

# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

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**297**

**ACT**

of 02 July 2008,

**on protection against money laundering and terrorist financing and on the amendment to certain acts**

The National Council of the Slovak Republic has passed the following act:

**Section I**

**PART ONE**

**GENERAL PROVISIONS**

**Article 1**

**Subject Matter**

This Act regulates the rights and duties of legal persons and natural persons in preventing and detecting money laundering (hereinafter referred to as “money laundering”) and terrorist financing.

**Definition of Basic Terms**

**Article 2**

**Money Laundering**

(1) For the purposes of this Act, money laundering shall mean intentional conduct consisting in

a) the conversion or transfer of property, knowing that such property is derived from criminal activity or from an act of participation in such activity, for the purpose of concealing or disguising the illicit origin of the property or of assisting any person who is involved in the commission of such an activity to evade the legal consequences of that person’s action,

- b) the concealment or disguise of the origin or true nature, location or movement, rights with respect to, or ownership of, property, knowing that such property is derived from criminal activity or from an act of participation in such an activity,
  - c) the acquisition, possession or use of property, knowing that such property was derived from criminal activity or from an act of participation in such an activity,
  - d) participation in an act referred to in subparagraphs (a) to (c), including in the form of conspiracy, aiding, abetting, and inciting, as well as in an attempt to commit such an act.
- (2) Knowledge, intent or purpose required as an element of the activities referred to in paragraph 1 may be inferred from objective factual circumstances, in particular from the nature of an unusual transaction.
- (3) Money laundering is prohibited.

### **Article 3**

#### **Terrorist Financing**

- (1) For the purposes of this Act, terrorist financing shall mean the provision or collection of funds or property with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to
- a) commit the offence of establishing, plotting and supporting a terrorist group or the offence of terrorism and some forms of participation in terrorism,
  - b) finance the everyday needs of a person who is likely to commit or has committed the offence of terrorism and some forms of participation in terrorism,
  - c) commit the offence of theft, offence of extortion or offence of forgery of administrative documents, official stamp, official sealing, official sign, and official mark or of inciting, aiding or abetting such offence and attempting to commit such offence in order to commit the offence of establishing, plotting and supporting a terrorist group or the offence of terrorism and some forms of participation in terrorism or
  - d) commit acts according to international treaties,<sup>1)</sup> which have been ratified and promulgated in the way specified by the law binding on the Slovak Republic.
- (2) Knowledge, intent or purpose required as an element of the activities referred to in paragraph 1 may be inferred from objective factual circumstances, in particular from the nature of an unusual transaction.
- (3) Terrorist financing is prohibited.

**Article 4****Unusual Transaction**

- (1) Unusual transaction is a legal act or other transaction that suggests that its execution may be used for the purpose of money laundering or terrorist financing.
- (2) Unusual transaction in particular means the transaction
- a) which, by reason of its complexity, unusually large amount of funds or other nature, is manifestly outside the normal scope or nature of a particular type of transaction or the transaction of a particular customer,
  - b) which, because of its complexity, its unusually large amount of funds or its other nature, has no obvious economic purpose or obvious lawful purpose,
  - c) where the customer refuses to identify themselves or to provide the data necessary for the exercise of due diligence by the obliged person pursuant to Article 10, Article 11 and Article 12,
  - d) for which the customer refuses to provide information on the transaction being prepared or tries to provide as little information as possible or provides such information, which the obliged person can verify only with difficulties or with very high costs,
  - e) for which the customer applies based on a project raising doubts,
  - f) for which funds with a low nominal value and excessively large volume are used,
  - g) with a customer who, because of their employment, status or other characteristics, can be considered not to be, or to be unable to be, the owner of the necessary funds,
  - h) where the amount of funds at the customer's disposal is manifestly disproportionate to the nature or extent of the customer's business or the customer's declared assets,
  - i) where there are reasonable grounds for believing that the funds or assets are to be used or have been used to finance terrorism, are the proceeds of crime or are related to the financing of terrorism,
  - j) where there is a reasonable expectation that the beneficial owner is a person who collects or provides funds or property for the purpose of financing terrorism,
  - k) carried out from or to a country in the territory of which terrorist organisations operate or which provides funds or other support to terrorist organisations,
  - l) where there is a reasonable expectation that the customer or beneficial owner is a person subject to an international sanction under a special regulation, 1a) or a person who may be in relation to that person; or
  - m) where there is a reasonable expectation that the subject matter thereof is, or is intended to be, an item or service that may be related to an item or service that is subject to an

international sanction under a special regulation.1a)

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**Article 5**  
**Obliged Person**

- (1) For the purposes of this Act, obliged person shall mean
- a) a bank,<sup>2)</sup>
  - b) a financial institution unless it is a bank, which is
    - 1. a Central Securities Depository,<sup>4)</sup>
    - 2. a Stock Exchange,<sup>5)</sup>
    - 3. a Commodity Exchange,<sup>6)</sup>
    - 4. a management company and depository,<sup>7)</sup>
    - 5. a securities trader,<sup>8)</sup>
    - 6. a financial agent, financial advisor<sup>9)</sup> except for the performance of activities related to non-life insurance,
    - 7. a foreign collective investment undertaking,<sup>10)</sup>
    - 8. an insurance company when carrying on life insurance business,<sup>11)</sup>
    - 9. a pension management company,<sup>13)</sup>
    - 10. a complementary pension insurance company,<sup>14)</sup>
    - 11. a legal person or natural person authorised to perform exchange activities,<sup>15)</sup>
    - 12. a legal person or natural person authorised to trading in receivables,<sup>17)</sup>
    - 13. a legal person or natural person authorised to conduct auctions apart from executions,<sup>18)</sup> financial leasing or other financial activities under a special regulation,<sup>19)</sup>
    - 14. a payment institution,<sup>19a)</sup> provider of payment services to a limited extent,<sup>19aa)</sup> payment account information service provider,<sup>19ab)</sup> payment service agent<sup>19b)</sup> and electronic money institution,<sup>19c)</sup>
  - c) the Export-Import Bank of the Slovak Republic,<sup>20)</sup>
  - d) a gambling game operator,<sup>21)</sup>
  - e) a postal undertaking,<sup>22)</sup>
  - f) a court distrainer,<sup>23)</sup> in selling real estate, movable things or an enterprise and in receiving money, deeds and other movable things to safekeeping in connection with distraint

execution,,

- g) a trustee acting in bankruptcy, restructuring or debt relief proceedings under a special regulation,<sup>24)</sup>
- h) an auditor,<sup>25)</sup> accountant,<sup>17)</sup> tax advisor<sup>26)</sup> and any other person who provides advisory services in tax matters pursuant to special regulations,<sup>26a)</sup>
- i) a legal person or natural person authorized to mediate the sale, lease and purchase of real estate;<sup>17)</sup> in the case of lease of real estate, only if the value of the monthly rent is at least EUR 10,000,
- j) a lawyer<sup>27)</sup> or a notary,<sup>28)</sup> where they provide a legal service to a customer which relates to any financial transaction or other proceeding which tends to or directly results in the movement of funds, in
1. purchase and sale of real estate or company or a part of them,
  2. administration or safekeeping of financial resources, securities or other assets,
  3. opening of an account in a bank or foreign bank branch or of a securities account and during their administration, or
  4. establishment, activity or management of a business company, association of natural persons, association of legal persons,<sup>29)</sup> special-purpose pool of assets<sup>30)</sup> or other legal person,
- k) a provider of asset management services or services to companies, if they are not an obliged person under subparagraphs (h) or (j),
- l) a legal person or natural person authorised to carry out the activities of an organisational and economic consultant for the activities referred to in subparagraph (j) or Article 9(b), to carry out the services of public carriers and messengers or freight forwarding,<sup>17)</sup>
- m) a legal person or natural person authorised to operate an auction room, a legal person or natural person authorised to trade or broker transactions in works of art, collectors' items, antiques, cultural monuments, cultural objects, precious metals or precious stones, a legal person or natural person authorised to market products made of precious metals or precious stones, or a legal person or natural person authorised to operate a pawnbroker's shop;<sup>17)</sup> this shall not apply where the value of the transaction is less than EUR 10,000, irrespective of whether the transaction is carried out individually or is a series of related transactions which are or may be linked,
- n) a creditor,<sup>32a)</sup>
- o) a virtual currency wallet service provider,
- p) a virtual currency exchange service provider,

q) another person, if a special regulation so provides.

(2) For the purposes of this Act, obliged person shall also mean a branch, organisational unit or establishment of a foreign legal person or natural person referred to in paragraph 1, including a representative office of a foreign bank and a representative office of a foreign financial institution, which operate in the territory of the Slovak Republic.

(3) For the purposes of this Act, obliged person shall also mean a legal person or a natural person - entrepreneur who is not referred to in paragraphs 1 and 2, if they carry out a cash transaction with a value of at least EUR 10,000, irrespective of whether the transaction is carried out individually or as a number of successive transactions which are or may be linked.

**Article 6****Politically Exposed Person**

- (1) For the purposes of this Act, politically exposed person shall mean a natural person who is or has been entrusted with a prominent public function.
- (2) Prominent public functions include
- a) Head of State, Prime Minister, Deputy Prime Minister, Minister, head of a central government body, State Secretary or equivalent deputy minister,
  - b) member of the legislature,
  - c) judge of the Supreme Court, judge of the Supreme Administrative Court, judge of the Constitutional Court or of other higher judicial authorities whose decision, except in special cases, can no longer be appealed against, the President of the Judicial Council of the Slovak Republic, the Vice-President of the Judicial Council of the Slovak Republic, the President of the Special Criminal Court, the Vice-President of the Special Criminal Court, the President of a Regional Court, the Vice-President of a Regional Court, the President of a District Court or the Vice-President of a District Court,
  - d) member of the Court of Auditors or the Board of Governors of the central bank,
  - e) ambassador, chargé d'affaires,
  - f) high-ranking member of the armed forces, armed corps or armed security corps,
  - g) member of the management body, supervisory body or controlling body of a state-owned enterprise or state-owned business company,
  - h) General Prosecutor, Deputy General Prosecutor, Special Prosecutor, Deputy Special Prosecutor, Regional Prosecutor, Deputy Regional Prosecutor, District Prosecutor or Deputy District Prosecutor,
  - i) person in another similar function of national or regional importance or in another similar function in the institutions of the European Union or in international organisations,
  - j) member of a statutory body of a political party or political movement.
- (3) For the purposes of this Act, politically exposed person shall also mean a natural person who is
- a) a spouse or a person having a similar status to the spouse of a person referred to in paragraph 1,
  - b) a child, son-in-law, daughter-in-law of a person referred to in paragraph 1 or a person who has a similar status to a son-in-law or daughter-in-law of a person referred to in paragraph 1, or



c) the parent of a person referred to in paragraph 1.

(4) For the purposes of this Act, politically exposed person shall also mean a natural person known to be the beneficial owner

a) of the same customer or otherwise controls the same customer as a person referred to in paragraph 1 or carries on business together with a person referred to in paragraph 1, or

b) of the customer, which has been established for the benefit of a person referred to in paragraph 1.

(5) The Ministry of Foreign and European Affairs of the Slovak Republic (hereinafter referred to as the "Ministry of Foreign Affairs") is obliged to request an international organisation which has its seat, body or other official workplace established in the Slovak Republic to provide the list of its prominent public functions in which the persons of this organisation are active in the territory of the Slovak Republic, within ten working days from the date of commencement of the activities of the international organisation in the territory of the Slovak Republic or from the date of discovery of a change in this list, if the international organisation has not done so by that time. This list or changes thereto shall be forwarded by the Ministry of Foreign Affairs to a special unit of the Financial Police Service of the Police Force (hereinafter referred to as the "Financial Intelligence Unit") immediately after they are provided by the international organisation.

### **Article 6a** **Beneficial Owner**

(1) Beneficial owner means each natural person who ultimately owns or controls the legal person, natural person - entrepreneur or pool of assets, and each natural person in favour of whom a transaction or activity is being conducted by these entities; the beneficial owners shall include in particular,

a) in the case of a legal person which is neither a pool of assets nor an issuer of securities admitted to trading on a regulated market which is subject to disclosure requirements under a special regulation,<sup>37)</sup> an equivalent legal regulation of a Member State of the European Union or of another State which is a party to the Agreement on the European Economic Area (hereinafter referred to as a "Member State") or equivalent international standards, a natural person who

1. has a direct or indirect interest, or the aggregate thereof, of at least 25 % in the voting rights in the legal person or in its registered capital, including bearer shares,

2. has the right to appoint, otherwise establish or remove the statutory body, the management body, the supervisory body or the controlling body in the legal person or any member thereof,

3. controls the legal person in other way than mentioned in Points 1 and 2,

4. is entitled to an economic benefit of at least 25 % of the legal person's business or other activities,

b) in the case of a natural person - entrepreneur, a natural person who is entitled to an economic benefit of at least 25 % from the natural person - entrepreneur's business or from another of their activities,

c) in the case of a pool of assets, the natural person who

1. is the founder or settlor of the pool of assets; if the founder or settlor is a legal person, the natural person referred to in subparagraph (a),

2. has the right to appoint, otherwise establish or remove the statutory body, the management body, the supervisory body or the controlling body of the pool of assets or a member thereof, or is a member of the body which has the right to appoint, otherwise establish or remove such bodies or a member thereof,

3. is the statutory body, the management body, the supervisory body or the controlling body or a member of such bodies,

4. is the beneficiary of at least 25 % of the funds provided by the pool of assets, if future beneficiaries of those funds have been identified, if no future beneficiaries of the funds of the pool of assets have been identified, the beneficial owner shall be deemed to be the circle of persons who benefit significantly from the establishment or operation of the pool of assets.

(2) Where no natural person fulfils the criteria referred to in paragraph 1(a), members of the person's top management shall be considered to be the beneficial owners of that person; the statutory body or members of the statutory body shall be considered to be a member of the top management.

(3) The beneficial owner shall also be a natural person who alone does not meet the criteria referred to in paragraph 1(a), (b) or (c) of the second and fourth points, but who, together with another person acting in concert or in a common course of conduct, meets at least some of those criteria.

## **Article 7**

### **Identification**

(1) For the purpose of this Act, identification shall mean

a) in the case of a natural person, unless otherwise provided in paragraph 3, the ascertainment of name, surname, personal ID number or date of birth, if no personal ID number has been assigned, permanent address or other residence, nationality, type and number of identity document; in the case of a natural person - entrepreneur, also the ascertainment of place of business, identification number if assigned, designation of the official register or other official records where the entrepreneur is registered, and the number of registration in the register or records,

- b) in the case of a legal person or pool of assets, the ascertainment of name, registered office, identification number, designation of the official register or other official records where the legal person or pool of assets is registered, the number of registration in the register or records, and the identification of the natural person authorised to act on behalf of the legal person or pool of assets,
- c) in the case of a person represented on the basis of a Power of Attorney, the ascertainment of their data pursuant to subparagraph (a) or (b) and the ascertainment of the data of the natural person, who is authorised to act on behalf of this legal person or natural person within the scope of data according to subparagraph (a),
- d) in the case of a minor who does not have an identity document, the ascertainment of name, surname, personal ID number or date of birth, if no personal ID number has been assigned, permanent address or other residence, nationality of the minor and their legal representative or
- e) for the performance by third parties pursuant to Article 13, taking over the data and documents from a bank or financial institution.
- (2) Based on the risk assessment pursuant to Article 20a (1), the obliged person may, in addition to the data listed in paragraph 1, also request other data, such as the telephone number, address for the delivery of electronic mails, data on employment or employer.
- (3) For the purposes of this Act, identification of the beneficial owner shall mean the ascertainment of name, surname, personal ID number or date of birth, if no personal ID number has been assigned, permanent address or other residence, and nationality.

## **Article 8**

### **Identification Verification**

- (1) For the purposes of this Act, identification verification shall mean
- a) in the case of a natural person, the verification of the data pursuant to Article 7(1)(a) in their identity document, if provided there, and the verification of the person's appearance with the appearance in their identity document in the physical presence of the person or with the use of the technical means and procedures if such means and procedures can be used to verify the identification at a level, which is similar to the verification in the physical presence in terms of credibility of the verification result; in the case of a natural person - entrepreneur also the verification of the data pursuant to Article 7(1)(a) on the basis of the documents, data or information obtained from an official register or other official records, in which the entrepreneur is registered, or from another credible and independent source,
- b) in the case of a legal person, the verification of the data pursuant to Article 7(1)(b) on the basis of documents, data or information obtained from the official register or other official records in which the legal person is registered or from another credible and independent source, and verification of the identification of the natural person who is authorised to act on behalf of the legal person within the scope of the data pursuant to Article 7(1)(a) and in the

manner referred to in subparagraph (a), and verification of the authorisation to act on behalf of the legal person,

c) in the case of a person represented on the basis of a Power of Attorney, the verification of their data pursuant to Article 7(1)(c) on the basis of the documents, data or information obtained from the submitted Power of Attorney with the attested signature, from an official register or other official records, or from other credible and independent source, and the verification of the identification of the natural person, who is authorised to act on the basis of the Power of Attorney within the scope of the data pursuant to Article 7(1)(a) in their identity document in their physical presence,

d) in the case of a minor who does not have an identity document, the verification of the type and number of the identity document and of the appearance of the present minor's legal representative with the appearance in their identity document,

e) the verification of the identification number or code allocated to the customer for transaction execution through the technical equipment by the obliged person pursuant to a special regulation,<sup>34</sup>) if the customer has already been identified pursuant to Article 7(1)(a) to (d),

f) proving of customer's identity by a qualified electronic signature,<sup>35</sup>) if the customer has already been identified pursuant to Article 7(1)(a) to (d), or by using the official authentication code;<sup>35a</sup>) the verification of the identification with the use of the qualified electronic signature or official authentication code shall be considered the verification of identification in the customer's physical presence,

g) the verification of the identification in other way if such way is allowed by a special regulation.<sup>36</sup>)

(2) The obliged person shall be obliged to verify the identification of the customer that is a natural person, and the identification of each natural person acting for the customer that is a legal person, before the establishment of a business relationship or the carrying-out of the transaction in their physical presence unless otherwise laid down by this Act.

(3) The verification of the identification of the customer and the adoption of measures for the verification of the identification of the beneficial owner can be completed during the establishment of a business relationship if this is necessary not to interrupt the normal conduct of business and where there is little risk of money laundering or terrorist financing occurring. In these cases, the obliged person shall be obliged to complete the verification of the identification of the customer and the adoption of measures for the verification of the beneficial owner without undue delay after the customer is present physically for the first time at the obliged person's place.

(4) The verification of the identification of the customer and the adoption of measures for the verification of the information concerning the identification of the beneficial owner can be completed after the transaction has been carried out between the customer and the obliged person mentioned in Article 5(1)(a) or after an account in the bank has been opened including the accounts allowing transactions with transferable securities, provided that it is sufficiently ensured that neither the customer nor anybody else on behalf of the customer can dispose of

the funds or transferable securities until the verification of the identification of the customer and the adoption of measures for the verification of the information concerning the identification of the beneficial owner.

(5) The verification of the identification of the beneficiary under the life insurance policy covered by the duty of verification shall take place at or before the time of payout or at or before the time the beneficiary intends to exercise rights vested under the policy.

(6) For the purposes of identification and verification of the identification of the customer using an official authentication code, the Ministry of Interior of the Slovak Republic shall ensure the verification of the identity of the customer of the obliged person in the same way as for authentication pursuant to a special regulation.<sup>36a)</sup>

## Article 9

### Definitions of Other Basic Terms

For the purposes of this Act, the following definitions shall also apply

- a) property shall mean any asset, whatever its nature, and in particular movable property, immovable items, flats, non-residential premises, securities, receivables, rights to the results of intellectual creative activity, including rights to industrial rights, as well as legal documents and deeds proving the legal relationship to the property or an interest in it,
- b) trust and company service provider shall mean an entrepreneur providing third parties with any of the following services:
1. acting as a formation agent of business companies and other legal entities,
  2. acting as (or arranging for another person to act as) a statutory body, member of a statutory body, a person under the direct authority of the statutory body or of its member, procurator, manager of the branch or other organisational unit of an enterprise, liquidator of a business company or acting in a similar position in relation to third parties,
  3. providing a registered office, business address, correspondence address, and other related services for legal persons and special-purpose pools of assets regardless of their legal personality, which manage and distribute funds,
  4. acting as (or arranging for another person to act as) a trustee,
  5. acting as (or arranging for another person to act as) a nominee shareholder for a third person different from the issuer of securities listed on a regulated market that is subject to disclosure requirements pursuant to a special regulation,<sup>37)</sup>
- c) shell bank shall mean a bank or a financial institution incorporated in the companies register or in a similar register in the country in which neither its registered office nor its management is present, and which is unaffiliated with a regulated financial group,

- d) customer shall mean a person that
1. is a party to a contractual relationship related to the business activity of the obliged person,
  2. participates in the proceedings on the basis of which they are to become a party to the contractual relationship related to the business activity of the obliged person,
  3. represents a party to the contractual relationship related to the business activity of the obliged person in the proceedings with the obliged person, or
  4. is, on the basis of other facts, entitled to dispose of the subject matter of the contractual relationship related to the business activity of the obliged person,
- e) pool of assets shall mean a customer which is a foundation,<sup>38)</sup> non-profit organisation providing welfare services,<sup>39)</sup> non-investment fund<sup>40)</sup> or other special-purpose pool of assets whatever its legal personality, which manages and distributes funds,
- f) business relationship shall mean a contractual relationship between the obliged person and a customer, including any activities related to that relationship, which, at the time of contact, is expected to include an element of duration and further performance or recurring performance,
- g) transaction shall mean the establishment, change or end of the contractual relationship between the obliged person and its customer, and any business operation of the customer or on behalf of the customer or disposal of the property of the customer or on behalf of the customer, which are related to the activity of the obliged person, including the operation carried out by the customer in their own name and for their own account,
- h) type of transaction shall mean a group of transactions within the activities of the obliged person, for which certain signs or contractual conditions of provision by the obliged person are typical,
- i) criminal activity shall mean criminal activity<sup>41)</sup> committed in the territory of the Slovak Republic or outside the territory of the Slovak Republic,
- j) financing of everyday needs of the person for whom there is a well-founded reason to believe that they intend to commit or have committed a terrorist offence and certain forms of participation in terrorist acts shall mean the collection or provision of funds or property to such person in order to satisfy their common basic necessities,
- k) correspondence relationship shall mean
1. the provision of banking services by one bank as a correspondent bank to another bank as a partner bank, including the provision of current or other accounts and related services such as cash management, cross-border fund transfers, cheque clearing, correspondent accounts and foreign exchange services,

2. relationships between and among banks and financial institutions, within which the correspondent institution provides similar services to the respondent institution, including the relationships established for the purposes of securities transactions or funds transfers,

l) virtual currency shall mean a digital carrier of value, which is neither issued nor guaranteed by a central bank or general government authority, is not necessarily linked to a legal means of payment, and which does not have a legal status of currency or money but is accepted by some natural persons or legal persons as an instrument of exchange, which can be electronically transferred, kept or traded in electronic form,

m) electronic money shall mean electronic money according to a special regulation<sup>41aa)</sup> reduced by a monetary value specified by a special regulation,<sup>41ab)</sup>

n) virtual currency wallet service provider shall mean a person providing services to safeguard private cryptographic keys on behalf of its customers, to hold, store and transfer virtual currency,

o) virtual currency exchange service provider shall mean a person, who, within their business activities, offers or carries out transactions with virtual currency entailing purchase of virtual currency for euros or a foreign currency or sale of virtual currency for euros or foreign currency,

p) financial information shall mean any information or data held by the Financial Intelligence Unit for the purpose of preventing and detecting money laundering and terrorist financing, such as data on financial assets, movements of funds or business relationships,

q) financial analysis shall mean the operational analysis and strategic analysis prepared by the Financial Intelligence Unit, whereby

1. operational analysis is an analysis that focuses on individual cases and specific targets of money laundering and terrorist financing or on appropriately selected information, depending on the type and volume of information provided and its subsequent use,

2. strategic analysis is an analysis that addresses trends and types of money laundering and terrorist financing.

## **PART TWO**

### **CUSTOMER DUE DILIGENCE APPLIED BY THE OBLIGED PERSON**

#### **Article 10**

##### **Basic Due Diligence**

(1) Basic customer due diligence applied by the obliged person shall include

a) identification of the customer and verification of the customer's identification,

- b) identification of the beneficial owner and taking reasonable steps to verify the information relating to the identification of the beneficial owner, including steps to establish the ownership structure and management structure of the customer which is a legal person or pool of assets; the obliged person shall not rely solely on data obtained from the Register of Legal Entities, Entrepreneurs and Public Authorities<sup>41c)</sup> (hereinafter referred to as the “Register of Legal Entities”) for the identification of the beneficial owner if, on the basis of a risk assessment pursuant to Article 20a, there is a higher risk of money laundering or terrorist financing and it is obliged to verify the information relating to the identification of the beneficial owner from an additional credible source,
- c) obtaining and evaluating information about the purpose and intended nature of the transaction or business relationship and information about the nature of the customer’s business,
- d) determining whether the customer or the beneficial owner of the customer is a politically exposed person or a sanctioned person, <sup>1a)</sup>
- e) depending on the risk of money laundering or terrorist financing, the determination of the origin of funds or property used in the transaction or business relationship,
- f) the ascertainment whether the customer acts in their own name,
- g) conducting ongoing monitoring of the business relationship including the review of particular transactions carried out throughout the duration of the business relationship in order to find out whether the transactions being carried out are consistent with obliged person’s knowledge of the customer, the customer’s business profile, an overview of the potential risks associated with the customer and the source of funds and assets used in the business relationship or transaction, and the assurance of updating of the documents, data or information on the customer available to the obliged person.

(2) The obliged person shall be obliged to carry out basic customer due diligence

- a) when entering into a business relationship,
- b) when carrying out occasional transactions out of the business relationship amounting to EUR 15,000 or more, and when carrying out occasional transactions in cash out of the business relationship amounting to EUR 10,000 or more, whether the transaction is carried out in a single operation or in several operations which are or can be linked,
- c) when there is a suspicion that the customer is preparing or performing an unusual transaction regardless of the value,
- d) when there are doubts about the veracity or completeness of the previously obtained data necessary to apply customer due diligence pursuant to paragraph 1,
- e) for providers of gambling services, when carrying out transactions amounting to EUR 2,000 or more, whether the transaction is carried out in a single operation or in several operations which are or can be linked or



f) for payment of balance of cancelled bearer deposit.

(3) The obliged person shall also be obliged to carry out the identification of the customer and verification of the customer's identification in carrying out the transaction, whose value amounts to EUR 1,000 and more unless it is the case pursuant to paragraph 2.

(4) The obliged person shall determine the scope of customer due diligence adequately in respect to the risk of money laundering or terrorist financing. In assessing the risk of money laundering or terrorist financing, the obliged person shall be obliged to evaluate and take into account the risk factors listed in risk assessment pursuant to Article 20a. During the control, the obliged person shall be obliged to prove that the scope of customer due diligence is adequate to the risk of money laundering or terrorist financing.

(5) The customer shall provide the obliged person with information and documents necessary for customer due diligence or for the identification and verification of the identification pursuant to paragraph 3.

(6) The obliged person shall also verify the validity and completeness of the identification data and information pursuant to paragraph 1 depending on the risk of money laundering or terrorist financing in the course of the business relationship, and record their changes.

(7) If the obliged person finds out that the customer does not act in their own name, it shall call upon the customer to prove, through a binding written declaration, the name, surname, personal ID number or date of birth of the natural person, or the business name, registered office, and identification number of the legal person, in whose name the transaction is carried out; the obliged person shall follow the same procedure in case that there are doubts whether the customer acts in their own name.

## **Article 10a**

### **Retention of Data on the Beneficial Owner**

(1) A legal person which is not a general government entity<sup>41a</sup>) and a special-purpose pool of assets without legal personality shall be obliged to identify their beneficial owner and to maintain and continuously update in paper form or in electronic form the identification data on the beneficial owner to the extent referred to in Article 7(3), the data establishing the status of the beneficial owner pursuant to Article 6a(1) and the data demonstrating the status of the beneficial owner, if the data is not part of the verification document in the register of public sector partners.<sup>41b</sup>)

(2) The data on the beneficial owner referred to in paragraph 1 shall be retained by a legal person which is not a general government entity and by a special-purpose pool of assets without legal personality for as long as the natural person has the status of beneficial owner and for a further five years from the cessation of that status or the dissolution of that legal person.

(3) If the Register of Legal Entities does not contain data on the beneficial owner pursuant to paragraph 1, at the request of the obliged person, the Financial Intelligence Unit, the

National Bank of Slovakia, a court, a law enforcement authority or a state administration authority in the field of taxes, fees and customs, a legal person that is not a general government entity and a special-purpose pool of assets without legal personality are obliged to report the required data pursuant to paragraph 1 within a specified period of time.

1. In case of doubts about the truthfulness or completeness of the data entered in the Register of Legal Entities or the data provided in accordance with the procedure under the first sentence, at the request of the obliged person, the Financial Intelligence Unit, the National Bank of Slovakia, a court, a law enforcement authority or a state administration authority in the field of taxes, fees and customs, a legal person that is not a general government entity and a special-purpose pool of assets without legal personality shall be obliged to remove the doubts within the time limit specified in the request. If a legal person that is not a general government entity and a special-purpose pool of assets without legal personality do not remove doubts about the truthfulness or completeness of the data entered in the Register of Legal Entities or the data provided pursuant to the first sentence, the obliged person, the Financial Intelligence Unit, the National Bank of Slovakia, a court, a law enforcement authority or a state administration authority in the field of taxes, fees and customs shall notify the identified irregularities to the public authority that maintains the records from which the data is provided to the Register of Legal Entities.

## Article 11

### Simplified Due Diligence

(1) The obliged person may apply simplified customer due diligence measures for a customer representing a low risk of money laundering or terrorist financing,

a) where the customer is a bank or financial institution pursuant to Article 5(1)(b), first to tenth subparagraphs, which operates in the territory of a Member State,

b) if the customer is a bank or financial institution operating in the territory of a third country, which imposes money laundering and terrorist financing prevention and detection requirements equivalent to those laid down hereby, and supervised for compliance with those requirements,

c) if the customer is a legal person whose securities are admitted to trading on a regulated market of a Member State or a company operating in the territory of a third country, which imposes money laundering and terrorist financing prevention and detection requirements equivalent to those laid down hereby, and that is subject to disclosure requirements consistent with the requirements pursuant to a special regulation,<sup>37)</sup>

d) to the extent of identification and verification of information relating to the identification of the beneficial owner if the joint account is managed by a notary or a lawyer operating in a Member State or in a third State which imposes obligations in the field of prevention and detection of money laundering and financing of terrorism equivalent to those laid down in this Act, and if the data on the identification of the beneficial owner is available on request to the obliged person who maintains the account,

e) if the customer is an entity of the general government,

- 
- f) if the customer is a public authority, and if
1. the customer has been entrusted with public functions pursuant to the Treaty on European Union and the Treaty on the Functioning of the European Union,
  2. the identification data of the customer is publicly available, transparent and certain,
  3. the customer's activity is transparent,
  4. the accounts of the customer present a true and fair view of the subject of accounting and its financial situation, and
  5. the customer is accountable to a Community institution or to the authorities of a Member State, or other appropriate procedures exist ensuring control of the customer's activity.
- (2) The obliged person may also apply simplified customer due diligence measures for
- a) life insurance policies where the annual premium is no more than EUR 1,000 or the single premium is no more than EUR 2,500,
  - b) contracts of old-age pension savings with a pension administration company registered in the register of contracts of old-age pension savings,<sup>42)</sup>
  - c) the membership contract and the employer's contract with a complementary pension company,<sup>14)</sup>
  - d) the types of transaction representing a low risk of money laundering or terrorist financing based on risk assessment pursuant to Article 10(4) and meeting the following conditions:
    1. the contract of provision of the type of transaction is in written form,
    2. the payments within the type of transaction are made exclusively through an account kept in favour of the customer in a bank of a Member State or third country, which takes measures in the area of money laundering or terrorist financing prevention and detection equal to the measures laid down hereby,
    3. the type of transaction or payments within the type of transaction are not anonymous and their nature is such that it allows for the detection of an unusual transaction,
    4. a threshold of EUR 15,000 is predetermined for the type of transaction,
    5. the benefits of the transaction cannot be realised for the benefit of third parties, except in the case of death, disablement, survival to a predetermined advanced age, or similar events,
    6. in the case of transactions allowing for the investment of funds in financial assets or claims, including insurance or other kind of contingent claims, the benefits are only realisable

in the long term, the transaction cannot be used as collateral, the type of transaction does not allow accelerated payments are made, and no surrender clauses are used and no early termination takes place.

e) long-term investment savings pursuant to a special regulation, 42a) if payment of financial resources from the savings is not made within a period shorter than 15 years from the date of entering into a contract of savings, and

1. conditions pursuant to letter (d) Point 2 are met or

2. payments are made by the employer,

f) provision of payment service 42b) to a customer, using the payment means 42c) issued by another obliged person, who has already identified and verified the identification of the customer in compliance with this Act.

(3) In carrying out simplified customer due diligence, the obliged person shall be obliged to carry out the identification of the customer and verify whether according to information on the customer or transaction available to the obliged person there is no suspicion that the customer is preparing or carrying out an unusual transaction and whether simplified customer due diligence is needed. If there is a suspicion that the customer is preparing or carrying out an unusual transaction and if there are doubts whether simplified customer due diligence is needed, the obliged person shall be obliged to apply basic due diligence.

(4) The obliged person shall be obliged to monitor the transactions or business relationships so that it is possible to detect an unusual transaction.

### **Article 11a**

#### **Exemptions from Customer Due Diligence**

(1) The obliged person is not obliged to carry out the due diligence referred to in Articles 10, 11 and 12 in relation to a customer in the case of

a) electronic money held on a payment means, to which electronic money cannot be deposited repeatedly, and the maximum amount stored will not exceed EUR 150,

b) electronic money held on a payment means, to which electronic money can be deposited repeatedly, and neither the maximum amount deposited nor the total monthly limit for the outgoing payment by electronic money that can be used only in the territory of the Slovak Republic will exceed EUR 150 or

c) payment services provided through the public electronic communication network without the use of electronic money provided that the value of one transaction does not exceed EUR 30 and at the same time, the total monthly limit of payments made from one telephone number does not exceed EUR 150.

(2) The payment means pursuant to paragraph 1 can be used exclusively for purchases of goods and services and they cannot be funded by anonymous electronic money.

(3) The provision of paragraph 1 shall not be used in case of reverse exchange of cash or cash withdrawal of an amount exceeding EUR 50.

(4) The obliged person shall be obliged to monitor the transactions or business relationships so that it is possible to detect an unusual transaction.

## **Article 12**

### **Enhanced Due Diligence**

(1) An obliged person shall exercise enhanced due diligence where, on the basis of a risk assessment pursuant to

Article 10(4), a customer, a type of transaction or a particular transaction poses a higher risk of money laundering or terrorist financing. Enhanced due diligence shall always be exercised by the obliged person in the case of a cross-border correspondence relationship between a bank and a financial institution and a partner institution from a third country, in the case of a transaction or business relationship with a politically exposed person or with a person established in a country designated by the European Commission as high risk.<sup>43a)</sup>

(2) In the case of enhanced due diligence, the obliged person shall, in addition to the basic due diligence, take additional measures depending on the risk of money laundering or terrorist financing. Enhanced customer due diligence shall be carried out at least in the following scope:

a) in the cases when risk assessment pursuant to Article 10(4) shows that it is necessary to carry out enhanced due diligence and the customer is not physically present for the purposes of identification and verification of identification, customer identification through additional documents, data or information and taking additional measures to verify or certify the documents submitted and

1. requesting written confirmation from another bank, a foreign bank operating in the territory of a Member State or a financial institution operating in the territory of a Member State that it is its customer,

2. ensuring that the first payment is carried out through an account opened in the customer's name with the bank or foreign bank operating in the territory of a Member State, if the customer has submitted a document proving the existence of such account, or

3. verification of the identification of the customer to the extent that the provision of a payment initiation service<sup>43b)</sup> or a payment account information service<sup>43c)</sup> by another obliged person permits, provided that at least the basic due diligence pursuant to Article 10 has been carried out by that obliged person,

b) in the case of a cross-border correspondence relationship between a bank and a financial institution and a partner institution from a third country

1. gathering information about the respondent institution to understand fully the nature of the respondent's business and to determine from publicly available information their

reputation and the quality of supervision,

2. assessing the respondent institution's anti-money laundering and anti-terrorist financing controls,

3. obtaining approval from the statutory body or designated person pursuant to Article 20(2)(h) before establishing a new correspondence relationship,

4. ascertaining the respondent institution's authorisation to carry out its activities,

5. with respect to payable-through accounts, the ascertainment that the respondent institution has verified the identification of and performed ongoing due diligence on the customer having direct access to accounts of the respondent institution and that it is able to provide relevant customer due diligence data to the correspondent institution, upon request, within due diligence,

c) in respect of transactions or business relationships with politically exposed persons

1. obtaining approval from the statutory body or designated person pursuant to Article 20(2)(h) before establishing or continuing in a business relationship,

2. establishing the source of wealth and source of funds that are involved in the business relationship or transaction,

3. enhanced ongoing monitoring of the business relationship,

4. informing the statutory body or designated person pursuant to Article 20(2)(h) before paying the benefits under the insurance policy,

d) in the case of transaction or business relationship with a person established in the country, which the European Commission has designated as a high-risk country

1. ascertaining additional information on the customer and on the beneficial owner,

2. ascertaining additional information on the purpose and planned nature of the business relationship or transaction,

3. establishing the source of wealth and source of funds that are involved in the business relationship or transaction,

4. obtaining additional information from credible sources,

5. obtaining approval from the statutory body, designated person pursuant to Article 20(2)(h) or persons authorised by them before establishing or continuing in a business relationship,

6. enhanced ongoing monitoring of the business relationship.

(3) The obliged person shall apply the duties related to a politically exposed person pursuant to Article 6(1) at least for 12 months from the end of performance of the prominent public function; however, maximum until the obliged person excludes for the customer the risk specific for politically exposed persons based on risk assessment pursuant to Article 20a.

### **Article 13**

#### **Performance by Third Parties**

(1) The obliged person may take over the data and documents pursuant to Article 10(1)(a) to (c) necessary for customer due diligence from a bank or financial institution pursuant to Article 5 (1)(b) Points 1 to 10, which operates in the territory of a country, which imposes the duty to take measures equivalent to customer due diligence pursuant to Article 10, Articles 11 and 12 and data retention pursuant to Article 19 in compliance with the requirements of the legislation of the European Union, and which is supervised at the level consistent with the legislation of the European Union.

(2) The bank or financial institution that has already applied customer due diligence shall immediately provide data within the scope of Article 10(1) (a) to (c), including the copies of the relevant documentation, to the obliged person following paragraph 1 a ensuring the take-over of the data.

(3) The procedure carried out by the obliged person pursuant to paragraph 1 shall not relieve it from the responsibility for applying customer due diligence pursuant to this Act.

(4) The obliged person shall not take over the data and documents pursuant to paragraphs 1 and 2 from the bank or financial institution pursuant to Article 5(1)(b) Points 1 to 10, which operates in the country identified as a high-risk country by the European Commission.

(5) The business relationships between the obliged persons and the persons acting for the obliged person based on other contractual relationship than as employees shall not be considered performance by third parties.

## **PART THREE**

### **PROCEDURE UPON THE DETECTION OF AN UNUSUAL TRANSACTION AND OTHER DUTIES OF OBLIGED PERSONS**

#### **Article 14**

##### **Detecting Unusual Transactions**

(1) The obliged person shall be obliged to assess, whether the transaction being prepared or carried out is unusual.

(2) The obliged person shall be obliged to pay special attention to

a) all complex transactions, unusually large transactions, transactions of an unusual nature or transactions which have no obvious economic purpose or no obvious lawful purpose, the

obliged person being obliged to examine the purpose of such transactions as far as possible,

b) each risk of money laundering or terrorist financing, which can result from a type of transaction, from the particular transaction or new technological procedures in carrying out the transactions that can support anonymity, and it shall take proper measures, if necessary to prevent their use for the purposes of money laundering and terrorist financing.

(3) The obliged person shall make a written record of the transactions pursuant to paragraph 2(a) and have it available during the control pursuant to Article 29; the written record must contain information justifying the result of transaction assessment.

(4) The obliged person shall increase the degree and nature of business relationship monitoring in order to find out, whether in relation to the transaction pursuant to paragraph 2 there is a suspicion that the customer is preparing or carrying out an unusual transaction.



## Article 15

### Refusal to Establish a Business Relationship, Termination of a Business Relationship or Refusal to Carry out a Transaction

The obliged person is obliged to refuse to enter into a business relationship, to terminate a business relationship or to refuse to execute a specific transaction if

- a) the obliged person is unable to carry out customer due diligence to the extent referred to in Article 10(1), or
- b) the customer refuses to prove in whose name they act.

## Article 16

### Delaying Unusual Transactions

(1) The obliged person shall be obliged to delay an unusual transaction until the unusual transaction is reported to the Financial Intelligence Unit.

(2) The obliged person shall be obliged to delay an unusual transaction if there is a threat that if it is carried out, it can frustrate or essentially hinder the seizure of proceeds from criminal activity or funds determined for terrorist financing; or if asked for it by the Financial Intelligence Unit in writing, until it receives the notice from the Financial Intelligence Unit that it has to carry out the unusual transaction, however, maximum for 120 hours; after the expiry of this time-limit, the obliged person shall be obliged to delay the unusual transaction based on the notice from the Financial Intelligence Unit that the matter has been handed over to law enforcement authorities, however, no longer than for additional 72 hours. Saturdays and public holidays are not counted in the period of delaying the unusual transaction. The obliged person shall immediately inform the Financial Intelligence Unit on the delaying of the unusual transaction.

(3) The obliged person shall not delay the unusual transaction if

- a) it cannot be delayed for operational or technical reasons; the obliged person shall immediately inform the Financial Intelligence Unit on this fact, or
- b) the delay could, according to the previous notice from the Financial Intelligence Unit, frustrate the processing of the unusual transaction.

## Article 17

### Reporting Unusual Transactions

(1) The obliged person shall report the unusual transaction or the attempted unusual transaction to the Financial Intelligence Unit without undue delay. The obliged person shall also immediately report the refusal to carry out a requested unusual transaction pursuant to Article 15 to the Financial Intelligence Unit.

(2) The reporting duty shall be fulfilled by reporting the unusual transaction in the way guaranteeing that information contained therein will be kept secret from an unauthorised person,

- a) in person,
- b) in writing,
- c) in electronic form or

d) by phone if the matter brooks no delay; such report shall also be provided in person, in writing or in electronic form within three days from the receipt of the report by phone by the Financial Intelligence Unit.

(3) The report of the unusual transaction shall contain:

a) the name, registered office or place of business, and identification number of the obliged person,

b) the data within the scope pursuant to Article 7 obtained by identifying the persons connected with the unusual transaction,

c) the data on the unusual transaction, in particular the reason of its unusual character, information on the essential circumstances of the transaction, the time flow of events, account numbers, data on the time of their opening, who is their owner and who is authorised to dispose of them, photo copies of the documents based on which the accounts were opened, identifications of the persons authorised to dispose of the accounts, photo copies of the contracts concluded and other related documents and information, as well as other information that can be connected with the unusual transaction and is important for its further assessment,

d) the data on the third persons having knowledge of the unusual transaction,

e) the name and surname of the person pursuant to Article 20(2)(h) and the phone contact to the person.

(4) The report of the unusual transaction must not contain the data on the employee who has detected the unusual transaction.

(5) Based on a written request, the obliged person shall provide the Financial Intelligence Unit with additional information to the report of the unusual transaction including the related documents on the unusual transaction.

(6) The reporting of an unusual transaction shall be without prejudice to the obligation to report facts indicating that a criminal offence has been committed.

## **Article 18**

### **Obligation of Secrecy**

(1) The obliged person, the employee of the obliged person, as well as the person acting for the obliged person based on other contractual relationship, shall be obliged to keep confidential the reporting of the unusual transaction and the measures taken by the Financial Intelligence Unit in relation to third persons including the persons concerned by the information. The obligation of secrecy shall also apply to the fulfilment of other obligations by the obliged person pursuant to Article 17(5) and Article 21(1).

(2) Employees of the National Bank of Slovakia and of the supervisory authority pursuant

to a special regulation<sup>44</sup>) shall be obliged to maintain confidentiality of the facts of which they have become aware during the performance of an inspection pursuant to Article 29 in relation to third parties, including persons to whom such information relates.

(3) The obligation of secrecy of the persons referred to in paragraphs 1 and 2 shall survive the termination of the employment relationship, similar labour relationship or other contractual relationship.

(4) The obligation of secrecy shall apply to everyone who becomes familiarised with the information obtained based on this Act while fulfilling the tasks of the Financial Intelligence Unit or in connection with them.

(5) The obligation to maintain confidentiality may not be invoked by the obliged person against the National Bank of Slovakia and the supervisory authority pursuant to a special regulation<sup>44</sup>) in the performance of supervision and control pursuant to Article 29 and against the competent court to the extent necessary for the performance of its tasks in identifying the beneficial owner and in maintaining the register of public sector partners.<sup>53a</sup>)

(6) The Financial Intelligence Unit shall relieve the obliged person from the obligation of secrecy in the case of proceedings before

a) law enforcement authorities,

b) court,

c) the authority authorised under a special regulation<sup>45</sup>) to decide on a petition for withdrawal of the authorisation for entrepreneurial activity or other self-employed activity pursuant to Article 34.

(7) The Financial Intelligence Unit shall relieve the obliged person from the obligation of secrecy in the case of proceedings concerning damage compensation pursuant to Article 35 and proceedings before the administrative authority making decisions on the remonstrance against the decision for the violation of a duty laid down in this Act issued in administrative proceedings if it is necessary for such proceedings and it does not frustrate the processing of the unusual transaction.

(8) On the assumption that the provided information will be used exclusively for the purposes of prevention of money laundering or terrorist financing, the obligation of secrecy pursuant to paragraph 1 shall not apply to the provision of information between

a) the banks or financial institutions operating in the territory of a Member State or in the territory of a third country, which imposes money laundering and terrorist financing prevention and detection requirements equivalent to those laid down hereby, and belonging to the same financial conglomerate,<sup>46</sup>)

b) the obliged persons pursuant to Article 5(1)(h) and (j) operating in the territory of a Member State or in the territory of a third country, which imposes money laundering and terrorist financing prevention and detection requirements equivalent to those laid down

hereby, if they perform their activity as employees within the same legal person or group of legal persons, which has joint ownership, management or control of observance of regulations,

c) banks, financial institutions, obliged persons pursuant to Article 5(1)(h) and (j) in the cases concerning the same customer and the same transaction with the participation of two or more institutions or persons provided that they operate in the territory of a Member State or in the territory of a third country, which imposes money laundering and terrorist financing prevention and detection requirements equivalent to those laid down hereby, and they are obliged persons of the same type and are subject to equivalent measures for the observance of secrecy obligation and personal data protection.

(9) Obligated persons may provide information to each other pursuant to paragraph 8 even without the consent of the persons concerned.<sup>47)</sup>

(10) If the obliged person pursuant to Article 5(1)(h) to (j) acts with a view to prevent the customer from committing an illegal act, the conduct of the obliged person shall not be considered a violation of secrecy obligation pursuant to paragraph 1.

(11) The state authorities pursuant to Article 26(3) shall be obliged to maintain secrecy in relation to information and documents provided to them pursuant to Article 26(3).

(12) The performance of duties under this Act shall not be limited by the statutory duty of confidentiality under special regulations.<sup>47a)</sup>

## **Article 19**

### **Data Processing and Retention**

(1) For the purposes of exercising customer due diligence and for the purposes of detecting an unusual transaction pursuant to Article 14, the obliged person shall be entitled, even without the consent of the data subjects, to detect, obtain, record, store, use and otherwise process<sup>48)</sup> personal data and other data to the extent pursuant to Article 10(1), Article 11(3) and Article 12(1) and (2); in doing so, the obliged person shall be entitled to obtain personal data necessary for the purpose of the processing by copying, scanning or otherwise recording official documents on an information medium and to process personal ID numbers and other data and documents without the consent of the data subject<sup>49)</sup> to the extent referred to in Article 10(1), Article 11(3) and Article 12(1) and (2).

(2) The obliged person shall keep for five years after the end of the contractual relationship with the customer or the execution of an occasional transaction outside the business relationship

a) data and written documents obtained pursuant to Article 10, Article 11, Articles 12 and 14,

b) all data and written evidence of the transactions carried out,

c) all data obtained in the exercise of customer due diligence, records of the process of assessing and determining the customer's risk profile, business correspondence, the results

of analyses carried out, records of all actions taken, including any related impediments, in a manner and to an extent that ensures the traceability of the individual transactions and the procedures associated with them.

(3) An obliged person is obliged to keep the data and written documents referred to in paragraph 2 for longer than five years if the Financial Intelligence Unit so requests in writing after a thorough assessment of the need for, and appropriateness of, such further retention. The Financial Intelligence Unit shall specify in the request the time limit, which may not exceed a further five years, and the extent to which the data and written documents shall be retained.

(4) The obligations under paragraphs 2 and 3 shall also apply to a person who ceases to be an obliged person until the expiry of the period during which the obliged person is obliged to keep the data and written documents referred to in paragraphs 2 and 3.

(5) Copies of documents must be produced in such a way that the respective data is legible and can be retained pursuant to paragraphs 2 and 3; the image of the identified natural person in the identity document must have such quality that verification of appearance of the person identified is possible.

## **Article 20**

### **Programme of Obligated Person's Own Activity**

(1) The obliged person shall be obliged to develop and update in writing a programme of its own activities against money laundering and terrorist financing (hereinafter referred to as the "Programme") in the official language<sup>50</sup>) with regard to its own organisational structure, the size of the obliged person and the object of its activities, so that its content and focus enable the obliged person and its employees to fulfil their obligations against money laundering and terrorist financing pursuant to this Act. The obliged person is obliged to update the Programme in particular in connection with a change in the object of activity of the obliged person or prior to the commencement of the provision of new products, if the change in the object of activity or the commencement of the provision of new products may have an impact on the increase of the risk of money laundering or terrorist financing, as well as in connection with the amendment to the generally binding legal regulation governing the activities of the obliged person in the area of protection against money laundering and terrorist financing. The Programme shall be approved by the statutory body of the obliged person.

(2) The Programme shall contain

- a) an overview of the specific forms of unusual transactions, according to the object of the obliged person's activity, which may occur in its business activities,
- b) the way in which customer due diligence is carried out,
- c) the method of risk assessment and risk management pursuant to Article 20a,
- d) the procedure for assessing whether the transaction being prepared or carried out is

unusual,

- e) the process from the detection of an unusual transaction to its urgent reporting to the Financial Intelligence Unit, including the process and responsibilities of the staff assessing the unusual transaction,
- f) the procedure for delaying an unusual transaction pursuant to Article 16,
- g) the data retention procedure pursuant to Article 19,
- h) the designation of the person who ensures the performance of tasks in the protection against money laundering and terrorist financing, the reporting of unusual transactions and through whom ongoing contact with the Financial Intelligence Unit is ensured, indicating their name, surname and job title; where such person is not a statutory body or a member of a statutory body, that person must be a senior employee, must be able to communicate directly with the statutory body and the supervisory body and must have access to information and documents obtained by the obliged person in the course of the exercise of customer due diligence,
- i) the method of ensuring the protection of an employee who detects unusual transactions,
- j) the content and schedule of training for staff who may come into contact with unusual transactions in the course of their work,
- k) the manner in which control of compliance with the Programme and the obligations arising from this Act for the obliged person shall be carried out; where justified by the size and nature of the obliged person, it shall establish for the purpose of carrying out that control an independent unit which shall be directly subordinate to the statutory body of the obliged person.

(3) The obliged person shall ensure professional training of employees focused on the familiarisation with the Programme, at least once per calendar year and always before assigning the employee to job in order to fulfil the tasks pursuant to this Act. The obliged person shall ensure continuous access to the Programme for each employee who fulfils the tasks pursuant to this Act.

(4) The obliged person pursuant to Article 5(1)(e), (h) to (k), who only performs the activity pursuant to this Act on the contract basis for another obliged person, need not work out its own Programme if it follows the programme of the obliged person for which it performs the activity on the contract basis.

(5) The National Bank of Slovakia may, after consultation with the Ministry of Interior of the Slovak Republic, issue a generally binding legal regulation establishing requirements for obliged persons subject to the supervision of the National Bank of Slovakia pursuant to a special regulation,<sup>54)</sup> for the development, implementation, updating and application of a programme of own activities and for the assessment of risks pursuant to Article 20a and other details related to the programme of own activities and the risk assessment.

### **Article 20a Risk Assessment**

(1) Within the performance of the activities pursuant to this Act, the obliged person shall be obliged to identify, assess, evaluate and update the risks of money laundering and terrorist financing according to the types of transactions and business relationships, taking into account its own risk factors and the risk factors listed in Annex No. 2. The obliged person shall determine the risk factors in particular according to the type of customer, purpose, regularity and length of duration of the business relationship or occasional transaction out of the business relationship, product type, value and way of transaction execution, and the rate of risk in the country or geographic area to which the business relationships or transactions are related.

(2) Risk assessment must contain the determination of the methods and types of measures, based on which the obliged person manages and mitigates risks in its activities, performs internal control, and verifies employees. The risk assessment shall be proportionate to the nature and size of the obliged person and shall

take into account the results of the national risk assessment pursuant to Article 26a. The obliged person shall provide a risk assessment to the Financial Intelligence Unit if the Financial Intelligence Unit so requests.

(3) In its branches and subsidiaries, in which it holds a majority interest and which are located in the territory of another country, the obliged person shall apply group policies and procedures for the purposes of anti-money laundering/countering the financing of terrorism, including the procedures for information exchange within the group, personal data protection and maintaining the confidentiality of the information exchanged within the scope allowed by the legislation of the third country.

### **Article 21**

#### **Other Duties of the Obligated Person**

(1) The obliged person shall provide the Financial Intelligence Unit for the purposes of fulfilment of its tasks pursuant to this Act with the data on business relationships or transactions, submit documents about them and provide information on the persons that took part in the transaction in any way, if the Financial Intelligence Unit requests for it in writing; in its request, the Financial Intelligence Unit shall provide the time-limit.

(2) An obliged person shall put in place an effective system appropriate to the size and nature of the obliged person's business that enables the data referred to in paragraph 1 to be made available to the Financial Intelligence Unit without delay, at its request, through secure communication channels guaranteeing the confidentiality of the communication.

(3) When establishing a business relationship or carrying out an occasional transaction out of the business relationship, the obliged person shall advise the customer of the obliged person's duty to process personal data for the purposes of preventing and detecting money laundering and terrorist financing within the scope provided in Article 19(1).



(4) The obliged person having a branch or organisational unit in other Member State shall ensure that the branch or organisational unit observes national regulations concerning anti-money laundering and countering the terrorist financing of the other Member State.

(5) In its branches or subsidiaries situated in the territory of a third country, the obliged person shall take measures equivalent with customer due diligence pursuant to Article 10, Articles 11 and 12 and data retention pursuant to Article 19 in compliance with the requirements of the legislation of the European Union. If the legislation of the third country does not permit the implementation of such measures, the obliged person shall inform the Financial Intelligence Unit thereof and take additional measures in accordance with a special regulation.50a) If the additional measures are not sufficient, the Financial Intelligence Unit or the National Bank of Slovakia shall take further supervisory measures; in particular, it shall require the branch or subsidiary not to establish or terminate business relationships, not to carry out transactions, or to cease operations in the third country in question. If the Financial Intelligence Unit or the National Bank of Slovakia determines that the legislation of a third country does not permit the implementation of group strategies, it shall inform the participants in the European System of Financial Supervision.50b) In assessing legal regulations of the third country, all the legal obstacles of the third country preventing proper implementation of group strategies including the procedures for information exchange within the group and personal data protection shall be taken into account to an extent enabled by the law of the third country.

## **Article 22**

### **Special Provisions on Lawyers and Notaries**

(1) The provisions of Article 17(1) and (5) and Article 21(1) shall not apply to lawyers in relation to information on the customer that they receive from the customer or in other way in the course of or in relation to

a) the processing of legal analysis; this shall not apply if the legal analysis is provided for the purposes of

money laundering and terrorist financing,

b) defending the customer in criminal proceedings,

c) representing the customer in judicial proceedings or

d) the provision of legal advice relating to the proceedings referred to in subparagraphs (b) and (c), including legal advice on the initiation or prevention of proceedings referred to in subparagraphs (b) and (c), whether such information is received or obtained before, during or after such proceedings.

(2) The provisions of Article 17(1) and (5) and Article 21(1) shall not apply to notaries in relation to information on the customer that they receive from the customer or in other way in the course of or in relation to the provision of legal advice concerning the proceedings mentioned in paragraph 1 (b) and (c) including legal advice on the initiation or prevention of proceedings mentioned in paragraph 1(b) and (c), whether such information is received or

obtained before, during or after such proceedings.

### **Article 23**

#### **Special Provisions on Auditors, Accountants and Tax Advisors**

The provisions of Article 17(1) and (5) and Article 21(1) shall not apply to auditors, external accountants and tax advisors in relation to information on the customer that they receive from the customer or in other way in the course of or in relation to the provision of legal advice concerning the proceedings mentioned in Article 22(1)(b) and (c) including legal advice on the initiation or prevention of proceedings mentioned in Article 22(1)(b) and (c), whether such information is received or obtained before, during or after such proceedings.

### **Article 24**

#### **Special Provisions on Banks and Financial Institutions**

(1) Banks or financial institutions must not enter into or continue a correspondence relationship with a shell bank or a bank that is known to have entered into a correspondence relationship with a shell bank or with a bank, which does not take measures against money laundering and terrorist financing equivalent to the duties laid down by this Act.

(2) Banks and financial institutions shall be obliged to refuse to enter into a business relationship, perform a particular transaction or type of transaction while preserving the customer's anonymity.

(3) The rights and duties laid down by this Act for banks shall, in carrying out transactions pursuant to a special regulation<sup>51</sup>) also apply to the National Bank of Slovakia, except for the provisions of Article 29(1), Articles 32 and 33.

(4) The bank and financial institution shall be obliged to examine and if necessary, to change or terminate the correspondence relationships with a partner institution established in the country, which the European Commission has designated as a high-risk country.

## **PART FOUR**

### **POOLS OF ASSETS AND NATIONAL TRUSTEE**

#### **Article 25**

(1) A pool of assets shall carry out the identification of the donor and identification of the natural person or legal person that were provided with funds from the pool of assets, if the value of the donation or the amount of funds provided amounts to EUR 1,000 or more.

(2) The Financial Intelligence Unit shall be entitled to carry out an inspection pursuant to Article 29 in a pool of assets for the purpose of identifying the beneficial owner and verifying the truthfulness and completeness of the data on the beneficial owner, the identification of the persons referred to in paragraph 1, or for the purpose of verifying the disposal of the assets.

During control, the pool of assets shall have the same duties as the obliged person pursuant to Article 30.

### **Article 25a**

- (1) Within the scope of their activity, the national trustee<sup>51a</sup> is obliged
- a) to carry out customer due diligence pursuant to Article 10, Articles 11 and 12 to the extent appropriate to the activity when the account is opened,
  - b) to assess, whether the transaction being prepared or carried out is unusual,
  - c) to report an unusual transaction to the Financial Intelligence Unit in accordance with Article 17,
  - d) observe the obligation of secrecy pursuant to Article 18,
  - e) to process and retain data pursuant to Article 19,
  - f) to work out a programme containing details pursuant to Article 20(2)(a) to (e) and (g) to (k),
  - g) to ensure the training of employees pursuant to Article 20(3),
  - h) to provide the Financial Intelligence Unit with the data, information, and documents pursuant to Article 21(1),
  - i) to implement the system referred to in Article 21(2).
- (2) The Financial Intelligence Unit shall be entitled to carry out an inspection pursuant to Article 29 on the national trustee for the purpose of fulfilling and complying with the obligations pursuant to paragraph 1. During control, the national trustee shall have the same duties as the obliged person pursuant to Article 30.

## **PART FIVE**

### **STATUS AND TASKS OF THE FINANCIAL INTELLIGENCE UNIT AND OTHER BODIES**

#### **Article 26**

##### **Financial Intelligence Unit**

- (1) The Financial Intelligence Unit fulfils the tasks of a central national unit in the area of preventing and detecting money laundering and terrorist financing.
- (2) The Financial Intelligence Unit
- a) receives, analyses, evaluates and processes reports of unusual transactions and

financial information related to money laundering and terrorist financing for the fulfilment of tasks pursuant to this Act or pursuant to a special regulation<sup>52)</sup> and works out financial analyses,

- b) refers the matter to the law enforcement authorities if the facts indicate that a criminal offence has been committed,
- c) requests and checks the fulfilment of duties of obliged persons laid down by this Act,
- d) submits a suggestion of imposing a penalty upon the obliged person for the violation of or a failure to fulfil the duties imposed by this Act to the body authorised pursuant to special regulations<sup>53)</sup> to impose the penalty upon the obliged person, if it alone does not act in the matter pursuant to Article 32 or 33,
- e) submits a suggestion of withdrawal of the authorisation for business activity or other independent gainful activity of the obliged person for the repeated violation of or a failure to fulfil the duties imposed by this Act to the body authorised to make the decision on the withdrawal of the authorisation pursuant to a special regulation,<sup>45)</sup>
- f) requests the notification of the way of execution of the submitted suggestions and proposals and of the measures taken by the bodies that have been submitted the proposal for imposing a penalty or suggestion of withdrawal of the authorisation pursuant to subparagraphs (d) and (e); these bodies shall be obliged to notify the Financial Intelligence Unit,
- g) maintains secrecy regarding the content and origin of information obtained from the obliged person or national trustee through the fulfilment of their notification duty, and ensures the protection of information obtained in such way unless otherwise laid down by this Act,
- h) publishes information on the forms and ways of money laundering and terrorist financing and on the way of detection of unusual transactions,
- i) informs the obliged person or the national trustee on the efficiency of the report of unusual transaction and on the procedures following the receipt of the report of unusual transaction unless it frustrates the processing of the unusual transaction,
- j) provides information obtained during its activity based on this Act to the tax administrator and government authorities in the area of taxes, fees and customs if the information is relevant for tax administration and such provision does not endanger the fulfilment of the tasks of the Financial Intelligence Unit,
- k) provides without delay to the competent court the identification of the beneficial owner of the obliged person's customer whenever the Financial Intelligence Unit, in the course of its activities, detects discrepancies in the identification of the beneficial owner under this Act and the beneficial owner registered in the register of public sector partners,<sup>53a)</sup>
- l) forwards information to the Police Force for the fulfilment of tasks pursuant to a special regulation,<sup>53b)</sup>

m) submits a suggestion to an authorised authority for the performance of supervision, control, state supervision or state oversight of the obliged person for the violation or failure to fulfil the duties imposed by special regulations,53c)

n) publishes and keeps up-to-date on its website a list of prominent public functions; the Financial Intelligence Unit makes this list available to the European Commission,

o) publishes and keeps up-to-date on its website a list of countries identified by the European Commission as high-risk countries or which, according to reliable sources, do not have effective anti-money laundering or counter-terrorist financing systems,

p) is obliged to have a system for receiving notifications of breaches of obligations under this Act, within which the legitimate interests of the notifier and the person who, according to the notification, is responsible for the breach of obligations under this Act are protected.

(3) The Financial Intelligence Unit shall provide all the information and documents obtained pursuant to this Act to the state authorities fulfilling the tasks in the area of protection of constitutional arrangement, internal order and security of the State for the fulfilment of their statutory tasks in the fight against terrorism and organised criminal activity. The provided information shall not contain the data on its originator.

(4) If there is a suspicion of violation of secrecy pursuant to Article 18(11), the state authorities pursuant to paragraph 3 shall be obliged, based on the request from the Financial Intelligence Unit, to provide information and documents on the way of disposal of the information and documents provided pursuant to paragraph 3.

(5) Upon request, the Financial Intelligence Unit shall provide financial information and financial analyses to other units of the Police Force, law enforcement authorities, the court, the Financial Administration Criminal Office, the Financial Directorate of the Slovak Republic and the authorities referred to in paragraph 3, if it is necessary for the purpose of preventing, detecting, investigating and prosecuting serious criminal activities.53d) Without the consent of the Financial Intelligence Unit, the information pursuant to the first sentence may not be used for a purpose other than that for which it was provided, nor may it be provided to any other public authority or an authority of another State. Refusal to provide information or consent to use for another purpose must be justified by the Financial Intelligence Unit.

(6) The authorities referred to in paragraph 5 shall, for the purpose of preventing, detecting, investigating and prosecuting serious crime, be entitled to request financial information and financial analyses from foreign authorities with comparable material competence, which they may use only for the purpose for which they were requested or provided. The exchange of information referred to in paragraph 5 and in the first sentence shall be carried out by means of secure electronic communication providing a high level of security.

(7) The Financial Intelligence Unit shall not be obliged to comply with information request if the provision of information and supporting documents obtained pursuant to this Act can thwart or endanger the processing of an unusual transaction or pending criminal proceeding

or if the provision of information and supporting documents is obviously inadequate to eligible interests of the person concerned or opposes the purpose, for which the information request was submitted.

(8) The authorities referred to in paragraphs 3 and 5 shall, at the request of the Financial Intelligence Unit, provide the Financial Intelligence Unit with information in their possession which is necessary for the prevention and detection of money laundering and terrorist financing and offences punishable by a sentence of imprisonment exceeding one year; this shall not apply where the provision of the information would jeopardise the performance of the specific tasks of the intelligence service or the disclosure of its sources, means, the identity of its member or of a person acting for its benefit, or international intelligence cooperation.

(9) The Financial Intelligence Unit shall apply in its activities such organisational, personnel, technical and other measures as will ensure that information obtained in the course of its activities under this Act is not brought into contact with unauthorised persons.

### **Article 26a**

#### **National Risk Assessment**

(1) The Financial Intelligence Unit shall conduct the national money laundering and terrorist financing risk assessment at the level of the Slovak Republic. On demand, the obliged persons, the National Bank of Slovakia, law enforcement authorities, other involved state authorities, and other institutions shall participate in preparing and updating the national risk assessment and they shall be obliged to provide the Financial Intelligence Unit with necessary cooperation. The national risk assessment is approved by the Government of the Slovak Republic.

(2) Risk assessment pursuant to paragraph 1 shall take into account the risk factors provided in Annex No. 2, as well as risk assessment worked out by European Union authorities and other international institutions.

(3) National risk assessment shall be updated in particular with respect to the development of risks of money laundering and terrorist financing, and with respect to the activity of European Union bodies. The updated national risk assessment shall be submitted to the Government of the Slovak Republic for approval no later than four years after the previous approval.

(4) The Financial Intelligence Unit shall provide the results of the national risk assessment to the Committee of the Council of Europe, European Commission, parties of the European System of Financial Supervision and other Member States in order to prevent money laundering and terrorist financing. The Financial Intelligence Unit shall publish the final report on national risk assessment on its website. The Financial Intelligence Unit shall continuously inform the obliged persons on the risks identified in the national risk assessment and on mitigating measures.

## **Article 27**

### **Maintaining Statistics**

(1) The Financial Intelligence Unit shall maintain summary statistics that include data on the size and importance of the sectors covered by this Act, including the number of entities in those sectors and the economic importance of each sector, the number of reports of unusual transactions received, the various methods of processing reports of unusual transactions and the number of reports, including the number of cases referred to law enforcement or tax authorities in a calendar year, and the number of persons prosecuted, the number of persons convicted of the offence of money laundering and the offence of terrorism and certain forms of participation in terrorism, the types of offences, the value of assets seized, forfeited or confiscated, the number of human resources allocated, data on the number and results of inspections carried out, the types of penalties imposed, the amount of fines imposed and data on the number and treatment of requests from foreign counterparties. The Financial Intelligence Unit shall publish a summary of these statistics once a year in an annual report. The reports of the Financial Intelligence Unit shall include information on the activities of the Unit.

(2) For the purposes of maintaining statistics, the Financial Intelligence Unit shall be entitled to request from public authorities, obliged persons and from the national trustee the documents and information necessary for maintaining such statistics.

(3) Public authorities, obliged persons, and the national trustee shall be obliged to provide the data necessary for maintaining the statistics for free, completely, correctly, and within the time-limits specified by the Financial Intelligence Unit.

## **Article 28**

### **International Cooperation**

(1) The Financial Intelligence Unit shall cooperate with competent authorities of Member States, with the European Commission, Council of the European Union, Secretariat of the Council of the European Union and parties of the European System of Financial Supervision, in particular in exchanging and verifying information necessary to prevent and detect money laundering and terrorist financing, without undue delay and at its own instance or based on request. The request of the Financial Intelligence Unit for the provision of information must contain the justification and purpose of use of the obtained information. If the information is provided by the competent authority of a Member State on condition of a special way of use, the Financial Intelligence Unit shall be bound by that condition. The Financial Intelligence Unit may use the provided information only for the purpose, for which it was requested; it can use it for a different purpose or provide it to other authorities only after the previous consent of the competent authority of a Member State that has provided it to the Financial Intelligence Unit. International cooperation cannot be limited unless otherwise laid down by Article 26(7).

(2) The Financial Intelligence Unit may disclose the information referred to in paragraph 1 to the competent authority of a Member State subject to the condition that it is used in a specific manner. Where the competent authority of a Member State requests the Financial Intelligence Unit's consent to disclose it to another authority, the Financial Intelligence Unit shall grant such consent; the Financial Intelligence Unit need not grant such consent where

the processing of an unusual transaction or a pending criminal proceeding would be impeded or jeopardised, or where disclosure of the information would be manifestly disproportionate to the legitimate interests of the person to whom it relates or would defeat the purpose for which the request for disclosure was made, and the Financial Intelligence Unit shall justify its failure to grant such consent.

(3) The Financial Intelligence Unit cooperates with the authorities of other States to the extent and under conditions laid down in an international treaty by which the Slovak Republic is bound or on the basis of the principle of non-contractual reciprocity.

(4) The Financial Intelligence Unit may also cooperate with international organisations working in the field of prevention and detection of money laundering and terrorist financing.

(5) The Financial Intelligence Unit shall, without undue delay, provide Europol with data from the Central Register of Accounts,<sup>53e)</sup> as well as financial information and financial analysis, upon a reasoned request sent through the Europol National Unit; Article 26(5) to (7) shall apply accordingly to the provision of information.

(6) The Financial Intelligence Unit shall use designated secure communication channels to communicate with foreign authorities.

## **Control**

### **Article 29**

(1) The Financial Intelligence Unit shall carry out the control of fulfilment and observance of the obliged person's duties laid down by this Act.

(2) The control of fulfilment and observance of duties can also be carried out for a person, which has ceased to be an obliged person, within the scope of duties under the Act at the time, when it was an obliged person.

(3) The control of fulfilment and observance of the duties laid down by this Act shall also be carried out, for the obliged persons subject to supervision by the National Bank of Slovakia pursuant to a special regulation,<sup>54)</sup> by the National Bank of Slovakia, and for the obliged persons supervised by a supervision authority pursuant to a special regulation,<sup>44)</sup> also by this authority.

(4) The National Bank of Slovakia and the supervisory authority pursuant to a special regulation<sup>44)</sup> shall notify the Financial Intelligence Unit before the start of the control pursuant to paragraph 3 of the name, place of business or registered office, identification number and type of the obliged person pursuant to Article 5, at which they will carry out the control, and after the control is completed, the result of the control and the measures taken. If during the control, the National Bank of Slovakia or the supervision authority pursuant to a special regulation<sup>44)</sup> detects an unusual transaction or other facts, which could be related to money laundering or terrorist financing, they shall notify it to the Financial Intelligence Unit without undue delay.



(5) If the National Bank of Slovakia or the supervision authority pursuant to a special regulation<sup>44)</sup> commences proceedings for imposing a sanction for a failure to fulfil the duties laid down by this Act, they shall notify the Financial Intelligence Unit, without undue delay, of the date of commencement of the administrative delinquency proceedings, the identification data of the obliged person, the legal qualification and facts of the administrative delinquency committed by the obliged person. After the legally valid completion of administrative delinquency proceedings, the National Bank of Slovakia or the supervision authority pursuant to a special regulation<sup>44)</sup> shall send a counterpart of the legally valid decision on the administrative delinquency to the Financial Intelligence Unit.

(6) The duties pursuant to paragraph 4 first sentence and paragraph 5 also apply to the Financial Intelligence Unit in relation to the National Bank of Slovakia or supervisory body pursuant to a special regulation,<sup>44)</sup> if it performs control of an obliged person that is subject to supervision of the National Bank of Slovakia or supervisory body pursuant to a special regulation.<sup>44)</sup>

(7) Based on a mutual agreement, the Financial Intelligence Unit can carry out control of the fulfilment of duties under this Act at the obliged person together with the National Bank of Slovakia or the supervision authority pursuant to a special regulation.<sup>44)</sup>

### **Article 30**

(1) The obliged person shall create adequate conditions for the Financial Intelligence Unit to carry out the control, provide the Financial Intelligence Unit with necessary cooperation and refrain from any conduct which could frustrate the performance of control.

(2) For the purposes of control of the observance and fulfilment of the duties pursuant to this Act, the obliged person shall allow the Financial Intelligence Unit to access the documents or IT equipment, other technology and records on the technical data carrier, to inspect them, make excerpts, notes and copies of them; it shall prepare an official record of it. The obliged person shall be obliged to provide professional written statements related to the objects of its activity.

(3) On demand, the obliged person shall provide the Financial Intelligence Unit with any information and written documents in the official language concerning the fulfilment of duties pursuant to this Act for the period of previous five years. If the documentation is prepared in other than the official language, the obliged person shall also submit, at its own expense, the officially certified translation of the documentation into the official language. The Financial Intelligence Unit shall specify a time-limit for the obliged person for submitting the requested documentation.

(4) A person shall also be subject to the obligation referred to in paragraph 3 for a period of five years from the date on which they ceased to be an obliged person.

(5) The control pursuant to this Act shall not be governed by the general regulation on control in state administration.<sup>56)</sup>

### **Article 31**

#### **Notification Duty of the Authority Performing Supervision, Control, State Supervision or State Oversight**

The authority performing supervision, control, state supervision or state oversight of the activity of obliged persons shall notify the Financial Intelligence Unit without undue delay of any suspicion of violation of this Act or an unusual transaction if it detects the suspicion of violation of this Act or the unusual transaction when carrying out the activities under its competence.

## **PART SIX**

### **ADMINISTRATIVE DELINQUENCIES AND MEASURES**

#### **Article 32**

##### **Misdemeanours**

- (1) Any person who breaches the obligation of secrecy pursuant to Article 18 shall be guilty of misdemeanour under this Act.
- (2) A penalty amounting up to EUR 3,319 can be imposed for the misdemeanour pursuant to paragraph 1.
- (3) Misdemeanours under paragraph 1 shall be dealt with by the Financial Intelligence Unit.
- (4) Misdemeanours and their hearing shall be governed by the general regulation on misdemeanours.<sup>57)</sup>

#### **Article 33**

##### **Other Administrative Delinquencies**

- (1) Except as otherwise provided in paragraph 2, the Financial Intelligence Unit may impose a fine of up to twice the amount of the undue benefit, if such undue benefit can be determined, or up to EUR 1,000,000, whichever is higher, on a legal person and a natural person - entrepreneur for failure to comply with or breach of any of the obligations set out in this Act in Article 10(1) to (4) and (6), Article 12, Articles 14 to 17, Article 19(2) to (4), Article 21, Article 24(1) and (2).
- (2) The Financial Intelligence Unit may impose on a bank or financial institution, for failure to comply with or breach of any of the obligations set out in paragraph 1, a fine of up to EUR 5,000,000 or up to 10 % of the total annual turnover according to the latest regular financial statements, whichever is higher; where the bank or financial institution is part of a consolidated entity, a fine of up to 10 % of the total annual turnover according to the latest consolidated financial statements of the consolidated entity which the bank or financial

institution is part of.

(3) The Financial Intelligence Unit may impose a penalty up to EUR 200,000 upon a legal person and a natural person - entrepreneur if they fail to fulfil or violate some of the duties laid down by this Act if such duty is not mentioned in paragraph 1 or paragraph 2.

(4) In determining the amount of the penalty, the Financial Intelligence Unit shall take into account the seriousness, length of duration of unlawful conduct and its consequences, if they can be determined, the level of cooperation provided by the obliged person during the control, the size and nature of the business activity of the obliged person, and the repeated failure to fulfil or violation of the duties laid down by or on the basis of this Act.

(5) A penalty pursuant to paragraphs 1 to 3 may be imposed within three years from the date on which the breach of the obligation was detected by the Financial Intelligence Unit, but at the latest within seven years from the date on which the breach of the obligation occurred. The violation of the obligation shall be considered detected on the day of preparation of a written notice of the control findings.

(6) The Financial Intelligence Unit may also impose an obligation to refrain from unlawful conduct or to remedy the deficiencies detected.

(7) Proceedings for administrative delinquencies are governed by the Administrative Procedure Code.

### **Article 33a**

(1) In addition to the penalty for administrative delinquencies listed in Article 33(1) and (2), the Financial Intelligence Unit may also impose upon a legal person and natural person - entrepreneur the sanction of publishing the legally valid decision on imposing the sanction for an administrative delinquency unless otherwise laid down in paragraph 3.

(2) The sanction of publishing the legally valid decision on imposing the sanction for an administrative delinquency consists in publishing the operative part of the legally valid decision on imposing the sanction for an administrative delinquency on the website of the Financial Intelligence Unit for a period of five years.

(3) If the disclosure of a final decision on imposing a sanction for an administrative delinquency would seriously jeopardise the stability of the financial market or would be obviously inadequate to the nature and severity of the administrative delinquency committed, the Financial Intelligence Unit

a) shall postpone the disclosure of the final decision on imposing a sanction for an administrative delinquency until the reasons for non-disclosure cease to exist,

b) shall publish an anonymised final decision on imposing a sanction for an administrative delinquency or

c) shall not publish the final decision on imposing a sanction for an administrative delinquency if it does not consider the procedure pursuant to subparagraph (a) or subparagraph (b) to be sufficient.

(4) The operative part of the published legally valid decision on imposing the sanction for an administrative delinquency must not contain the data allowing the identification of other person than the obliged person.

#### **Article 34**

### **Suggestion of Withdrawal of the Authorisation for Business Activity or other Independent Gainful Activity**

If the Financial Intelligence Unit finds out that the obliged person has failed to fulfil or violated the duties laid down by this Act for more than 12 consecutive months or repeatedly, it shall submit a suggestion to the authority entitled to make decision on the withdrawal of the authorisation for business activity or other independent gainful activity pursuant to a special regulation;<sup>45)</sup> this authority shall be obliged to inform the Financial Intelligence Unit in writing on the way of suggestion execution within 30 days from the delivery of the suggestion.

## **PART SEVEN LIABILITY FOR DAMAGE**

#### **Article 35**

(1) Neither the obliged person nor its employee or the person acting for the obliged person based on other contractual relationship shall be liable for damage incurred by reporting or delaying an unusual transaction if they act bona fide. If there is any doubt, the obliged person, its employee or the person acting for the obliged person based on other contractual relationship shall be considered to have acted bona fide in reporting or delaying an unusual transaction.

(2) The State shall be liable for damage. Compensation for damage shall be provided by the Ministry of Interior of the Slovak Republic representing the State.

(3) The title to compensation for the damage incurred by reporting or delaying an unusual transaction shall be negotiated preliminarily in advance based on a written request of the aggrieved party for a preliminary negotiation of the title (hereinafter referred to as the "request") with the Ministry of Interior of the Slovak Republic.

(4) If the Ministry of Interior of the Slovak Republic fails to satisfy the title to compensation for the damage or a part of it within three months from the receipt of the request, the aggrieved party may seek the satisfaction of the title or its unsatisfied part before court.

(5) At the request of the Ministry of Interior of the Slovak Republic, everyone shall be obliged, without undue delay, to notify in writing the facts relevant for the preliminary negotiation of the title and for the judicial proceedings in the matter of compensation for damage.

- (6) During the preliminary negotiation of the title pursuant to paragraph 3, the limitation of time for damage compensation shall be interrupted from the day of lodging the request to the completion of the negotiation, however, maximum for three months.
- (7) The legal relations concerning the compensation for the damage incurred by reporting or delaying an unusual transaction shall be governed by the general regulation on damage compensation,59) unless otherwise laid down by this Act.
- (8) The provisions of paragraphs 1 to 7 shall also apply accordingly to the national bankruptcy trustee.

### **Article 35a**

#### **Derogations from the Duty to Provide Data Accompanying Transfers of Funds**

The duties pursuant to a special regulation60) shall not apply to the transfers of funds used for payment for the delivery of goods or provision of services if

- a) the transfer is carried out in the territory of the Slovak Republic,
- b) the provider of payment services of the payee is able to trace, through the unique transaction code identifier, the transfer of funds from the natural person or legal person having a contract with the payee on the delivery of goods or provision of service, and
- c) the amount of the transfer of funds does not exceed EUR 1,000.

### **Article 35b**

The obliged person, their employee and the person acting for the obliged person on the basis of another contractual relationship shall not be penalised in any way in relation to the fulfilment of the reporting obligation if they acted in good faith.

## **PART EIGHT**

### **TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 36**

##### **Transitional Provisions**

- (1) The obliged person shall also carry out due diligence pursuant to Article 10 and enhanced due diligence pursuant to Article 12 in relation to the existing customers depending on the risk of money laundering or terrorist financing by 31 December 2009.
- (2) The programme of own activity against money laundering adopted by the obliged person before 1 September 2008 shall be considered the programme of obliged person's own activity pursuant to this Act till 31 December 2008.

- (3) The obliged persons shall work out the programme of obliged person's own activity pursuant to Article 20 by 31 December 2008.
- (4) The pools of assets shall be obliged to draw up a written list of the beneficial owners by 28 February 2009 at the latest.
- (5) Banks and financial institutions shall be obliged to introduce the electronic systems pursuant to Article 24(4) no later than by 31 August 2009.
- (6) The provisions of the legal regulation effective till 31 August 2008 shall apply to imposing penalties for administrative delinquencies laid down by the legal regulation effective till 31 August 2008, which occurred before 1 September 2008.

### **Article 36a**

#### **Transitional Provisions to Amendment Effective from 15 March 2018**

- (1) The Ministry of Interior of the Slovak Republic shall be obliged to ensure the fulfilment of the duty pursuant to Article 8(6) no later than from 1 March 2019.
- (2) The programme of obliged person's own activity pursuant to Article 20 in the wording effective from 15 March 2018 shall be worked out by obliged persons by 15 May 2018.
- (3) The proceedings commenced and not finished lawfully before 15 March 2018 shall be finished pursuant to regulations effective till 14 March 2018. The legal effects of the acts occurred in the proceedings before 15 March 2018 shall remain preserved.
- (4) The control of the obliged person commenced and not finished before 15 March 2018 shall be finished pursuant to regulations effective till 14 March 2018. The legal effects of the acts occurred during the control before 15 March 2018 shall remain preserved.

### **Article 36b**

#### **Transitional Provisions to Amendments Effective from 1 November 2020**

- (1) By 30 December 2020, the Ministry of Foreign Affairs shall request an international organisation which has a seat, body or other official workplace established in the territory of the Slovak Republic as of 31 October 2020 to provide a list of its significant public functions in which persons of that organisation are active in the territory of the Slovak Republic; the Ministry of Foreign Affairs shall forward this list to the Financial Intelligence Unit immediately after it is provided by the international organisation.
- (2) The obliged person shall carry out due diligence according to the regulations in force from 1 November 2020 in relation to existing customers until 31 May 2021.
- (3) The obliged persons mentioned in Article 5(1)(o) and (p) shall be obliged to prepare a programme of obliged person's own activity pursuant to Article 20 by 31 January 2021.

(4) The proceedings commenced and not finished lawfully before 1 November 2020 shall be finished pursuant to regulations effective till 31 October 2020.

(5) The control of the obliged person commenced and not finished before 1 November 2020 shall be finished pursuant to regulations effective till 31 October 2020.

### **Article 37**

This Act transposes the legally binding acts of the European Union specified in Annex No. 1.

### **Article 38**

#### **Repealing Provision**

Act No. 367/2000 Coll. on protection against money laundering and on the amendment to certain acts as amended by Act No. 566/2001 Coll., Act No. 445/2002 Coll., Act No. 171/2005 Coll., and Act No. 340/2005 Coll. is repealed.

### **Section II**

Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as amended by Act of the National Council of the Slovak Republic No. 251/1994 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 315/1996 Coll., Act No. 353/1997 Coll., Act No. 12/1998 Coll., Act No. 73/1998 Coll., Act No. 256/1998 Coll., Act No. 116/2000 Coll., Act No. 323/2000 Coll., Act No. 367/2000 Coll., Act No. 490/2001 Coll., Act No. 48/2002 Coll., Act No. 182/2002 Coll., Act No. 422/2002 Coll., Act No. 155/2003 Coll., Act No. 166/2003 Coll., Act No. 458/2003 Coll., Act No. 537/2004 Coll., Act No. 69/2005 Coll., Act No. 534/2005 Coll., Act No. 558/2005 Coll., Act No. 255/2006 Coll., Act No. 25/2007 Coll., Act No. 247/2007 Coll., Act No. 342/2007 Coll. and Act No. 86/2008 Coll. shall be amended as follows:

1. In Article 2(1)(c), the conjunction “and” shall be replaced by comma and the words “money laundering1)” shall be replaced by the words “money laundering and terrorist financing1)”.

The footnote to reference 1 shall read:

“1) Act No. 297/2008 Coll. on protection against money laundering and terrorist financing and on the amendment to certain acts.”.

2. In the title of Article 29a, the conjunction “and” shall be replaced by comma and at the end, the following words shall be added: “and terrorist financing”.

3. In Article 29a, paragraph 5 shall read as follows:

“(5) The special department of the financial police service fulfils the tasks in preventing and detecting money laundering and terrorist financing according to a special regulation.1)”.

4. In Article 36, the words “and terrorist financing” shall be added after the words “money

laundering”.

5. In Article 72a, the words “and terrorist financing” shall be added after the words “money laundering”.

### **Section III**

Act No. 483/2001 Coll. on banks and on the amendment to certain acts as amended by Act No. 430/2002 Coll., Act No. 510/2002 Coll., Act No. 165/2003 Coll., Act No. 603/2003 Coll., Act No. 215/2004 Coll., Act No. 554/2004 Coll., Act No. 747/2004 Coll., Act No. 69/2005 Coll., Act No. 340/2005 Coll., Act No. 341/2005 Coll., Act No. 214/2006 Coll., Act No. 644/2006 Coll., Act No. 209/2007 Coll., and Act No. 659/2007 Coll. shall be amended as follows:

In Article 89 (4), the amount of “EUR 2,500” shall be replaced by the amount of “EUR 2,000”.

### **Section IV**

Act No. 429/2002 Coll. on Stock Exchange as amended by Act No. 594/2003 Coll., Act No. 43/2004 Coll., Act No. 635/2004 Coll., Act No. 747/2004 Coll., Act No. 209/2007 Coll. and Act No. 8/2008 Coll. shall be amended as follows:

1. In Article 14(1), at the end, the following words shall be added: “and against terrorist financing”.
2. Reference 21 and the footnote to reference 21 shall be omitted.

### **Section V**

Act No. 586/2003 Coll. on advocacy and on the amendment to Act No. 455/1991 Coll. on trade licensing (Trade Licensing Act) as amended, as amended by Act No. 8/2005 Coll., Act No. 327/2005 Coll., and Act No. 331/2007 Coll. shall be amended as follows:

In Article 23(1), at the end, the following words shall be added: “unless otherwise laid down by a special regulation in the area of preventing and detecting money laundering and terrorist financing13a).”.

The footnote to reference 13a shall read as follows:

“13a) Act No. 297/2008 Coll. on protection against money laundering and terrorist financing and on the amendment to certain acts.”.

### **Section VI**

Act No. 581/2004 Coll. on health insurance companies, healthcare supervision and on the amendment to certain acts as amended by Act No. 719/2004 Coll., Act No. 353/2005 Coll., Act No. 538/2005 Coll., Act No. 660/2005 Coll., Act No. 25/2006 Coll., Act No. 282/2006 Coll., Act No. 522/2006 Coll., Act No. 12/2007 Coll., Act No. 215/2007 Coll., Act No. 309/2007 Coll., Act No. 358/2007 Coll., Act No. 330/2007 Coll., Act No. 530/2007 Coll., and Act No. 594/2007 Coll. shall be amended as follows:

1. In Article 3(2)(b), at the end, the following words shall be added: “and against terrorist



financing”.

2. Reference 5 and the footnote to reference 5 shall be omitted.

### **Section VII**

Act No. 8/2005 Coll. on bankruptcy trustees and on the amendment to certain acts, as amended by Act No. 330/2007 Coll. shall be amended as follows:

In Article 5, paragraph 3 including the footnote to reference 5 shall be omitted.

### **Section VIII**

This Act shall come into effect on 1 September 2008.

**Ivan Gašparovič m. p.**

**Pavol Paška m. p. Robert Fico m. p.**

**Annex No. 1 to Act No. 297/2008 Coll.****LIST OF TRANSPOSED LEGALLY BINDING ACTS OF THE EUROPEAN UNION**

1. Directive 2009/110/EC of the European Parliament and of the Council of 16 September 2009 on the taking up, pursuit and prudential supervision of the business of electronic money institutions amending Directives 2005/60/EC and 2006/48/EC and repealing Directive 2000/46/EC (OJ L 267, 10. 10. 2009).
2. Council Directive (EU) 2016/2258 of 6 December 2016 amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities (OJ L 342, 16 12. 2016).
3. 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 terrorist 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 (OJ L 141, 5. 6. 2015).
4. Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, and amending Directives 2009/138/EC and 2013/36/EU (OJ L 156, 19. 6. 2018).
5. Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences, and repealing Council Decision 2000/642/JHA (OJ L 186, 11. 7. 2019).

**Annex No. 2 to Act No. 297/2008 Coll.****NON-EXHAUSTIVE LIST OF FACTORS OF POTENTIALLY HIGHER RISK WITH ENHANCED CUSTOMER DUE DILIGENCE****1) Customer risk factors:**

- a) the business relationship is conducted in unusual circumstances,
- b) customers that are resident in geographical areas of higher risk as set out in Point (3),
- c) legal entities or persons without legal personality that are personal asset-holding vehicles,
- d) companies in which proxy shareholders may act or companies that issue bearer shares,
- e) the customer that is a third-country national and applies for the right of residence or citizenship in a Member State in exchange of capital transfers, purchase of property or government bonds, or investment in business entities in the Member State,
- f) the customer makes heavy use of cash in their operations,
- g) the ownership structure of the customer appears unusual or excessively complex given the nature of the company's business or
- h) the customer is the beneficiary of a life insurance policy.

**2) Product, service, transaction or delivery channel risk factors:**

- a) using private banking services,
- b) products or transactions that might favour anonymity,
- c) indirect business relationships or transactions without certain security measures, such as electronic identification means, relevant trust services specified in a special regulation<sup>61)</sup> or any other secure, remote or electronic identification process regulated, recognised, approved or accepted by competent national authorities,
- d) transactions related to crude oil, weapons, precious metals, tobacco products, works of art and other objects of archaeological, historical, cultural and religious importance or scarce scientific value, as well as ivory and protected species of animals,
- e) payment received from unknown or unassociated third parties, or
- f) new products and new business practices, including new delivery mechanism, and the use of new or developing technologies for both new and pre-existing products.

**3) Geographic risk factors:**

- a) countries identified by the European Commission as high-risk and countries which, according to reliable sources, do not have effective anti-money laundering or counter-terrorist financing systems,
  - b) countries identified by reliable sources as having significant levels of corruption or other criminal activity,
  - c) countries that are subject to sanctions, embargoes or similar measures issued by, for example, the European Union or the United Nations; or
  - d) countries providing funding or support for terrorist activities or countries in which identified terrorist organisations operate.
- 1) International convention for the suppression of the financing of terrorism (Notice No. 593/2002 Coll.).
  - 1a) Act No. 289/2016 Coll. on the implementation of international sanctions and on the amendment to Act No. 566/2001 Coll. on securities and investment services and on the amendment to certain acts (Securities Act) as amended.
  - 2) Article 2(1) of Act No. 483/2001 Coll. on banks and on the amendment to certain acts.
  - 4) Article 99(1) of Act No. 566/2001 Coll. on securities and investment services and on the amendment to certain acts (Securities Act) as amended.
  - 5) Article 2(1) of Act No. 429/2002 Coll. on Stock Exchange as amended.
  - 6) Article 3(1) of Act No. 92/2008 Coll. on commodity exchange and on the amendment to Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative fees as amended.
  - 7) Article 27(1) and Article 70 of Act No. 203/2011 Coll. on collective investment as amended.
  - 8) Article 54(1) and Article 73o (6) of Act No. 566/2001 Coll. as amended.
  - 9) Articles 6 to 10 of Act No. 186/2009 Coll. on financial intermediation and financial counselling and on the amendment to certain acts.
  - 10) Article 4(5) of Act No. 203/2011 Coll. as amended.
  - 11) Article 2 of Act No. 39/2015 Coll. on insurance and on the amendment to certain acts.
  - 13) Act No. 43/2004 Coll. on old-age pension savings and on the amendment to certain acts as amended.

- 14) Act No. 650/2004 Coll. on complementary pension savings and on the amendment to certain acts as amended.
  
- 15) Article 2(k) of Act of the National Council of the Slovak Republic No. 202/1995 Coll., Foreign Exchange Act, and the act amending Act of the Slovak National Council No. 372/1990 Coll. on misdemeanours as amended, as amended.
  
- 17) Act No. 455/1991 Coll. on trade licensing (Trade Licensing Act) as amended.
  
- 18) Act No. 527/ 2002 Coll. on voluntary auctions and on the amendment to Act of the Slovak National Council No. 323/1992 Coll. on public notaries and notary's activity (Notarial Rules) as amended.
  
- 19) Article 39 of Act No. 222/2004 Coll. on value added tax as amended.
  
- 19a) Article 63 of Act No. 492/2009 Coll. on payment services and on the amendment to certain acts.
  
- 19aa) Article 79a of Act No. 492/2009 Coll. as amended.
- 19ab) Article 79b of Act No. 492/2009 Coll. as amended.
- 19b) Article 75 of Act No. 492/2009 Coll.
- 19c) Article 81(1) of Act No. 492/2009 Coll. as amended by Act No. 394/2011 Coll.
  
- 20) Act No. 80/1997 Coll. on the Export-Import Bank of the Slovak Republic as amended.
  
- 21) Article 2(d) of Act No. 30/2019 Coll. on gambling games and on the amendment to certain acts.
  
- 22) Article 7 of Act No. 324/2011 Coll. on postal services and on the amendment to certain acts.
  
- 23) Article 2 of Act of the National Council of the Slovak Republic No. 233/1995 Coll. on court distrainers and distraint procedures (Distraint Rules) and on the amendment to certain acts as amended.
  
- 24) Act No. 8/2005 Coll. on bankruptcy trustees and on the amendment to certain acts, as amended by Act No. 330/2007 Coll.
  
- 25) Act No. 423/2015 Coll. on statutory audit and on the amendment to Act No. 431/2002 Coll. on accounting as amended, as amended by Act No. 91/2016 Coll.
  
- 26) Act of the Slovak National Council No. 78/1992 Coll. on tax advisors and the Slovak Chamber of Tax Advisors, as amended.
  
- 26a) E.g., Act No. 455/1991 Coll. as amended, Act No. 586/2003 Coll. on advocacy and on the amendment to Act No. 455/1991 Coll. on trade licensing (Trade Licensing Act) as amended, as amended.

- 27) Act No. 586/2003 Coll. on advocacy and on the amendment to Act No. 455/1991 Coll. on trade licensing (Trade Licensing Act) as amended, as amended.
- 28) Act of the Slovak National Council No. 323/1992 Coll. on public notaries and notary's activity (Notarial Rules) as amended.
- 29) E.g., Article 18(2)(a) of the Civil Code, Act No. 116/1985 Coll. on the conditions of activity of organisations with an international element in the Czechoslovak Socialist Republic, as amended, Act No. 83/1990 Coll. on the association of citizens, as amended.
- 30) Article 18(2)(b) of the Civil Code, Act No. 147/1997 Coll. on non-investment funds and on the amendment to Act of the National Council of the Slovak Republic No. 207/1996 Coll., Act No. 213/1997 Coll. on non-profit organisations providing generally beneficial services, as amended by Act No. 35/2002 Coll., Act No. 34/2002 Coll. on foundations and on the amendment to the Civil Code, as amended.
- 32a) Article 2(b) of Act No. 129/2010 Coll. on consumer credits and other credits and loans for consumers and on the amendment to certain acts, as amended by Act No. 35/2015 Coll.
- 34) Act No. 483/2001 Coll. as amended.
- 35) Article 3 (12) of Regulation (EU) No. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28. 8. 2014).
- 35a) Article 21(1)(a) of Act No. 305/2013 Coll. on the electronic form of governance conducted by public authorities and on the amendment to certain acts (Act on e-Government) as amended.
- 36) Article 48 of Act of the Slovak National Council No. 323/1992 Coll., Article 89(2) of Act No. 483/2001 Coll. 36a) Article 3(p) and Article 19(6) of Act No. 305/2013 Coll. as amended.
- 37) Act No. 566/2001 Coll. as amended.
- 38) Act No. 34/2002 Coll. as amended.
- 39) Act No. 213/1997 Coll. as amended by Act No. 35/2002 Coll. 40) Act No. 147/1997 Coll.
- 41) Criminal Code.
- 41a) Article 3(1) of Act No. 523/2004 Coll. on budgetary rules of general government and on the amendment to certain acts.
- 41aa) Article 80(1) of Act No. 492/2009 Coll. as amended by Act No. 394/2011 Coll.
- 41ab) Article 1(3)(k) and (l) of Act No. 492/2009 Coll. as amended.
- 41b) Act No. 315/2016 Coll. on the register of public sector partners and on the amendment to certain acts.

41c) Act No. 272/2015 Coll. on the Register of Legal Entities, Entrepreneurs and Public Authorities and on the amendment to certain acts as amended by Act No. 52/2018 Coll.

42) Article 2 of Act No. 43/2004 Coll. as amended.

42a) Article 7(11) of Act No. 566/2001 Coll. as amended by Act No. 253/2015 Coll.

42b) Article 2(1)(e), (g) or (h) of Act No. 492/2009 Coll. as amended by Act No. 281/2017 Coll. 42c) Article 2(19) of Act No. 492/2009 Coll. as amended by Act No. 281/2017 Coll.

43a) Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies (OJ L 254, 20. 9. 2016).

43b) Article 2(1)(g) of Act No. 492/2009 Coll. as amended by Act No. 281/2017 Coll. 43c) Article 2 (1)(h) of Act No. 492/2009 Coll. as amended by Act No. 281/2017 Coll.

44) Article 75(b) of Act No. 30/2019 Coll.

45) E.g., Act No. 455/1991 Coll. as amended.

46) Article 49b of Act No. 483/2001 Coll. as amended.

47) Article 4(2)(a) and Article 10(3)(f) of Act No. 122/2013 Coll. on personal data protection and on the amendment to certain acts.

47a) E.g., the Commercial Code, Act of the Slovak National Council No. 323/1992 Coll. as amended, Act of the National Council of the Slovak Republic No. 10/1996 Coll. on control in state administration as amended, Act No. 483/2001 Coll. as amended, Act No. 566/2001 Coll. as amended, Act No. 429/2002 Coll. as amended, Act No. 586/2003 Coll. as amended, Act No. 594/2003 Coll. as amended, Act No. 382/2004 Coll. on experts, interpreters and translators and on the amendment to certain acts as amended, Act No. 92/2008 Coll. as amended, Act No. 479/2009 Coll. on state authorities in the area of taxes and fees and on the amendment to certain acts as amended, Act No. 563/2009 Coll. on tax administration (Tax Code) and on the amendment to certain acts as amended, Act No. 324/2011 Coll. on postal services and on the amendment to certain acts as amended, Act No. 39/2015 Coll. as amended.

48) Article 4(3)(a) and Article 10(3)(f) of Act No. 122/2013 Coll.

49) Article 13(2) first sentence, Article 15(6) first sentence of Act No. 122/2013 Coll.

50) Act of the National Council of the Slovak Republic No. 270/1995 Coll. on the official language of the Slovak Republic as amended.

50a) Commission Delegated Regulation (EU) 2019/758 of 31 January 2019 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council with regard to regulatory technical standards for the minimum action and the type of additional measures

credit and financial institutions must take to mitigate money laundering and terrorist financing risk in certain third countries (OJ L 125, 14. 5. 2019).

50b) E.g., Regulation (EU) No. 1092/2010 of the European Parliament and of the Council of 24 November 2010 on European Union macro-prudential oversight of the financial system and establishing a European Systemic Risk Board (OJ L 331, 15. 12. 2010) as amended, Regulation (EU) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No. 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15. 12. 2010) as amended, Regulation (EU) No. 1094/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Insurance and Occupational Pensions Authority), amending Decision No. 716/2009/EC and repealing Commission Decision 2009/79/EC (OJ L 331, 15. 12. 2010) as amended, Regulation (EU) No. 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No. 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15. 12. 2010) as amended, Council Regulation (EU) No. 1096/2010 of 17 November 2010 conferring specific tasks upon the European Central Bank concerning the functioning of the European Systemic Risk Board (OJ L 331, 15. 12. 2010).

51) Act of the National Council of the Slovak Republic No. 566/1992 Coll. on the National Bank of Slovakia as amended.

51a) Article 3(22) of Commission Regulation (EU) No. 389/2013 establishing a Union Registry pursuant to Directive 2003/87/EC of the European Parliament and of the Council, Decisions No 280/2004/EC and No 406/2009/EC of the European Parliament and of the Council and repealing Commission Regulations (EU) No 920/2010 and No 1193/2011 (OJ L 122/1, 3. 5. 2013).

Article 17(1) of Act No. 414/2012 Coll. on trading emission quotas and on the amendment to certain acts as amended by Act No. 399/2014 Coll.

52) Article 2 of Act of the National Council of the Slovak Republic No. 171/1993 Coll.

53) E.g., Act of the National Council of the Slovak Republic No. 566/1992 Coll. as amended, Act No. 483/2001 Coll. as amended, Act No. 566/2001 Coll. as amended, Act No. 203/2011 Coll. as amended, Act No. 39/2015 Coll. as amended.

53a) Act No. 315/2016 Coll. on the register of public sector partners and on the amendment to certain acts.

53b) E.g., Article 2 of Act No. 171/1993 Coll. on the Police Force as amended.

53c) E.g., Article 4 of Act No. 394/2012 Coll. on the limitation of cash payments, Articles 4 to 6 of Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006 (OJ L 141, 5. 6. 2015), Act No. 289/2016 Coll. on the implementation of international sanctions and on the amendment to Act No. 566/2001 Coll. on securities and



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investment services and on the amendment to certain acts (Securities Act) as amended.

53d) Annex I to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24. 5. 2016) as amended.

53e) Article 4(1) of Act No. 123/2022 Coll. on the Central Register of Accounts and on the amendment to certain acts.

54) Article 1(3)(a) of Act No. 747/2004 Coll. on financial market supervision and on the amendment to certain acts as amended, Article 2(n) of Act of the National Council of the Slovak Republic No. 202/1995 Coll.

56) Act of the National Council of the Slovak Republic No. 10/1996 Coll. on control in state administration as amended

57) Act of the Slovak National Council No. 372/1990 Coll. on misdemeanours as amended.

59) Articles 415 to 459 of the Civil Code.

60) Regulation (EU) 2015/847.

61) Regulation (EU) No. 910/2014.