

**REGULATION**  
**OF THE MINISTER OF FINANCE<sup>1)</sup>**

of 4 October 2018

**on submitting information on transactions and the form identifying the obligated  
institution**

Based on Article 78(3) of the Act of 1 March 2018 on counteracting money laundering and financing of terrorism (Journal of Laws items 723, 1075 and 1499), it is ordered as follows:

§ 1. This Regulation specifies the method of preparation and submission of information on transactions and the identifying form, as well as the mode of their submission.

§ 2. Whenever the Regulation refers to:

- 1) Public Information Bulletin – it is to be understood as the subjective website of the office providing services the minister competent for public finance located in the Public Information Bulletin;
- 2) the Act – it is to be understood as the Act of 1 March 2018 on counteracting money laundering and financing of terrorism;
- 3) identifying form – it is to be understood as the form referred to in Article 77 of the Act;
- 4) General Inspector – it is to be understood as the General Inspector of Financial Information;
- 5) information on transactions – it is to be understood as information referred to in Article 72 of the Act;
- 6) ICT system – it is to be understood as the ICT system referred to in Article 12(4) of the Act.

§ 3. Information on transactions and the identifying form shall be provided in accordance with the corresponding templates of electronic documents referred to in Article 78(2) of the Act, published in the central repository of templates of electronic documents.

§ 4. 1. Information on transactions and the identifying form shall be provided through:

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<sup>1)</sup> The Minister of Finance manages the department of government administration – public finance, pursuant to § 1(2)(2) of the Regulation of the Prime Minister of 10 January 2018 on the detailed scope of activity of the Minister of Finance (Journal of Laws item 92).

- 1) the website whose URI is included in the Public Information Bulletin and on the website in the ICT system;
- 2) interface software enabling communication with the ICT system service whose URI and interface description is included in the Public Information Bulletin and on the website in the ICT system.

2. Information on transactions and the identifying form shall bear:

- 1) a qualified electronic signature of:
  - a) an employee referred to in Article 8 or Article 77(2)(6) of the Act, or
  - b) an intermediary entity referred to in Article 73(1) of the Act, identified by the name, surname and PESEL – if this data was previously provided in the identifying form in accordance with Article 77(2)(7) of the Act, or
- 2) a qualified electronic seal of:
  - a) an obligated institution, or
  - b) an intermediary entity referred to in Article 73(1) of the Act, identified by the name (company) and NIP – if this data was previously provided in the identifying form in accordance with Article 77(2)(7) of the Act.

3. In the case referred to in paragraph 1(1), the obligated institution may provide information on transactions and the identifying form not bearing the signature or seal referred to in paragraph 2, if it submits to the General Inspector a paper copy of the information on transaction or the identifying form, as appropriate, printed via the website referred to in paragraph 1(1) and signed by the employee referred to in Article 8 of the Act.

4. The paper copy referred to in paragraph 3 is delivered:

- 1) by an employee of an obligated institution, or
- 2) through a postal operator within the meaning of Article 3(12) of the Act of 23 November 2012 – Postal Law (Journal of Laws of 2017, item 1481 and of 2018, items 106, 138, 650, 1118 and 1629) by registered mail with return receipt

– in a closed package with a visible notice “Do not open in the office.”

5. Information on transactions and the identifying form sent in the manner referred to in paragraph 1 shall be encrypted. Description of the encryption method is available on the website whose URI is included in the Public Information Bulletin and on the website of the ICT system.

**§ 5.** 1. An official confirmation of receipt of information on transactions and the identifying form is issued through the ICT system after successful verification of the logical

structure in terms of compliance with the template of the electronic document and data consistency, and the validity of the signature or seal referred to in § 4(2).

2. In the case referred to in § 4(3), the official confirmation of receipt is issued without verification of the signature and seal referred to in § 4(2) after receiving a paper copy of information on transactions or the identifying form, as appropriate, by the General Inspector provided in accordance with § 4 (3) and (4).

3. The logical structure of the official confirmation of receipt is made available in the Public Information Bulletin and on the website of the ICT system.

**§ 6.** If the obligated institution finds a mistake in the information on transactions or the identifying form provided and in the case of updating the identifying form, the obligated institution shall provide a correction.

**§ 7. 1.** If the General Inspector finds that:

- 1) the document provided containing information on transactions or the identifying form is corrupted, or
  - 2) information on transactions or the identifying form has been provided in violation of Article 72(6), Article 73(1) or Article 77 (1) or (2) of the Act, or
  - 3) information about transactions or an identifying form contains mistakes
- the obligated institution shall re-submit or correct, as appropriate, information on transactions or the identifying form within three business days from the date of receipt or making available to that institution a demand to re-submit or correct it.

2. The demand referred to in paragraph 1 shall be provided in writing in paper form or in electronic form using means of electronic communication in the form of information available on the website referred to in § 4(1)(1) or through the interface software referred to in § 4(1)(2).

3. If the demand referred to in paragraph 1 is made available in electronic form, the ICT system shall send a communication to the e-mail addresses indicated to the General Inspector by the obligated institution in the identifying form. The date on which a communication is sent to the e-mail addresses shall be considered the day when this demand is made available.

**§ 8.** The provisions of § 3-5 shall apply to the correction and re-submission of information on transactions and the identifying form pursuant to § 6 and § 7.

**§ 9.** The Regulation shall enter into force on 13 October 2018.

MINISTER OF FINANCE: T. CZERWIŃSKA