

INSTRUCTION NO. 1 APRIL 05, 2009

ON THE FORM, METHODS AND PROCEDURES OF REPORTING THE DATA OF THE ENTITIES, AGENCY FOR THE LEGALIZATION, URBANIZATION AND INTEGRATION OF INFORMAL AREAS/CONSTRUCTIONS AND THE CENTRAL OFFICE FOR THE REGISTRATION OF IMMOVABLE PROPERTY, REGARDING THE PREVENTION OF MONEY LAUNDERING AND THE FINANCING OF TERRORISM

Pursuant to article 100 of the Constitution as well as article 3, letter 'j', 19 and 28, paragraph 1 of the Law no. 9917, May 19th 2008 "On the prevention of money laundering and terrorism financing" and the proposal of the Minister of Finance the Council of Ministers.

INSTRUCTS:

Article 1

Purpose

The purpose of this instruction is to define the reporting forms, methods and procedures of the obliged entities specified in letter 'n' and article 19 of the law no. 9917 of May 19, 2009 "On the prevention of money laundering and terrorism financing". This instruction prevents the use of the obliged entities for money laundering and terrorism financing.

Article 2

Definitions

Terms used in this instruction will have the same meaning with the terms defined in article 2, of the law no. 9917 of May 19, 2009 "On the prevention of money laundering and terrorism financing"

- **"Suspicious Activity Report" (SAR)** is the form attached to this instruction that enables the obliged entities to fulfill the requirements of paragraph 1, of article 12, of the law, through the application of its guidelines.
- **"Cash Transaction Report" (CTR)**, is the form attached to this instruction that should be filled out and reported by every obliged entity for every cash transaction equal or greater than 1,500,000 ALL (one and a half million ALL) or its corresponding value in foreign currency carried out as a single transaction or a series of linked transactions, in line with the reporting requirements set out in paragraph 2, of article 12 of the law.
- **"Value Transaction Report" (VTR)** is the form attached to this instruction that should be filled out and reported by every obliged entity for every non cash transaction equal or greater than 6,000,000 ALL (six million ALL) or its corresponding value in foreign currency carried out as a single transaction or a series of linked transactions, in line with the reporting requirements set out in paragraph 2, of article 12 of the law.
- **"Self Auditing Report"** is the the form attached to this instruction that should be completed and reported by the obliged entities upon request from the "Competent Authority" once or twice a year and it contains the measures undertaken by the entities towards implementing the requirements of the letter 'h', of article 11, of the law. The report regarding the measures undertaken could be partial or comprehensive.

Article 3

OBLIGED ENTITIES

Pursuant to Law no. 9917, May 19th 2008 “On the prevention of money laundering and terrorism financing” Central Office for the Registration of Immovable Property and the Agency for Legalization, Urbanization and Integration of Informal Areas/ Constructions will be the obliged entities for the implementation of this instruction.

Article 4

REPORTING TO COMPETENT AUTHORITY

1. Obligated entities suspecting that the transaction/s, property/ies, business relation/s is/are proceeds of a criminal offence or are intended to be used for financing terrorism, shall immediately and no later than 72 hours present to the responsible authority a report, in which they state their doubts..
2. The obliged entities of this instruction upon request from the Competent Authority must report about the measures taken towards implementation of legal requirements by using the Self Audit Report.
3. Reporting is carried out through forms that can be sent electronically or by mail. When the entities possess important information that should be urgently transmitted the reporting can be done by phone. Forms containing the information delivered in the above mentioned manner should also be sent to the Competent Authority.
4. The Competent Authority is entitled to request additional information that in urgent cases can be passed on verbally. This request should be documented in writing within three working days.

Article 5

FINAL PROVISIONS

Central Office for the Registration of Immovable Property and the Agency for Legalization, Urbanization and Integration of Informal Areas/ Constructions will be in charge of the implementation of this instruction and annexes attached, as its integral part:

Annex I “Suspicious Activity Report” (SAR) ;

Annex II “Cash Transaction Report ” (CTR);

Annex III “Value Transaction Report”(VTR);

Annex IV “Self Audit Report ” and their relevant guidelines

The General Directorate for the Prevention of Money Laundering will be responsible for controlling and the implementation of this instruction.

All the forms and instructions previously used by the obliged entities will be repealed, upon entry into force of this instruction and its attached annexes I, II, III and IV.

This instruction enters into force upon publication in the “Official Gazette”.

PRIME MINISTER

Sali Berisha