

Saatja: RAB rahapesu <info@fiu.ee>

Saadetud: 21.08.2024 15:40

Adressaat: Harrison Carey <harrison.carey@getorbital.com>

Teema: RE: [SUSPECTED SPAM] Clarification on Reporting Requirements for Indirect Sanction Transactions

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Lugupeetud Harrison Carey

Suur tänu kirja eest. Küsisite teatamiskohustuse kohta seenduvalt kaudsete tehingutega, mis on tehtud ELi ja OFACi sanktsioneeritud üksustega.

- Alates 22.07 ei soovi RAB teateid, mis puudutavad OFACi sanktsioneeritud üksusi. (<https://fiu.ee/uudised/muudatused-rahvusvahelise-finantssanktsiooni-teadete-esitamises>)
- Teade tuleb esitada igal juhul, kui tegu on ELi sanktsioneeritud üksusega, millega on tehtud otsene tehing.
- Kaudse tehingu korral ELi sanktsioneeritud üksusega tuleks lähtuda järgmisest. Oluline pole mitte kokkupuute protsent, vaid süveneda tuleks tehinguahelasse ning vaadata, mitu tehinguastet (inglise keeles „hop“) on Teie kliendi ja sanktsioneeritud üksuse vahel toimunud. Kindlasti tuleb esitada teade, kui tehinguahel nimetatud osapoolte vahel on üks-kaks hüpet, maksimaalselt kolm. (Kui toimunud on juba kolm hüpet, on raskem tahtlikku ja teadlikku saatmist tõendada. Kuigi loomulikult ei ole rahapesu või terrorismi rahastamine välistatud ka näiteks 80 tehinguastme kaudu.) Erand on aga see, et kui märkate midagi muud olulist – näiteks võib sanktsioneeritud üksusega tehingud teinud osapoolte näol olla tegu võrgustikuga, kes on ka omavahel vahendeid saatnud, või võib olla tegu muu olulise Teile teadaoleva infokilluga, mis juhul tasub esitada teade ka juhul, kui tehinguastmeid on rohkem.

Mistahes edasiste küsimuste korral palume kindlasti julgelt ühendust võtta.

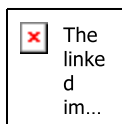
Dear Harrison Carey,

Thank you for the question. You asked about reporting obligation regarding indirect exposure to sanctioned entities by OFAC and EU.

- Please be informed that transactions with entities sanctioned by OFAC should not be reported to the FIU from July 2024. For more, see (<https://fiu.ee/uudised/muudatused-rahvusvahelise-finantssanktsiooni-teadete-esitamises>)
- In a case of an indirect exposure sanctioned, it is not so much about the percentage but about the hops between your client (or your client's client) and the sanctioned entity. With crypto investigations generally, the principle to go by is: "one hop, maximum two". However, it is best to report transfers also with three hops. (With more hops, it's significantly more difficult to prove the intent although, obviously, it is possible to commit a crime with even 80 hops between the client and the sanctioned entity.) With more hops, the FIU expects to receive a report when there are other elements that raise the level of suspicion. This could be in a case of a network, for example, where some of the clients (or clients' clients) are having direct exposure (one hop) and several of the potential network are having indirect exposure but sending assets to each other.

Should you require any clarification, do not hesitate to contact us.

Lugupidamisega



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From: Harrison Carey <harrison.carey@getorbital.com>

Sent: Monday, July 22, 2024 3:40 PM

To: RAB rahapesu <info@fiu.ee>

Subject: [SUSPECTED SPAM] Clarification on Reporting Requirements for Indirect Sanction Transactions

Tähelepanu!

Kiri saabus väljastpoolt ametit/RM valitsemisala. Palume linke ja faile mitte avada, kui kiri on saabunud tundmatult aadressilt!

Lugupeetud rahapesubüroo!

Loodan, et see sõnum leiab teid hästi üles.

Kirjutan, et saada selgitusi riiklike riskihindamise ja aruandlusnõuete kohta nii EL-i kui ka OFAC-i kaudsete sanktsioonide tehingute puhul, eriti stsenaariumide puhul, kus sanktsiooniga kokkupuude on vähem kui 25% hoiatatud tehingusummast kaugkokkupuutega, st rohkem kui ühe teenuse vahel.

Meie organisatsioon on pühendunud kõikidele regulatiivsetele nõuetele täieliku vastavuse säilitamisele ning meie jaoks on ülioluline tagada, et meie isu ja aruandlusprotsessid oleksid vastavuses regulatiivsete ootustega. Oleme kokku puutunud olukorraga konsultantide ja tööstuse esindajatega, kes on sarnast nõu küsinud.

Konteksti lisamiseks tehke järgmist.

Mõistame, et otseseid tehinguid, mis hõlmavad sanktsioneeritud üksusi või üksikisikuid, tuleb eskaleerida, uurida ja teatada.

Siiski otsime selgust vahendajate kaudu toimuvate kaudsete tehingute regulatiivsete nõuete osas, eriti kui tehing on kaugelt nähtav.

Oleme tänulikud teie abi eest nende küsimuste selgitamisel. Nende nüansside mõistmine aitab meil täiustada oma vastavusprotokolle ja tagada, et täidame oma regulatiivseid kohustusi täpselt.

Täname teid sellele päringule tähelepanu pööramise eest. Ootame teie kiiret vastust.

Dear Money Laundering Bureau,

I hope this message finds you well.

I am writing to seek clarification regarding the national risk assessment and reporting requirements for both EU and OFAC indirect sanction transactions, specifically in scenarios where the sanction exposure is less than 25% of the alerted transaction amount with remote exposure i.e. more than one service inbetween.

Our organization is committed to maintaining full compliance with all regulatory requirements, and it is crucial for us to ensure that our appetite and reporting processes align with regulatory expectations. We have encountered a situation with consultants and industry players who have sought similar advice.

To provide more context:

- We understand that direct transactions involving sanctioned entities or individuals must be escalated, investigated, and reported.
- However, we are seeking clarity on the regulatory requirements for indirect transactions that occur through intermediaries, particularly when the transaction is remotely exposed.

We appreciate your assistance in clarifying these matters. Understanding these nuances will help us enhance our compliance protocols and ensure that we are fulfilling our regulatory obligations accurately.

Thank you for your attention to this inquiry. We look forward to your prompt response.

Best regards,

Harrison Carey
Member of the Management Board
Pay Perform OÜ

Harrison Carey

Chief Information Officer

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