Saatja: Ivan <mahankovage@protonmail.com>
Saadetud: 18.04.2022 18:34
Adressaat: RAB rahapesu <info@fiu.ee>
Teema: Re: Reply to Your request

Dear Sirs,
Thank you very much for your email and clarification.

I have additional questions regarding the trader's activity description in the meaning of the Estonian AML act.

Unfortunately, I could not find what a trader means under the AML Act and other national regulations. Therefore, it would be much appreciated if you could elaborate on what business activities can be considered trader activities? Does this activity include trading with virtual currencies, and if yes, what kind of virtual assets (tokens that can be considered securities)? There is an obligation for traders to be authorised (licensed) by the regulatory authority? Does the trader have to comply with the full scope of requirements under the AML Act, or does it has some limited scope of obligations?

I really appreciate any help you can provide.

Best regards, Ivan Makhankov

------- Original Message -------
среда, 13 апреля 2022 г., 10:43, RAB rahapesu <info@fiu.ee> написал(а):

Dear Ivan Makhankov

In response to your e-mail in which you have submitted a request to clarify whether the Money Laundering and Terrorist Financing Prevention Act (the Act) requirements apply to your business activity, FIU explains the following.

Firstly, it is important to point out that pursuant to the § 2 (1) of the Act, this Act applies to the economic, professional and official activities of the following persons: 1) credit institutions; 2) financial institutions; 3) gambling operators, except for organisers of commercial lotteries; 4) persons that mediate the purchase or sale of an immovable; 4^1) persons that mediate transactions of use of an immovable whereby the usage fee agreed in the transaction amounts to no less than 10,000 euros per month; 5) traders, where a cash payment of at least 10,000 euros or an equivalent sum in another currency is made to or by the trader, regardless of whether the financial obligation is performed in the transaction as a single payment or as several related payments over a period of up to one year, unless otherwise provided for by law; 6) persons engaged in buying-in or wholesale of precious metals, precious metal articles or precious stones, except precious metals and precious metal articles used for production, scientific or medical purposes; 7) certified auditors, upon provision of accounting services, and providers of accounting services; 8) providers of accounting or tax advice services; 9) providers of trust and company services; 10) providers of a virtual currency service; 12) a central securities depository where it arranges the opening of securities accounts and provides services related to register entries without the mediation of an account operator; 13) undertakings providing a cross-border cash and securities transportation service; 14) pawnbrokers; 15) dealers of works of art and persons that mediate works of art or store them in a customs free zone whereby a payment of no less than 10,000 euros is made to or by them as a single payment or as several connected payments over the course of one year.

In your request you stated that in your opinion you are not considered as a regulated entity under the AML Act as you do not provide virtual currency service. Please note that as mentioned above, the obliged entities in the meaning of the Act are also for example traders, where a cash payment of at least 10,000 euros or an equivalent sum in another currency is made to or by the trader. Therefore, you should analyze your business activity from a broader perspective than just providing a virtual currency service. We add that, if you are participating in the transaction as a party of the transaction (and you are not providing the service), then we agree that you are not providing virtual currency service and you are not required to apply for a license from the FIU. However, please bear in mind that the FIU is unable to make a final assessment without knowing full detailed information about your business activity.

It is important to keep in mind, that when using a platform that belongs to the third party, the conditions set by that third party apply to the user of the service. This means that the third party may also set conditions that differ from those provided for in the Act. Every service provider may, considering its risk appetite, set its own set of conditions for the use of their service. So, in these questions you should contact your service provider. With regard to international sanctions, it is also important to mention that they are directly applicable and that everyone needs to know their own trading partners. Please see The International Sanctions Act for more information: https://www.riigiteataja.ee/en/eli/508032022003/consolide.

Please note that the current response is written as an interpretation of the Act based solely on the information and explanation provided in your request for clarification. The position of the FIU may change in the event of any discrepancies found between the activities in practice and the factual circumstances presented or for any other reason which FIU could not have considered at a time of responding to the request.

Best regards,

The linked im...

Rahapesu Andmebüroo | Estonian Financial Intelligence Unit
Pronksi 12, Tallinn | www.fiu.ee | Tel 6960 500, **info@fiu.ee**

From: Ivan <mahankovage@protonmail.com>
Sent: Tuesday, March 15, 2022 4:05 PM
To: RAB rahapesu <info@fiu.ee>
Subject: Request

Hello!

I have made a request, attached - "Request Crypto Billing OU.docx"

Thank you in advance for your answer!

Best regards,

Ivan Makhankov
