Saatja: Nivalainen Pia (AVI) <pia.nivalainen@avi.fi>
Saadetud: 11.04.2024 13:45
Adressaat: RAB rahapesu <info@fiu.ee>
Teema: The Estonian Anti-Money Laundering Act: the definition of company service provider
Manused: image001.png

Tähelepanu!
Kiri saabus väljastpoolt ametit/RM valitsemisala. Palume linke ja faile mitte avada, kui kiri on saabunud tundmatult aadressilt!

Dear recipient,

Regional State Administrative Agency for Southern Finland, division for Health and Social Services, Legality and Licensing, Trade Enforcement supervises the compliance with the Act on Preventing Money Laundering and Terrorist Financing (444/2017, Anti-Money Laundering Act) throughout Finland.

On general we supervise businesses and other traders who may detect money laundering and terrorist financing offences as part of their normal operation or who might be used for these purposes. Businesses and traders covered by the enforcement regulations play a key role in the prevention of money laundering and terrorist financing as they are the best channel through which authorities can obtain information about suspicious business activities. One of the main line of businesses subject to monitoring is **Company service providers.**

According to the Finnish Anti-Money Laundering Act Chapter 1 Section 4 Subsection 1 Paragraph 10 the definition of **company service provider** means a corporate entity or trader which by way of its business provides any of the following services **to third parties**:

a) the formation of companies
b) acting as a secretary of a company, a partner in a partnership, or a similar position in relation to other legal persons;
c) providing a registered office, business or postal address, or other related services
d) acting as a trustee of an express trust or a similar legal arrangement in Finland.
e) acting as a nominee entered into a shareholder register of a limited company other than a publicly listed company.

In fact there is no legislation in Finland regarding trust which is a corporate form mentioned in the directive 2015/849 (*on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing*). Referring the Article 3 (7) of the directive **'trust or company service provider'** means any person that, by way of its business, provides any of the following services **to third parties:**

(a) the formation of companies or other legal persons;
(b) acting as, or arranging for another person to act as, a director or secretary of a company, a partner of a partnership, or a similar position in relation to other legal persons;
(c) providing a registered office, business address, correspondence or administrative address and other related services for a company, a partnership or any other legal person or arrangement;
(d) acting as, or arranging for another person to act as, a trustee of an express trust or a similar legal arrangement;

(e) acting as, or arranging for another person to act as, a nominee shareholder for another person other than a company listed on a regulated market that is subject to disclosure requirements in accordance with Union law or subject to equivalent international standards;

<u>We shall request the following comparative information:</u>

1) How is a company service provider regulated in Anti-Money Laundering Act of Estonia?
2) According to the Article 3 (7) of the directive are “third parties” included in the Estonian Anti-Money Laundering Act concerning the definition of company service provider? If yes, what is the meaning of the third party? Please, state in more detail.

We are appreciating your time and effort in responding. If the message has reached the wrong recipient, please, forward the message to the authority supervising the Anti-Money Laundering Act in Estonia.

Thank you in advance.

Additional information about the directive: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0849

Enforcement of the Anti-Money Laundering Act in Finland: https://avi.fi/en/services/businesses/enforcement-and-reporting-violations/wealth-and-assets/enforcement-of-the-anti-money-laundering-act

Sincerely

Pia Nivalainen
Senior inspector

Regional State Administrative Agency for Southern Finland
Division for Health and Social Services, Legality and Lisencing | Trade Enforcement
pia.nivalainen@avi.fi
Mailing address: PB 1, 13035 AVI
Tel. 0295 016 000 (switchboard)
www.avi.fi

The linked image cannot be displayed. The file may have been moved, renamed, or deleted. Verify that the link points to the correct file and location.

**Soittaminen Aluehallintoviraston numeroon (0295 -alkuinen) maksaa lankapuhelimesta paikallisverkkomaksun (pvm) ja matkapuhelimesta matkapuhelinmaksun (mpm) verran.*
**För ett samtal till regionförvaltningsverket från en fast telefon betalar kunden en lokalnätsavgift (lna) och för samtal från mobiltelefon en mobilsamtalsavgift (msa).*

Jos viestisi sisältää salassa pidettäviä tai muuten arkaluontoisia tietoja, voit käyttää suojattua sähköpostiyhteyttämme https://turvaviesti.avi.fi/.

Ifall ert meddelande innehåller sekretessbelagda eller annars känsliga uppgifter kan ni använda vår krypterad e-post https://turvaviesti.avi.fi/.