

12 December 2022

No. 1-4/15

## **BY-LAWS**

### **By-laws for the Operation of the Cooperation Coordination Group**

Issued pursuant to Section 50.<sup>1</sup>, Paragraph seven,  
Clause 2 of the Law on the Prevention of Money Laundering and  
Terrorism and Proliferation Financing

#### **I. General Provisions**

1. The Cooperation Coordination Group of the Financial Intelligence Unit of Latvia (hereinafter – the CCG) is an inter-institutional cooperation platform specified in Section 55, Paragraph two of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing (hereinafter – the Prevention Law) the operation of which is coordinated by the Financial Intelligence Unit of Latvia (hereinafter – the FIU).
2. By-laws for the operation of the FIU CCG (hereinafter – the By-laws) prescribe the objectives, functions, and tasks of the CCG, organisational aspects, and guidelines for the circulation of information thereof.

#### **II. Operational Objectives, Tasks, and Functions of the CCG**

3. The purpose of operation of the CCG is to promote exchange of information and cooperation between the FIU, bodies performing operational activities, investigating institutions, the Office of the Prosecutor, the State Revenue Service (hereinafter – the involved authorities), reporting entities, and supervisory and control authorities (hereinafter – the SCAs) in order to terminate a business relationship with a customer, provide the report on a suspicious transaction, request information in accordance with other laws and regulations, or prepare for the performance of other tasks laid down in laws and regulations, including taking of operational and preventive measures to address the issues related to the prevention and combating of money laundering, terrorism, and proliferation financing (hereinafter – ML/TF/PF).
4. The CCG shall have the following operational tasks:
  - 4.1. to promote cooperation and information exchange between the FIU, involved authorities, and reporting entities;
  - 4.2. to ensure feedback to the involved authorities and reporting entities;
  - 4.3. to ensure the prevention of ML/TF/PF crimes;
  - 4.4. to provide support to the involved authorities and reporting entities in the identification and detection of ML/TF/PF crimes;
  - 4.5. to strengthen the understanding of the involved authorities and reporting entities of the inter-institutional nature of counteracting ML/TF/PF;
  - 4.6. to reduce Latvia's vulnerability in the area of ML/TF/PF.

### III. Organisational Aspects of the Operation of the CCG

5. The FIU shall coordinate the convening and conducting of a CCG meeting and ensure the taking of minutes of the meeting.
6. The FIU shall convene the CCG meeting on its own initiative or on the basis of the proposal of the involved authority in accordance with the provisions of Section 55, Paragraph two of the Prevention Law, and also upon a motivated request of a reporting entity or the SCAs, evaluating the need and justification for convening the CCG meeting.
7. Upon receipt of an information request from the person directing the proceedings or body performing operational activities regarding requesting the credit institution to disclose the non-disclosable information at the disposal thereof, the FIU shall convene the CCG meeting immediately, but not later than within five working days, except for the cases where the request has been received from a State security institution. In requesting non-disclosable information from credit institutions, the involved authorities shall comply with the Cabinet Regulation No. 393 of 22 June 2021.<sup>1</sup>
8. Depending on the circumstances, the initiation of the CCG meeting may take place on site, via electronic mail, by telephone, or using other means of remote communication.
9. The FIU shall convene the CCG meeting by sending an invitation to the representatives of the involved authorities, reporting entities, or SCAs (hereinafter – the CCG participants). The invitation shall be sent by using the electronic mail address [skg@fid.gov.lv](mailto:skg@fid.gov.lv). In exceptional cases, the CCG meeting may also be convened by using other means of communication.
10. The CCG meeting can take place:
  - 10.1. on site, with the CCG participants agreeing on the venue;
  - 10.2. remotely, primarily using the communication platform of the FIU, i.e. *JOIN FID*, but other online communication platforms may also be used in exceptional cases;
  - 10.3. in a hybrid format, concurrently using the methods referred to in Paragraphs 10.1 and 10.2.
11. The invitation to the CCG meeting shall indicate the time, place, purpose of the CCG meeting, and other necessary information. When inviting the involved authorities and/or reporting entities to participate in the CCG meeting, the FIU shall append to the invitation the materials to be examined at the meeting. The FIU may also determine that the materials to be examined at the CCG meeting will be available during the CCG meeting or in a separate preparatory meeting.
12. One or more representatives of the involved authorities, reporting entities, or SCAs may be delegated to participate in the CCG meeting.
13. The FIU may determine the range of the CCG participants at its own discretion, evaluating the circumstances of a specific situation and the fact whether the participation of the respective participant contributes to the operation of the CCG, following the principle of “*actively sharing information, rather than passively receiving it*”.

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<sup>1</sup> Cabinet Regulation No. 393 of 22 June 2021, Procedures for Requesting and Providing the Non-disclosable Information at the Disposal of a Credit Institution, also Information in Case of Transaction Monitoring – <https://likumi.lv/ta/id/324225-kartiba-kada-pieprasa-un-sniedz-kreditiestades-riciba-esosas-neizpauzamas-zinas-ari-zinas-darijuma-parraudzibas-gadijuma>.

14. The FIU may provide guidance on the desired level of representation in the occupational hierarchy of the CCG participant (representative of the involved authority). The FIU is entitled to provide guidance on the desired level of representation in the occupational hierarchy of the CCG participant (representative of the reporting entity) and to prohibit participation of a person in the CCG meeting if, in the FIU's opinion, the participation of the respective person in the CCG meeting is not beneficial or can compromise its work.
15. The FIU may invite representatives of the SCAs of the reporting entities to participate in the CCG meeting if their participation in the CCG meeting could promote the exchange of information or facilitate the performance of the operational tasks of the CCG specified in [Paragraph 4](#) of the By-laws.
16. The FIU may establish thematic CCGs, for example, to agree on the identification of ML/TF/PF risks according to a specific typology, to develop a material of strategic analysis.
17. Upon receipt of the FIU invitation and confirmation of participation, the participants invited to the CCG meeting have the obligation to participate in the CCG meeting, unless specified otherwise in laws and regulations. If the CCG participant cannot attend the CCG meeting, the respective CCG participant has the obligation to immediately inform the FIU thereof, indicating the representative who will replace him or her or agreeing on another time of the CCG meeting.
18. The CCG may be organised to examine a specific operational case within one or several meetings (for example, if an additional information analysis or receipt of agreements is required).

#### **IV. Circulation of Information, Protection of Information, and Responsibility**

19. The exchange of information within the framework of the operation of the CCG shall take place in accordance with the Prevention Law and these By-laws, in good faith and meaningful cooperation.
20. The CCG participant who fails to act in accordance with Paragraph 19 of the By-laws shall be warned and/or excluded from participation in the CCG by the FIU, and a supervisory official (for example, the head of the involved authority or the senior management body of the reporting entity) shall be informed thereof.
21. When participating in the CCG meeting for the first time, the CCG participant shall be warned about the requirements for the protection of information and responsibility for the disclosure of information.<sup>2</sup> When participating in the CCG meeting for the first time, the participant shall, not later than 2 hours before the start of the CCG meeting, submit to the FIU an electronically signed certification of the non-disclosure of information in accordance with Annex 1.1 to the By-laws or sign a form of certification of the non-disclosure of information in accordance with Annex 1.2 to the By-laws on site before the CCG meeting, thus certifying that the participant has become acquainted with the requirements for the protection of information and undertakes to comply with them. The certification can also be signed and/or the certification signed manually can also be submitted on site by submitting it to the FIU in person.

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<sup>2</sup> The certification of the non-disclosure of information need not be submitted by officials of the involved authorities.

22. Participation in the CCG meeting shall not, in itself, impose on law enforcement authorities and the Office of the Prosecutor the obligation to disclose an investigative secret or information obtained as a result of operational activities; the person directing the proceedings or body performing operational activities may only disclose it to the extent necessary for the exchange of information to achieve the objectives of the criminal proceedings or operational activities.
23. Each CCG participant has the obligation to independently evaluate and assume responsibility for what information and to what extent is disclosed within the scope of the work of the CCG, including to comply with the requirements of the internal regulations of the involved authority or reporting entity and also of laws and regulations. The FIU shall ensure the protection of the information in its storage and examined within the scope of the work of the CCG.
24. The involved authorities, reporting entities, and the SCAs are entitled, on their own initiative and within the framework of the CCG, to exchange information related to ML/TF/PF or attempt of such activities, or another related criminal offence or suspicious transaction.
25. Within the scope of the work of the CCG, its participants may present and examine specific documents or copies thereof for information purposes only. For the purpose of obtaining documents to use them as evidence, the general procedures laid down in the external laws and regulations shall be followed. The FIU's invitation to participate in the CCG meeting and accompanying documents (if any) shall not, in themselves, be used as evidence in a case but may be used to substantiate that evidence can be obtained in accordance with the procedures laid down in laws and regulations.
26. If the CCG participants are acquainted with an investigative secret (Section 375 of the Criminal Procedure Law) or information obtained as a result of operational activities (Section 24, Paragraph three of the Operational Activities Law), the person directing the proceedings or body performing operational activities shall inform the FIU in a timely manner of the status of protection applicable to the information to be discussed within the CCG meeting so that the FIU can ensure appropriate protection of information.
27. In the case referred to in [Paragraph 7](#) of these By-laws, not later than the next working day after the CCG meeting, the FIU shall, on the basis of the decisions taken at the CCG meeting:
- 27.1. refuse to request information, immediately informing the person directing the proceedings or body performing operational activities, or
  - 27.2. process the request for non-disclosable information and prepare a request to the credit institution through the Financial Intelligence Data Receipt and Analysis System, i.e. *goAML* (hereinafter – the System), without revealing that the initiator of the request is the person directing the proceedings or body performing operational activities.
28. In the case referred to in [Sub-paragraph 27.2](#) of these By-laws, upon receipt of the response from the credit institution to the request within the deadlines specified in the Prevention Law, the information shall be immediately, but not later than within one working day, forwarded through the System to the person directing the proceedings or body performing operational activities.
29. The person directing the proceedings or the representative of the body performing operational activities shall ensure that third parties do not find out the reporting entity and

representative thereof who have provided information within the scope of the operation of the CCG. Information obtained within the scope of the operation of the CCG which allows to identify the identity of specific representatives of the reporting entities shall not be used by applying the status of a witness and resulting witness obligations specified in Section 109 of the Criminal Procedure Law.

30. Minutes shall be taken for the CCG meetings. An audio recording may be made for the purposes of preparing the minutes of the CCG meeting, informing the CCG participants thereof in advance. After preparation of the minutes of the CCG meeting, the<sup>3</sup> audio recording shall be irreversibly deleted in the operational case. The course of the CCG meeting shall be documented in the minutes. Minutes or derivatives thereof shall not be issued to the CCG participants.
31. When coordinating the work of the CCG, the FIU shall act as the “involved authority” within the meaning of Section 55 of the Prevention Law.
32. If work involving an official secret is performed within the framework of the operation of the CCG, the requirements of the law On Official Secret and of regulations issued on the basis thereof shall be complied with.
33. Information examined within the framework of the operation of the CCG, agenda, and all related correspondence and information included in the minutes of the meetings shall constitute restricted access information. Information on the conducting of the CCG meeting shall be generally accessible.
34. Restrictions on the disclosure of information provided for in Section 55, Paragraph seven of the Prevention Law shall be applicable to all the information listed in [Paragraph 33](#) of the By-laws.

## **V. Special Cases of the Provision of Information**

35. Upon request of the CCG participant who is a reporting entity, the FIU may approve actions of the respective participant to the SCA if they have been related to the activities within the CCG.
36. The FIU may allow the CCG participant to disclose general information that he or she participates in the CCG if such activity, at the FIU’s discretion, is effective and would not prevent the achievement of the purposes of the Prevention Law. The disclosure and/or use of information obtained within the framework of the work of the CCG outside the direct work duties of the CCG participants shall only be allowed with written permission of the FIU, unless specified otherwise in laws and regulations.
37. The FIU may, at its own discretion, publish statistics (summarised information) on the work of the CCG.

## **VI. Work Involving Reports on Suspicious Transactions**

38. As the CCG participant, the FIU is entitled to, in accordance with the procedures and to the extent laid down in laws and regulations, share the information included in the reports of

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<sup>3</sup> Meeting in the operational case – a meeting related to the FIU’s financial intelligence, criminal proceedings, operational activities proceedings, or potential submission of a report on a suspicious transaction or suspicious activities.

reporting entities and information received by other means and obtained while exercising the right of the FIU in accordance with Section 51 of the Prevention Law.

39. Reports on suspicious transactions submitted by one or several reporting entities (or other persons) may be discussed within the framework of the CCG, along with information obtained by the FIU by other means.
40. The FIU may invite a reporting entity to submit a report on suspicious transactions or request information to be provided by other means regarding a case examined within the framework of the CCG, providing information relevant to the discussed issues. Requests or inquiries made by the CCG participants shall be documented in the minutes.

## **VII. Closing Provisions**

41. The following Annexes shall be appended to the By-laws:
  - 41.1. Annex 1.1 to the By-laws – *Form of Certification of the Non-disclosure of Information (for electronic signing)*
  - 41.2. Annex 1.2 to the By-laws – *Form of Certification of the Non-disclosure of Information (for signing in printed format)*
42. The By-laws shall come into force on 1 January 2023.
43. With the coming into force of these By-laws, the By-laws for the Operation of the Cooperation Coordination Group of the Service of Prevention of Money Laundering No. 1-4/13 of 27 August 2019 are repealed.

Acting Head

/Electronic signature\*/

T. Platadis

**\*THIS DOCUMENT IS SIGNED ELECTRONICALLY  
WITH A SECURE ELECTRONIC SIGNATURE AND CONTAINS A TIME STAMP.**

Financial Intelligence Unit of Latvia

By-laws for the Operation of the Cooperation  
Coordination Group of \_\_\_\_\_ 2022

**Annex 1.1.**

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## RESTRICTED ACCESS

*[Coat of arms]*

Financial Intelligence Unit of Latvia

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Valņu Street 28, Rīga, LV-1050; telephone: +371 67044430; e-mail: [pasts@fid.gov.lv](mailto:pasts@fid.gov.lv)

### **CERTIFICATION of the Participant of the Cooperation Coordination Group of the Financial Intelligence Unit of Latvia**

I hereby certify that I have become acquainted with the requirements for the protection of information, restrictions on disclosure laid down in the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing and the By-laws for the Operation of the Cooperation Coordination Group (hereinafter – the By-laws) and undertake to comply with them, concurrently complying with the requirements of laws and regulations applicable to the processing of the relevant information.

I undertake not to disclose information obtained within the framework of the operation of the Cooperation Coordination Group to third parties otherwise than only in accordance with the procedures laid down in the By-laws and within the framework stipulated in the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing, and also to inform the Financial Intelligence Unit of Latvia of any unlawful attempts to obtain from me restricted access information related to the Cooperation Coordination Group.

I certify that I am informed that disclosure of restricted access information, including after participation in the Cooperation Coordination Group, results in criminal liability in accordance with Section 16 of the Freedom of Information Law and Section 200, 304, or 329 of the Criminal Law (depending on the subject and nature of the information) and also the obligation to compensate for any damage caused.

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*[given name, surname, name of the represented institution/organisation, and position]*

**\*THIS DOCUMENT IS SIGNED ELECTRONICALLY WITH A SECURE  
ELECTRONIC SIGNATURE AND CONTAINS A TIME STAMP**



*[sample]*

## RESTRICTED ACCESS

*[Coat of arms]*

Financial Intelligence Unit of Latvia

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*[date, signature, full name, name of the represented institution/organisation, and position]*

Certification accepted by: \_\_\_\_\_  
*[position, given name, surname, signature, date]*