



Finanšu izlūkošanas dienests

*Financial Intelligence Unit of Latvia*

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## **REGULATION**

### **Regulation on the Operation of the Cooperation Coordination Group of the Financial Intelligence Unit**

Issued in accordance with the Article 55 and Article 51 (1)17) of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing

#### **I General provisions**

1. Regulation on the Operation of the Cooperation Coordination Group of Financial Intelligence Unit (hereinafter – Regulation) sets out the principal terms of application of the legal regulation set out in the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing (hereinafter –the Law) on Cooperation Coordination Group of the Financial Intelligence Unit (hereinafter – the Cooperation Coordination Group).
2. The purpose of the work of the Cooperation Coordination Group, inter alia, is to facilitate the circulation of information, including, in order to stop the use of financial system for criminal purposes before holding a person liable in accordance with the Law or other laws and regulations for operational and preventive strategic purposes.
3. The exchange of information within the Cooperation Coordination Group shall take effect in accordance with the procedures established by the Financial Intelligence Unit, including the Regulation, in good faith and in a spirit of meaningful cooperation. Article 30(1), Article 55(1) and Article 56 of the Law do not apply to the operation of Cooperation Coordination Group.
4. For the purposes of participation in the Cooperation Coordination Group, the members thereof – bodies performing operational activities, investigating institutions, the Office of the Prosecutor, the State Revenue Service (hereinafter – Participating Institutions) and obliged entities under the Law – shall authorize one or several representatives – officials or

employees of the respective Participating Institution or obliged entity under the Law (for obliged entities under the Law – also at the level of groups of companies) – by sending to the e-mail address of the FIU [fid@fid.gov.lv](mailto:fid@fid.gov.lv) a completed representative appointment form prepared in accordance with Annex 1 to the Regulation. Any replacement of the representative shall be notified in accordance with same procedure. An acknowledgement of the representative of the participant of the Cooperation Coordination Group shall be attached to the representative appointment form (Annex 2 to the Regulation). Documents may be submitted in person, by submission thereof to the Financial Intelligence Unit.

5. Upon receipt of the invitation from the Financial Intelligence Unit and upon confirmation of their participation, representatives of Participating Institutions and obliged entities under the Law referred to in Clause 4 of the Regulation, shall be required to participate in the work of Cooperation Coordination Group, unless provided otherwise in the laws and regulations. In case the representative of Participating Institution or obliged entity under the Law is unable to participate in the work of the Cooperation Coordination Group, the respective representative is obliged to immediately notify the Financial Intelligence Unit per e-mail to [fid@fid.gov.lv](mailto:fid@fid.gov.lv), indicating the representative replacing the respective person in accordance with the procedure laid down in Clause 4 of the Regulation.
6. The Financial Intelligence Unit may give instructions regarding the desirable level of representation in terms of hierarchical position of the Cooperation Coordination Group's members and decide on the necessity for the Cooperation Coordination Group's member to obtain security clearance from the national security institutions for work in the Cooperation Coordination Group. The Financial Intelligence Unit may give instructions regarding the desirable level of representation in terms of hierarchical position of the Cooperation Coordination Group's members and deny a person from the Cooperation Coordination Group if, in the view of the Financial Intelligence Unit, such individual's participation is ineffective or may adversely affect its work.
7. The Financial Intelligence Unit may at its own discretion appoint permanent members for the work of Cooperation Coordination Group – Participating Institution or obliged entity under the Law – whose functions or field of operation is substantial and can contribute to the analysis of any case.
8. To participate in the work of the Cooperation Coordination Group, the person authorized to represent the member of Cooperation Coordination Group – obliged entity under the Law or Participating Institution – shall sign the acknowledgement in accordance with the Annex 2 of the Regulation prepared by the Financial Intelligence Unit, confirming that the respective person has read the Regulation and undertakes to abide by the requirements thereof.
9. The participation in the Cooperation Coordination Group per se does not oblige the law enforcement institutions to disclose investigative secrets or information obtained as the result of operational activities; the person directing the proceedings or body performing operational activities may however disclose such information, based on the assessment of the objectives and interests attainable under the criminal proceedings or operational activities.

10. For the purpose of coordination of the work of the Cooperation Coordination Group, the Financial Intelligence Unit shall act as the “Participating Institution” of such group within the meaning of Article 55 of the Law.
11. Each member of the Cooperation Coordination Group – representative of the obliged entity under the Law or Participating Institution – shall independently evaluate and be liable for the information he is authorized to disclose in the framework of the work of Cooperation Coordination Group. Neither the Financial Intelligence Unit, nor other members of the Cooperation Coordination Group meeting shall be liable for that. The Financial Intelligence Unit shall ensure the protection of the information reviewed at the Cooperation Coordination Group and kept by the Financial Intelligence Unit. However, each member of the Cooperation Coordination Group has an obligation to independently evaluate and assume responsibility for the type information and the scope thereof disclosed in the framework of Cooperation Coordination Group, including to abide by the internal regulations of the obliged entity under the Law or the Participating Institution, as well as the laws and regulations.

## **II Work with suspicious transaction reports**

12. The Financial Intelligence Unit as the member of the Cooperation Coordination Group in accordance with the procedure and to the extent laid down in the laws and regulations shall be entitled to share information included in the reports of the obliged entities under the Law and information otherwise received by exercising the rights of the Financial Intelligence Unit under Article 51 of the Law.
13. In the framework of the work of Cooperation Coordination Group, suspicious transaction reports submitted by one or several obliged entities under the Law (or other persons) as well as information received by the Financial Intelligence Unit otherwise may be discussed.
14. The Financial Intelligence Unit may request the obliged entity under the Law to submit a suspicious transaction report or to provide information in an alternative way about a case reviewed in the framework of Cooperation Coordination Group by providing information corresponding to the matter discussed. The request made by the Financial Intelligence Unit shall be recorded in the protocol.

## **III Organization of the work of Cooperation Coordination Group, members thereof**

15. The list of the participants to be invited to the Cooperation Coordination Group’s meeting shall be determined by the Financial Intelligence Unit at its own discretion, by considering the circumstances of the specific case and whether the presence of a particular participant will contribute to the work of the Cooperation Coordination Group, based on the principle, “*active information sharing, instead of passive receipt thereof*” without using the received information contrary to the objective of the Law.
16. Member of the Cooperation Coordination Group or representative thereof who fails to act in accordance with Clause 3 of the Regulation, shall be warned and/or excluded from participation in the Cooperation Coordination Group by the Financial Intelligence Unit, by

notifying the supervisory authority accordingly (e.g. the senior management institution of the obliged entity under the Law or the head of the Participating Institution).

17. For the purpose of participation in the work of Cooperation Coordination Group, the Financial Intelligence Unit may invite the representatives of the supervisory and control institutions of the obliged entities under the Law as well as other persons, if the participation thereof in the Cooperation Coordination Group's work could facilitate information sharing or enable the attainment of other significant objectives of public interest.
18. The work of Cooperation Coordination Group may be organised for the purposes of reviewing a specific case in the framework of one or several meetings (e.g. necessity of additional information analysis or to receive consent for information disclosure) or to agree on the identification of money laundering or terrorism financing risks according to a specific typology and thereby make arrangements for further work of the Cooperation Coordination Group.
19. The agenda for the Cooperation Coordination Group shall be notified by the Financial Intelligence Unit in the form it deems appropriate (in writing or electronically).
20. The Financial Intelligence Unit shall organize the work of the Cooperation Coordination Group of its own initiative or upon the request of the Participating Institution in accordance with the terms of Article 51(2) of the Law. The Financial Intelligence Unit shall be entitled to convene the Cooperation Coordination Group also upon a motivated request by the obliged entity under the Law by assessing the necessity and justification for convening the Cooperation Coordination Group.
21. When inviting the obliged entities under the Law or the Participating Institutions to participate in the Cooperation Coordination Group, the Financial Intelligence Unit may determine that materials to be reviewed in the Cooperation Coordination Group may be acquainted with during the meeting, at a separate preparatory meeting or the Financial Intelligence Unit may attach the materials to the respective invitation to the meeting.

#### **IV Information circulation, information protection and liability**

22. In the framework of the work of Cooperation Coordination Group, the members thereof may present and review specific documents or their copies only for informative purposes. The obtaining of any documents that are intended to serve the purpose of evidence shall be subject to the general procedure laid down in the external laws and regulations. An invitation to the work of Cooperation Coordination Group and the documents attached thereto (if any) per se cannot be used as evidence in any case; however, they may serve to substantiate that evidence should be obtained according to the procedure set forth in the laws and regulations, with the written consent of the Financial Intelligence Unit.
23. The Cooperation Coordination Group's members and their represented institutions shall independently assess and assume responsibility for the information which they are authorized to disclose in the framework of the Cooperation Coordination Group's work. Neither the Financial Intelligence Unit, nor other members of the Cooperation Coordination Group meeting shall be liable for that. The Cooperation Coordination Group members confirm that

the disclosure must occur in accordance with applicable data protection laws and regulations. Each member of the Cooperation Coordination Group shall act as data controller of the information concerned, at the same time assuming responsibility for the processing, disclosure and/or improper storage of such information or for violations of data protection laws and regulations.

24. The information reviewed in the framework of the work of Cooperation Coordination Group, the agenda thereof and all related communication and the protocol shall be deemed to constitute restricted access information. The fact of occurrence of Cooperation Coordination Group's meeting and the time of the meeting shall be generally accessible information.
25. The entire information covered by Clause 24 of the Regulation shall be subject to information disclosure prohibition set out in Article 55(7) of the Law.
26. Any representative of a member of the Cooperation Coordination Group attending the work of the group for the first time shall be warned about the non-disclosure of information and the liability for disclosure of information and each separately shall sign a written acknowledgement in accordance with the Annex 2 of the Regulation.
27. The work of the Cooperation Coordination Group shall be recorded. For the purpose of drafting the protocol, the work of Cooperation Coordination Group may be sound-recorded. A protocol shall be prepared on the work of the Cooperation Coordination Group, where the names of participants and main conclusions shall be indicated. The protocol or its derivatives shall not be issued to the participants of the Cooperation Coordination Group, except for cases referred to in Clause 29 of the Regulation.
28. If investigative secrets (Article 375 of the Criminal Procedure Law) or information obtained as the result of operational activities (Article 24(3) of the Operational Activities Law) is disclosed to the participants of the Cooperation Coordination Group, the person directing the proceedings or body performing operational activities shall take due care of the manner in which the protection of such information is ensured.
29. Upon necessity, the protocol shall contain information on the objectives for the purposes of which the information reviewed in the framework of Cooperation Coordination Group's work may be used, e.g., that the participants of the Cooperation Coordination Group are entitled to partially disclose the obtained information for taking certain actions prescribed by the laws and regulations (state authority to draft a request, credit institution to terminate the business relationship with the client, submit a suspicious transaction report to the Financial Intelligence Unit, perform enhanced transaction monitoring etc.).
30. The investigator and body performing operational activities shall, according to the procedure set by their respective institution, record (report on) the outcomes of the Cooperation Coordination Group's work that may be further used for performing other operations set in the laws and regulations, by ensuring that the identity of the obliged entity under the Law which provided information within the Cooperation Coordination Group is not revealed to any third persons.

31. If the work of Cooperation Coordination Group involves work with official secret, the requirements of the Law on Official Secret and laws and regulations issued on the basis thereof shall be observed.

#### **V Special cases of information provision**

32. Upon request of a member of the Cooperation Coordination Group, the Financial Intelligence Unit may confirm the actions of the specific member to the supervisory and control institution thereof or to an external assessor (e.g., in the framework of assessment or in connection with the examination of a client's complaint), in case it is related to its participation in the Cooperation Coordination Group.

33. The Financial Intelligence Unit may permit a member of the Cooperation Coordination Group to disclose general information on the fact of their participation in the work of Cooperation Coordination Group, if the Financial Intelligence Unit deems such action effective and not detrimental for attaining the purpose of the Law. Any disclosure of information obtained in the framework of participation in the Cooperation Coordination Group shall only be permitted by a written consent of the Financial Intelligence Unit, unless provided otherwise in the laws and regulations.

34. The Financial Intelligence Unit may at its own discretion publish on its Internet webpage statistical data (summary data) on the work of the Cooperation Coordination Group.

#### **VI Final provisions**

35. The Regulation has the following annexes:

Annex No. 1 to the Regulation – *The Representative Appointment and Regulation Compliance Form*;

Annex No. 2 to the Regulation – *Acknowledgement of non-disclosure*.

36. The Regulation shall enter into force on 28 August 2019.

37. With effect from the date of entry into force of the Regulation, the Regulation No. 1-5.1/4-2 of the Cooperation Coordination Group of Office for prevention of laundering of proceeds derived from criminal activity of 24 January 2019 is repealed.

Head of the Financial Intelligence Unit      */personal signature/*

I. Znotiņa

**Annex No. 1**  
**“The Representative Appointment and Regulation Compliance Form”**

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[document registration data]

Financial Intelligence Unit  
[fid@fid.gov.lv](mailto:fid@fid.gov.lv)

On the Appointment of a Representative and Compliance with the Regulation

I hereby confirm that

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*[name of the obliged entity under the Law or institution, registration number (for private law entities), address]* voluntarily agree to participate in the work of the Cooperation Coordination Group of the Financial Intelligence Unit for attaining the objective of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing.

Herewith I authorize for the given purpose the following person:

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(hereinafter – the Authorised person).  
*[name, surname, position, date of birth]*

I confirm that the Authorised person is authorized to independently provide information that is required for the work of the Cooperation Coordination Group of the Financial Intelligence Unit, as well as to receive the information provided by other members of the Cooperation Coordination Group in accordance with the regulations of the Regulation on the Operation of the Cooperation Coordination Group of the Financial Intelligence Unit (hereinafter – the Regulation). With this I confirm that I, as the authorising person, share the liability for any acts of the Authorized representative. I confirm that the Authorized representative will not disclose any information that has been revealed to him/her in the framework of Cooperation Coordination Group, in any manner that is contrary to the Regulation and applicable laws and regulations.

I undertake to abide by the provisions of the Regulation (participation principles, non-disclosure of information, etc.) inter alia to notify the management and the responsible staff thereof accordingly.

I herewith confirm that any uncertainties in connection with the participation in the Cooperation Coordination Group of the Financial Intelligence Unit, including with other state institutions, shall be resolved by informing the Financial Intelligence Unit.

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*[name, surname, position, other information if required]*

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*[signature]*

**Annex No. 2**  
**“Non-disclosure Acknowledgement”**

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**ACKNOWLEDGEMENT**

*of the representative of the member of the Cooperation Coordination Group of the Financial  
Intelligence Unit*

I hereby confirm that I have read the limitations on information accessibility and disclosure as set out in the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing and in the Regulation on the Operation of the Cooperation Coordination Group of the Financial Intelligence Unit and I undertake to observe them by simultaneously observing the requirements of the applicable laws and regulations to the processing of the respective information.

I hereby confirm that I undertake not to disclose the information laid down in Clause 23 of the Regulation to any third parties except as provided for in accordance with the procedure set out in the Regulation and within the allowed scope of disclosure thereof prescribed by the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing.

I hereby confirm that I am informed that in accordance with Article 16 of the Freedom of Information Law and Articles 200, 304 and 329 of the Criminal Law (depending on the subject and the nature of information) the disclosure of restricted access information might result in criminal liability and the obligation to indemnify damages.

This acknowledgement also includes the instances of acquainting with official secrets or investigative secrets, even if no separate acknowledgments have been signed to confirm the same.

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*[place, date, signature, name, surname]*

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*[other information if required]*