



Ordonanta de urgenta nr. 111/2020 privind modificarea si completarea Legii nr. 129/2019 pentru prevenirea si combaterea spalarii banilor si finantarii terorismului, precum si pentru modificarea si completarea unor acte normative, pentru completarea art. 218 din Ordonanta de urgenta a Guvernului nr. 99/2006 privind institutiile de credit si adecvarea capitalului, pentru modificarea si completarea Legii nr. 207/2015 privind Codul de procedura fiscala, precum si pentru completarea art. 12 alin. (5) din Legea nr. 237/2015 privind autorizarea si supravegherea activitatii de asigurare si reasigurare

In vigoare de la 15 iulie 2020

Legea nr. 129/2019 pentru prevenirea si combaterea spalarii banilor si finantarii terorismului, precum si pentru modificarea si completarea unor acte normative, se modifica si se completeaza dupa cum urmeaza:

1. Autoritatile si institutiile prevazute la alin. (1) lit. a), b) si d) din Legea nr. 129/2019, intocmesc statistici privind eficacitatea masurilor de prevenire si combatere a spalarii banilor si a finantarii terorismului in activitatile care includ:
 - date privind numarul de cereri transfrontaliere de informatii care au fost efectuate, primite, respinse partial ori integral solutionate de catre Oficiu, defalcate in functie de tara partenera;
 - resursele umane alocate autoritatilor responsabile cu supravegherea combaterii spalarii banilor si a finantarii terorismului prevazute la alin. (1), precum si resursele umane alocate Oficiului pentru a indeplini atributiile prevazute de prezenta lege;

Emergency Ordinance no. 111/2020 on the amendment and completion of Law no. 129/2019 on the prevention and fight against money laundering and terrorist financing, as well as for amending and supplementing some normative acts, for completing art. 218 of the Government Emergency Ordinance no. 99/2006 on credit institutions and capital adequacy, for the amendment and completion of Law no. 207/2015 regarding the Tax Procedure Code, as well as for completing art. 12 para. (5) of Law no. 237/2015 regarding the authorization and supervision of the insurance and reinsurance activity

In force since July 15th , 2020

Law no. 129/2019 on the prevention and fight against money laundering and terrorist financing, as well as the amendment and completion of some regulatory acts, is amended and supplemented as follows:

1. The authorities and institutions referred to in par. (1) lit. a), b) and d) of Law no. 129/2019, compile statistics on the effectiveness of measures to prevent and combat money laundering and terrorist financing in activities that include:
 - data on the number of cross-border requests for information which have been made, received, rejected in part or in full by the Office, broken down by partner country;
 - the human resources allocated to the authorities responsible for supervising the fight against money laundering and terrorist financing provided in par. (1), as well as the human resources allocated to the Office in order to fulfill the attributions provided by the present law;



- numărul și tipul de acțiuni de supraveghere, numărul de încălcări identificate pe baza acțiunilor de supraveghere și sancțiuni sau măsuri administrative aplicate de autoritățile de supraveghere.
2. Instituție financiară înseamnă întreprinderea, alta decât o instituție de credit, inclusiv furnizorii de servicii postale care prestează servicii de plată, entitățile specializate care desfășoară activități de schimb valutar pentru persoane fizice, organizate sub forma caselor de schimb valutar, și entitățile care dețin în administrare structuri de primire turistice cu funcțiuni de cazare turistică și desfășoară operațiuni de cumpărare de valute de la persoane fizice.
 3. De asemenea, a fost modificată sau introdusă definiția pentru anumți termeni, cum ar fi: furnizori de servicii pentru fiducii, societăți și alte entități sau construcții juridice, serviciile de jocuri de noroc, moneda electronică, prestator de servicii de plată, instituție de plată, agent, remitere de bani, emitent de moneda electronică, instituție emitentă de moneda electronică, distribuitor, monede virtuale, furnizor de portofel;
 4. Operațiuni care au o legătură între ele reprezintă operațiuni a căror valoare este fragmentată în tranșe mai mici decât echivalentul în lei al sumelor prevăzute la art. 5 alin. (1) lit. h), i)-k), art. 7 și art. 13 din Legea nr. 129/2019, care au elemente comune cum ar fi: părțile tranzacțiilor, inclusiv beneficiarii reali, natura sau categoria în care se încadrează tranzacțiile și sumele implicate.
 5. A fost modificată noțiunea de **beneficiar real**, în sensul Legii nr. 129/2019 pentru prevenirea și combaterea spălării banilor și finanțării terorismului, astfel: prin beneficiar real se înțelege orice persoană fizică ce deține sau controlează în cele din urmă clientul și/sau persoana fizică în numele ori în interesul
- the number and type of supervisory actions, the number of violations identified on the basis of supervisory actions and sanctions or administrative measures applied by the supervisory authorities.
2. Financial institution means an enterprise other than a credit institution, including postal service providers that provide payment services, specialized entities that carry out foreign exchange activities for individuals, organized in the form of foreign exchange offices, and entities that hold in administration of tourist reception structures with tourist accommodation functions and carries out currency purchase operations from individuals.
 3. Also, the definition has been modified or introduced for certain terms, such as: service providers for trusts, companies and other entities or legal constructions, gambling services, electronic money, payment service provider, payment institution, agent, remittance, electronic money issuer, electronic money issuing institution, distributor, virtual currencies, wallet supplier;
 4. Operations that have a connection between them represent operations whose value is fragmented in tranches smaller than the equivalent in lei of the amounts provided in art. 5 para. (1) lit. h), i) -k), art. 7 and art. 13 of Law no. 129/2019, which have common elements such as: the parties to the transactions, including the real beneficiaries, the nature or category in which the transactions fall and the amounts involved.
 5. The concept of **real beneficial owner** was modified, in the sense of Law no. 129/2019 for preventing and fight against money laundering and terrorist financing, as follows: a beneficial owner means any natural person who ultimately owns or controls the client and/or natural person in the name or in whose interest it is

caruia/careia se realizeaza, direct sau indirect, o tranzactie, o operatiune sau o activitate.

Notiunea de beneficiar real include cel puțin:

a) in cazul societatilor supuse inregistrarii in registrul comertului si entitatilor corporative straine:

1. persoana fizica/persoanele fizice care detin sau controleaza in ultima instanta societatea supusa inregistrarii in registrul comertului prin exercitarea directa sau indirecta a dreptului de proprietate asupra unui procent suficient din numarul de actiuni ori din drepturile de vot ori prin participatia in capitalurile proprii ale societatii respective, inclusiv prin detinerea de actiuni la purtator, sau prin exercitarea controlului prin alte mijloace, alta decat o societate cotata pe o piata reglementata care face obiectul cerintelor de divulgare a informatiilor in conformitate cu dreptul Uniunii Europene sau cu standarde internationale echivalente care asigura transparenta corespunzatoare a informatiilor privind exercitarea dreptului de proprietate.

Detinerea a 25% plus unu actiuni sau participare in capital al unei societati intr-un procent de peste 25% de catre o persoana fizica este un indiciu al exercitarii directe a dreptului de proprietate.

Detinerea a 25% plus unu actiuni sau participarea in capital al unei societati intr-un procent de peste 25% de catre o entitate corporativa straina, care se afla sub controlul unei persoane fizice, sau de catre mai multe entitati corporative straine, care se afla sub controlul aceleiasi persoane fizice, este un indiciu al exercitarii indirecte a dreptului de proprietate;

2. in cazul in care, dupa depunerea tuturor diligentelor si cu conditia sa nu existe motive de suspiciune, nu se identifica nicio persoana in conformitate cu pct. 1 sau in cazul in care exista orice indoiala ca persoana identificata este

performed, directly or indirectly, a transaction, an operation or an activity.

The concept of real beneficial owner includes at least:

a) in the case of companies subject to registration in the trade register and foreign corporate entities:

1. natural person / persons who ultimately own or control the company subject to registration in the trade register by exercising directly or indirectly the ownership of a sufficient percentage of the number of shares or voting rights or by participating in the company's equity respectively, including by holding bearer shares, or by exercising control by other means, other than a company listed on a regulated market that is subject to disclosure requirements in accordance with European Union law or equivalent international standards that ensure appropriate transparency of the information regarding the exercise of the property right.

The ownership of 25% plus one share or participation in the capital of a company in a percentage of over 25% by a natural person is an indication of the direct exercise of the property right.

The ownership of 25% plus one share or participation in the capital of a company in a percentage of over 25% by a foreign corporate entity, which is under the control of a natural person, or by several foreign corporate entities, which are under the control of the same natural person, it is an indication of the indirect exercise of the property right;

2. if, after all due diligence and provided there are no grounds for suspicion, no person is identified in accordance with point 1 or if there is any doubt that the identified person is the real beneficial owner, the natural person who has a



beneficiarul real, persoana fizica care ocupa o functie de conducere de rang superior, si anume: administratorul/administratorii, membrii consiliului de administratie/supraveghere, directori cu competente delegate de la administratorul/consiliul de administratie, membrii directoratului.

Entitatile raportoare tin evidenta masurilor luate in vederea identificarii beneficiarilor reali in conformitate cu pct. 1 si cu prezentul punct, precum si a dificultatilor intampinate in procesul de verificare a identitatii beneficiarului real;

b) in cazul fiduciilor sau constructiilor juridice similare - toate persoanele urmatoare:

1. constitutorul/constitutorii, precum si persoanele desemnate sa ii/le reprezinte interesele in conditiile legii;
2. fiduciarul/fiduciarii;
3. beneficiarul/beneficiarii sau, in cazul in care identitatea acestuia/acestora nu este identificata, categoria de persoane in al caror interes principal se constituie sau functioneaza fiducia sau constructia juridica similara;
4. oricare alta persoana fizica ce exercita controlul in ultima instanta asupra fiduciei sau a constructiei juridice similare din dreptul strain prin exercitarea directa sau indirecta a dreptului de proprietate sau prin alte mijloace;

c) in cazul persoanelor juridice fara scop lucrativ:

1. asociatii sau fondatorii;
2. membrii in consiliul director;
3. persoanele cu functii executive imputernicite de consiliul director sa exercite atributii ale acestuia;
4. in cazul asociatiilor, categoria de persoane fizice ori, dupa caz, persoanele fizice in al caror interes principal acestea au fost constituite, respectiv, in cazul fundatiilor, categoria de persoane fizice in al caror interes principal acestea au fost constituite;

senior management position, namely: the administrator / administrators, the members of the board of directors / supervisory, directors with delegated competencies from the administrator / board of directors, the members of the board of directors.

The reporting entities keep records of the measures taken in order to identify the real beneficial owners in accordance with point 1 and with this point, as well as of the difficulties encountered in the process of verifying the identity of the real beneficial owner;

b) in the case of trusts or similar legal constructions - all the following persons:

1. the constituent (s), as well as the persons designated to represent his / her interests in accordance with the law;
2. the trustee / trustees;
3. the beneficiary / beneficiaries or, in case his / their identity is not identified, the category of persons in whose main interest the trust or similar legal construction is constituted or operates;
4. any other natural person who exercises control in the last resort over the trust or similar legal construction of the foreign law by the direct or indirect exercise of the property right or by other means;

c) in the case of non-profit legal entities:

1. associates or founders;
2. members of the board of directors;
3. the persons with executive functions empowered by the board of directors to exercise its attributions;
4. in the case of associations, the category of natural persons or, as the case may be, the natural persons in whose main interest they have been constituted, respectively, in the case of foundations, the category of natural persons in whose main interest they have been constituted;



5. oricare alta persoana fizica ce exercita controlul in ultima instanta, prin orice mijloace, asupra persoanei juridice fara scop lucrativ;

d) in cazul persoanelor juridice, altele decat cele prevazute la lit. a)-c), si al entitatilor care administreaza si distribuie fonduri, a fost introdus si pct 4, respectiv: persoana sau persoanele fizice ce asigura conducerea persoanei juridice, in cazul in care, dupa depunerea tuturor diligentelelor si cu conditia sa nu existe motive de suspiciune, nu se identifica nicio persoana fizica in conformitate cu pct. 1-3;

6. Sunt entitati raportoare si urmatoarele categorii:

- auditorii, expertii contabili si contabilii autorizati, evaluatorii autorizati, consultantii fiscali, persoanele care acorda consultanta financiara, de afaceri sau contabila, alte persoane care se angajeaza sa furnizeze, direct sau prin intermediul altor persoane cu care persoana respectiva este afiliata, ajutor material, asistenta sau consiliere cu privire la aspectele fiscale, financiare, ca activitate economica sau profesionala principal;
- notarii publici, avocatii, executorii judecatoresti si alte persoane care exercita profesii juridice liberale, in cazul in care acorda asistenta pentru intocmirea sau perfectarea de operatiuni pentru clientii lor privind crearea, functionarea sau administrarea de fiducii, societati, fundatii sau structuri similare;
- agentii si dezvoltatorii imobiliari, inclusiv atunci cand actioneaza in calitate de intermediari in inchirierea de bunuri imobile, dar numai in ceea ce priveste tranzactiile pentru care valoarea chiriei lunare reprezinta echivalentul in lei a 10.000 euro sau mai mult;
- alte persoane care, in calitate de profesionisti, comercializeaza bunuri, numai 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

5. any other natural person who exercises control in the last instance, by any means, over the non-profit legal person;

d) in the case of legal entities, other than those provided in let. a) -c), and of the entities that administer and distribute funds, point 4 has been introduced, respectively: the person or natural persons who ensure the management of the legal person, in case, after all due diligence and provided there are no reasons of suspicion, no natural person is identified in accordance with points 1-3;

6. The following categories are reporting entities:

- auditors, accounting experts and the authorized accounting officers, authorized evaluators, tax advisors, persons providing financial, business or accounting advice, other persons who undertake to provide, directly or through other persons with which the person is affiliated, material assistance, assistance or advice on tax, financial, economic or professional matters;
- public notaries, lawyers, bailiffs and other persons engaged in liberal legal professions, where they assist in the preparation or execution of operations for their clients concerning the creation, operation or administration of trusts, companies, foundations or similar structures;
- real estate agents and developers, including when acting as intermediaries in the rental of real estate, but only in respect of transactions for which the value of the monthly rent represents the equivalent in lei of 10,000 euros or more;
- other persons who, as professionals, sell goods, only insofar as they carry out cash transactions whose minimum limit represents the equivalent in lei of 10,000 euros, regardless of whether the transaction is executed by a single operation or by several operations that they have a connection between them;



- printr-o singura operatiune sau prin mai multe operatiuni care au o legatura intre ele;
- furnizorii de servicii de schimb intre monede virtuale si monede fiduciare;
 - furnizorii de portofele digitale;
 - persoanele care comercializeaza opere de arta sau care actioneaza ca intermediari in comertul de opere de arta, inclusiv atunci cand aceasta activitate este desfasurata de galerii de arta si case de licitatii, in cazul in care valoarea tranzactiei sau a unei serii de tranzactii legate intre ele reprezinta echivalentul in lei a 10.000 euro sau mai mult;
 - persoanele care depoziteaza sau comercializeaza opere de arta sau care actioneaza ca intermediari in comertul cu opere de arta, atunci cand aceasta activitate este desfasurata in zone libere, in cazul in care valoarea tranzactiei sau a unei serii de tranzactii legate intre ele reprezinta echivalentul in lei a 10.000 euro sau mai mult.
7. Art. 6 alin. (2) din Legea nr. 129/2019 se abroga, respectiv: entitatile raportoare nu mai transmit suplimentar situatiilor prevazute la alin. (1) de la art. 6, un raport pentru tranzactii suspecte Oficiului atunci cand circumstantele faptice obiective aferente unei relatii de afaceri sau tranzactii ocazionale corespund in tot sau in parte indicatorilor sau tipologiilor de tranzactii suspecte prezentate public de Oficiu.
8. Entitatile raportoare prevazute transmit Oficiului, raportul pentru tranzactii suspecte inainte de efectuarea oricarei tranzactii aferente clientului care are legatura cu suspiciunea raportata.
9. Entitatile raportoare au obligatia de a raporta catre Oficiu tranzactiile cu sume in numerar, in lei sau in valuta, a caror limita minima reprezinta echivalentul in lei a 10.000 euro, inclusiv operatiunile care au o legatura intre ele.
- providers of exchange services between virtual currencies and fiduciary currencies;
 - digital wallet providers;
 - persons who market works of art or act as intermediaries in the trade in works of art, including where such activity is carried out by art galleries and auction houses, where the value of the transaction or series of linked transactions is the lei equivalent of eur 10.000 or more;
 - persons who deposit or sell works of art or who act as intermediaries in the trade with works of art, when this activity is carried out in free zones, if the value of the transaction or a series of related transactions represents the equivalent in lei of 10,000 euros or more.
7. Article 6 para. (2) of Law no. 129/2019 is repealed, respectively: the reporting entities no longer transmit additionally to the situations provided in par. (1) of art. 6, a report for suspicious transactions to the Office when the objective factual circumstances related to a business relationship or occasional transactions correspond in whole or in part to the indicators or typologies of suspicious transactions presented publicly by the Office.
8. The reporting entities provided shall submit to the Office the report for suspicious transactions before carrying out any transaction related to the client related to the reported suspicion.
9. The reporting entities have the obligation to report to the Office the transactions with amounts in cash, in lei or in foreign currency, whose minimum limit represents the equivalent in lei of 10,000 euros, including the operations that have a connection between them.

10. Institutiile de credit si institutiile financiare transmit rapoarte privind transferurile externe in si din conturi, in lei sau in valuta, a caror limita minima reprezinta echivalentul in lei a 10.000 euro, inclusiv operatiunile care au o legatura intre ele.
 11. Art 7 alin. (4) din Legea nr. 129/2019, se abroga.
 12. Obligatiile de raportare revin exclusiv institutiilor emitente de moneda electronica si institutiilor de plata persoane juridice romane si punctelor unice de contact stabilite pe teritoriul Romaniei pentru institutiile emitente de moneda electronica si institutiile de plata persoane juridice straine.
 13. Notarii publici, avocatii, executorii judecatoresti si alte persoane care exercita profesii juridice liberale au obligatia de a transmite un raport de tranzactii suspecte numai in masura in care nu sunt avute in vedere informatiile pe care acestia le primesc/obtin de la/in legatura cu clientii lor in cursul evaluarii situatiei juridice a clientului, indiferent daca aceste informatii sunt primite sau obtinute inaintea procedurilor, in timpul acestora sau dupa acestea.
 14. Exceptie: Cele de mai sus nu se aplica atunci cand notarii publici, avocatii, executorii judecatoresti si alte persoane care exercita profesii juridice liberale 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.
 15. Institutiile de credit si institutiile financiare nu vor furniza conturi anonime, cartele de economii anonime sau casete de valori anonime si nici servicii de acceptare la plata a cardurilor preplatite anonime. Utilizarea in orice fel a conturilor anonime, a carnetelor de economii anonime si a casetelor de valori anonime existente nu este permisa decat dupa aplicarea masurilor de cunoastere a clientele.
10. Credit institutions and financial institutions shall submit reports on external transfers to and from accounts, in lei or in foreign currency, the minimum limit of which shall be the equivalent in lei of EUR 10,000, including related operations.
 11. Art. 7 para. (4) of Law no. 129/2019, is repealed.
 12. The reporting obligations belong exclusively to the electronic money issuing institutions and the Romanian legal entities payment institutions and to the unique contact points established on the Romanian territory for the electronic money issuing institutions and the foreign legal entities payment institutions.
 13. Public notaries, lawyers, bailiffs and other persons engaged in liberal legal professions are required to submit a suspicious transaction report only to the extent that the information they receive/obtain from/on their clients is not taken into account in the course of the assessment of the legal situation of the client, whether this information is received or obtained before, during or after the proceedings.
 14. Exception: The above does not apply when public notaries, lawyers, bailiffs and other persons practicing liberal legal professions know that the activity of legal advice is provided for the purpose of money laundering or terrorist financing or when they know that a client wants legal advice for money laundering or terrorist financing.
 15. Credit institutions and financial institutions shall not provide anonymous accounts, anonymous savings books or anonymous safe deposit boxes, nor any anonymous prepaid card acceptance services. The use in any way of the anonymous accounts, of the anonymous savings books and of the existing anonymous value boxes is not allowed until only after the application of customer knowledge measures.

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| <p>16. Entitățile raportoare au obligația de a obține o dovadă a înregistrării beneficiarilor reali sau informații din registrele centrale ale beneficiarilor reali ori de câte ori încep o nouă relație de afaceri cu persoane care sunt supuse obligației înregistrării informațiilor privind beneficiarul real.</p> <p>17. Entitățile raportoare au obligația de a aplica măsurile standard de cunoaștere a clienței și atunci când:</p> <ul style="list-style-type: none"> - există suspiciuni de spălare a banilor sau de finanțare a terorismului, indiferent de incidența prevederilor derogatorii de la obligația de a aplica măsurile de cunoaștere a clienței stabilite în prezenta lege și de valoarea operațiunii; - există îndoieli privind veridicitatea sau suficiența informațiilor de identificare deja detinute despre client sau beneficiarul real. <p>18. Art. 13 alin. (8) și (9) din Legea nr. 129/2019, se abrogă.</p> <p>19. Entitățile raportoare aplică măsurile de cunoaștere a clienței tuturor clienților noi. Entitățile raportoare aplică măsurile de cunoaștere a clienței și clienților existenți, în funcție de risc sau atunci când circumstanțele relevante privind clientul se schimbă.</p> <p>20. Entitățile raportoare au obligația să crească gradul și natura monitorizării relației de afaceri în scopul de a stabili dacă respectivele tranzacții sau activități sunt suspecte.</p> <p>21. La evaluarea riscurilor de spălare de bani și de finanțare a terorismului se vor lua în considerare și factori caracteristici situațiilor cu risc potențial marit și anume dacă clientul este un resortisant al unei țări terțe care solicită drepturi de sedere sau cetățenia română în schimbul transferurilor de capital, al achiziționării de proprietăți sau de obligațiuni de stat sau al investițiilor în entități corporative.</p> | <p>16. Reporting entities have the obligation to obtain proof of registration of real beneficial owners or information from the central registers of real beneficial owners whenever they start a new business relationship with persons who are subject to the obligation to register information on the real beneficial owner.</p> <p>17. Reporting entities have the obligation to apply standard customer knowledge measures when:</p> <ul style="list-style-type: none"> - there are suspicions of money laundering or terrorist financing, regardless of the incidence of the provisions derogating from the obligation to apply the measures of customer knowledge established in the present law and of the value of the operation; - there are doubts regarding the veracity or sufficiency of the identification information already held about the client or the real beneficial owner. <p>18. Article 13 para. (8) and (9) of Law no. 129/2019, is repealed.</p> <p>19. Reporting entities apply customer knowledge measures to all new customers. Reporting entities apply also the customer knowledge measures to existing customer and, depending on the risk or when relevant customer circumstances change.</p> <p>20. The reporting entities have the obligation to increase the degree and nature of the monitoring of the business relationship in order to establish whether the respective transactions or activities are suspicious.</p> <p>21. When assessing the risks of money laundering and terrorist financing, factors characteristic of situations with increased potential risk will also be taken into account, namely whether the client is a national of a third country requesting residence rights or Romanian citizenship in exchange for capital transfers, the acquisition of properties or government bonds or investments in corporate entities</p> |
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22. In categoria factorilor de risc sunt si tranzactiile cu petrol, arme, metale pretioase, produse din tutun, obiecte de arta si alte obiecte de importanta arheologica, istorica sau culturala, obiecte de cult sau obiecte rare cu valoare stiintifica, precum si fildesul si speciile protejate.
23. In cazul relatiilor de afaceri sau tranzactiilor care implica tari terte cu grad inalt de risc, entitatile raportoare aplica urmatoarele masuri suplimentare de cunoastere a clientele (obtin informatii suplimentare privind clientul si beneficiarul real, natura relatiei de afaceri care se doreste a fi stabilita, sursa fondurilor si sursa averii clientului si a beneficiarului real, justificarea tranzactiilor, aprobarea conducerii de rang superior pentru stabilirea sau continuarea relatiei de afaceri, monitorizare sporita a relatiei de afaceri).
24. Persoanele juridice de drept privat, fiduciile si orice constructie juridica similara fiduciilor sunt obligate sa obtina si sa detina informatii adecvate, corecte si actualizate cu privire la beneficiarul lor real, inclusiv cu privire la modalitatea prin care se concretizeaza aceasta calitate, si sa le puna la dispozitia organelor de control si a autoritatilor de supraveghere, la solicitarea acestora. Beneficiarii reali ai persoanelor juridice de drept privat si ai fiduciilor si constructiilor juridice similare au obligatia sa le furnizeze acestora toate informatiile necesare pentru ca acestea sa indeplineasca cerintele mentionate anterior, inclusiv detaliile intereselor generatoare de beneficii detinute.
25. Persoanele juridice, fiduciarii sau persoanele ce detin pozitii echivalente in cadrul constructiilor juridice similare fiduciilor, dezvaluie statutul pe care il au si furnizeaza in timp util entitatilor raportoare informatiile privind beneficiarul real. Informatiile privind beneficiarul real se
22. In the category of risk factors are also transactions in oil, weapons, precious metals, tobacco products, art objects and other objects of archaeological, historical or cultural importance, cult objects or rare objects of scientific value, as well as ivory and protected species.
23. In the case of business relationships or transactions involving high-risk third countries, reporting entities shall apply the following additional measures for customers knowledge (obtain additional information on the customer and the beneficial owner, the nature of the business relationship to be established, source of funds and source of wealth of the client and the real beneficial owner, justification of transactions, approval of senior management for establishing or continuing the business relationship, increased monitoring of the business relationship).
24. Legal entities under private law, trusts and any legal arrangement similar to trusts are obliged to obtain and have adequate, correct and up-to-date information on their real beneficial owner, including on the manner in which this quality is materialized, and to make available to the control bodies and to the supervisory authorities, at their request. The real beneficial owners of the legal entities of private law and of the trusts and similar legal constructions have the obligation to provide them with all the necessary information for them to fulfill the previously mentioned requirements, including the details of the interests generating benefits held.
25. Legal entities, trustees or persons holding equivalent positions in legal arrangements similar to trusts, disclose their status and provide in a timely manner to the reporting entities the information regarding the real beneficial owner. The information regarding



inregistreaza intr-un registru central organizat la nivelul Agentiei Nationale de Administrare Fiscala in cazul fiduciilor sau constructiilor juridice similare acestora. Registrele centrale sunt interconectate prin intermediul platformei centrale europene instituite prin art. 22 alin. (1) din Directiva (UE) 2017/1.132 a Parlamentului European si a Consiliului din 14 iunie 2017 privind anumite aspecte ale dreptului societatilor comerciale. Informatiile din aceste registre sunt disponibile prin intermediul registrelor nationale si prin sistemul de interconectare a registrelor timp de 10 ani dupa ce persoana juridica a fost radiata, respectiv dupa ce motivele de inregistrare a informatiilor privind beneficiarul real al fiduciilor/constructiilor juridice similare au incetat sa existe.

26. Dupa consultarea registrelor centrale, entitatile raportoare informeaza Oficiul si autoritatile care gestioneaza aceste registre cu privire la orice neconcordanta intre informatiile disponibile in registrele centrale privind beneficiarii reali si informatiile privind beneficiarii reali pe care le detin iar Oficiul ia masurile corespunzatoare pentru solutionarea acesteia, in timp util.
27. Accesul la registrul central organizat la nivelul Agentiei Nationale de Administrare Fiscala in cazul fiduciilor sau constructiilor juridice similare acestora, pentru persoanele fizice sau juridice se va asigura daca acestea pot demonstra un interes legitim sau care inainteaza o cerere scrisa in ceea ce priveste o fiducie sau o constructie juridica similara care detine o participatie ce ii asigura controlul in orice persoana juridica de drept privat, altele decat cele prevazute la alin. (1), in mod direct sau indirect, inclusiv prin actiuni la purtator sau prin control exercitat prin alte mijloace.
28. Accesul la registre este asigurat, cu conditia inregistrarii online si platii unei taxe/unui tarif administrativ(e) stabilit(e) de autoritati (Oficiul

the real beneficial owner is registered in a central register organized at the level of the National Agency for Tax Administration in the case of trusts or legal arrangements similar to them. The central registers are interconnected through the central European platform established by art. 22 para. (1) of Directive (EU) 2017 / 1.132 of the European Parliament and of the Council of 14 June 2017 on certain aspects of company law. The information in these registers is available through the national registers and through the system of interconnection of registers for 10 years after the legal entity has been deregistered, respectively after the reasons for registering the information on the real beneficial owner of trusts / similar legal arrangements have ceased to exist.

26. After consulting the central registers, the reporting entities shall inform the Office and the authorities managing those registers of any discrepancy between the information available in the central registers on beneficial owners and the information on real beneficial owners they hold and the Office shall take appropriate measures to resolve it, in due time.
27. Access to the central register organized at the level of the National Agency for Tax Administration in the case of trusts or similar legal arrangements, for natural or legal persons shall be ensured if they can demonstrate a legitimate interest or submit a written request regarding a trust or a similar legal arrangement that holds a participation that ensures its control in any legal person of private law, other than those provided in par. (1), directly or indirectly, including by bearer shares or by control exercised by other means.
28. Access to the registers is ensured, provided that the online registration and the payment of an administrative fee (s) established by the



National al Registrului Comertului, Ministerul Justitiei, Agentia Nationala de Administrare Fiscala) care nu trebuie sa depaseasca costurile administrative asociate punerii la dispozitie a informatiilor, inclusiv costurile de intretinere si dezvoltare a registrului.

29. In cazul identificarii unor deficient grave, Banca Nationala a Romaniei poate lua pe langa cele prevazute in lege, si urmatoarele masuri:

- plafonarea volumului tranzactionat total la nivel de agent sau distribuitor, pe client sau pe produs;
- suspendarea derularii activitatii institutiei emitente de moneda electronica sau institutiei de plata din alt stat membru prin distribuitor sau agent;

Masurile de mai sus pot fi impuse pana la remedierea deficientelor identificate, dar fara a depasi un an.

30. Este interzisa desfasurarea activitatilor fara autorizare sau inregistrare de catre urmatoarele entitati: case de schimb valutar si entitati care detin in administrare structuri de primire turistice cu functiuni de cazare turistica, furnizori de servicii de jocuri de noroc, furnizori de servicii pentru fiducii, societati si alte entitati sau constructii juridice, furnizorii de servicii de schimb intre monede virtuale si monede fiduciare, precum si furnizorii de portofele digitale.

31. Institutiile autorizate in alte state membre care presteaza pe teritoriul Romaniei servicii de remitere de bani prin intermediul agentilor si institutiile emitente de moneda electronica autorizate in alte state membre care desfasoara activitate pe teritoriul Romaniei prin intermediul distribuitorilor stabilesc un punct unic de contact pe teritoriul Romaniei car eva fi comunicat Bancii Nationale a Romaniei in termen de 5 zile de la data inceperii activitatii.

authorities (National Office of the Trade Register, Ministry of Justice, National Agency for Tax Administration) which must not exceed the administrative costs associated with the provision of information, including the costs of maintaining and developing the register.

29. In case of identification of serious deficiencies, the National Bank of Romania may take in addition to those provided by law, the following measures:

- capping the total traded volume at the level of agent or distributor, per customer or per product;
- suspension of the activity of the electronic money issuing institution or of the payment institution from another member state through a distributor or agent;

The above measures may be imposed until the identified deficiencies are remedied, but not exceeding one year.

30. It is forbidden to carry out activities without authorization or registration by the following entities: foreign exchange houses and entities that manage tourist reception structures with tourist accommodation functions, gambling service providers, trust service providers, companies and other legal entities or constructions, providers of exchange services between virtual currencies and fiat currencies, as well as providers of digital wallets.

31. Institutions authorized in other Member States that provide remittance services in Romania through agents and electronic money institutions authorized in other Member States that operate in Romania through distributors establish a single point of contact in Romania which must be communicated to the National Bank of Romania within 5 days from the date of starting the activity.

32. Daca Oficiul nu constata existenta unor indicii de spalare a banilor, suspiciuni de finantare a terorismului sau indicii de savarsire a altor infractiuni decat cele de spalare a banilor sau de finantare a terorismului, informatiile sunt pastrate in evidenta timp de 10 ani de la momentul inregistrarii in Oficiu. Daca in acest interval aceste informatii nu sunt valorificate, acestea se distrug si se sterg de drept din bazele de date.
33. Persoanele care lucreaza sau au lucrat pentru autoritati prevazute la art. 26 alin. (1) lit. a)-d) (ex. BNR, ASF, ANAF), precum si auditorii sau expertii care actioneaza in numele autoritatilor respective sunt obligati sa respecte secretul profesional. Informatiile confidentiale pot fi divulgate numai sub forma de rezumat sau in forma agregata, astfel incat sa nu se poata identifica institutiile de credit si institutiile financiare individuale.
34. Oficiul efectueaza analiza tranzactiilor suspecte:
- la sesizarea entitatilor raportoare;
 - din oficiu, cand ia cunostinta pe orice cale despre o tranzactie suspecta.
35. In situatia in care oricare dintre contravenitiile de la art 43, alin. (1) din Lege 129/2019 este savarsita de o institutie financiara, alta decat cele supravegheate de Banca Nationala a Romaniei, limitele superioare ale amenzilor prevazute la art.43, alin. (2) si (3) se majoreaza astfel:
- pentru persoanele juridice, pana la 10% din cifra de afaceri anuala totala, calculata pe baza ultimelor situatii financiare disponibile aprobate de organul de conducere, dar nu mai putin de 23.000.000 lei;
 - pentru persoanele fizice, pana la 23.000.000 lei.
36. In termen de 90 de zile de la data intrarii in vigoare a prezentei ordonante de urgenta, institutiile de plata si institutiile emitente de
32. If the Office does not find any indications of money laundering, suspicions of terrorist financing or indications of crimes other than money laundering or terrorist financing, the information shall be kept in evidence for 10 years from the time of registration at the Office. If during this interval this information is not capitalized, it is destroyed and deleted from the databases.
33. The persons who work or have worked for the authorities provided in art. 26 para. (1) lit. a) - d) (eg NBR, ASF, ANAF), as well as auditors or experts acting on behalf of the respective authorities are obliged to respect professional secrecy. Confidential information may be disclosed only in summary form or in aggregate form, so that credit institutions and individual financial institutions cannot be identified.
34. The Office shall carry out the analysis of suspicious transactions:
- upon notification of the reporting entities;
 - ex officio, when it learns in any way about a suspicious transaction.
35. In the situation where any of the contraventions from art. 43, par. (1) of Law 129/2019 is committed by a financial institution, other than those supervised by the National Bank of Romania, the upper limits of the fines provided in art. 43, par. (2) and (3) are increased as follows:
- for legal entities, up to 10% of the total annual turnover, calculated on the basis of the latest available financial statements approved by the management body, but not less than 23,000,000 lei;
 - for individuals, up to 23,000,000 lei.
36. Within 90 days from the date of entry into force of this emergency ordinance, payment institutions and electronic money issuing

moneda electronica au obligatia de a transmite organului fiscal central lista titularilor persoane fizice, juridice sau a altor entitati fara personalitate juridica care au deschise conturi la data intrarii in vigoare a prezentei ordonante de urgenta, precum si celelalte informatii prevazute la art. 61 alin. (2) lit. a) din Legea nr. 207/2015 privind Codul de procedura fiscala.

institutions have the obligation to send to the central fiscal body the list of holders of natural, legal or other entities not having legal personality who opened accounts at the date of entry into force of this Emergency Ordinance, as well as the other information provided for in Article 61(2)(a) of Law no. 207/2015 of the Tax Procedure Code.

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