

UNITED NATIONS
United Nations Interim
Administration Mission
in Kosovo



NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies
au Kosovo

UNMIK/REG/2006/53
8 November 2006

REGULATION NO. 2006/53

**AMENDING UNMIK REGULATION NO. 2004/2, AS AMENDED, ON THE
DETERRENCE OF MONEY LAUNDERING AND RELATED CRIMINAL
OFFENCES**

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Recognizing that money laundering threatens Kosovo's economic development, rule of law, security, and stability, and contributes to an atmosphere conducive to organized crime, corruption and terrorism,

Having promulgated UNMIK Regulation No. 2004/2 of 5 February 2004, as amended, on the Deterrence of Money Laundering and Related Criminal Offences,

For the purpose of redesignating the name of the Financial Information Centre established by UNMIK Regulation No. 2004/2, as amended, without prejudice to the responsibilities under its mandate, and enhancing its operational functions and powers to allow for a more effective implementation of its mandate,

Hereby promulgates the following:

Section 1
Amendment

The provisions of UNMIK Regulation No. 2004/2, as amended, shall be amended as follows:

Section 1

- (a) The following shall be added to Section 1:

1.27 Obligor means a person or entity having an obligation under the present regulation to make reports and/or maintain records.

Section 2

- (b) The heading of Section 2 shall be revised to read - Authority of the Financial Intelligence Centre;

- (c) The words “Financial Information Centre” in the first sentence of Section 2.1 shall be revised to read “Financial Intelligence Centre”;

- (d) Section 2. 1 (c) shall read:

For purposes of analyzing suspected money laundering activities or the financing of terrorist activities, request records, documents and information from any Provisional Institutions of Self-Government or UNMIK concerning a person, entity, property or transaction, which agencies shall promptly provide them for inspection by the Centre and permit their copying and reproduction, strictly for the use of the Centre; and

Request records, documents and information relating to a specific enquiry or investigation from obligors, who shall promptly provide them for inspection by the Centre and permit their copying and reproduction, strictly for the use of the Centre. The obligors denying such requests shall present in writing, within three (3) days after being notified of the Centre’s request, the reasons for their refusal. The Centre shall thereafter make a determination and notify the obligor whether he/she is in compliance with the obligations under this provision.

- (e) The following sentence shall be added to Section 2.1(e):

In specific cases expressly authorized on an ad-hoc basis by the Principal Deputy to the Special Representative of the Secretary-General, the Centre may exchange and request information with bodies responsible for law enforcement outside Kosovo relating to suspected money laundering or financial transactions involving terrorist activities, notwithstanding the absence of an agreement.

- (f) Section 2.3 (c) shall read:

To bodies responsible for law enforcement outside Kosovo, if such disclosure is necessary and authorized pursuant to Section 2.1 (e).

Section 8

- (g) A new Section 8.6 shall be added as follows:

Notwithstanding section 8.5 above, the transactions for transfer of immovable property rights which took place between 1 July 2004 and 15 October 2005 and complied with all conditions provided by law for the transfer, except for the declaration in the manner and format provided under Section 8.2, which for procedural reasons could not be completed during that period, may be duly registered by the MCO.

Section 10

- (h) A new Section 10 under the heading “Administrative Sanctions” shall be added as follows:

A determination made by the Centre notifying the obligor of a failure to comply with the requirements under Section 2.1(c) shall constitute a violation of the obligations set under the present Regulation which shall be subject to an administrative sanction in a form of a fine of € 500 euros for each day of non-compliance following the date of notification. The imposition of the sanction may be contested before a court of competent jurisdiction.

The former Section 10 shall be renumbered as Section 11 and the sections that follow shall be renumbered accordingly.

Section 2
Entry into Force

The present Regulation shall enter into force on 8 November 2006.

Joachim Rucker
Special Representative of the Secretary-General