

**LATVIAN COUNCIL OF SWORN ADVOCATES
DECISION**

Riga

27 October 2020

No. 169

Minutes No.16

On approval of the "Regulations Regarding the Procedure of the Receiving in the Latvian Council of Sworn Advocates the Reports on Violations of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing"

Considering that:

1) Section 83 of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing provides that:

(1) The provisions of this Section shall be applicable to such person who reports a violation of this Law (also potential) (hereinafter in this Section - the violation) to the supervisory and control authority and is not considered a whistleblower within the meaning of the Whistleblowing Law.

(2) Any person may report the violation of this Law to the supervisory and control authority. The supervisory and control authority shall establish and maintain an efficient and credible reporting system which includes at least the following elements:

- 1) the procedures by which reports on the violations of this Law are received and by which processing of reports shall be performed;
- 2) the protection of the identity of such natural person who reports the violation of this Law or who is allegedly responsible for the violation.

(3) Upon receipt of a report on the violation of this Law, the supervisory and control authority shall assess it on the merits and, in case of establishing a violation, shall apply liability in accordance with laws and regulations. If during examination of the report suspicions regarding the violation the examination of which is not within the competence of the supervisory and control authority arise to such authority, the report shall be forwarded for further examination according to jurisdiction.

(4) In order to facilitate reporting on the violations of this Law, the Cabinet shall approve the sample form of the report and shall determine the information to be indicated therein.

(5) It is prohibited to punish a person or otherwise directly or indirectly cause unfavourable consequences for him or her due to the fact that the person has reported the violation of this Law to the supervisory and control authority. The obligation of proving that the unfavourable consequences to the person have not been caused due to reporting of the violation of this Law shall lie with the party which has caused such consequences. That referred to in this Paragraph shall also be applicable in relation to such person who has reported the violation of this Law to the subject of the Law or the Financial Intelligence Unit of Latvia.

2) Cabinet Regulation No. 530 of 19 November 2019, Regulations Regarding the Sample Form for the Report on Offences in the Field of the Prevention of Money Laundering and Terrorism and Proliferation Financing (**hereinafter - Cabinet Regulation No. 530 of 19 November 2019**), determines the sample form for the report on offences in the field of the prevention of money laundering and terrorism and proliferation financing and the form the information to be provided,

The Latvian Council of Sworn Advocates decided to approve the "Regulations Regarding the Procedure of the Receiving in the Latvian Council of Sworn Advocates the Reports on Violations of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing" in the following wording:

**REGULATIONS
REGARDING THE PROCEDURE OF THE RECEIVING IN THE LATVIAN
COUNCIL OF SWORN ADVOCATES THE REPORTS ON VIOLATIONS OF
THE LAW ON THE PREVENTION OF MONEY LAUNDERING AND
TERRORISM AND PROLIFERATION FINANCING**

1. Procedures by which reports on violations of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing are received at the Latvian Council of Sworn Advocates and by which such reports are processed

1.1. Any person may report to the Latvian Council of Sworn Advocates (**hereinafter - the Council**) on the violation of the Law on the Prevention of Money Laundering and Terrorism and Proliferation Financing (**hereinafter - the AML/CTPF Law**).

1.2. In order to report to the Council on the violation of the AML/CTPF Law (also possible) (**hereinafter – the violation**), a person must fill in a report on the violation of the AML/CTPF Law, which must be signed by hand if the report on the violation of the AML/CTPF Law is delivered to the Council in person or by post. If the report on the violation of the AML/CTPF Law is delivered to the Council in the form of electronic correspondence, it must be signed with a secure electronic signature.

1.3. Form "Report to the Latvian Council of Sworn Advocates on violation of the AML/CTPF Law in the field of prevention of money laundering and terrorism and proliferation financing", which has been prepared on the basis of Cabinet Regulation No. 530 of 19 November 2019, (Annex No. 1 to this Regulation), is published on the website of the Advocacy www.advokatura.lv.

1.4. The signed report on the violation of the AML/CTPF Law received by the Council shall be recorded in the register of incoming correspondence of the Council, regarding which a note is made on the received report.

1.5. The report on the violation of the AML/CTPF Law received by the Council after its registration in the register of incoming correspondence of the Council shall be handed over for evaluation on the merits to the Supervision and Control Commission of the Latvian Collegium of Sworn Advocates (**hereinafter - the SCC**), which, in accordance with clause 4.5.2 of the Regulation of the SCC, decides on an unplanned

off-site or on-site inspection to inspect the information indicated in the report, informing the Council of the results of the inspection.

1.6. If, during the examination of a report on a violation of the AML/CTPF Law, the SCC suspects a violation, the examination of which falls within the competence of another supervision and control institution specified in the AML/CTPF Law, the SCC shall prepare a cover letter of the Council with the signature of the chairperson of the Council to forward the report for further examination by jurisdiction.

2. Protection of the identity of a natural person who reports a violation of the AML/CTPF Law or who may be responsible for the violation

2.1. The identity of a natural person who reports a violation of the AML/CTPF Law, or who may be responsible for a violation of the AML/CTPF Law, is **RESTRICTED ACCESS INFORMATION**.

Jānis Rozenbergs
Chairperson of the Latvian Council of Sworn Advocates