Saatja: PSP Manager <pspmanager@tezro.com>
Saadetud: 09.02.2023 12:42
Adressaat: RAB rahapesu <info@fiu.ee>
Teema: RE: Regulation.
Tähtsus: Tavaline

Dear regulator,

Can we please ask you an additional question?

As far as we understand, an EMI license is required for providing the fiat services to the customers. At the same time in majority of countries there is a requirement to separate the EMI and crypto traffic.

Could you please advise, is it allowed to combine both crypto, fiat and crypto-fiat exchange services on one platform or should these platforms be separated?

Thank you in advance.

Kind regards,
Mike Brachev
Payment manager

tezro.com

-----Original message-----
From: RAB rahapesu
Sent: Thursday, December 8 2022, 10:14 am
To: PSP Manager
Subject: RE: Regulation.

Dear Sir / Madam

Thank you for the letter. Businesses that operate in the following fields of activity need Financial Intelligence Unit (hereafter FIU) license (Money Laundering and Terrorist Financing Prevention Act § 70 (1)):

- operating as a financial institution;
- providers of trust and company services;
- providing pawnbroking services;

- providing a virtual currency service;
- 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.

The following documents must be submitted (through Majandustegevuse Register / the Register of Economic Activities) to apply for a FIU license:

- the address of the place of provision of the service, including the website address;
- the name and contact details of the person in charge of provision of the service;
- where the undertaking that is a legal person has not been registered in the Estonian commercial register: the name of the owner of the undertaking, the owner's registry code or personal identification code; the beneficial owner's name, personal identification code;
- the name, personal identification code of a member of the management body or a procurator of the service provider who is a legal person;
- the rules of procedure and internal control rules and, in the case of persons having specific duties, the rules of procedure and the procedure for verifying adherence thereto drawn up in accordance with the International Sanctions Act;
- the name, personal identification code of the compliance officer;
- the name, personal identification code of the person who is in charge of imposing the international financial sanction;
- where the undertaking, a member of its management body, procurator, beneficial owner or owner is a foreign national or where the undertaking is a foreign service provider, a certificate of the criminal records database of its country of origin issued no more than three months ago;
- where the undertaking, a member of its management body, procurator, beneficial owner or individual owner is a foreign citizen, copies of all of the identity documents of all of their countries of citizenship and the documents certifying the absence of the convictions;
- regarding a member of a management body and a procurator of the undertaking, documents indicating the level of education, a full list of the employers and jobs and, in the case of a member of a management body, also the field of responsibility;
- the list of payment accounts kept in the name of the undertaking, along with each payment account's unique feature and the account manager's name;
- information on which financial service or virtual currency service will be provided.

In addition to the aforementioned the following must be submitted by virtual currency service providers:

- the amount of the assets and of share capital, as well as documents to prove that amount and the payment of the capital;

- the applicant's initial balance sheet and an overview of its revenue, expenditure, profits and cash flows as well as the preconditions for these;
- for a going concern, the balance sheet and profit statement as of the end of the month preceding the filing of the application for authorisation and, if available, the annual reports for the last three years;
- a business plan for at least two years (Money Laundering and Terrorist Financing Prevention Act § 70^1);
- the appetite for risk, and concerning risk analysis;
- particulars concerning information technology systems and other technical means and systems required to provide the envisaged services;
- the number of shares or votes held or to be acquired by each shareholder or member;
- particulars of the audit undertaking retained by the applicant and of the applicant's internal auditor, including the name and personal identity code or registry code;
- particulars of any persons who possess a significant holding in the applicant, including their name, personal identity code;
- particulars concerning companies in which the holding of a member of the applicant's management body or of a person possessing a significant holding in the applicant exceeds 20 per cent.

You can familiarize youself in more detail with the list of necessary documents from § 70 (3) to § 70^1 (2) of Money Laundering and Terrorist Financing Prevention Act.

If you want an FIU license for a virtual currency service provider, please read the guide for applying for an operating license on FIU website.

We would like to draw your attention to the fact that FIU's main tasks do not include legal advice, so we kindly ask you to present a comprehensive legal analysis, in which you explain why your business plan needs the operating license specified in § 70 (1) of Money Laundering and Terrorist Financing Prevention Act.

Kind regards,

The linked im...

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

From: PSP Manager <pspmanager@tezro.com>
Sent: Wednesday, December 7, 2022 5:13 PM
To: RAB rahapesu <info@fiu.ee>
Subject: [SPAM] Regulation.

Dear representative,
We are providing VAS services and have the company registered in Lithuania and MSB license in Canada.
We would like to have the traffic in Europe, however, prior that would like to make sure that we are compliant with local requirements of your country.
Could you please advise, what is required from us to have the crypto traffic within your country? (registration, crypto license)
If the license is required, are we allowed to have traffic in your country having crypto license of another European country or do we need separatelly to get the license in your country?
Additionally, we have an FCA licensed provider who is offering fiat services. Are we able to proceed with this service in your country if the transactions are being processed on providers side? Is the EMI license required?
Thank you in advance for your help!
Kind regards,
Mike
