

LAW
on AML/TF infringements detection procedure
and means of sanctions' application

In order to transpose Art. 14 (4), 16, 18, 18a, 20, 30, 32, 32a, 40, 42, 45, 46, 48, 50a, 59 and 60 of the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorism financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (Text with EEA relevance), published in the Official Gazette of the European Union L 141 of 5 June 2015, as last amended by Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018, Art. 35 (2) of the Law no. 308/2017 on preventing and fighting money laundering and terrorism financing, the Parliament adopts this organic law.

Chapter I
GENERAL PROVISIONS

Article 1. The purpose and field of application of the law

(1) This law sets out the procedure of stating the violations in the field of anti-money laundering and counter-terrorism financing committed by reporting entities, by persons in charge, persons holding senior management positions and employees of reporting entities, as well as the means of sanctions' application.

(2) The provisions of this law shall apply to facts (actions or inactions) committed on the territory of the Republic of Moldova, that make the object of the law on preventing and combating money laundering and terrorism financing, including the present law.

(3) The Service for Preventing and Combating Money Laundering, the National Bank of Moldova and the National Commission for Financial Markets are the competent national authorities in charge of applying the provisions of this law in accordance with the powers laid down in Law no. 308/2017.

(4) Where there are inconsistencies between the provisions of an international treaty to which the Republic of Moldova is a party and those provided by this law, the international regulations shall prevail.

Article 2. General terms

For the purpose of this law, the following terms shall mean:

Natural person employee of the reporting entity – a natural person employed by the reporting entity under an individual employment agreement whose duties are related to the observance of the Law no. 308/2017;

the equivalent in lei of the amount in Euro – is the equivalent of the amounts in Euro established at the official exchange rate of the Moldovan leu set by the National Bank of Moldova on the date the infringement was committed. In case of repeated, systematic, continuous or prolonged infringements, the official exchange rate of the Moldovan leu established by the National Bank of Moldova shall be applied on the date the last fact constituting an infringement was committed;

reporting entities – natural and legal persons provided for in Art. 4 of the Law no. 308/2017;

Persons with senior management positions – individual specified in art. 3 of Law no. 308/2017

Person in charge – a person, from the reporting entity, who is granted, either permanently or temporarily, by law, appointment, election or by duty certain rights and obligations to exercise his/her administrative executory, organizational or economic functions within the reporting entity;

Control procedure – a procedural tool for collecting the necessary information and documents from the reporting entities, used by the Service for Preventing and Combating Money Laundering to state the breaches of the provisions of the Law no. 308/2017;

Protocol on the control visit – an act by which the fact, the aggravating and mitigating circumstances, its legal classification, the responsible subject, the actions carried out during the control procedure and the actions proposed after the completion of the control visit are individualized;

Article 3. Supervisory bodies of reporting entities

(1) Supervisory bodies for the reporting entities are the bodies provided for in Art. 15 (1) of the Law no. 308/2017.

(2) The following supervisory bodies are entitled to impose sanction provided for by this law for breaches of the anti-money laundering and counter-terrorism financing legislation:

- (a) the Service for Preventing and Combating Money Laundering (hereinafter - *Service*)
- (b) the National Bank of Moldova
- (c) the National Commission for Financial Markets

Article 4. Competence of supervisory bodies of reporting entities

(1) The supervisory bodies of reporting entities shall inform the Service, within 24 hours, if during controls at the reporting entities or otherwise, discover facts that could be related to breaches of anti-money laundering and counter-terrorism financing legislation.

(2) The Service may recommend the supervisory bodies entitled to carry out controls to conduct controls in the field of preventing and combating money laundering and terrorist financing in line with procedures laid down in the legislation governing their activity, and inform the Service of the control results, or, where appropriate, delegate a specialist who will carry out the control in the field of preventing and combating money laundering and terrorist financing together with representatives of the Service.

(3) The Service and the National Bank may delegate specialists for mutual consultation, within the limits of their competences, during controls in the field of preventing and combating money laundering and terrorism financing.

(4) The National Bank of Moldova verifies the compliance of the reporting entities provided for in Art. 4 para (1) a), b) and i) of the Law no. 308/2017, establishes infringements and issues

appropriate decisions in accordance to the Law 548/1995 on the National Bank of Moldova, Law no. 202/2017 on the activity of banks, Law no. 62/2008 on foreign exchange regulation and Law no. 114/2012 on payment services and electronic money. Entry into force, implementation and challenge of decisions of the National Bank of Moldova on the application of sanctions shall be performed under laws referred to in the first sentence of this paragraph. The period of liability, individualization of liability, type and amount of sanctions shall be determined under this law. The provisions of Art. 4 para (2), Art. 6 para (1), (2), (4), Art. 7 para (4) – (6), Art. 10 para (2) shall not apply to controls conducted by the National Bank.

(5) The National Commission for Financial Markets verifies the compliance of the reporting entities provided for in Art. 4 para (1) c) of the Law no. 308/2017, according to Law no. 192/1998 on the National Commission for Financial Markets. Individualization of sanctions, their type and amount shall be determined under this Law.

(6) The Service verifies the compliance of the reporting entities, individualization and application of sanctions for reporting entities according to the procedure laid down in this law.

Chapter II

REPORTING ENTITIES' COMPLIANCE VERIFICATION

Article 5. Grounds for initiating reporting entity's compliance verification

The Service shall initiate the control procedure of the reporting entities:

- (a) based on the information received from supervisory bodies of reporting entities or other authorities, individuals or legal bodies provided for in Art. 4 para (2) – (5) of the Law no. 308/2017 on the alleged breach of the anti-money laundering and counter-terrorism financing legislation;
- (b) ex officio, based on the information received according to the Law no. 308/2017.

Article 6. Planning the control procedure

(1) The control at the reporting entity shall be carried out based on annual control plans, containing, in particular, the list of reporting entities subject to control, the scope of the control, the scheduled period of control and grounds for conducting the control.

(2) During the control planning process, risks of money laundering and terrorism financing identified in the national risk evaluation report and in the anti-money laundering and counter-terrorism financing legislation shall be considered.

(3) The Service may carry out unannounced controls in the field of preventing and combating money laundering and terrorism financing, additional to those established in the annual control plan.

(4) The Service may request the supervisory bodies of reporting entities, entitled to carry out controls at the supervised entities to conduct unannounced controls in the field of preventing and combating money laundering and terrorist financing at the reporting entities.

(5) Supervisory bodies authorized to control the supervised entities shall provide the Service:

- a) annual control plans no later than 31 of December of the year preceding the control as well as updated plans within 14 days following their approval;
- b) notification of the intended unannounced control no later than the date of control, except for the case when the control derives from the updated control plan.
- c) the information on control results in case of detecting breaches of the anti-money laundering and counter-terrorism financing legislation within 14 days from the date the control report is drawn up.

Article 7. Control coordination

(1) The control in the field of preventing and combating money laundering and terrorism financing, carried out by the Service, shall be coordinated with supervisory bodies authorized to carry out control of supervised entities.

(2) During the coordination referred to in para (1), the Service shall prepare and make publicly available the information on areas and sectors exposed to the risk of money laundering and terrorism financing before the 15 November of each year.

(3) The Service may provide the supervisory bodies authorized to carry out controls of supervised entities recommendations on how to carry out the control under this law.

(4) Supervisory bodies referred to in Art. 3 para (2) may request the mutual delegation of specialists from these bodies to conduct joint controls in the field of preventing and combating money laundering and terrorism financing.

(5) The reporting entity may be subject to only one scheduled control in the field of money laundering prevention and combating during a calendar year, carried out by one of the supervisory bodies.

(6) If the information on alleged breach of anti-money laundering and counter-terrorism financing legislation is identified, the conduct of unannounced controls shall be allowed.

Article 8. Notification

(1) The Service shall notify the reporting entity of the intention to carry out the control with at least 10 days before the initiation of the control.

(2) The Service shall conduct unannounced controls without prior notification of the reporting entity.

Article 9. Control order

(1) The control shall be carried out by at least two employees (hereinafter, *inspectors*), entitled by order issued by the management of the Service.

- (2) The control order shall be issued in writing and contain:
 - a) legal grounds for control;

- b) authority empowered to conduct the control;
- c) date and place of issuance of the order;
- d) name and surname of inspectors, their official ID number;
- e) name and address of the reporting entity subject to control;
- f) object and purpose of the control;
- g) control inception date and duration;
- h) signature of the person in charge, who issues the order;
- i) information on rights and obligations of the reporting entity subject to control.

(3) The control order may be challenged together with the decision issued according to Art. 21.

Article 10. Control procedure

(1) The Service, ex officio or based on the information received on the breach by the reporting entity of the anti-money laundering and counter-terrorism financing legislation, of the relevant regulatory acts, shall initiate the control procedure at the reporting entities concerned.

(2) Based on the received information on alleged breach of the anti-money laundering and counter-terrorism financing legislation, controls that cannot be postponed can be carried out on non-working days and/or outside business hours at the reporting entities subject to control, after prior notification of the person entitled to represent the reporting entity.

(3) The control procedure can be carried out at the office of the Service or by control visits at the office of the reporting entity subject to control, if these activities are justified by their nature or if they can fasten the control.

(4) The control procedure starts only after the inspectors have presented the service IDs and the order to carry out the control in writing.

(5) The control procedure shall be carried out in the presence of the person entitled to represent the reporting entity subject to control.

(6) The control activity shall be finalized with the drawing of the control report provided for in Art. 19.

Article 11. Conducting control visits at reporting entities

(1) The control visits at the reporting entity shall be conducted on order issued by the director of the Service.

(2) The order to conduct the control visits shall be issued in writing and contain:

- a) the purpose and object of the control visit;
- b) period during which the control visit will be conducted;
- c) date and place of issuance of the order;
- d) name and surname of inspectors of the service who will conduct the control visit, their official

ID numbers;

- e) name and address of the reporting entity where control visits will be conducted;
- f) signature of the person in charge who issues the order.

(3) The order to conduct control visits may be challenged together with the decision issued according to Art. 21.

(4) The control visit shall be carried out during business hours and in presence of the representative of the reporting entity concerned. The control visit may continue after the business hours only upon the consent of the representative of the reporting entity.

(5) The timeframe for the conduct of a control visit shall be established depending on the gravity of the alleged breach, its duration, as well as other criteria which may influence its performance and cannot exceed 5 working days.

(6) Following the completion of the control visit, based on collected evidence, the inspector of the Service shall draw up a control visit report with detailed description of the object of the control, performed actions, circumstances found, their legal classification, behavior of the reporting entity subject to control, existence of mitigating or aggravating circumstances, his own conclusions and proposals as well as objections of the reporting entity subject to control related to the performance of the control visit.

(7) The protocol on the control visit shall be drawn up in two copies and signed on each page by inspectors who performed the control visit and by the representative of the reporting entity subject to control. The refusal of the representative of the reporting entity to sign the protocol on the control visit shall be mentioned in the report and attested by the signature of two witnesses.

(8) One copy of the control visit protocol shall be handed over, against signature, to the representative of the reporting entity subject to control visit. The latter is obliged to confirm by signature, including by signature of persons holding senior management positions or another representative, the receipt of the copy of the control visit protocol, even in case of disagreement with the findings of the report.

(9) When the representative of the reporting entity subject to control visit refuses to receive or acknowledge by signature the receipt of the copy of the control visit protocol, an appropriate note shall be made in the control visit protocol, signed by inspectors of the Service who carried out the control visit and the control visit protocol shall be subsequently sent to the representative of the reporting entity by means of a registered mail and acknowledgement of receipt.

Article 12. Request of information

(1) For the fulfillment of the tasks laid down in Law no. 308/2017, the reporting entity, at the request of the Service, shall present or make available any information or documents held, including those relating to:

- a) clients;
- b) conducted transfers;

- c) value and type of assets and their place of storage in case the reporting entity owns one;
- d) application of customer due diligence measures;
- e) IP addresses through which the connection to the IT system of the reporting entity took place, as well as its exact time.
- f) other information or documents needed for the conduct of the control.

(2) The request referred to in para (1) shall contain the following:

- a) the reasonable time limit and the format in which the information or documents shall be made available;
- b) the purpose of the information and the time limit for the reporting entities to obtain the information in relation to the application of client due diligence measures or to certain occasional transactions.

(3) Information and documents referred to in para (1) and (2) shall be presented and made available free of charge.

Article 13. Access to information held by the Service

(1) The reporting entity subject to control carried out the Service shall be entitled to access the information concerning it held by the Service. The right of access to information from the file which concerns it shall not include access to confidential information and internal documents of the Service, correspondence of the Service with authorities for preventing and combating money laundering. The right of access to information from the file concerning it shall be ensured, upon written request, as a result of sending by the Service of the control report to the reporting entity.

(2) The access to the information held by the Service shall be granted provided that it is used only in the course of the proceedings conducted by the Service or any eventual judicial proceedings in connection with such proceedings.

(3) The reporting entities are granted access to information concerning them held by the Service no later than 3 working days following the written request.

Article 14. Responsibilities of the reporting entity subject to control

(1) The reporting entity subject to control should provide the inspector:

- a) adequate working conditions and necessary reasonable means for the efficient control, insofar as the entity has them and can provide them without jeopardizing its activity, submitting the requested documents and materials;
- b) timely delivery of the requested information, documents and materials;
- c) make available the means of communication and other technical devices for control purposes insofar as the entity has them and can provide them without jeopardizing its activity;
- d) allowing the copying, photography, filming, audio recording of the necessary materials, under the conditions governing the legislation governing the legal regime of information with limited accessibility

(2) Authenticity and correspondence of the copies of documents with the original shall be confirmed by the representative of the reporting entity subject to control or, where there are no original documents, certified copies shall be presented.

(3) When employees or representatives of the reporting entity subject to control hinder the control visit, the inspector may request assistance from the police officers.

Article 15. Informing on rights and obligations

(1) Before initiating the control visit, the inspector has to inform the representative of the reporting entity subject to control, its employees or other persons fulfilling certain activities in the interest of the entity of their rights and obligations, as well as to inform of the types of sanctions which may arise as a result of hindering control activities.

(2) The access to premises and offices of the reporting entity shall be made with the consent of the person in charge or another representative of the entity.

Article 16. Rights and obligations of inspectors and of the reporting entities subject to control visits

(1) The inspectors of the Service entitled to perform control visits shall exercise their rights by presenting the order on their delegation to conduct the control visit at the reporting entity, which provides for their competencies.

(2) Inspectors have the following rights:

a) examine the registers and any documents related to the object and purpose of the control, regardless of their form (electronic or hard copy);

b) obtain copies or excerpts, in any form, from registries and documents referred to in lett. a);

c) withdraw registers and documents referred to in lett. a) in order to avoid their hiding, modification or destruction or in case of impossibility to obtain their copies;

d) request from any representative or employee of the reporting entity explanations on the facts or documents related to the object and purpose of the control and to record their answers;

e) request that the information related to the object and purpose of the control, which is kept in electronic format and accessible from the office, be presented in a form that would allow the withdrawal.

(3) If during the control visit the inspectors of the Service request the representatives of the reporting entities to provide explanations, these can be video/audio recorded, this fact being noted in the control visit report. One copy of the recording shall be made available to the reporting entity after the completion of the control visit. When explanations were requested from a representative of the reporting entity who was not entitled to give them on behalf of the entity, the Service shall establish a time-limit during which the reporting entity may send corrections or additions to the explanations given by its representative.

(4) In case no person is present in the premises where the visit control shall take place, inspectors of the Service entitled to conduct control visits have to:

a) before initiating the control, take all reasonable actions in order to inform the person who holds or administers the office of the reporting entity where the control visit will take place of the intention to conduct the control visit;

b) following the notification of the person mentioned at letter a), provide the latter or his representative reasonable possibility to assist during the control visit;

c) in case of failure to inform the persons mentioned at letter a), the latter shall be informed by registered mail and acknowledgement of receipt.

(5) Inspectors of the Service entitled to conduct the control visit may request support from the competent subdivisions of the Ministry of Internal Affairs who have to provide the necessary assistance to the employees of the Service in the prosecution of their duties, in accordance with the Law no. 320/2012 on Police and the police officer status. Experts from certain fields, authorized by the Service, may be involved, in control visits under para (1), where appropriate.

(6) During the control visit, inspectors of the Service and the authorized experts have to:

- a) inform the subject under control of his rights and obligations;
- b) conduct the control visit in line with the assigned competences, taking into account the object and purpose of the control;
- c) draw up a visit control report.

(7) During the control visit, the subject under control has the following rights:

- a) be acquainted with the order on the conduct of the control visit and get a copy thereof;
- b) present evidence during the control visit;
- c) present explanations related to the object and purpose of the control visit, recorded in any form;
- d) be assisted by a lawyer, other representatives authorized under the law. Their absence may not be invoked by the subject under control as grounds for postponing the control visit;
- e) get a copy of the control visit report.

(8) The reporting entity has the obligation to comply with the control visit conducted by the [inspectors](#) of the Service.

Article 17. Verbal explanations

(1) Verbal explanations shall be recorded in the control visit report and the person providing these verbal explanations shall sign in the report.

(2) The refusal to provide verbal explanations shall be recorded in the report, indicating the reasons of the refusal and attested by the signature of a witness.

(3) Explanations provided in verbal form may be audio/video recorded by means of a recording device, with prior information of the persons providing explanations, this fact being recorded in the report. The persons entitled to represent the reporting entity subject to control has the right to participate in the presentation of verbal explanations.

(4) The inspector shall send a copy of audio recorded verbal explanations by means of the recording device on digital data storage device to the reporting entity subject to control. The reporting entity subject to control or the person entitled by the entity shall attest in writing the receipt of the copy of audio/video recorded verbal explanations.

Article 18. Waiver of the control procedure

The Service may justifiably waive the control procedure at any stage by informing the reporting reporting entity in writing. In this case, a decision shall be issued setting out the reasons for abandoning the control procedure.

Article 19. Control report

(1) The control report of the reporting entity shall be drawn up in two copies and signed by inspectors who directly conducted the control.

(2) The control report shall contain:

- a) name and address of the reporting entity subject to control;
- b) name, surname and position of inspectors;
- c) date of the authorization for the conduct of control;
- d) purpose and object of the control;
- e) time-limit for conducting the control with the indication of the inception and completion date of the control;
- f) name, surname and position of persons who make statements and submit explanations during the control;
- g) description of control activities carried out, findings and description of identified irregularities and the persons responsible for the commission of such irregularities;
- h) record the annexes by indicating the name of each annex;
- i) data regarding the information of each reporting entity subject to control of their right to submit objections to the report;
- j) place and date when the report was drawn up;
- k) signature of inspectors.

(3) The control report shall be sent to the reporting entities within 30 days from the completion of the control.

Article 20. Objections to the control report

(1) The reporting entity subject to control is entitled to submit in writing to the Service reasoned objections to the control report within 14 days since the receipt of the control report.

(2) Objections of the reporting entities subject to control shall be examined by the Service within 14 days since their receipt. Following their examination, the Service shall issue a report either rejecting or admitting objections, this report being brought to the knowledge of the reporting entity, immediately after its issuance.

(3) Material errors and obvious omissions in the control report that do not affect its conclusions shall be corrected by the inspector who has drawn it.

Article 21. Adoption, communication and publication of decisions

(1) After the expiry of the deadline provided for in Art. 20 para (2), the director of the Service within 30 days, shall adopt a decision:

- 1) issuing a prescription according to art. 37;

- 2) on finding of an infringement and application of sanctions with or without the request to competent authorities to suspend and/or withdraw the authorization and/or license of activity;
- 3) on conducting of an additional control;
- 4) on non-sanctioning of the reporting entity in case when:
 - a) no infringement was found;
 - b) the reporting entity requests cancellation of the control report when the only evidence the sanction is based on is the information assigned to state, commercial secret or any other type of secret protected by legislation;
 - c) it is apparent from the case-file that the facts of the reporting entity contain the constituent elements of a contravention or offense and will be forwarded to the competent authorities for examination.;
 - d) time-limit referred to in Art. 25 has expired.

(2) The decision of the Service shall be reasoned and based only on evidence to which the reporting entity subject to sanctions has access, except for the information assigned as state, commercial secret or any other secret protected by law. The decision shall contain the legal grounds on which bases the decision was adopted, the circumstances of the infringement, explanations of the subject subject to sanction and their analysis, description of mitigating or aggravating circumstances, sanction applied, its individualization, timeframe and appeal procedure.

(3) The decision adopted by the Service shall be communicated in writing to the subject concerned within up to 5 days from the date of its adoption.

(4) Decisions of the Service shall be published on the webpage of the Service, within 5 days from their issuance. Publication of the decisions is made considering the legal interest of the subjects concerned in protecting the commercial secrets or of any other types of secretes protected by law. Within 30 days from the adoption of the decision, the supervisory bodies entitled to impose sanctions for breaches of the anti-money laundering and counter-terrorism financing legislation may consult the opinion of the Service on the need to publish the issued decision.

(5) If the decision of the Service is challenged, the information on the appeals filed and the result of their examination shall be published on the official website of the Service.

(6) The Service shall ensure the publication of any information in line with this article and shall store them on its webpage for a period of five years from the moment of their publication.

Article 22. Procedure for appealing the decisions

(1) The decisions issued by the Service may be appealed by the person who considers himself as damaged in rights, in manner and time-limit provided for by the Administrative Code, without respecting the preliminary procedure.

(2) Decisions issued by the National Bank of Moldova and the National Financial Market Commission may be challenged in accordance with the law.

Article 23. Enforcement of decisions of the Service

(1) The decisions of the Services are enforceable from the expiry of the time-limit for appeal or when the court decision becomes final.

(2) Reporting entities and persons concerned have to inform the Service of the measures taken to enforce the decision within the time-limits set.

(3) In case of failure to enforce the decisions of the Service within the time-limit set, their forced execution shall be made in accordance with the provisions of this law and of the Enforcement Code.

Article 24. Compliance form

(1) All reporting entities have to fill in the compliance form once in a year.

(2) The format, structure, procedure for reporting and receipt of the compliance form are laid down in the guidelines drafted and approved by the Service.

(3) Any reporting entity that fails to fulfil the obligation to fill in the compliance form shall be subject to sanctions provided for in Art. 54.

Chapter III ACCOUNTABILITY AND INDIVIDUALIZATION OF SANCTIONS

Article 25. Liability period

The liability period under this law shall be of 5 years from the infringement date.

Article 26. Minor and serious infringements

(1) It is considered minor infringement any type of breaches of the anti-money laundering and counter-terrorism financing legislation and of this law that are neither repeated nor systematic.

(2) It is considered a serious violation, in correlation with the provisions of art. 34 para. (2):

- a) any type of repeated or systematic infringement
- b) infringement which consists of one or several interlinked transfers, which amount exceeds the equivalent of 1 000 000 lei in case of reporting entities provided for in Art. 4 para (1) p a), c), h) and i) of the Law no. 308/2017 and the equivalent of 400 000 lei in case of the other reporting entities as well as a high degree of injuriousness.

Article 27. Repeated infringements

A repeated violation is the violation of the same provisions of the law on preventing and combating money laundering and terrorism financing, committed within one year of the imposition of a sanction for violating the provisions of that legislation.

Article 28. Systematic infringement

The following is considered a systematic infringement:

a) breach of provisions of the anti-money laundering and counter-terrorism financing legislation and of this law three or more times during one year of the first breach of that legislation.

b) concurrent commitment of at least two or more serious infringements provided for in Art. 26 para (2), if found at the same time. In this case, the sanction for the infringement with the highest penalty shall apply.

Article 29. Continuing infringement

(1) It is considered a continuing infringement an act that is characterized by uninterrupted and indefinite commission of breach of the anti-money laundering and counter-terrorism financing legislation and of this law. In the case of a continuing infringement, there is no plurality of infringements.

(2) Continuing infringement shall be considered committed at the cessation of action or inaction leading to the infringement of the anti-money laundering and counter-terrorism financing legislation and this law or to the occurrence of certain events preventing this activity.

Article 30. Prolonged infringement

(1) It is considered a prolonged infringement the act committed with a single intention, characterized by two or more identical actions and/or inactions committed for a single purpose, constituting as a whole a single infringement of the anti-money laundering and counter-terrorism financing legislation and this law.

(2) The prolonged violation shall be considered committed at the time of commission of the last action or inaction that led to the infringement of the anti-money laundering and counter-terrorism financing legislation and this law.

Article 31. Application of sanctions within the plurality of infringements

If, within the same control, it is found that the subject subject to the sanction has committed two or more violations of the provisions of the legislation on preventing and combating money laundering and terrorist financing, a fine shall be imposed for each individual violation, establishing definitively the fine for competition for infringements by cumulating the fines applied, but without exceeding the double of the maximum fine established in the article that provides for the more severe sanction.

Article 32. Aggravating circumstances

The following are considered aggravating circumstances leading to the increase of sanctions for breaches of the anti-money laundering and counter-terrorism financing legislation:

- a) previous infringements of the anti-money laundering and counter-terrorism financing legislation;
- b) infringement has not ceased and no remedial actions taken on own initiative of the reporting entity or of the first interventions of competent supervisory bodies;
- c) significance of the prejudice caused;
- d) infringement was committed for the purpose of obtaining benefits or preventing / remedying losses;
- e) infringement is due to significant deficiencies of programs, policies, internal controls and procedures of the reporting entities and/or of the behavior (actions/inactions) of the persons in charge, including of those with senior management position;
- f) measures taken on other natural and legal persons, other reporting entities, supervisory bodies and any other entity to prevent them from providing the information required by the supervisory bodies or to providing it in an inaccurate or incomplete manner; or any attempt to determine such attitudes;
- g) refusal to cooperate with representatives of competent supervisory bodies or preventing them from carrying out the control, including the control visit.
- h) determining other individuals, legal bodies or reporting entities to participate in the infringement and / or suppression measures taken against other individuals and legal bodies or reporting entities in order to compel them to commit the infringement.

Article 33. Mitigating circumstances

(1) The following are considered mitigating circumstances leading to the decrease of sanctions for the breach of the anti-money laundering and counter-terrorism financing legislation:

- a) effective collaboration with the authorities mentioned in art. 3 para. (2) during controls;
- b) express recognition of the committed act before the adoption of the decision;
- c) cessation of the violation and implementation of remedial actions of the own will of subjects to be sanctioned or from the first interventions of the authorities mentioned in art. 3 para. (2);
- d) other circumstances that demonstrate the willingness to facilitate the examination of cases initiated by competent supervisory bodies;
- e) evidence provided by the controlled subjects that the infringement was committed by negligence;
- f) the provision by the controlled subjects of evidence that their participation in the infringement is extremely low and that during the period during which they were a party to the infringement they effectively avoided its implementation by adopting a correct behavior;

(2) Circumstances, other than those referred to in para (1) may also be considered as mitigating.

Article 34. Sanctions for infringing the anti-money laundering and counter-terrorism financing legislation

(1) Breaches by the subjects, by action or inaction, of the anti-money laundering and counter-terrorism financing legislation and the present law shall be sanctioned as follows:

a) public statement in the media, identifying the natural or legal person and the nature of the breach;

b) prescript by which natural person or legal person shall stop such behavior and abstain from repeating it;

c) suspension of the activity, suspension or withdrawal of authorization, license of activity, where the activity of the reporting entity is the object of authorization or licensing. Suspension of the activity, license or authorization shall apply for a period from 3 months to one year.

d) temporary interdiction to hold management positions in reporting entities, from 3 months to up to one year, by any person with senior management position in a reporting entity or by any other natural person, declared responsible for the breach;

e) fine in amount of up to the equivalent in lei of the amount of 5 000 000 Euro.

(2) When adopting a decision regarding the application of sanctions and the application of sanctions specific to the field of activity, the authorities mentioned in art. 3 para. (2) will take into account the following factors:

a) the gravity and duration of the detected breaches;

b) amount of income obtained as a result of breaches or other pecuniary benefits obtained by the reporting entity, losses or damages caused, where it is possible to determine them;

c) the guilt and financial standing of the subject subject to sanctions;

d) previous breaches committed by the subject subject to sanctions during the last reporting year, the nature of imposed sanctions as well as the degree of collaboration of the person with the Service and other supervisory authorities;

e) mitigating and aggravating circumstances;

f) consequences of the breaches detected and of sanctions proposed on the stability and reliability of the market;

g) other relevant circumstances.

(3) By way of derogation from Art. 26, 27 and 28 and Chapter 4 of this law, commission by reporting entities provided for in Art. 4 para (1) a), b) and i) of the Law no. 308/2017, or by other subjects subject to sanctions from these reporting entities of any breaches of the anti-money laundering and counter-terrorism financing legislation may be sanctioned with any of the sanctions provided for in para (1) of this article, in keeping with provisions of para (2).

(4) When applying provisions of para (3), sanctions provided for in para (1) c) and d) can be ruled as complementary sanctions.

(5) The National Bank of Moldova is the only supervisory authority entitled to impose the sanction provided in para (1) c) and d) on reporting entities provided for in Art. 4 para (1) a), b) and i) of the Law no. 308/2017 and on other subjects subject to sanctions from those reporting entities.

Article 35. Subjects who may be subject to sanctions

Subjects who may be subject to sanctions provided for in this law are as follows:

- a) reporting entities;
- b) persons with senior management position;
- c) persons in charge
- d) individual employee of the reporting entity.

Article 36. Public statement in mass media

Public statement in mass media is a complementary sanction and shall be imposed only for serious infringement.

Article 37. Prescript

(1) The authorities mentioned in art. 3 para. (2) are entitled to issue prescriptions informing the subject to be sanctioned, who has admitted the violation of the provisions of the legislation on preventing and combating money laundering and terrorist financing, about the violation committed, and:

- a) to request the cessation of the behavior leading to the violation of the respective legislation;
- b) to warn that in case of repeating or committing new violations, harsher sanctions provided by this law will be applied.

(2) The prescript shall be issued to remedy the deficiencies identified during the compliance verification.

(3) The authorities mentioned in art. 3 para. (2) establish a deadline within which the subject to be sanctioned is obliged to remove the violations or deficiencies identified in its field of activity.

(4) The subject to be sanctioned shall notify in writing about the actions taken in connection with the prescribed measures the authority mentioned in art. 3 para. (2), which applied the prescription.

(5) The authorities mentioned in art. 3 para. (2) may withdraw the prescription applied to the motivated request of the subject to be sanctioned.

(6) The authorities mentioned in art. 3 para. (2) may extend the period only once, within which the subject to be sanctioned is to comply with the prescription if he submits a reasoned request accompanied by conclusive evidence proving that it does not fall within the initially established period.

(7) The issuance of the prescription does not prevent the authorities mentioned in art. 3 para. (2) to apply at the same time other sanctions provided by this law.

(8) The authorities mentioned in art. 3 para. (2) may publish the prescription, including the information referring to its content and the name or the name of the subject to be sanctioned.

(9) The authorities mentioned in art. 3 para. (2) may apply to the subject to be sanctioned any of the sanctions provided by this law if it does not comply with the prescription.

Article 38. Suspension of activity, suspension or withdrawal of authorization or activity license.

(1) In case of breaches provided for in Art. 50, 57, 58, 60, 61 and 61 of the respective law, committed by reported entities which activity is authorized or licensed, except for reporting entities provided for in Art. 4 para (1) a), b) and i) of the Law no. 308/2017, the authorities mentioned in art. 3 para. (2) are authorized to:

a) The National Commission for Financial Markets – state the commission of breaches and suspend the activity, or withdraw the authorization and/or the license of activity of the reporting entities provided for in Art. 4 para (1) c) of the Law no. 307/2017;

b) Service – state commission of breaches and request the suspension of activity, suspension and withdrawal of the authorization and/or license of activity under procedure provided by law for reporting entities provided for in Art. 4 para (1) of the Law no. 308/2017

(2) Under para (1) letter b), the decision on suspending the activity, suspending, withdrawing the authorization or activity license issued by the Service shall be sent for examination to the issuing authority within 3 days from its issuance.

(3) The issuing authority, within up to 15 days from receiving the request of the Service, shall decide on the suspension of activity, suspension/withdrawal of authorization and/or activity license under procedures regulated by special laws.

(4) Following the entry into force of the decision on suspension of activity, suspension or withdrawal of authorization and/or activity license, the Service shall request the body which issued the license or authorization to apply cessation of activity of the reporting entity in accordance with the normative acts regulating the activity thereof.

(5) The Decision of the Service on suspending the activity, suspending or withdrawing the authorization or license of activity shall enter into force on the date of issuance, but shall be enforced after the court decision on suspension of activity, suspension or withdrawal of authorization and/or license for activity has become final.

(6) If the court rejects the request for suspending the activity, suspending or withdrawing the authorization or activity license on the grounds of lack of breach or that it was not committed by the subject under sanctions, the decision of the Service on establishing the breach and determining the sanctions becomes null and void and ceases all its effects.

(7) The decisions of the authorities mentioned in art. 3 para. (2) shall be published on their official web pages after the finality of the court decision regarding the suspension of the activity, the suspension or withdrawal of the authorization, the activity license.

Article 39. Temporary interdiction to hold management positions

(1) In case of violations provided in art. 50, 57, 58, 60, 61 and 62 of this law, committed by the reporting entities, except for the reporting entities provided in art. 4 para. (1) lit. a), b) and i) of Law no. 308/2017, the authorities mentioned in art. 3 para. (2) are in law:

(a) the National Commission for Financial Markets – to order, by issuing a decision, the

temporary interdiction to hold management positions within the reporting entity provided for in Art.4 para (1) c) of the Law no. 308/2017 by any person with senior management position, person in charge or by any other natural person, declared responsible for the breach for a period of up to 3 months to one year;

(b) the Service – to order, by issuing a decision, the temporary interdiction to hold management positions within the reporting entity provided for in Art.4 para (1) of the Law no. 308/2017 by any person with senior management position, person in charge or by any other natural person, declared responsible for the breach for a period of up to 3 months to one year;

2) As of the date on which the authority mentioned in art. 3 para. (2) adopts the decision the person on whom the sanction is imposed is not entitled to exercise his/her duties, and all decisions taken by the latter shall be considered null and void.

3) The authorities mentioned in art. 3 para. (2) set the time limit for the temporary ban on holding management positions and the time limit within which the reporting entity is obliged to suspend the contracts concluded with the envisaged subjects and to transfer their powers to other persons.

4) The authorities mentioned in art. 3 para. (2) communicate the decision on the temporary prohibition of exercising management functions to the competent authorities holding the registers of reporting entities within 5 days of the adoption of the decision.

5) The decision on temporary interdiction to hold senior management positions in the reporting entities shall be enforceable from the time of its issuance.

Article 40. Fines

(1) The fine is a pecuniary sanction that is applied by the authorities mentioned in art. 3 para. (2) in the cases and within the limits provided by this law. The amount of the fine is set for individuals from 4500 lei to the equivalent in lei of the amount of 5,000,000 euros, and for reporting entities - from 50,000 lei to the equivalent in lei of the amount of 5,000,000 euros.

(2) The amount of the fine of up to 5% and up to 10% of the total annual turnover of the reporting entity, respectively, shall be determined if those values:

a) do not exceed the equivalent in lei of the amount of 1 000 000 Euro for reporting entities other than those provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017

b) do not exceed the equivalent in lei of the amount of 5 000 000 Euro for reporting entities provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

3) If 5% and 10%, respectively, of the total annual turnover of the reporting entity exceed the MDL equivalent of the amount of:

a) 1 000 000 euro – a fine in amount of up to the equivalent in lei of amount of 1 000 000 euro shall apply;

b) 5 000 000 euro – a fine in amount of up to the equivalent in lei of the amount of 5 000 000 Euro shall be applied.

If the total annual turnover of the reporting entity for the year preceding the application of the sanction cannot be determined, the total annual turnover for the last year preceding the application of the sanction in which it was determined shall be taken into account.

4) The fine imposed on individuals employees of the reporting entity, shall be voluntarily paid by the latter within 30 days from the date of receipt of the decision on imposition of the sanction.

5) Provisions of para (4) shall apply to individuals from the reporting entity provided for in Art. 4 para (1) a), b) and i) of the Law no. 308/2017 by way of derogation from Art. 752 para (11) of the Law no. 548/1995 on the National Bank of Moldova.

6) Fines imposed for breaches of anti-money laundering and counter-terrorism financing legislation shall be paid over to the state budget.

Chapter IV

FACTS CONSTITUTING BREACHES OF ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING LEGISLATION AND APPLIED SANCTIONS

Article 41. Non-application of precautionary measures and measures in cross-border banking relations

(1) Non-application of measures for identifying and verifying the identity of the person, of the effective beneficiary, obtaining and evaluating the established information, monitoring, as well as non-compliance with the conditions for execution by third parties shall be sanctioned with:

a) by prescript or a fine from 4500 lei to 20 000 lei imposed on the individual employee of the reporting entity;

b) by prescript or a fine from 20 000 lei to 50 000 lei imposed on person in charge, on person holding senior management position in the reporting entity;

c) by prescript or a fine from 50 000 lei up to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) by prescript or a fine from 50 000 lei up to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) Non-application of enhanced precautionary measure for the identification and verification of the identity of the person, of the effective beneficiary, obtaining and evaluating the available information, monitoring as well as noncompliance with the conditions for execution by third persons shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 euro imposed on an individual employee of the reporting entity;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 euro imposed on person in charge and on the person holding senior management position in the reporting entity;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017

e) by a fine from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual income realized by the reporting entity, but not more than the equivalent in

lei of the amount of 5 000 000 euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 42. Non-compliance with the interdiction not to open anonymous accounts

(1) Violation of the ban on opening / maintaining anonymous accounts, fictitious name accounts, anonymous savings books, establishing or continuing a business relationship with a fictitious bank or a bank known to allow a fictitious bank to use its accounts or which makes available to its customers anonymous accounts are sanctioned with:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei up to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei up to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei up to the equivalent in lei of the amount of 1 000 000 euro, applied on the individual employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei up to the equivalent in lei of the amount of 1 000 000 euro, imposed on person in charge, applied to person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 43. Noncompliance with the requirements on information accompanying transfer of funds

(1) Noncompliance with the requirements on information on payer and payee accompanying transfers of funds and verification of information, failure to apply effective control procedures and based on risk evaluation to detect missing, incomplete or inadequate information and to determine the cases of execution, rejection or suspension of the transfer of funds shall be sanctioned:

- a) by prescript or a fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;
- b) by prescript or a fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;
- c) by prescript or a fine from 50 000 lei up to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- d) by prescript or fine from 50 000 lei up to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

- a) fine from 20,000 lei to the equivalent in lei of the amount of 1,000,000 euros applied to the employee of the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;
- b) fine from 50,000 lei to the equivalent in lei of the amount of 1,000,000 euros applied to the person in charge, the person holding a senior management position within the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;
- c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;
- d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;
- f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 44. Failure to identify the politically exposed persons, their family members and associates and failure to apply the procedures according to the risk generated by the politically exposed persons, their family members and associates

(1) Failure of the reporting entities to approve or apply the procedures and/or failure to conduct enhanced and continuous monitoring of the business relations of the politically exposed person, family members and their associates, shall be sanctioned by:

- a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;
- b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;
- c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

- a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 euro, imposed on

natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 45. Establishing or continuing business relations with a politically exposed person, family members and their associates without obtaining the approval of the senior management

(1) Establishing or continuing business relations by the reporting entities with a politically exposed person, family members and their associates without obtaining approval from the senior management shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on the person in charge, on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other

than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 46. Failure to identify the source of assets

(1) Failure to identify the source of assets that constitute the object of control, especially of the politically exposed person, family members and their associates shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000

Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 47. Non-designation of persons entitled to enforce the anti-money laundering and counter-terrorism financing legislation

Non-designation of persons entitled to enforce the anti-money laundering and counter-terrorism financing legislation, shall be sanctioned by:

a) prescript or a fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or a fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or a fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or a fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 48. Lack of records of information and documents

(1) Failure of the reporting entity to keep records of the information and documents on natural and legal persons, as well as on effective beneficiaries, archive of accounts and primary documents, including business correspondence and results of analysis and researches conducted during an established period, shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity

provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 49. Lack of records on all transfers

(1) Failure of the reporting entity to keep record of all data related to activities and transfers during a set period or at least up to the extended time-limit indicated by the supervisory bodies of the reporting entities, shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 50. Failure to inform the Service within the established time-limit of suspicious activities and transactions

(1) Failure to inform the Service for Prevention and Combating of Money Laundering within the time-limit set by law of any activity or any transfers suspicious of money laundering and terrorism financing under preparation, execution or already executed shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei up to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para(1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on the natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending the activity, the authorization and/or activity license for a period from 3 months to up to one year or withdrawing the authorization and/or activity license.

Article 51. Failure to inform the Service within the time-limit set of the activities or cash transfers

(1) Failure to inform the Service within set time-limit of the activities or cash transfers, through one operation with a value of at least 200 000 lei or its equivalent or through several cash transfers which are interlinked, shall be sanctioned:

- a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;
- b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;
- c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

- a) by a fine from 20 000 lei up to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;
- d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;
- f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 52. Failure to inform the Service within the set time-limit of wire transfer activities

(1) Failure to inform the Service within the set time-limit of wire transfer activities, through one operation with a value that equals to or exceeds 50 000 lei, shall be sanctioned by:

- a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;
- b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;
- c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 53. Non-compliance with the requirements on filling in the special form

(1) Failure to fill in or non-compliant filling in of the special form containing information on activities or transactions that fall within the anti-money laundering and counter-terrorism financing shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 500 000 de lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 2 500 000 de lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 100 000 de euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 150 000 de euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 150 000 de euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 200 000 de euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 54. Failure to comply with the requirements for filling in the compliance checklist within the time-limit set

Failure to comply with the requirements for filling in the compliance checklist within the time-limit set shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 55. Breaches of confidentiality obligations

(1) Communication by the reporting entities, employees, persons with management position and their representatives to clients who carry out transactions or activities that fall within the Law no. 308/2017 or to third persons about the transfer of information under the Law no. 308/2017 or data regarding financial analyses or investigations carried out by the Service shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 56. Failure to submit information

(1) Unmotivated failure of the reporting entities to submit, at the request of the supervisory bodies and the Service, within the established deadlines, the available information on their business relationships and the nature of these relationships, the results of the evaluation of the risks of money laundering and terrorist financing in their field of activity shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para(1) a), c), h) and i) of the Law no. 308/2017;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on the natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 57. Failure to approve policies, internal controls and procedures

1) Non-approval or non-compliance with appropriate customer precautionary policies and methods, in the field of record keeping, internal control, risk assessment and management, compliance and communication management, and own programs to prevent and combat money laundering and terrorist financing is sanctioned with:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000

euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending activity, suspending for a period from 3 months to up to one year and/or withdrawal of authorization and/or license of activity.

Article 58. Execution of activity or transaction contrary to the decision of the Service

(1) Execution by the reporting entities of the activity or transaction contrary to the decision of the Service and / or failure to execute the activities and transactions in goods, including financial means contrary to the provisions of Art. 33 of the Law no. 308/2017 shall be sanctioned by:

a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;

b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;

c) prescript or fine from 50 000 lei to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending the activity, the authorization and/or license of activity for a

period from 3 months to up to one year and/or withdrawing the authorization and/or license of activity.

Article 59. Failure to take action for the identification and assessment of risks

(1) Failure to take actions for the identification and evaluation of the risks of money laundering and terrorist financing in its field of activity, taking into account the evaluation of the risks of money laundering and terrorist financing at national level, as well as the criteria and factors established by the supervisory bodies, failure to approve and regularly update the results of the evaluation of the risks of money laundering and terrorist financing in its own field activity shall be sanctioned by:

- a) prescript or fine from 4500 lei to 20 000 lei imposed on natural person employee of the reporting entity;
- b) prescript or fine from 20 000 lei to 50 000 lei imposed on person in charge, imposed on person holding senior management position in the reporting entity;
- c) prescript or fine from 50 000 lei up to 1 000 000 lei imposed on the reporting entity other than the entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- d) prescript or fine from 50 000 lei to 5 000 000 lei imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

(2) The same deed, if it constitutes a serious infringement, shall be sanctioned:

- a) by a fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- b) by a fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- c) by a fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;
- d) by a fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;
- e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017;
- f) by a fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017.

Article 60. Failure to comply with the obligation to immediately apply restrictive measures

Failure of the reporting entities to immediately apply restrictive measures, to refrain from performing activities and transactions in the established cases, as well as to maintain and update the list of persons, groups and entities referred to in Art. 34 para (11) of the Law no. 308/2017 shall be sanctioned by:

- a) fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1)

a), c), h) and i) of the Law no. 308/2017;

b) fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para(1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, applied on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending the activity, authorization or activity license for a period from 3 months to up to one year and/or withdrawing the authorization and/or activity license.

Article 61. Failure to inform the Service on the application of restrictive measures

Failure to inform the Service on the application of restrictive measures shall be sanctioned by:

a) fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para(1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of

Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending the activity, authorization or activity license for a period from 3 months to up to one year or withdrawing the authorization and/or activity license.

Article 62. Non-execution of the decisions / prescriptions of the bodies with supervisory functions of the reporting entities

Non-execution of the decisions / prescriptions of the bodies with supervisory functions of the reporting entities shall be sanctioned with:

a) fine from 20 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on natural person employee of the reporting entity other than the person provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017;

b) fine from 50 000 lei to the equivalent in lei of the amount of 1 000 000 Euro, imposed on person in charge, imposed on person holding senior management position in the reporting entity other than the person provided for in Art. 4 para(1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

c) fine from 20 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on natural person employee of the reporting entity provided for in Art (1) a), c), h) and i) of the Law no. 308/2017;

d) fine from 50 000 lei to the equivalent in lei of the amount of 5 000 000 Euro imposed on person in charge, imposed on person holding senior management position in the reporting entity provided for in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without the interdiction to hold management position in the reporting entity for a period from 3 months to up to one year;

e) a fine of from 1 000 000 lei to the equivalent in lei of the amount of 1 000 000 euro or up to 5% of the total annual turnover, but not more than the equivalent in lei of the amount of 1 000 000 euro, applied to the reporting entity, other than those provided in art. 4 para. (1) lit. a), c), h) and i) of Law no. 308/2017, with or without the suspension of the authorization or activity license for a period of 3 months to one year or the withdrawal of the authorization or activity license;

f) fine from 5 000 000 lei to the equivalent in lei of the amount of 5 000 000 Euro or up to 10% of the total annual revenue, but not more than the equivalent in lei of the amount of 5 000 000 Euro, imposed on the reporting entity referred to in Art. 4 para (1) a), c), h) and i) of the Law no. 308/2017, with or without suspending the activity, authorization or activity license for a period from 3 months to up to one year or withdrawing the authorization and/or activity license.

Article 63. Violation of the communication obligation by the Customs Service

Non-communication by the Customs Service official within the established deadlines or non-compliance with the requirements of the legislation on preventing and combating money laundering and terrorism financing to the Money Laundering Prevention and Combating Service of all information on currency values declared by natural and legal persons in accordance with law , as well as the information regarding the identified cases of illegal introduction and / or withdrawal in / from the country of the foreign exchange values are sanctioned in accordance with the provisions of the

legislation..

Chapter V FINAL PROVISIONS

Article **64.** Final and transitory provisions

(1) This law shall enter into force in 6 months after the date of its publication.

(2) On the date of entry into force of this law, articles 291²–291⁹ and 401¹ of the Contravention Code of the Republic of Moldova no. 218/2008 (republished in the Official Gazette of the Republic of Moldova, 2017, no. 78–84, art. 100), with subsequent amendments..

(3) Within 6 months from the date of publication of this law, the Government:

- a) shall submit to the Parliament proposals for aligning the legislation with this law;
- b) will bring its normative acts in accordance with this law and will ensure the elaboration of the normative acts necessary for its implementation.

SPEAKER OF THE PARLIAMENT