



Pursuant to Article 36, paragraph 1, sub-paragraph 1.17, and Article 65, paragraphs 1 and 2 of the Law No. 03/L-209 on the Central Bank of the Republic of Kosovo, as well as Article 19, paragraph 6 and Article 24, paragraph 2, of the Law No. 05/L-096 on the Prevention of Money Laundering and Combating Financing of Terrorism, the Executive Board of the Central Bank of the Republic of Kosovo, in its meeting held on February 2, 2021, approved the following

Instruction on the use of the form on the origin of the funds and the determination of the property right holder

Article 1

Purpose

The purpose of this instruction is to determine the manner of using the form on the origin of funds and determination of property right holder (hereinafter: the form), pursuant to the Law No. 05/L-096 on the Prevention of Money Laundering and Combating Financing of Terrorism (hereinafter: PML/CFT Law).

Article 2

Scope

The form is applied by all banks and other financial institutions in accordance with the Law on PML/CFT.

Article 3

Using the form

1. The form is used in accordance with Article 19, paragraph 6, and Article 24, paragraph 2, subparagraphs 2.1, 2.2, 2.3 and 2.6, of the Law on PML/CFT, to identify customers according to the specifications of the form, before:
 - 1.1. establishing business relations;
 - 1.2. when performing occasional cash transactions in the amount of EUR ten thousand (10,000) or more, or the equivalent value in foreign currency, if made as a single transaction or several related transactions. If the amount of transactions is not known at the time of the transaction, identification is made at the moment when the monetary amount becomes known or the threshold is reached;
 - 1.3. opening a bank account;
 - 1.4. receiving shares, treasury bills or other securities to keep in the safe;
 - 1.5. providing facilitations for safe deposits;
 - 1.6. engaging in any single or related transaction, in cash, in the amount of EUR ten thousand (10,000) or more. Multiple transactions are treated as a single transaction if the bank or financial institution is aware that the transactions were carried out by or on behalf of a person or entity and the total amount of EUR ten thousand (10,000) or more was made in one day only.
2. The person(s) involved in an activity under the provisions of Article 19.6 of the PML/CFT Law must provide the bank or financial institution, by means of a form provided by the CBK, that he/she is acting:
 - 2.1. on his or her behalf as the owner and holder of ownership of any property subject to the transaction; or
 - 2.2. as an authorized agent of one or more persons or entities in accordance with paragraph 3, subparagraphs 3.1 and 3.2, of Article 19 of the PML/CFT Law, after having taken the necessary measures to verify that each person or entity is the owner or the holder of the right of ownership to any property subject to the transaction and has the confidence that any identified person or entity is the owner and/or holder of the ownership to any property subject to the transaction.

Article 4

Application of the form by banks and financial institutions

1. Banks and financial institutions, for the needs of practical implementation, in accordance with legal provisions, use the form in their internal processes and procedures.
2. Banks and financial institutions, after due diligence according to the Law on PML/CFT, can apply the use of the form in electronic form (ATMs and other equipment). Banks and financial institutions develop their systems in such a way that they integrate the requirements of this instruction and form in their various electronic devices (ATMs and other devices), enable the customers and receive from them the statement on the source of funds and the determination of the property rights holder, offering necessary and sufficient options.
3. The form must be applied by all banks and other financial institutions.

Article 5

Exceptions

1. Based on Article 23 of the Law on PML/CFT, banks and financial institutions, after the implementation of policies and procedures of customer recognition, in the process of conducting transactions by customers who are companies in public ownership, shall exercise appropriate simplified care for the following:
 - 1.1. Transactions carried out for payment of municipal obligations which are offered by publicly owned companies and for all cases of cash transactions submitted by publicly owned companies.
2. For cash transactions regarding legally binding insurance policies such as car insurance policies and university registration fees or other fees for study purposes in public institutions of higher education.

- 2.1. Banks and financial institutions ensure that they will exercise sufficient monitoring of transactions or business relationships to enable the detection of unusual or suspicious transactions.

Article 6
Appendix

The appendix to this instruction is the Form on the origin of funds and determination of the property right holder.

Article 7
Repeal

Upon entry into force of this instruction, the Instruction for the use of the form on the origin of funds and determination of the property right holder, implemented from 15 February 2012 shall be repealed.

Article 8
Entry into force

This instruction enters into force on 1 March 2021.

Fehmi Mehmeti
Chairperson of the Executive Board

**FORM ON THE ORIGIN OF FUNDS AND THE DETERMINATION OF THE PROPERTY RIGHT
HOLDER**

STATEMENT ON THE ORIGIN OF FUNDS

Pursuant to the Law No. 05/L-096 on the Prevention of Money Laundering and Combating Financing of Terrorism, respectively Article 19.6 (Customer Due Diligence) and CBK Regulation on Prevention of Money Laundering and Financing of Terrorism, Article 18.5 (Customer Due Diligence), the person involved in the transaction must provide the bank or financial institution in writing that:

- I. Any assets that are the subject to the transaction are derived from legally permitted activities (indicate by description the origin of the funds and preferably attach to this form any relevant document proving your declaration):

Transaction amount: _____ Currency: _____

- II. The person involved in the transaction proves that:
 - A. The same acts on his or her behalf as the rights holder of the property subject to the transaction;
 - B. The same acts as an authorized agent (or as an independent third party) of one or more persons or entities: _____

DECLARATION ON THE DETERMINATION OF THE PROPERTY RIGHTS HOLDER

Pursuant to the Law No. 05/L-096 on Prevention of Money Laundering and Combating Financing of Terrorism, respectively Article 19.6 (Customer Due Diligence), and CBK Regulation on Prevention of Money Laundering and Financing of Terrorism, Article 18.5 (Customer Due Diligence), the person involved in this activity must provide to the bank or financial institution, in writing, that:

The person involved in this activity proves that:

- A. The same acts on his or her behalf as the rights holder of the property subject to the transaction;
- B. The same acts as an authorized agent (or as an independent third party) of one or more persons or entities:

Name and Surname	Profession	ID Number	Address
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Signature	Date	Place
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