



Stimati colaboratori,

Va informam ca in Monitorul Oficial nr. 75/03.02.2020 a fost publicat Ordinul nr. 102/22.01.2020 al Oficiului National de Prevenire si Combatere a Spalarii Banilor privind aprobarea Normelor de aplicare a prevederilor Legii nr. 129/2019 pentru prevenirea si combaterea spalarii banilor si finantarii terorismului, precum si pentru modificarea si completarea unor acte normative pentru entitatile raportoare supravegheate si controlate de Oficiul National de Prevenire si Combatere a Spalarii Banilor, numit in continuare Oficiul.

Prezentele norme **sunt aplicabile tuturor entitatilor raportoare** supravegheate si controlate de catre Oficiu.

Prin **sintagma entitati reglementate** se intelege entitatile raportoare supravegheate si controlate de catre Oficiu, respectiv cele prevazute la art. 5 din Legea nr. 129/2019 care nu sunt supuse supravegherii Bancii Nationale a Romaniei si Autoritatii de Supraveghere Financiara, indiferent de forma de organizare a acestora:

- a) institutiile de credit persoane juridice romane si sucursalele institutiilor de credit persoane juridice straine;
- b) institutiile de plata persoane juridice romane si sucursalele institutiilor de plata din alte state membre;
- c) institutiile emitente de moneda electronica persoane juridice romane si sucursalele institutiilor emitente de moneda electronica din alte state membre;
- d) institutiile financiare nebancale inscrise in Registrul special si institutiile financiare nebancale inscrise numai in Registrul general care au si statut

Dear collaborators,

We inform you that in the Official Gazette no 75/03.02.2020 was published Order no 102/22.01.2020 of the National Office for Prevention and Fight Against Money Laundering on the approval of the Rules implementing the provisions of Law no 129/2019 on the prevention and fight against money laundering and terrorist financing, and to amend and supplement some of the regulatory acts for reporting entities supervised and controlled by the National Office for the Prevention and Fight Against Money Laundering, hereinafter referred to as the Office.

These rules **shall apply to all reporting entities** supervised and controlled by the Office.

"Regulated entities" means the reporting entities supervised and controlled by the Office, namely those referred to in Article 5 of Law no 129/2019 which are not subject to the supervision of the National Bank of Romania and the Financial Supervision Authority, regardless of their organization:

- a) credit institutions incorporated in Romania and branches of foreign credit institutions;
- b) romanian legal entities and branches of payment institutions from other member states;
- c) romanian electronic money institutions and branches of electronic money institutions in other member states;
- d) non-bank financial institutions entered in the special register and non-bank financial institutions entered only in the general register which also



de institutie de plata sau institutie emitenta de moneda electronica.

Potrivit acestui ordin entitatile raportoare reglementate prin Legea nr. 129/2019 privind prevenirea si combaterea spalarii banilor si finantarii terorismului, vor avea urmatoarele obligatii:

- Entitatile raportoare vor desemna un responsabil in relatia cu Oficiul, exclusiv electronic;
- Institutiile financiare supravegheate si controlate de Oficiu vor numi un ofiter de conformitate dintre membrii conducerii de rang superior a entitatilor respective;
- Entitatile raportoare au obligatia de a inregistra si pastra in evidentele proprii, in format letric sau electronic, documentele prin care sunt selectate si desemnate persoanele desemnate si ofiterii de conformitate;
- Persoanele desemnate si ofiterii de conformitate precum si angajatii ce au o pozitie similara, au dreptul de a semna in nume propriu, orice incalcare a Legii nr. 129/2019;
- Daca informatiile semnalate nu se confirma, acestea nu atrag raspunderea disciplinara si nici nu constituie incalcare ale obligatiei de confidentialitate sau secret profesional;
- **Entitatile raportoare au obligatia de a detalia prin norme clare modul in care persoanele desemnate si ofiterii de conformitate sunt protejate corespunzator, privind raportarea incalcarilor, la nivel intern.**

Exceptii: Entitatile raportoare mentionate la art. 5 alin. 1 lit. i) din Legea nr.129/2019 (alte entitati si persoane fizice care comercializeaza, in calitate de profesionisti, bunuri sau presteaza servicii, in masura in care efectueaza tranzactii in numerar a caror limita minima reprezinta echivalentul in lei a 10.000 euro, indiferent daca tranzactia se executa printr-o singura operatiune sau prin mai multe

have the status of a payment institution or an electronic money institution.

According to this Order, the reporting entities established by Law no. 129/2019 on preventing and fight against money laundering and terrorist financing will have the following obligations:

- The reporting entities will designate a responsible person for the relationship with the Office, exclusively electronically;
- Financial institutions supervised and controlled by the Office shall appoint a compliance officer from among the members of the senior management of the entities concerned;
- The reporting Entities are required to record and keep in their records, in a printed or electronic form, the documents by which the designated persons and compliance officers are selected and designated;
- The designated persons and compliance officers as well as the employees having a similar position have the right to indicate in their own name, any breach of Law no 129/2019;
- If the indicated information is not confirmed, it shall not give rise to disciplinary liability or constitute failure to comply with the obligation of confidentiality or professional secrecy;
- **The reporting entities are required to specify by rules how the designated persons and compliance officers are properly protected, on the reporting of infringements, internally.**

Exceptions: The reporting entities referred to in article 5 paragraph (1) letter (i) of Law no 129/2019 (other entities and natural persons who, as professionals, trade goods or services, insofar as they carry out cash transactions with a minimum limit equivalent in lei to EUR 10.000, regardless of whether the transaction is executed through a single operation or through several operations



operatiuni care au o legatura intre ele) **nu au obligatia de a desemna una sau mai multe persoane care au responsabilitati in aplicarea Legii nr. 129/2019.**

Proceduri interne

Entitatile raportoare reglementate la art. 5 din Legea nr. 129/2019, au obligatia emiterii unor documente pentru gestionarea eficienta a riscurilor legate de spalarea banilor si finantarea terorismului, astfel:

1. Norme interne ce contin:

- masuri in materie de cunoastere a clientelei;
- masuri in materie de raportare catre autoritatile competente;
- masuri de pastrare a evidentelor si a tuturor documentelor.

2. Proceduri de administrare a riscurilor ce contin:

- masuri de identificare, evaluare si gestionare a riscurilor;
- criteri, scenari, intervale de timp in functie de care sunt identificate tranzactiile legate intre ele

3. Proceduri care stabilesc mecanismele de control intern, de comunicare si management de conformitate;

4. Proceduri care stabilesc masurile de protectie a propriilor angajati implicati in aplicarea acestor politici impotriva oricaror amenintari ori actiuni ostile sau discriminatorii;

5. Politici de instruire si evaluare periodica a angajatilor;

6. Entitatile raportoare au obligatia de a asigura efectuarea de audit independent in scopul testari politicilor, normelor interne si procedurilor aplicate, atunci cand, in ultimul exercitiu financiar incheiat, depasesc cel putin doua dintre urmatoarele criterii:

- a) total active: 5.000.000 lei;
- b) total cifra de afaceri neta: 10.000.000 lei;

linked to each other), **are not required to designate one or more persons who have responsibilities in the application of Law no 129/2019.**

Internal procedures

The reporting entities governed by article 5 of Law no 129/2019, shall be required to issue documents for the effective management of the risks related to money laundering and terrorist financing, as follows:

1. Internal rules containing:

- measures relating to customer knowledge;
- measures for reporting to the competent authorities;
- measures to keep records of all documents.

2. Risk management procedures containing:

- measures for the identification, assessment and management of risks,
- criteria, scenarios, time intervals according to which the related transactions are identified

3. Procedures setting out internal control, communication and compliance management mechanisms;

4. Procedures establishing measures to protect their employees involved in the implementation of such policies against any threats or hostile or discriminatory actions;

5. Policies for training and periodic assessment of employees;

6. Reporting entities shall be required to ensure that independant audits are carried out for the purpose of testing policies, internal rules and procedures, where, in the last financial year ended, they exceed at least two of the following criteria:

- a) total assets: lei 5.000.000;
- b) net turnover: lei 10.000.000;



c) numărul mediu de salariați: 30

7. Entitățile raportoare aproba și monitorizează politicile, normele interne și procedurile, la nivelul conducerii de rang superior, și le revizuiesc, cel puțin o dată pe an sau ori de câte ori se impune.

Entitățile raportoare au obligația păstrării procedurilor menționate mai sus, în format letric sau electronic. Acestea vor fi puse la dispoziția organelor de control, la cererea acestora.

Instruirea angajaților

Entitățile raportoare vor asigura cel puțin o dată pe an sau ori de câte ori se impune, instruirea corespunzătoare a angajaților.

Procesul de verificare și instruire a angajaților se realizează prin:

- impunerea de standarde adecvate la angajarea persoanelor cu responsabilități în aplicarea Legii nr. 129/2019;
- includerea în fișele de post ale angajaților atribuțiile concrete ce le revin în aplicarea legii nr. 129/2019;
- evaluarea periodică a cunoștințelor privind respectarea Legii nr. 129/2019;
- participarea la programe de instruire.

Instituțiile financiare au obligația de a stabili standarde adecvate în procesul de recrutare a personalului cu responsabilități în aplicarea legii nr. 129/2019 și să asigure participarea acestuia la programe speciale de formare profesională ori de câte ori este nevoie, însă **nu mai târziu de un interval de un an.**

Pentru stabilirea standardelor adecvate în procesul de recrutare a personalului responsabil, entitățile raportoare vor avea în vedere următoarele aspecte:

c) average number of employees: 30

7. The reporting entities shall approve and monitor policies, internal rules and procedures at senior management level and review them at least once a year or whenever necessary.

The reporting entities are required to keep the above procedures in a printed or electronic form. They shall be made available to the inspection authorities, at their request.

Training of employees

Reporting entities shall ensure at least once a year or whenever necessary, appropriate training of employees.

The process of checking and training of employees shall be carried out by:

- imposing appropriate standards for the employment of persons with responsibilities in implementation of Law no. 129/2019;
- inclusion in the job descriptions of the employees the concrete attributions that they have in applying the Law no. 129/2019;
- periodic assessment of knowledge regarding compliance with Law no. 129/2019;
- participation in training programs.

Financial institutions are required to establish appropriate standards in the process of recruiting personnel with responsibilities in the application of Law no. 129/2019 and to ensure that they participate in special training programs whenever necessary, **but not later than one year.**

For the establishment of appropriate standards for the recruitment of responsible personnel, the reporting entities will consider the following aspects:



- abilitatile si cunostintele in domeniul prevenirii spalarii banilor si finantarii terorismului, atat inainte de a fi desemnate, cat si ulterior, in mod continuu;
- reputatia profesionala (cazier judiciar, recomandari ale fostilor angajatori).

Evaluarea riscurilor

Evaluarea riscurilor se realizeaza de catre toate entitatile reglementate si are drept scop determinarea setului de masuri obligatorii de cunoastere a clientelei care trebuie aplicate atat in timpul procedurii de identificare a clientului/beneficiarului real, cat si in timpul relatiei de afaceri, atat pentru clientii noi, cat si pentru cei existenti.

Proceduri de administrare a riscurilor:

- a) alocarea de responsabilitati personalului in cadrul procesului de evaluare pe baza de risc;
- b) precizarea surselor de informatii utilizate in realizarea evaluarii;
- c) identificarea si evaluarea factorilor de risc relevanti asociati clientilor, produselor si serviciilor oferite, precum si canalelor de distributie, tarilor si zonelor geografice, la nivelul tranzactiilor, precum si la nivelul intregii activitati desfasurate;
- d) modul de determinare a ponderilor asociate factorilor de risc identificati in functie de importanta acestora, daca entitatea reglementata decide sa pondereze diferit factorii de risc identificati;
- e) modul de luare in considerare a factorilor de risc identificati la determinarea gradului de risc asociat clientilor, produselor si serviciilor, canalelor de distributie a produselor si serviciilor si, dupa caz, activitatilor externalizate si activitatilor derulate prin sucursalele si filialele situate in alte state;
- f) revizuirea riscurilor prin stabilirea si reevaluarea, periodica, in situatiile cand intervin elemente de natura sa modifice gradul de risc, a claselor de risc aferente clientilor, produselor si serviciilor oferite,

- skills and knowledge in the area of prevention of money laundering and terrorist financing, both before and after being designated, on an ongoing basis;
- professional reputation (criminal record, recommendations from former employers).

Risk assessment

The risk assessment is carried out by all regulated entities and is intended to determine the set of mandatory customer knowledge measures to be applied both during the customer/ultimate beneficial owner identification procedure and during the business relationship, both for new customers, as for the existing ones.

Risk management procedures:

- a) assigning responsibilities to personel in the risk-based assessment process;
- b) specifying the sources of information used in the evaluation;
- c) identifying and assessing the relevant risk factors associated with the customers, products and services offered, as well as distribution channels, countries and geographical areas, at transaction level and at the level of the entire activity carried out;
- d) how to determine the weights associated with the identified risk factors according to their importance, whether the regulated entity decides to weigh different risk factors identified;
- e) how the risk factors identified are taken into account in determining the level of risk associated with clients, products and services, the distribution channels of products and services and, where appropriate, outsourced activities and activities through branches and subsidiaries located in other states;
- f) reviewing of the risks by establishing and re-assessing, on a regular basis, in situations where



precum si a canalelor de distributie, a tarilor si zonelor geografice, la nivelul tranzactiilor, in functie de gradul de risc asociat, precum si la nivelul intregii activitati desfasurate;

g) monitorizarea evolutiilor factorilor de risc de spalare a banilor sau de finantare a terorismului si pentru a identifica necesitatea actualizarii evaluarii de risc;

h) gestionarea si atenuarea riscurilor prin identificarea si aplicarea de masuri pentru diminuarea si indepartarea efectiva si eficienta a acestora.

La evaluarea riscului, entitatile raportoare vor lua in considerare urmatoarele:

a) scopul initierii unei relatii sau efectuarii unei tranzactii ocazionale;

b) nivelul activelor care urmeaza a fi tranzactionate de un client sau dimensiunea tranzactiilor deja efectuate;

c) regularitatea sau durata relatiei de afaceri;

d) reglementarile si instructiunile sectoriale emise de autoritatile competente;

e) factori de risc privind clientii;

f) factori de risc privind produsele, serviciile, tranzactiile sau canalele de distributie;

g) factori de risc geografic.

Entitatile reglementate prevazute la art. 5 alin. 1 lit.

i) din Legea nr. 129/2019 (alte entitati si persoane fizice care comercializeaza, in calitate de profesionisti, bunuri sau presteaza servicii, in masura in care efectueaza tranzactii in numerar a caror limita minima reprezinta echivalentul in lei a 10.000 euro, indiferent daca tranzactia se executa printr-o singura operatiune sau prin mai multe operatiuni care au o legatura intre ele) vor implementa sistemul de evaluare a riscurilor de spalare a banilor sau de finantare a terorismului numai pentru tranzactiile efectuate in numerar, a

there are elements that change the degree of risk, the risk classes of the clients, the products and services offered and distribution channels, countries and geographical areas at transaction level, depending on the degree of associated risk and the level of the entire activity carried out;

g) monitoring the evolution of risk factors for money laundering or terrorist financing and to identify the need to update the risk assessment;

h) risk management and mitigation by identifying and applying measures to effectively and efficiently mitigate and remove risks.

In assessing the risk, the reporting entities shall take into account the following:

a) the purpose of entering into a relationship or making an occasional transaction;

b) the level of assets to be traded by a client or the size of transactions already made;

c) the regularity or duration of the business relationship;

d) the sectoral rules and instructions issued by the competent authorities;

e) risk factors relating to customers;

f) risk factors relating to products, services, transactions or distribution channels;

g) geographical risk factors.

The reporting entities referred to in article 5 paragraph (1) letter (i) of Law no 129/2019 (other entities and natural persons who, as professionals, trade goods or services, insofar as they carry out cash transactions with a minimum limit equivalent in lei to EUR 10.000, regardless of whether the transaction is executed through a single operation or through several operations linked to each other) shall implement the money laundering or terrorist financing risk assessment system only for cash transactions, the minimum limit of which is the equivalent in lei of EUR 10.000, whether the



caror limita minima reprezinta echivalentul in lei a 10.000 EUR, indiferent daca tranzactia se executa printr-o singura operatiune sau mai multe operatiuni care au o legatura intre ele.

Masuri de cunoastere a clientelei

Entitatile reglementate aplica masurile simplificate, standard si suplimentare de cunoastere a clientelei.

IMPORTANT !!! Entitatile reglementate verifica identitatea clientului si a beneficiarului real inainte de stabilirea unei relatii de afaceri sau de desfasurare a tranzactiei ocazionale.

Entitatile reglementate prevazute la art. 5 alin. 1 lit.

i) din Lege vor aplica masurile de cunoastere a clientelei conform Legii, numai pentru tranzactiile efectuate in numerar, a caror limita minima reprezinta echivalentul in lei a 10.000 EUR, indiferent daca tranzactia se executa printr-o singura operatiune sau mai multe operatiuni care au o legatura intre ele.

Masurile standard de cunoastere a clientelei:

- a) identificarea clientului si verificarea identitatii acestuia;
- b) identificarea beneficiarului real si adoptarea de masuri rezonabile pentru a verifica identitatea acestuia;
- c) evaluarea privind scopul si natura relatiei de afaceri si, daca este necesar, obtinerea de informatii suplimentare despre acestea;
- d) realizarea monitorizarii continue a relatiei de afaceri.

Masurile simplificate de cunoastere a clientelei:

- a) limitarea extinderii, tipului sau timpului alocat masurilor de cunoastere a clientelei;

transaction is executed in a single operation or in several operations connected to each other.

Measures to know customers

Regulated entities apply simplified, standard and additional customer knowledge measures.

IMPORTANT !!! Regulated entities shall verify the identity of the customer and the ultimate beneficial owner before establishing a business relationship or carrying out the occasional transaction.

The regulated entities referred to in article 5 paragraph(1) letter(I) of the Law will apply customer knowledge measures according to the law only for cash transactions, the minimum limit of which is the equivalent in lei of EUR 10.000, whether the transaction is executed in a single operation or in several operations connected to each other.

Standard customer knowledge measures:

- a) identifying the customer and verifying the identity of the customer;
- b) identification of the ultimate beneficial owner and reasonable steps to verify its identity;
- c) assessing the purpose and nature of the business relationship and, if necessary, obtaining additional information on it;
- d) carrying out continuous monitoring of the business relationship.

Simplified customer knowledge measures:

- a) limiting the extension, type or time assigned for the knowledge measures of customers;



- b) obtinerea unui volum mai redus de informatii referitoare la identificarea clientului;
- c) simplificarea verificarilor efectuate cu privire la identitatea clientilor;
- d) reducerea frecventei actualizarilor informatiilor privind identificarea clientilor pe parcursul relatiei de afaceri;
- e) reducerea intensitatii extinderii si gradului de monitorizare si verificare a tranzactiilor.

Masurile suplimentare de cunoastere a clientelei:

- a) obtinerea de informatii suplimentare cu privire la imputernicit, beneficiarul real, sediul, ocupatia, sursa de venit, volumul activelor etc. si alte informatii disponibile din baze de date publice;
- b) efectuarea de cautari suplimentare;
- c) obtinerea de informatii suplimentare si, dupa caz, justificarea prin documente aferente cu privire la natura relatiei de afaceri si a sursei fondurilor/activelor clientului;
- d) obtinerea de informatii despre motivele care stau la baza efectuarii tranzactiilor;
- e) scaderea pragului de 25% prevazut la definitia beneficiarului real;
- f) efectuarea de monitorizari suplimentare a relatiei de afaceri, prin cresterea numarului si duratei verificarilor efectuate si selectarea modelelor de tranzactii care necesita verificari suplimentare;
- g) cresterea gradului de constientizare, in cazul tranzactiilor si clientilor cu risc ridicat, in toate departamentele care au o relatie de afaceri cu clientul, inclusiv posibilitatea de informare suplimentara a personalului care raspunde de respectivul client.

Entitatile reglementate adopta norme interne de cunoastere a clientelei, inclusiv a beneficiarului real, care stabilesc toate masurile aplicabile in materie de cunoastere a clientelei.

- b) obtaining less information on customer identification;
- c) simplifying checks on customer identity;
- d) reduce the frequency of updates of customer identification information throughout the business relationship;
- e) reducing the intensity of expansion and monitoring and verification of transactions.

Further knowledge of customers:

- a) obtaining additional information on the empowered person, the ultimate beneficial owner, the premises, the occupation, source of income, volume of assets, etc., and other information available from public databases;
- b) conducting additional searches;
- c) obtaining additional information and, where appropriate, supporting documentation on the nature of the business relationship and the source of the funds/assets of the client;
- d) obtaining information on the reasons for the transactions;
- e) lowering the 25% threshold laid down in the definition of ultimate beneficial owner;
- f) further monitoring of the business relationship by increasing the number and duration of checks carried out and selecting transaction models that require additional checks;
- g) awareness raising, in the case of high-risk transactions and customers, in all departments with a business relationship with the customer, including the possibility of further informing the responsible personel for the customer.

The regulated entities shall adopt internal rules on customer knowledge, including the ultimate beneficial owner, which shall set out all applicable customer knowledge measures.



In vederea cunoasterii clientelei, entitatile reglementate vor solicita fiecarui client, inclusiv pentru beneficiarul real, urmatoarele documente:

- a) pentru persoanele fizice: cartile/buletinele de identitate, pasapoarte sau permise de sedere;
- b) pentru persoanele juridice, precum si pentru beneficiarii reali ai acestora:
 - 1. actele de constituire a entitatilor reglementate, certificatele de inregistrare sau extrase ale acestora;
 - 2. documente din care sa rezulte identitatea beneficiarului real, respectiv persoana fizica ce detine sau controleaza in cele din urma clientul si/sau persoana fizica in numele careia se realizeaza o tranzactie, o operatiune sau o activitate;
 - 3. certificate de atestare fiscala si, dupa caz, certificate de rezidenta fiscala emise de autoritatile fiscale nationale/internationale;
- c) in cazul in care un client persoana juridica este reprezentat de un imputernicit, se vor retine datele de identificare mentionate mai sus, inclusiv imputernicirea/documentul acestuia emise de reprezentantul legal al entitatii reglementate in numele careia actioneaza;
- d) in cazul in care un client este parte a unui contract fiduciar sau altor constructii juridice similare, se vor retine de la acesta copii ale declaratiilor de inregistrare a contractelor de fiducie depuse la organele fiscale unde este inregistrat.

Tipuri de raportari

Entitatile reglementate au obligatia sa transmita de indata Oficiului un raport de tranzactii suspecte atunci cand au identificat suspiciuni de spalare a banilor sau de finantare a terorismului.

Persoanele prevazute la art. 5 alin. 1, lit. e) si f) din Lege au obligatia de a transmite un raport de tranzactii suspecte cu exceptia informatiilor primite de la client in legatura cu derularea unei proceduri

For the purpose of customer knowledge, regulated entities shall require each customer, including the ultimate beneficial owner, the following documents:

- a) for individuals: identity cards, passports or residence permits;
- b) for legal entities and for their ultimate beneficial owners:
 - 1. acts establishing regulated entities, their registration certificates or extracts;
 - 2. documents showing the identity of the ultimate beneficial owner, namely the natural person who ultimately owns or controls the client and/or the natural person on whose behalf a transaction, transaction or activity is carried out;
 - 3. tax certificates and, where applicable, tax residence certificates issued by national/international tax authorities;
- c) where a legal entity is represented by an authorized person, the identification data referred to above shall be retained, including its authorization/document issued by the legal representative of the regulated entity on whose behalf it is acting;
- d) where a client is a party to a trust contract or similar legal arrangements, copies of the declaration of registration of trust contracts deposited with the tax authorities where it is registered shall be retained from the client.

Types of reporting

Regulated entities are required to submit to the Office a suspicious transaction report without delay when they have identified suspected money laundering or terrorist financing.

The persons referred to in article 5 paragraph (1) letter (e) and (f) of the Law are required to submit a suspicious transaction report, with the exception of information received from the customer in



judiciare, indiferent daca aceste informatii sunt primite sau obtinute inaintea procedurilor, in timpul acestora sau dupa acestea.

Exceptie: in cazurile in care persoanele prevazute la art. 5 alin. 1, lit. e) si f) din Lege cunosc faptul ca activitatea de consiliere juridica este furnizata in scopul spalarii banilor sau al finantarii terorismului sau atunci cand stiu ca un client doreste consiliere juridica in scopul spalarii banilor sau al finantarii terorismului.

Entitatile reglementate au obligatia sa transmita Oficiului un raport privind tranzactiile cu sume in numerar, in lei sau in valuta, a caror limita minima reprezinta echivalentul in lei a 10.000 euro, in termen de 3 zile lucratoare de la momentul efectuarii tranzactiilor.

Entitatile reglementate care desfasoara activitati de remitere de bani au obligatia sa transmita Oficiului un raport de transferuri de fonduri a caror limita minima reprezinta echivalentul in lei a 2.000 euro, in termen de 3 zile lucratoare de la momentul efectuarii tranzactiei.

Sumele in lei se calculeaza utilizand cursul Bancii Nationale a Romaniei din ziua in care s-a realizat tranzactia.

Raportarile se transmit Oficiului numai in format electronic prin canalele puse la dispozitie de catre acesta.

Pastrarea documentelor

Documentele si informatiile obtinute de la clientii entitatilor reglementate sunt pastrate pe toata perioada desfasurarii relatiei de afaceri si ulterior pentru o perioada de 5 ani de la incetarea acestei relatii sau de la data tranzactiei ocazionale.

connection with the conduct of judicial proceedings, whether or not such information is received or obtained before, during or after the proceedings.

Exception: in cases where the persons referred to in article 5 paragraph (1), letter (e) and (f) of the Law know that legal advice is provided for the purpose of money laundering or terrorist financing or when they know that a client wants legal advice for the purpose of money laundering or terrorist financing.

Regulated entities are required to submit to the Office a report on transactions in cash, in lei or in foreign currency, the minimum limit of which is the equivalent in lei of EUR 10.000 within 3 working days of the transaction.

Regulated entities carrying out remittance activities are required to submit to the Office a report on transfers of funds whose minimum limit is the equivalent in lei of EUR 2.000, within 3 working days from the time of execution of the transaction.

The amounts in lei are calculated at the National Bank of Romania's rate on the day the transaction was carried out.

Reports shall be transmitted to the Office only in electronic form through the channels made available by the Office.

Keeping documents

Documents and information obtained from the customers of regulated entities shall be kept for the duration of the business relationship and thereafter for a period of 5 years after the termination of that relationship or the date of the occasional transaction.



Exceptie: La solicitarea scrisa a autoritatilor competente entitatile reglementate au obligatia sa extinda perioada de pastrare a documentelor, fara ca aceasta prelungire sa depaseasca 5 ani.

Solicitarile de informatii si interzicerea divulgarii acestora

Entitatile reglementate au obligatia de a comunica Oficiului datele si informatiile solicitate de catre acesta si de a le pune la dispozitia reprezentantilor Oficiului in format letric sau electronic, inclusiv in fotocopie.

Folosirea in scop personal a informatiilor obtinute in baza legii nr. 129/2019 constituie infractiune si se pedepseste cu inchisoare de la 6 luni la 3 ani sau cu amenda.

Activitatea de supraveghere se realizeaza la sediul Oficiului prin analizarea, procesarea si evaluarea informatiilor furnizate de bazele de date gestionate in cadrul Oficiului sau la care institutia are acces, precum si a altor informatii solicitate de Oficiu conform legii.

Activitatea de control se realizeaza de catre Oficiu periodic prin agentii constatatori ai Oficiului, cu notificarea prealabila a entitatii, sau control inopinat, fara notificarea prealabila a entitatii.

Tipuri de control:

- control de conformitate
- control tematic.

In cazul in care contravenientul nu este prezent sau, desi prezent, refuza sa semneze procesul-verbal, comunicarea notei de constatare/procesului -verbal de constatare si sanctionare a contravenitiilor se face prin posta, cu aviz de primire, sau prin afisare la domiciliul sau la sediul contravenientului.

Exception: At the written request of the competent authorities, regulated entities are required to extend the retention period for documents, without such extension exceeding 5 years.

Requests for information and prohibition of disclosure

The regulated entities shall be required to communicate to the Office the data and information requested by the Office and to make them available to the Office in a printed or electronic form, including photocopies.

The personal use of the information obtained under the Law no. 129/2019 is an criminal offense and is punished by imprisonment from 6 months to 3 years or with a fine.

The supervisory work is carried out at the premises of the Office by analyzing, processing and evaluating the information provided by the databases managed within the Office or to which the institution has access, as well as other information requested by the Office in accordance with the law.

Control is carried out by the Office periodically through the Office's established agencies, with prior notice of the entity, or on-the-spot control, without prior notice of the entity.

Control types:

- conformity check
- thematic control

When the offender is not present or, although present, refuses to sign the report, the communication of the observation note/the record of infringement shall be made by post, with acknowledgment of receipt, or by posting at the address or at the offender's premises.



Operatiunea de afisare se consemneaza intr-un proces-verbal, semnat de cel putin un martor.

Instruirea entitatilor raportoare

In cadrul actiunilor de control, agentii constatatori ai Oficiului emit indrumari si realizeaza instruiuri in domeniul prevenirii si combaterii spalarii banilor, finantarii terorismului si cu privire la punerea in aplicare a sanctiunilor internationale.

Oficiul realizeaza programe anuale dedicate instruirilor entitatilor raportoare, pe domenii de activitate, ale caror date concrete se regasesc pe site-ul institutiei www.onpcsb.ro, sectiunea "programe instruire".

Prezentul Ordin a intrat in vigoare la data de 03.02.2020.

The display operation shall be recorded in a report signed by at least one witness.

Training of reporting entities

In the framework of control actions, the Office's policy-making agencies shall issue guidance and provide training in the field of prevention and fight against money laundering, terrorist financing and on the implementation of international sanctions.

The Office carries out annual programs dedicated to the training of reporting entities, by fields of activity, whose concrete data can be found on the institution's website www.onpcsb.ro, the section "training programs".

This Order entered into force on February 3-rd, 2020.

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