customer's actions;

Blocking of financial transaction - a prohibition to fulfill financial transactions (excluding crediting of bank transfers, money transmitters and money orders, as well as crediting of securities to customer's accounts), which party or beneficiary is an organization, a natural person, including an individual entrepreneur, that are in the List of organizations and natural persons involved in terrorist activities, formed in accordance with the established order, or organization, which beneficial owner is a natural person included in this List;

Internal control means a combination of measures taken by obligated entities for preventing and detecting financial transactions related to laundering of criminal proceeds, financing of terrorism and financing of proliferation of weapons of mass destruction;

Beneficiary means an entity and/or a natural person, including an individual entrepreneur, that receive the benefit under the insurance, reinsurance and funds or other assets trust management agreements concluded with the party to a financial transaction;

Payment instruments mean bills, cheques (back cheques) and other certified securities that certify the obligation of their issuer (debtor) to pay funds but do not specify the recipient of such funds, and also travellers' cheques;

Criminal proceeds mean assets obtained through the commission of a crime as well as revenues derived from the use of such assets;

Freezing of assets means the prohibition to dispose or use the assets (with the exception of usage of real estate for its owner's own needs), if the owner or the possessor of the funds is an organization, a natural person, including an individual entrepreneur, that are in the List of organizations and natural persons, involved in terrorist activities, formed in accordance with the established order, or organization, which beneficial owner is a natural person included in this List;

Customer means a party to a financial transaction served by obligated entity, *inter alia*, under a written agreement for carrying out financial transactions;

Laundering (legalization) of criminal proceeds means giving a legitimate appearance to possession, use and (or) disposal of criminal proceeds for concealing or disguising its true origin, location, disposition, movement, ownership, including the rights with respect to such proceeds;

Cash means money in physical form of banknotes, treasury notes and coins, except for coins made of precious metals, that are the legal tender in the Customs Union member countries and in foreign countries (group of foreign countries), including those that are withdrawing or withdrawn from circulation but are to be exchanged to ones that are in circulation;

Special control means a combination of financial transaction monitoring measures for preventing

legalization (laundering) of criminal proceeds, financing of terrorism and financing of proliferation of weapons of mass destruction taken by the financial monitoring agency based on information received from obligated entities;

Assets mean funds, securities, e-money and other property, including proprietary rights and exclusive intellectual property rights;

Financial transaction value means amount of funds or monetary equivalent of non-monetary assets used in a financial transaction, *inter alia*, as agreed by parties to a financial transaction that involves transfer of rights to such funds/ assets;

Party to a financial transaction means an entity and/or natural person, including individual entrepreneur, involved into a financial transaction as well as their representatives;

Financing of proliferation of weapons of mass destruction means the provision or collection of funds by any means for the purpose of acquisition, storage, sale, use of weapons of mass destruction;

Financial transaction means a transaction with assets irrespective of the form and method of its performance. In case of banking operations, financial transactions include opening a bank account, one-off payment, transfer, receipt, issuance, exchange and deposition of funds. In case of deposit operations, financial transactions include opening a securities account and transfer of securities between such accounts.

For the purpose of this Law, obligated entities shall include:

The National Bank of the Republic of Belarus, banks and non-bank financial and credit institutions, the Development Bank of the Republic of Belarus (hereinafter banks, unless otherwise is specified);

Professional securities market players, including stock exchanges;

Commodity exchanges;

Dealers in precious metals and precious stones;

Pawnshops;

Insurance companies and insurance brokers;

Lottery and electronic interactive gaming operators;

Notaries;

Real estate agents and entities engaged in transaction involving sale and purchase of real estate for their customers;

Audit firms and auditors who act in the capacity of individual entrepreneurs and provide professional accounting services and services related to preparation of accounting and financial statements and reports as their activities pertain to carrying out financial transactions on behalf of and (or) at the instruction of their customers;

Entities, individual entrepreneurs, lawyers and law firms that provide legal services (assistance) related to establishment or management of entities, purchase or sale of enterprises as assets, performing financial transactions and managing the funds or other assets on behalf of and (or) at instruction of customers;

Postal service operators;

Gambling operators;

Institutions providing services related to registration of real estate property, title thereto and transactions therewith;

Financial leasing organizations;

Microfinancial organizations;

Forex-companies and National Forex Centre.

For the purpose of this Law, non-residents shall mean:

Foreign nationals and stateless persons permanently residing outside of the Republic of Belarus as well as persons who are granted the refugee status or are subject to additional protection in the Republic of Belarus;

Entities incorporated under the foreign legislation and located outside the Republic of Belarus, their branches and representative offices located both inside and outside the Republic of Belarus as well as diplomatic and other official missions and consulates of foreign countries located both inside and outside the Republic of Belarus and international organizations and their branches and representative offices.

For the purpose of this Law, residents shall mean:

Citizens of the Republic of Belarus as well as foreign nationals and stateless persons who are granted the permit to permanently reside in the Republic of Belarus;

Entities incorporated under the Belarusian legislation and located inside the Republic of Belarus, their branches and representative offices located both inside and outside the Republic of Belarus, individual

entrepreneurs registered in the Republic of Belarus as well as Belarusian diplomatic and other official missions and consulates located outside the Republic of Belarus.

The term “financing of terrorist activities”, used in this Law, shall have the meaning defined in the anti-terrorism legislation of the Republic of Belarus.

The term “weapons of mass destruction”, used in this Law, shall have the meaning defined in the export control legislation of the Republic of Belarus.

Article 2 - Scope of the Law

This Law governs and regulates relationships between parties to financial transactions and obligated entities within the Republic of Belarus as well as the activities of the financial monitoring authority and the government authorities that are exercising control over the compliance of the obligated entities activities with the anti-money laundering (AML), combating the financing of terrorism (CTF) and combating the financing of proliferation of weapons of mass destruction (CPF) legislation.

Article 3 - AML/CFT/CPF Legal Framework

The Constitution of the Republic of Belarus, this Law and other legislative acts and the international treaties (agreements) signed by the Republic of Belarus make up the AML/CFT/CPF legal framework.

Where the provisions of an international treaty signed by the Republic of Belarus differ from those set forth herein, the provisions of the international treaty shall apply.

CHAPTER 2

PREVENTION OF LAUNDERING OF CRIMINAL PROCEEDS, FINANCING OF TERRORISM AND FINANCING OF PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Article 4 - Measures for Prevention of Laundering of Criminal Proceeds, Financing of Terrorism and Financing of Proliferation of Weapons of Mass Destruction

Measures for prevention of laundering of criminal proceeds, financing of terrorism and financing of proliferation of weapons of mass destruction (AML/CFT/CPF measures) shall include:

Internal control;

Special control;

Suspension of movement of cash and (or) payment instruments across the Customs Union border in the Republic of Belarus in accordance with the requirements stated in the Customs Union legislation;

Prohibition to inform parties to financial transactions about AML/CFT/CPF measures taken against them, unless otherwise is provided hereby;

Other measures taken according to the legislation

Article 5 - Internal Control

Internal control shall be performed with the application of the risk-based approach (RBA) which involves the development and implementation of ML/FT/PF risk management procedures (identification, assessment, monitoring, control and mitigation) by obligated entities. With respect to the RBA enhanced (extended) internal controls shall be applied in situations featured by high ML/FT/PF risk, and simplified internal controls may be applied in the case of low ML/FT/PF risk in a manner specified in the internal control rules.

The internal control rules shall be worked out by obligated entities taking into account the requirements of the general requirements to the internal control rules established by the Council of Ministers of the Republic of Belarus, and the requirements to internal control rules, determined by government authorities that are exercising control over obligated entities activities according article 16 of this Law.

The internal control rules shall include:

ML/FT/PF risk management procedures;

Procedures of application of internal controls measures for prevention of money laundering, terrorist financing and financing of proliferation with respect to the identified risks;

Procedure of freezing of assets and/or blocking of financial transactions as well as procedure of notifying the owner or possessor of assets, the party to financial transaction on freezing of assets and/or blocking of financial transactions;

Procedure of performing of financial monitoring authority decisions on suspension and resumption of

financial transactions in the cases specified in this Law;

Procedure of monitoring of funds transfers (bank wire transfers, postal remittances) to/from countries (territories) that do not comply with the FATF Recommendations and do not participate in the international AML/CFT/CPF cooperation. The procedure of compiling and publishing the list of such countries (territories) shall be established by the Council of Ministers of the Republic of Belarus;

Procedure of identifying parties to financial transactions and updating (verification) information on them;

Procedure of documenting the financial transactions subjected to special control;

Procedure of monitoring financial transactions carried out by politically exposed persons, their family members, close associates and organization which beneficiary owners are the above mentioned natural persons;

Procedure of information keeping and maintaining of its confidentiality;

Requirements for qualification and training of the relevant executive officers;

Suspicious financial transaction indicators and identification criteria; such criteria and indicators shall be developed with respect to the specificities of activities of obligated entities.

The internal control rules of banks shall include the following additional elements:

Suspicious financial transaction indicators and identification criteria which are reasonable for refusal to carry out financial transactions (except for crediting the incoming funds to customers' accounts) and criteria for denying access to online banking system and for terminating or suspending online banking services. Such criteria and indicators shall be worked out with respect to the specificities of the activities carried out by banks;

Procedure of notifying customers of suspension or refusal to carry out financial transactions, denial access to online banking system, termination or suspension of online banking services and unilateral refusal to perform written agreements for carrying out financial transactions.

Suspicious financial transaction indicators and identification criteria which are reasonable for refusal to carry out financial transactions (except for crediting the incoming funds to customers' accounts) and criteria for denying access to online banking system and for terminating or suspending online banking services shall be selected by banks, non-bank financial and credit institutions and the Development Bank of the Republic of Belarus with respect to the specificities of their activities from the range of criteria and indicators established by the National Bank of the Republic of Belarus. Additional criteria and indicators may be established by the above mentioned entities upon notification of the National Bank at least one month prior to validation thereof. The National Bank shall be entitled to forward its substantiated objections to a bank, non-bank financial and credit institution and the Development Bank of the Republic of Belarus within twenty business days following receipt of such notice. In such situation, the objected criteria and indicators shall not become valid.

Article 6 - Rights and Obligations of Obligated Entities

When performing internal control, obligated entities ought to:

Adopt and implement the internal control rules;

Develop ML/FT/PF risk management procedures;

Identify and assess ML/FT/PF-related risks when implementing and using modern IT technologies for performing financial transactions;

Apply ML/FT/PF preventive measures consistent with the identified risks;

Appoint internal control compliance officers at the senior management level;

Make necessary administrative arrangements for effective implementation of internal control rules;

Identify parties to financial transactions as required by Article 8 hereof;

Take reasonable and available in given circumstances measures for identifying beneficial owners of customers that are satisfactory to think an obligated entity knows who the beneficial owner is;

Record financial transactions that are subject to special control in the special files and submit such files electronically to the financial monitoring agency not later than the next business day following the day when financial transaction is carried out; and also submit reports to the financial monitoring agency within the following timelines: if a financial transaction is denied - on the day when decision to refuse to carry out a transaction is taken (if such decision is taken on non-business day - not later than the next business day following the day when such decision is taken); if an obligated entity refuses to perform written agreement for carrying out financial transactions or refuses to enter into such agreement - not later than the next business day following the day when such decision is taken; if international payment is received - not later than the next

business day following the day when supporting documents (data) are received; if an obligated entity froze the assets or blocked the financial transactions – on the day when such decision is taken (if such decision is taken on non-business day - not later than the next business day following the day when such decision is taken); if a customer is denied access to online banking system and/or if online banking services are terminated or suspended - not later than the next business day following the day when such decisions are taken; upon identification of a financial transaction that is subject to special control and that could not be identified during its performance - not later than the next business day following the day when such transaction is considered suspicious by an obligated entity;

Implement measures related to freezing of assets and (or) blocking of financial transactions in the cases specified in Article 9-1 of this Law, in accordance with the procedure established by the Council of Ministers of the Republic of Belarus and requirements defined by the government authorities that are exercising control over the obligated entities activities as specified in Article 16 of this Law;

Notify the Financial Monitoring Authority about the freezing of assets and (or) blocking financial transactions by submitting special files within the period established in this Article;

Provide the Financial Monitoring Authority (FMA) with information and documents necessary to perform its functions upon request of FMA and in the terms established by FMA;

Keep records and documents (copies thereof) obtained within the procedure of identification of customers and their representatives as well as received or issued as a result of application of enhanced (extended) internal controls measures for at least five years following the day of termination of written agreements for carrying out financial transactions, and if no agreements have been signed - for at least five years following the day when financial transactions were carried out. Information on financial transactions, documents related to such transactions, information on other parties to financial transactions, documents (copies thereof) obtained as a result of application of internal control rules and electronic copies of the special files shall be kept by obligated entities for at least five years following the day when financial transactions were carried out. Records, information and documents or copies thereof shall be stored in hard copies or electronically to permit timely reconstruction and submitting of them to the designated government authorities as well as to the financial monitoring authority;

Take measures for preventing establishment of relationships with non-resident banks which accounts are used by banks that do not have the standing governing boards in countries where they are registered and that are not part of a banking group (bank holding company). Moreover, obligated entities are not allowed to establish and maintain relationships with non-resident banks that do not have the standing governing boards in countries where they are registered and that are not part of a banking group (bank holding company);

Identify foreign public officials, public officials of international organizations, officials holding positions included in the list of government positions of the Republic of Belarus determined by the President of the Republic of Belarus (hereinafter the list of national officials), their family members and close associates among customers and their beneficial owners as well as entities beneficially owned by such persons. The Council of Ministers of the Republic of Belarus establishes the procedure of compiling the list of officials who fall into the category of foreign public officials, public officials of international organizations and officials holding positions included in the list of national officials as well as the procedure of disseminating this list to the financial monitoring authority and obligated entities. The manner in which information contained in the list should be used shall also be determined by the Council of Ministers of the Republic of Belarus;

Perform monitoring of financial transactions of foreign public officials, public officials of international organizations, officials holding positions included in the list of national officials, their family members and close associates and entities beneficially owned by such persons in the order established by the internal control rules;

Enter into written agreements for carrying out financial transactions with foreign public officials and entities beneficially owned by them, and in the cases specified in the internal control rules enter into such agreements with public officials of international organizations and officials holding positions included in the list of national officials, only upon obtaining a written approval of the head or designated senior manager of an obligated entity. In the case when a customer has become the public official or the beneficial owner of an entity after entering into written agreement, obtain a written approval of the head or designated senior manager of an obligated entity for maintaining (extending) such agreement;

Take reasonable and available in given circumstances measures for identifying sources and origin of assets of customers, including foreign public officials, public officials of international organizations, officials

holding positions included in the list of national officials, their family members and close associates.

Obligated entities shall refuse to carry out financial transactions for their customers if such customers fail to provide information and documents needed for their identification as required by Article 8 hereof.

If a payment order or other written instruction of an originator (payer) does not contain information needed for conducting the procedure of identification as specified in Article 8 hereof, or such information is not obtained by other means, obligated entities may refuse to fulfill the instruction of the originator (payer).

Banks shall be entitled to:

Refuse to carry out a financial transaction of a customer (except for receipt of incoming funds) if such transaction meets the suspicious transaction indicators and identification criteria which may constitute the grounds for refusal to perform such transaction in compliance with the bank's internal control rules;

Suspend a financial transaction (except for receipt of incoming funds) for not more than two business days, including the day when customer's instruction should have been performed, for making decision to proceed with the transaction or to refuse to perform it in compliance with par.2 of this clause;

Unilaterally refuse to perform a written agreement for carrying out financial transactions if two or more decisions on refusal to carry out transactions for a customer have been made during six months, and the customer was duly notified in writing of such decisions in a manner prescribed by the banking legislation;

Refuse to provide access for a customer to the online banking system and unilaterally terminate or suspend online banking services if financial transactions carried out by such customer meet the access denial (termination, suspension) criteria that may constitute the grounds for such actions determined in internal control rules of the bank;

Refuse to carry out a financial transaction for a customer if a bank, including a non-resident bank, where the account of payment originator or beneficiary is opened, is known to be involved in illegal financial transactions or is subject to sanctions.

Banks shall be obliged to notify customers and their representative of suspension and (or) refusal to carry out financial transactions, of refusal to provide access to the online banking system, of termination or suspension of inline banking services, and of unilateral refusal to perform written agreements for carrying out financial transactions, with indication of substantiated reasons, in a manner specified in the banks' internal control rules. In the situations specified in paragraph 4 of clause 1 of Article 11 hereof, a bank shall notify a party to a financial transaction only after receiving the relevant written request from such party.

Obligated entities shall inform customers and their representatives on the obligation to provide documents (information) required for identification of parties to financial transactions.

It shall be prohibited for obligated entities and for their employees to disclose information related to submission of reports to the financial monitoring authority, unless otherwise is provided by the legislation.

Submission by obligated entities of reports on financial transactions that are subject to special control to the financial monitoring authority in a manner prescribed hereby shall not constitute a breach of official, banking or other secrets protected by the law and shall not entail responsibility for losses or moral harm caused by such action.

Freezing of funds, blocking of financial transactions, suspension and (or) refusal to carry out financial transactions, refusal to provide access to the online banking system, termination or suspension of online banking services, and unilateral refusal to perform written agreements for carrying out financial transactions, refusal to enter in written agreements for carrying out financial transactions in accordance with this Law do not constitute the grounds for the responsibility of obligated entities for losses or moral harm caused by such actions.

Banks inform the financial monitoring authority by submitting a special file about the freezing of funds, blocking of financial transactions, refusal to carry out financial transactions, refusal to provide access to the online banking system, termination or suspension of online banking services, and unilateral refusal to perform written agreements for carrying out financial transactions, and refusal to enter in written agreements for carrying out financial transactions.

It shall be prohibited for banks to:

Open and keep bank accounts for anonymous holders (when a person opening a bank account fails to provide documents required for identification) as well as open and keep bank accounts for holders that use fictitious names (aliased names);

Open bank accounts for natural persons without face-to-face contact with such customers or their representatives, except for the situations specified in clause 17 of Article 8 hereof and in other situations

specified in the banking legislation.

Obligated entities, their branches, stand-alone divisions and subsidiaries (affiliates) shall be responsible for implementing measures set forth in the AML/CFT/CPF legislation, to the extent that host country laws permit. If the host country laws do not permit to implement measures set forth by the Belarusian legislation, obligated entities shall be obliged to notify the financial monitoring authority and the relevant government authority that are exercising control over the obligated entities of impossibility to apply such measures.

Obligated entities shall be obliged to monitor compliance of their branches, stand-alone divisions and subsidiaries (affiliates) located outside Belarus with the AML/CFT/CPF legislation.

Article 7 - Financial Transactions that are Subject to Special Control

Financial transactions shall be subject to special control, irrespective of whether or not they have been actually performed, if at least one of the following criteria is met:

An obligated entity suspects that a financial transaction is related to deriving or laundering criminal proceeds, financing of terrorist activity or financing or proliferation of weapons of mass destruction; that a financial transaction is inconsistent with the profile of an NPO customer specified in its constituent documents; and (or) that a financial transaction is carried out in a manner to avoid registration in the special file;

An obligated entity knows that a party to a financial transaction or beneficiary is an organization, a natural person, including an individual entrepreneur, are in the List of organizations and natural persons, involved in terrorist activities, formed in accordance with the established order, or organization, which beneficial owner is a natural person included in this List;

A party to a financial transaction is registered, resides or is located in a country (territory) that does not participate in the international AML/CFT/CPF cooperation or does not comply with the FATF Recommendations; and/or a financial transaction is carried out through a bank account opened (registered) in such country (territory); and the amount of such transaction carried out by a natural person is equal to or exceeds 500 base units and amount of such transaction carried out by an entity or individual entrepreneur is equal to or exceeds 1,000 base units;

The amount of a financial transaction carried out by a natural person is equal to or exceeds 2,000 base units and amount of a financial transaction carried out by an entity or individual entrepreneur is equal to or exceeds 20,000 base units, provided that such transaction falls into one of the following categories: cash transaction; postal remittance transaction; transaction with movable and immovable property; securities transaction; loan transaction; and debt assignment transaction.

The list of other types of financial transactions that are subject to special control shall be compiled by the President of the Republic of Belarus.

Article 8 - Identification of Parties to Financial Transactions

Obligated entities shall identify parties to financial transactions in the following situations:

When entering with them into written agreements for carrying out financial transactions;

When carrying out financial transactions which amount is equal to or exceeds 1,000 base units, if parties to such financial transactions have not been identified earlier as prescribed by the second paragraph of this clause;

When carrying out financial transactions that are subject to special control;

When opening an e-purse;

When carrying out transactions with e-money in the amount and in the cases specified by the National Bank of the Republic of Belarus;

When transferring funds (including bank wire transfers and postal remittances), as prescribed by clause 14 of this Article;

When there are suspicions/doubts about veracity and accuracy of previously obtained data, as prescribed by clauses 3-6 of this Article.

Parties to financial transactions shall be obliged to provide obligated entities and entities that perform identification on behalf of obligated entities with documents (information) required for their identification and (or) registration of a financial transaction that is subject to special control.

When identifying individual customers and their representatives (acting on behalf of customers) on the basis of their ID documents and other documents (copies thereof), obligated entities shall obtain and record the following information:

Last name, first name and patronymic (if any);
 Citizenship;
 Date and place of birth;
 Place of permanent and (or) temporary residence (address);
 Details of ID document;
 Information on a beneficiary (if any).

When identifying customers that are individual entrepreneurs and their representatives (acting on behalf of customers) on the basis of their ID documents, government registration documents and other documents (copies thereof), obligated entities shall obtain and record the following information, in addition to the information specified in clause 3 of this Article:

Registration number and date of government registration of an individual entrepreneur, and name of government registration agency;

Taxpayer identification number;

Information on business profile of an individual entrepreneur;

Information on a beneficiary (if any)

If an individual entrepreneur is represented by his/her (commercial) representative, information on such representative specified in clause 3 of this Article shall be recorded.

When identifying corporate customers on the basis of their instruments of incorporation, government registration documents and other documents (copies thereof), obligated entities shall obtain and record the following information on such corporate customers:

Name;

Registration number and date of government registration of a corporate customer and name of government registration agency (if any);

Location (address);

Taxpayer identification number; in case of non-residents - other identification number;

Last names, first names, patronymics (if any) of the CEO (other person authorized by the articles of incorporation to act on behalf of a corporate customer), chief accountant and (or) other executive officers authorized by the law or by the senior management to act on behalf of such corporate customer. If the CEO is an individual entrepreneur acting in the capacity of manager or commercial representative, it is necessary to record data specified in clause 3 of this Article, and if the CEO functions are performed by a management company, data specified in this clause shall be recorded;

Information on beneficial owners. If the identity of beneficial owner has not been ascertained in course of identification of corporate customer, or information on person acting in the capacity of the sole executive body of a corporate customer, or on person who is the head of the its executive board shall be recorded;

Information on founders (shareholders, members) who own at least 10 percent of shares (interest in the authorized capital) of a corporate customer, and amount of shares (interest in the authorized capital) of a corporate customer held by them;

Information on the governance structure of a corporate customer;

Information on business profile of a corporate customer;

Information on purpose and intended nature of business relationship established with an obligated entity.

If the documents provided for identification of customers and other parties to a financial transaction contain no information specified in par.3-4 of clause 4 and par.5-11 of clause 6 of this Article, such information shall be recorded according to verbal statement of parties to a financial transaction.

Obligated entities shall be authorized to obtain and record other information required for application of enhanced (extended) internal controls for customer identification.

When identifying parties to a financial transaction that is carried out through a bank account, obligated entities (except for banks) shall obtain and record names and addresses (locations) of banks through which accounts such transaction is carried out.

Obligated entities shall be obliged to take reasonable and available in given circumstances measures for obtaining information on parties to financial transactions (except for those who/that have been already identified) needed for completion of the special files.

Obligated entities shall apply enhanced (extended) internal controls for identifying customers if a party to a financial transaction is registered, resides or is located in a country (territory) that does not participate in the international AML/CFT/CPF cooperation or does not comply with the FATF Recommendations; and/or a

financial transaction is carried out through a bank account opened (registered) in such country (territory).

Obligated entities shall update information on their customers, their representatives and beneficiaries (if any) within timelines and in a manner established in the internal control rules with respect to the level of risk related to customer business relationship and to transactions conducted by customer. If there are suspicions/doubts about veracity and accuracy of previously obtained data, the said information shall be updated by obligated entities within twenty business days after such suspicions/doubts arose.

The information updating requirements set forth in clause 12 of this Article may vary depending on level of risk related to customer business relationship and customer transactions. When updating such data (information), obligated entities shall be authorized to request customers and their representatives to provide necessary documents and information and also request and receive, in a prescribed manner, information from the government authorities and other agencies. Unless otherwise is provided by the law, the government authorities shall provide the requested information to obligated entities free of charge within ten business days following receipt of an information request.

When carrying out financial transactions at the originator's (payer's) request involving money (bank, postal) transfers in amount equal to or exceeding 100 base units (except for payments in retail stores or through unattended payment terminals and/or through online banking systems with the use of bank plastic cards by individual originators (payers); making cash settlements through cash-in devices; withdrawing cash from bank payment cards using ATMs; or making interbank settlements when a bank acts as the payer on its own behalf), obligated entities shall be obliged to obtain, transfer and retain, at any stage of such transactions, the following information, as prescribed by par.14 of the first clause of Article 6 hereof:

Information on an individual originator (payer): last name, first name, patronymic (if any), bank account number (reference number of financial transaction if account is not available), place of permanent and (or) temporary residence (address) or details of the ID document; and if an individual originator (payer) is the individual entrepreneur his/her taxpayer identification number shall also be recorded;

Information on a corporate originator (payer) and corporate beneficiary (recipient): name, bank account number (reference number of financial transaction if account is not available) and taxpayer identification number (if not available in case of foreign legal entities another identification number shall be recorded);

Information on an individual beneficiary (recipient): last name, first name, patronymic (if any), bank account number (reference number of financial transaction if account is not available), place of permanent and (or) temporary residence (address); and where an individual beneficiary (recipient) is the individual entrepreneur - also his/her taxpayer identification number.

The personal ID number shall be used as the details of the ID document for identifying the Belarusian citizens, foreign nationals and stateless persons who permanently reside in Belarus.

It shall be permitted to carry out financial transactions at the individual originator's (payer's) request involving money (bank, postal) transfers in amount not exceeding 100 base units upon receipt of the information specified in clause 14 of this Article, but without obtaining the originator's (payer's) ID document.

Obligated entities shall be authorized to rely, under the relevant agreement or in other situations established by the legislation, on other obligated entities or on other institutions to perform identification of a customer, his/her/its representative and beneficiary (if any).

Entities to which the identification function is outsourced shall provide an obligated entity relying upon them with full information obtained in course of identification in a manner and within timelines set forth in the relevant agreement.

In the situation specified in clause 17 of this Article, obligated entities that rely on third parties to perform identification shall be held responsible for compliance with the identification requirements set forth herein and in other laws. Failure by an entity to which the identification function is outsourced to comply with the established identification requirements may constitute the grounds for unilateral termination of the relevant agreement by an obligated entity.

Article 9 - Registration of Financial Transactions that are Subject to Special Control

Financial transactions that are subject to special control shall be recorded in the special files by obligated entities.

Financial transactions specified in par.5 of clause 1 of Article 7 hereof shall not be subject to registration in the special files by banks.

Transactions with non-cash funds transferred from account opened with the originating banks of the Republic of Belarus to accounts opened with the beneficiary banks of the Republic of Belarus shall be recorded in the special files and reported to the financial monitoring authority by originating banks.

Transactions with funds paid as an insurance premium (insurance fee) or insurance compensation/insurance coverage shall be recorded in the special files and reported to the financial monitoring authority by insurance companies and insurance brokers.

Civil law transactions with property, where such transactions and (or) titles to such property are subject to government registration, shall be recorded in the special files and reported to the financial monitoring authority by agencies in charge of government registration of such property, titles thereto and transactions therewith.

Transactions with uncertified and certified securities held in the Republic of Belarus securities depository system shall be recorded in the special files and reported to the financial monitoring authority by depository institutions in charge of recording securities transactions. Transactions with certified securities, where titles to such securities are transferred between residents, shall be recorded in the special files and reported to the financial monitoring authority by entities that transfer titles to such securities. Securities transactions shall be recorded in the special files and reported to the financial monitoring authority:

by organizers of trading in securities in the case of combining the activities of organizing trading in securities with clearing operations, as well as in the case when clearing organization services are not used to ensure the settlement of securities and cash transfers;

by clearing organization in the case when clearing organization services are used to ensure the settlement of securities and cash transfers.

The template of the special file as well as the order of its completion, submission, registration, accounting and retention shall be established by the Council of Ministers of the Republic of Belarus.

Article 9-1. Freezing of assets. Blocking of a financial transaction

Obligated entities in order to prevent financing of terrorist activities and financing of proliferation:

Freeze assets owned or possessed by an organization, a natural person, including an individual entrepreneur, that are in the List of organizations and natural persons, involved in terrorist activities (hereinafter in this article - List), or organization, which beneficial owner is a natural person, included in this List;

Block a financial transaction if a party to a financial transaction or the beneficiary of financial transaction is an organization, a natural person, including an individual entrepreneur, that are in the List, or organization, which beneficial owner is a natural person included in this List;

Inform the financial monitoring authority about freezing of assets and (or) blocking of a financial transaction within the time period established in the Article 6 of this Law.

The body authorized for registration and maintenance of the List, as well as the procedure for determining the List, appealing against the decision to include an organization, a natural person, including an individual entrepreneur, in the List and considering other appeals of the organization, an individual, including an individual entrepreneur, disseminating the list to obligated entities and the financial monitoring authority are determined by the Council of Ministers of the Republic of Belarus.

In order to implement the requirements of part one of this article, obligated entities are obliged to take the following measures:

Reveal and freeze immediately, but not later than one working day from the day when the List is disseminated to obligated entities in accordance with the determined procedure, the assets belonging to organizations, individuals, including individual entrepreneurs, that are in the List, or to organizations which beneficial owners are natural persons included in the List;

Block a financial transaction with funds that have been frozen;

Block a financial transaction if it is determined within the identification procedure that a party to a financial transaction or its beneficiary is an organization, an individual, including an individual entrepreneur, that are in the List, or an organization which beneficial owner is a natural person included in the List;

Refuse state registration of real estate, rights to it and transactions with it, registration of a transaction with securities, notarial certification of a transaction, performance of the other notarial act relating to a financial transaction, as well as conclusion and (or) performance of a written agreement for carrying out financial transactions of an organization, a natural person, including an individual entrepreneur, that are in the List, or

an organization which beneficial owner is a natural person included in the List;

Check at least every three months if their clients are organizations, natural persons, including individual entrepreneurs, included in the List, or organizations which beneficial owners are natural persons included in the List and if such customers are identified freeze their assets immediately, but not later than one working day from the day of detection.

A motivated application for carrying out financial transactions to ensure the vital activities can be submitted by a natural person, including an individual entrepreneur, that is included in the List on the basis of the United Nations Security Council Resolution 1267 (1999) against the organization of the Taliban (hereinafter referred to as Resolution), and has no other sources of vital activities financing except of the frozen assets, to the financial monitoring authority in writing. The financial monitoring authority within two working days from the day of application acceptance sends the notice to the United Nation Committee, established by the Resolution (Hereinafter referred to as the UN Committee) on the need to allow this individual, including individual entrepreneur, to carry out such financial transactions and issues the permission to carry out financial transactions of applicant in the amount, established by in the Republic of Belarus as the subsistence minimum on average per capita a month, or refusal to carry out financial transactions not later than five working days from the date of reception of the conclusion of the UN Committee.

If a motivated application for carrying out financial transactions to ensure the vital activities is submitted in writing to financial monitoring authority by a natural person, including an individual entrepreneur, that is included in the List on the other basis, and has no other sources of vital activities financing except of the frozen assets, the financial monitoring authority issues the permission to carry out financial transactions of applicant in the amount, established by in the Republic of Belarus as the subsistence minimum on average per capita a month, or motivated refusal to carry out financial transactions not later than five working days from the date of application acceptance.

The permission of the financial monitoring authority to carry out financial transactions to ensure the vital activities of a natural person, including an individual entrepreneur, or the motivated refusal shall be forwarded to the applicant and the relevant obligated entity no later than five working days from the date of reception of the conclusion of the UN Committee, in the other cases - no later than five working days from the date of application acceptance.

The decision of the financial monitoring authority on permission or refusal to carry out financial transactions to ensure the vital activities of a natural person, including an individual entrepreneur, can be appealed by this natural person, including individual entrepreneur, to a higher-level authority (to a higher-ranking official). The decision of a higher-level authority (a higher-ranking official) can be appealed to the prosecutor or to a court in the manner prescribed by legislative acts.

The grounds for the unfreezing of assets and (or) the unblocking of financial transactions is the exclusion of an organization, a natural person, including an individual entrepreneur, from the List. If the measures related to the freezing of assets and (or) blocking of financial transactions have been applied by the obligated entity due to the absence of all necessary identification information about the client, other party to the financial transaction or the beneficiary and subsequently the financial monitoring authority or other competent authority with the participation of the financial monitoring authority establish that the organization, natural person, including individual entrepreneur are not involved in terrorist activities or the proliferation of weapons of mass destruction, the decision of obligated entity to freeze assets and (or) block the financial transaction can be canceled on the basis of the relevant notification of the financial monitoring authority. The notification of the financial monitoring authority shall be sent to the obligated entity in hard copies or electronically not later than the working day following the day of taking the decision to unfreeze assets and or unblocking of financial transactions.

Measures related to the assets freezing and (or) blocking of financial transactions are applied by obligated entities, in a part that does not contradict the decisions of criminal investigative authorities, judicial decisions to impose arrest, confiscation, and transfer of funds to state revenue.

Measures related to the assets freezing and (or) blocking of financial transactions, as well as carrying out of financial transactions to ensure the vital activities of a natural person, including an individual entrepreneur, within the criminal process are regulated by criminal and criminal procedure legislation.

CHAPTER 3 FINANCIAL MONITORING AUTHORITY

Article 10 - Anti-Money Laundering, Counter-Terrorist Financing and Counter Proliferation Financing Authority

The financial monitoring authority established according to the decision of the President of the Republic of Belarus shall be the designated AML/CFT/CPF authority.

Article 11 - Mandate of the Financial Monitoring Authority

When performing special control, the financial monitoring authority shall:

Take measures for establishing and ensuring proper operation of the automated (computer- aided) system for keeping, processing and analyzing information on financial transactions that are subject to special control;

Collect and analyze information on suspicious financial transactions;

Issue orders to suspend financial transactions (except for crediting funds to accounts) when there are sufficient grounds indicating that such financial transactions are related to deriving or laundering criminal proceeds, financing of terrorist activity or financing of proliferation of weapons of mass destruction, as well as orders to freeze assets and (or) block financial transactions, if such measures have not been taken by obligated entities. Orders to suspend financial transactions, orders to freeze assets and (or) block financial transactions shall be sent to obligated entities in hard copies or electronically immediately but not later than the next working day following the day of their issue. The financial transactions that are suspended by the order of financial monitoring authority shall be resumed on the basis of notification of financial monitoring authority sent to the obligated entity in hard copies or electronically not later than the working day following the day of taking such decision by the financial monitoring authority. The procedure for suspending and resuming of financial transactions by the financial monitoring authority, interaction of financial monitoring authority with obligated entities shall be determined by the Council of Ministers of the Republic of Belarus.

Disseminate information and documents on assets freezing and (or) blocking of financial transactions in the cases, determined in article 9-1 of this Law, to prosecuting authorities with respect to their mandates within three business days and notify on this obligated entity that has frozen assets and (or) blocked financial transactions in hard copies or electronically;

Take decision on whether to release the suspended cash and (or) payment instruments or to submit the relevant information and documents indicating possible relation of the suspended cash and (or) payment instruments to ML/FT to prosecuting authorities with respect to their mandates within three business days following the day of the receipt of the Customs report on suspension of crossborder movement of cash an (or) payment instruments. The relevant customs authority shall be informed on decision taken by the financial monitoring authority not later than the next business day following the day when such decision is made;

Disseminate the relevant information and documents to prosecuting authorities with respect to their mandates when there are sufficient grounds indicating that such financial transactions are related to deriving or laundering criminal proceeds, financing of terrorist activity or financing of proliferation of weapons of mass destruction. If the financial transactions are suspended, the relevant information and documents shall be sent to prosecuting authorities within five business days following the day of performing the order of financial monitoring authority to suspend financial transactions by obligated entity. If the customs authority suspend crossborder movement of cash an (or) payment instruments, the relevant information and documents shall be sent to prosecuting authorities within five business days following the day of the receipt of the Customs report;

Use information contained in the special files and obtained from other sources for taking AML/CFT/CPF measures;

Take other measures in compliance with the legislation.

Suspension of financial transactions in compliance with par.4 of clause 1 of this Article shall not constitute the grounds for holding the financial monitoring authority and its personnel liable for losses and moral harm caused by such action.

In order to prevent ML/FT/PF, the financial monitoring authority shall:

Obtain from the government authorities that are in charge of overseeing compliance by obligated entities with the AML/CFT/CPF legislation the requested information on the results of control activities; summarize, based on the received information, practical application of this legislation; and develop proposals for its improvement;

Contribute to the efforts undertaken for prevention of breaches of the AML/CFT/CPF legislation;

Take part, in the prescribed manner, in the activities of international organizations;

Take part, in the prescribed manner, in drafting laws and regulations and in conclusion and performance of international AML/CFT/CPF treaties and agreements;

Exercise other powers in compliance with the legislation.

The personnel of the financial monitoring authority shall ensure non-disclosure of any information related to the activities of the financial monitoring authority that constitutes official, banking or other secrets protected by the law and shall be held liable under the legislation for unauthorized disclosure of such information.

Dissemination by the financial monitoring authority of information and documents to a prosecuting authorities in compliance with par.7 of clause 1 of this Article shall not constitute a breach of official, banking or other secrets protected by the law and shall not entail liability of the financial monitoring authority and its personnel for losses or moral harm caused as a result of such action.

Article 12 - Provision of Information to the Financial Monitoring Authority

The government authorities and other organizations shall provide, in a manner established by the law, the financial monitoring authority with the information and documents (except for the information concerning individuals' private life) required for discharging its functions. Provision of such information and documents to financial monitoring authority shall not constitute unauthorized disclosure of official, banking or other secrets, protected by the law.

Article 13 - International Cooperation in the sphere of AML/CFT/CPF

The financial monitoring authority shall engage, in compliance with the legislation, *inter alia*, with the international treaties and agreements signed by the Republic of Belarus, in AML/CFT/CPF cooperation with foreign competent authorities at the stages of information gathering, preliminary investigations, court trials and enforcement of court rulings.

Pursuant to the legislation, *inter alia*, to the international treaties and agreements signed by the Republic of Belarus, the financial monitoring authority shall provide foreign competent authorities, at their request and spontaneously, with the relevant information (including information that constitutes official, banking or other secrets protected by the law) only if it does not prejudice national security interests of the Republic of Belarus and provided that such information will not be used without a prior consent of the financial monitoring authority.

CHAPTER 4

LIABILITY FOR BREACH OF AML/CFT/CPF LEGISLATION. COMPLIANCE SUPERVISION AND OVERSIGHT

Article 14 - Liability for Breach of the AML/CFT/CPF Legislation

Natural persons and entities shall be held liable under the applicable laws for breaching the AML/CFT/CPF legislation.

Article 15 - Supervision of Compliance with the AML/CFT/CPF legislation

Exact and consistent compliance with the AML/CFT/CPF legislation shall be supervised by general prosecutor of the Republic of Belarus and prosecutors subordinate to him.

Article 16 - Oversight over Compliance by Obligated Entities with the AML/CFT/CPF legislation

Oversight over compliance by obligated entities with the AML/CFT/CPF legislation shall be performed, *intra vires*, by:

The National Bank of the Republic of Belarus - over banks, non-bank financial and credit institutions, the Development Bank of the Republic of Belarus, financial leasing companies, microfinancial organizations, including pawnshops as their activities pertain to attraction and provision of microloans, Forex-companies and National Forex Centre.

The Ministry of Finance of the Republic of Belarus - over professional securities market players; dealers in precious metals and precious stones; pawnshops as their activities pertain to trading in precious metals and precious stones; audit firms and auditors who act in the capacity of individual entrepreneurs and provide professional accounting services and services related to preparation of accounting and financial statements and reports as their activities pertain to carrying out financial transactions on behalf of and (or) at the instruction of their customer; insurance companies and insurance brokers; and lottery and electronic interactive gaming operators;

The Ministry of Justice of the Republic of Belarus - over notaries; real estate agents and entities engaged in transaction involving sale and purchase of real estate property for their customers; and entities, individual entrepreneurs, layers and law firms that provide legal services (assistance) related to establishment or management of entities, purchase or sale of enterprises as assets, performing financial transactions on behalf of and (or) at instruction of customers and management of funds or other assets;

The Ministry of Communications and Information of the Republic of Belarus - over postal service operators;

The Ministry of Taxes and Levies of the Republic of Belarus - over gambling operators;

The Ministry of Trade of the Republic of Belarus - over commodity exchanges;

The State Property Committee of the Republic of Belarus - over institutions that provide services related to registration of real estate property, title thereto and transactions therewith.

The government authorities responsible for overseeing the activities of obligated entities shall:

Approve the standards of internal control rules, including the procedure of assets freezing and (or) blocking of financial transactions in compliance with the general requirements for internal control rules and procedure, established by the Council of Ministers of the Republic of Belarus with respect to the specificities of activities carried out by obligated entities;

Provide the supervised obligated entities with methodological AML/CFT/CPF guidelines developed with respect to risks identified in the relevant areas of activity;

Coordinate the efforts undertaken by the supervised obligated entities for implementing internal controls and ML/FT/PF risk management systems;

Develop recommendations for the supervised obligated entities on ML/FT/PF related suspicious financial transactions indicators and identification criteria with respect to the specificities of the activities carried out by such entities;

Summarize and analyze the results of practical application of the AML/CFT/CPF legislation and develop proposals for its improvement;

Take measures to prevent breaches of the AML/CFT/CPF legislation;

Impose sanctions provided by the law against individuals and entities who/that breach the AML/CFT/CPF legislation;

be authorized to set requirements for provision by the supervised obligated entities of reports on transactions that are subject to special control.

The National Bank of the Republic of Belarus shall, within thirty days following validation of the relevant resolution on imposition of administrative sanctions, post on its official website information on imposition of administrative liability on banks, non-bank financial and credit institutions and the Development Bank of the Republic of Belarus for failure to comply with the AML/CFT/CPF legislation.

In case of detection of failure to file information on financial transactions that are subject to special control or in case of detection of other breaches of the AML/CFT/CPF legislation, the government authorities shall inform the financial monitoring authority on such findings within five business days following signature of the relevant inspection/audit report.

CHAPTER 5

FINAL PROVISIONS

Article 17 - Amendments and Modifications to Certain Laws

1. The Criminal Code of the Republic of Belarus of July 9, 1999 (the National Register of Legislative 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; the National Legislative Website of the Republic of Belarus: 01.11.2012, 2/1987) shall be amended as follows:

Article 235 shall be amended to read as follows:

“Article 235 - Legalization (Laundering) of Criminal Proceeds

1. Carrying out financial transactions with assets knowingly obtained through crime for giving a legitimate appearance to possession, use and (or) disposal of such assets in order to conceal or disguise the true origin, location, disposition, movement, ownership of such assets -

is punishable by imposition of a fine, or by prohibition to hold certain job positions or be engaged in certain types of activities with imposition of a fine, or by imprisonment for two up to four years with or without imposition of a fine and prohibition to hold certain job positions or be engaged in certain types of activities.

2. The same actions committed repeatedly, or by a person abusing his/her official position, or on exceptionally large scale -

are punishable by imprisonment for four up to seven years with confiscation of assets/ property and prohibition to hold certain job positions or be engaged in certain types of activities.

3. Actions covered by clauses 1 and 2 of this Article committed by an organized group -

are punishable by imprisonment for five up to ten years with confiscation of assets/ property and prohibition to hold certain job positions or be engaged in certain types of activities.

Note:

1. The term “financial transaction” used herein means a transaction with assets irrespective of form and method of its performance.

2. The term “assets” used herein and in Article 290-1 of this Code means funds, securities, e- money and other property, including proprietary rights and exclusive intellectual property rights.

3. A person involved in laundering of criminal proceeds shall be exempt from criminal liability if such person has voluntarily reported about the actions committed by him/her and assisted in detection of the criminal offence.”;

Par.1 of clause 2 of Article 289 shall be amended by replacing the words “290-1 or” with the words “290-1 - 290-5, clause 4 of Article 309, clause 3 of Article 311 and Article”;

Article 290-1 shall be amended as follows:

Par.1 of clause 1 shall be amended to read as follows:

“1. Knowingly providing or collecting assets in any way for the use in terrorist activities as well as providing material support and other assistance to terrorists, terrorist groups and terrorist organizations (financing of terrorist activity) -“;

Par.2 of clause 1 shall be amended to read as follows:

“2. The same actions committed repeatedly, or by an organized group, or by an executive officer abusing his/her official position, or by a person who has previously committed the criminal offences covered by Articles 124 - 127, 131, 287, 289, 290, 290-2 - 292, clause 4 Article 294, clause 4 of Article 295, clause 4 of

Article 309, clause 3 of Article 311, Article 359 and Article 360 of this Code -“;

The following new Articles 290-2 - 290-5 shall be added into the Code:

“Article 290-2 - Assistance for Terrorist Activities

1. Recruitment or other engagement of a person in terrorist activities as well as training or other preparation of a person for participation in terrorist activities -

are punishable by imprisonment for five to twelve years with confiscation of assets/ property.

2. The same actions committed by a person abusing his/her official position -

are punishable by imprisonment for seven to fifteen years with confiscation of assets/ property.

Note: A person who has committed the criminal offence covered by this Article shall be exempt from criminal liability, if such person has timely reported to the government authorities or otherwise assisted in prevention or suppression of the criminal offence covered by this Article.

Article 290-3 - Undergoing Training or other Preparation for Participation in Terrorist Activities

Knowingly undergoing training or other preparation by a person for further participation in terrorist activities -

is punishable by imprisonment for six to ten years with or without confiscation of assets/ property.

Note: A person who has committed the criminal offence covered by this Article shall be exempt from criminal liability, if such person has timely reported to the government authorities or otherwise assisted in prevention or suppression of the criminal offence covered by this Article.

Article 290-4 - Establishing an Organization for Carrying out Terrorist Activities or Membership in such Organization

1. Actions involving establishment of organization for carrying out terrorist activities, or running such organization or a part thereof or structural units thereof -

are punishable by imprisonment for eight to twelve years with confiscation of assets/ property.

2. Membership in an organization established for carrying out terrorist activities -

is punishable by imprisonment for seven to ten years with confiscation of assets/ property.

Note: A person who has voluntarily ceased his/her membership in an organization established for carrying out terrorist activities shall be exempt from criminal liability under this Article.

Article 290-5 - Arranging for Activities of a Terrorist Organization or Participation in Activities Carried out by such Organization

1. Arranging for activities of an organization recognized by the legislation of the Republic of Belarus as the terrorist one -

is punishable by imprisonment for ten to fifteen years with confiscation of assets/ property.

2. Participation in the activities of an organization recognized by the legislation of the Republic of Belarus as the terrorist one -

is punishable by imprisonment for eight to twelve years with confiscation of assets/ property.

Note: A person who has voluntarily ceased his/her participation in the activities of an organization recognized by the legislation of the Republic of Belarus as the terrorist one shall be exempt from criminal liability under this Article.”;

Article 292 shall be amended to read as follows:

“Article 292 - Seizure of Buildings and Structures

1. Seizure of buildings, structures, lines and means of communication, other communication facilities and fixed platforms located on the continental shelf, or illegal retention of them, along with threat of their destruction or damage or with the threat to kill or inflict bodily injuries on people, for forcing the government authority or other agency, a natural or legal person or a group of persons to take, or refrain from taking, particular actions as well as financing or providing other material support of such actions -

are punishable by detention under arrest for three up to six months, or by deprivation of liberty for up to five years, or by imprisonment for the same term.

2. The same actions committed by an organized group, or that inadvertently caused human death, or inflicted exceptionally heavy losses or entailed other grave consequences -

are punishable by imprisonment for seven to twelve years.

3. Actions covered by clauses 1 and 2 of this Article committed with the use of ammunition, explosives as well as nuclear, chemical, biological or other types of weapons of mass destruction or the main components thereof -

are punishable by imprisonment for eight to fifteen years with confiscation of assets/ property.”;

Par.1 of clause 4 of Article 294 shall be amended to read as follows:

“4. Actions covered by clauses 1, 2 or 3 of this Article committed by way of robbery or extortion, or by an organized group and/or undertaken for committing criminal offences covered by Articles 124 - 127, 131, 287, 289 - 292, 359 and 360 of this Code -”;

Par.1 of clause 4 of Article 295 shall be amended to read as follows:

“4. Actions covered by clauses 2 or 3 of this Article committed by an organized group and/or undertaken for committing criminal offences covered by Articles 124 - 127, 131, 287, 289 - 292, 359 and 360 of this Code -”;

The following new clause 4 shall be added into Article 309:

“Actions covered by clause 1 of this Article undertaken for committing the criminal offences covered by Articles 124, 126, 289, 359 and 360 of this Code -

are punishable by imprisonment for seven to fifteen years with or without confiscation of assets/ property.”;

Par.1 of clause 3 of Article 311 shall be amended as follows:

The words “the first or the second” shall be replaced by the figures “1 or 2”;

The words “and/or undertaken for committing the criminal offences covered by Articles 124, 126, 289, 359 and 360 of this Code” shall be added after the word “damage”;

Article 322 shall be amended as follows:

“Article 322 - Illegal Acquisition, Storage, Use, Sale or Destruction of Radioactive Materials

1. Illegal acquisition, storage, use, sale or destruction of radioactive materials (sources of ionizing radiation and radioactive and nuclear materials in any physical form in installations, items or other forms) - are punishable by imposition of a fine, or by detention under arrest for up to six months, or by deprivation of liberty for up to four years, or by imprisonment for the same term.

2. The same actions committed repeatedly, or by a group of persons, or by an executive officer abusing his/her official position, or by a person who has previously committed the criminal offences covered by Articles 323 - 325 of this Code -

are punishable by imprisonment for four to ten years with or without confiscation of assets/ property.

3. Actions covered by clauses 1 or 2 of this Article undertaken for committing the criminal offences covered by Articles 124 - 127, 131, 287, 289 - 292, 359 and 360 of this Code -

are punishable by imprisonment for eight to fifteen years with or without confiscation of assets/ property.”;

Article 323 shall be amended as follows:

Clause 1:

The words “as well as financing of such theft” shall be added after the word “materials”;

Clause 2:

The words “is punishable” shall be replaced by the words “are punishable”;

Par.1 of clause 3:

The words “the first or the second” shall be replaced by the figures “1 or 2”;

The words “and/or undertaken for committing the criminal offences covered by Articles 124 - 127, 131, 287, 289 - 292, 359 and 360 of this Code” shall be added after the word “group”;

Article 324 shall be amended as follows:

“Article 324 - Threatening to Use Radioactive Materials in a Dangerous Manner

1. Threatening to use radioactive materials in a dangerous manner for forcing the government authority or other agency, a natural or legal person or a group of persons to take, or refrain from taking, particular actions or for other purposes, where there are reasonable ground for apprehending such threat - is punishable by imprisonment for up to five years.

2. The same action committed repeatedly or by a group of persons upon prior conspiracy, - is punishable by imprisonment for up to five years with or without confiscation of assets/ property.

3. Actions covered by clauses 1 or 2 of this Article committed by a person who has previously committed the criminal offences covered by Articles 124, 126, 289, 290, clause 4 of Article 309, clause 3 of Article 311, Article 359 and Article 360 of this Code -

are punishable by imprisonment for seven up to fifteen years with or without confiscation of assets/ property.”;

Par.1 of clause 2 of Article 333 shall be amended by adding the words «and/or undertaken for committing

criminal offences covered by Articles 124 - 127, 131, 287, 289 - 292, 359 and 360 of this Code” after the word “extortion”.

2. Clause 2 of Article 182 of the Criminal Procedure Code of the Republic of Belarus of July 16, 1999 (the National Register of Legislative Acts of the Republic of Belarus: 2000, No.77 - 78, 2/71; 2011, No.140, 2/1877) shall be amended by replacing the figures “290-1” with the words “290-5, clause 4 of Article 294, clause 4 of Article 295, clause 4 of Article 309, clause 3 of Article 311, clause 3 of Article 322, clause 3 of Article 323, clause 3 of Article 324, clause 2 of Article 333, Articles”.

3. Par.14 of Article 3 of the Law on Combating Terrorism of the Republic of Belarus of January 3, 2002 (the National Register of Legislative Acts of the Republic of Belarus: 2002, No.6, 2/825; 2006, No.9, 2/1194) shall be amended to read as follows:

“Financing of terrorist activity means knowingly providing or collecting funds, securities, e- money, other property, including proprietary rights and exclusive intellectual property rights, in any way for the use in terrorist activities as well as providing material support and other assistance to terrorists, terrorist groups and terrorist organizations.”

4. The Code of Administrative Offences of the Republic of Belarus of April 21, 2003 (the RB National Register of Legislative Acts: 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; the National Legislative Website of the Republic of Belarus: 19.07.2012, 2/1961; 27.07.2013, 2/2062) shall be amended as follows:

Article 11.72 shall be amended to read as follows:

“Article 11.72 - Failure to Take Measures for Preventing Laundering of Criminal Proceeds, Financing of Terrorist Activity and Financing of Proliferation of Weapons of Mass Destruction

1. Failure by an obligated entity to apply measures for preventing laundering of criminal proceeds, financing of terrorist activity and financing of proliferation of weapons of mass destruction -

is punishable by imposition a fine in amount of 20 to 100 base units on natural persons, in amount of 50 up to 500 base units on individual entrepreneurs and in amount of 50 to 1,000 base units on legal entities.

2. Repeated (two and more times per year) failure to compile customer files in the prescribed manner - is punishable by warning or by imposition of a fine in amount of up to 20 base units.

The terms “obligated entity” and “customer” used herein have the meaning defined in the AML/CFT/CPF legislation.”;

The following new Articles 11.79 and 11.80 shall be added into the Code:

“Article 11.79 - Carrying out Financial Transaction that Entailed Money Laundering

Carrying out by an legal entity of a financial transaction with assets obtained through crime, of which an executive officer of such legal entity has been aware, that resulted in giving a legitimate appearance to possession, use or disposal of such assets -

is punishable by imposition of a fine in amount of up to 100% of the value of such transaction on a legal entity.

Note: the terms “financial transaction” and “assets” used in this Article and in Article 11.80 of this Code have the meaning defined in the AML/CFT/CPF legislation.

Article 11.80 - Financing of Terrorist Activity

Providing or collecting by a legal entity of assets in any way for the use in terrorist activities as well as providing material support and other assistance to terrorists, terrorist groups and terrorist organizations, of which an executive officer of such legal entity has been aware -

is punishable by imposition of a fine in amount of 500 to 1,000 base units on a legal entity.”.

5. The Code of Administrative Proceedings of the Republic of Belarus of December 20, 2006 (the National Register of Legislative 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; the National Legislative Website of the Republic of Belarus: 19.07.2012, 2/1961; 27.07.2013, 2/2062; 12.01.2014, 2/2118) shall be amended as follows:

Clause 1 of Article 3.2 shall be amended by adding the words “clause 2 of Article 11.72” and the figures “23.20” after the figures “11.71” and “23.18”;

Clause 2 of Article 3.2 shall be amended by adding the words “clause 1 of Article 11.72, Articles” after the figures “11.65”;

- Clause 1 of Article 3.6 shall be amended by adding the figures “11.79” after the words “11.4, Articles”;
- Clause 1 of Article 3.7 shall be amended by replacing the figures “11.78” with the figures “11.79”;
- Clause 1 of Article 3.13 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.61” and “23.16”, respectively;
- Clause 1 of Article 3.15 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.66” and “23.1”, respectively;
- Clause 1 of Article 3.21 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.59” and “23.16”, respectively;
- Clause 1 of Article 3.25 shall be amended by adding the words “Article 11.80” after the words “covered by”;
- Clause 1 of Article 3.27 shall be amended by adding the figures “11.72” and “23.20” after the word “Articles” and figures “12.36”, respectively;
- Clause 1 of Article 3.27-1 shall be amended by replacing the word “Article” with the words “Articles 11.72, 23.20”;
- Par.1 of clause 1 of Article 3.30 shall be amended by adding the figures “11.79” after the figures “11.33”;
- Par.14 of clause 1 of Article 3.30 shall be amended by replacing the figures “22.2 - 22.5” with the figures “11.72, 22.2 - 22.5, 23.20”;
- Par.16 of clause 1 of Article 3.30 shall be amended by replacing the figures “11.78” with the figures “11.79”;
- Par.26 of clause 1 of Article 3.30 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.61” and “23.16”, respectively;
- Par.59 of clause 1 of Article 3.30 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.59” and “23.16”, respectively;
- Par.60 of clause 1 of Article 3.30 shall be amended by adding the figures “11.80” after the words “under Articles”;
- Par.62 of clause 1 of Article 3.30 shall be amended by adding the figures “11.72” and “23.20” after the figures “11.66” and “22.13”, respectively;
- Par.64 of clause 1 of Article 3.30 shall be amended by adding the figures “11.72” and “23.20” after the words “11.16, Articles” and the figures “23.16”, respectively;
- Par.67 of clause 1 of Article 3.30 shall be amended by adding the figures “11.72” and “23.20” after the words “under Articles” and “persons),”, respectively;
- Par.71 of clause 1 of Article 3.30 shall be amended by replacing the figures “12.41” with the figures “11.72, 12.41, 23.20”.

Article 18 - Invalidation of Laws and Certain Provisions Thereof

The following laws and provisions thereof shall cease to be in force:

1. The Law of the Republic of Belarus of July 19, 2000 on Measures for Prevention of Laundering of Criminal Proceeds and Financing of Terrorist Activities (the National Register of Legislative Acts of the Republic of Belarus: 2000, No.75, 2/201).
2. Article 23 of the Law of the Republic of Belarus of July 24, 2002 on Amendments and Modifications to Certain Legislative Acts of the Republic of Belarus following Reform of the State Administration System (the National Register of Legislative Acts of the Republic of Belarus: 2002, No.87, 2/883).
3. Article 21 of the Law of the Republic of Belarus of January 4, 2003 on Amendments to Certain Legislative Acts of the Republic of Belarus (the National Register of Legislative Acts of the Republic of Belarus: 2003, №.8, 2/932).
4. Ceased to be in force.
5. The Law of the Republic of Belarus of December 11, 2005 on Amendments and Modifications to the Law of the Republic of Belarus on Measures for Prevention of Laundering of Criminal Proceeds (the National Register of Legislative Acts of the Republic of Belarus: 2005, No.196, 2/1165).
6. Article 12 of the Law of the Republic of Belarus of December 26, 2007 on Amendments and Modifications to Certain Legislative Acts of the Republic of Belarus and on Invalidation of Certain Laws of the Republic of Belarus and Provisions Thereof Pertaining to Insurance (the National Register of Legislative Acts of the Republic of Belarus: 2007, No.305, 2/1397).
7. Article 2 of the Law of the Republic of Belarus of July 16, 2008 on Amendments and Modifications

to Certain Legislative Acts of the Republic of Belarus Pertaining to Registration of Citizens in Places of their Permanent and Temporary Residence (the National Register of Legislative Acts of the Republic of Belarus: 2008, No.184, 2/1510).

8. The Law of the Republic of Belarus of November 6, 2008 on Amendments to the Law of the Republic of Belarus on Measures for Prevention of Laundering of Criminal Proceeds and Financing of Terrorist Activities (the National Register of Legislative Acts of the Republic of Belarus: 2008, No.266, 2/1535).

9. Article 6 of the Law of the Republic of Belarus of July 15, 2009 on Amendments and Modifications to Certain Laws of the Republic of Belarus Pertaining to Registration of the Population of the Republic of Belarus (the National Register of Legislative Acts of the Republic of Belarus: 2009, No.173, 2/1595).

10. Article 1 of the Law of the Republic of Belarus of June 14, 2010 on Amendments and Modifications to Certain Laws of the Republic of Belarus Pertaining to Prevention of Laundering of Criminal Proceeds and Financing of Terrorist Activities (the National Register of Legislative Acts of the Republic of Belarus: 2010, No.147, 2/1684).

11. Article 9 of the Law of the Republic of Belarus of December 22, 2011 on Amendments and Modifications to Certain Laws of the Republic of Belarus (the National Register of Legislative Acts of the Republic of Belarus: 2012, No.1, 2/1878).

12. The Law of the Republic of Belarus of April 24, 2014 on Amendments and Modifications to the Law of the Republic of Belarus On Measures for Prevention of Laundering of Criminal Proceeds and Financing of Terrorist Activities (the National Legislative Website of the Republic of Belarus: 29.04.2014, 2/2131).

Article 19 - Measures for Implementation of the Law

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

Bring the laws and regulations in line with this Law;

Arrange for development and dissemination of ML/FT/PF risk management recommendations to obligated entities;

Take other measures needed for implementing this Law.

Article 20 - Entry into Force

This Law shall come into force in the following manner:

Article 1 - 18 shall come into force in six months after official publication of this Law;

The other provisions hereof shall come into force after official publication of this Law.

A. Lukashenko

President of the Republic of Belarus