



LETTER ON INFORMATION SHARING

**BETWEEN THE OFFICE FOR MONEY LAUNDERING PREVENTION (OMLP)
OF THE REPUBLIC OF SLOVENIA**

**AND THE FINANCIAL ANALYSIS UNIT (FAU)
OF THE REPUBLIC OF CHILE**

**CONCERNING COOPERATION IN THE EXCHANGE OF FINANCIAL
INTELLIGENCE RELATED TO MONEY LAUNDERING**

The OMLP and the FAU, hereafter referred to as “the Authorities”, desire, in a spirit of cooperation and mutual interest, to facilitate the prevention and detection of money laundering and also to facilitate the analysis and investigation of persons or companies suspected of criminal activity related to money laundering.

To those ends, they have reached the understandings set forth below:

1. Scope of Cooperation

- a. The Authorities, on the basis of reciprocity, shall cooperate to assemble, develop and analyze information in their possession, concerning financial transactions suspected of being related to money laundering, or criminal activities connected with money laundering. To that end, the Authorities will exchange spontaneously or upon request available financial intelligence that may be relevant to the investigation by the Authorities into financial transactions suspected of being related to money laundering and the persons or companies involved.
- b. The Authorities will also cooperate in the areas of the exchange of general information regarding money laundering and criminal activities connected with money laundering, and information about trends and typologies in money laundering.

2. Requests for Financial Intelligence

The requesting authority should disclose to the requested authority at a minimum the reason for the request, the purpose for which the information will be used and enough information to enable the receiving authority to determine whether the request complies with its domestic law.

Where appropriate, especially in the case of urgent requests, and in order to speed up proceedings, the requesting FIU may ask for prior consent for further use of the information to be granted directly together with the reply itself.

The exchange of information between both FIUs shall take place in a secure way, primarily with the use of the Egmont Secure Web (ESW).

3. Use of Financial Intelligence

- a. Financial Intelligence exchanged between the Authorities may be used only for the specific purpose for which the financial information was sought or provided.
- b. The receiving authority may not transfer financial intelligence shared by a disclosing authority to a third party, nor make use of the financial intelligence in an investigative, prosecutorial or judicial purpose without the prior consent of the disclosing Authority.

Where the requested FIU desires feedback on how the information it provided was used, it shall request this explicitly. When the requesting FIU is not able to obtain this information, it should reply stating the reasons why the requested feedback can not be provided.

As for FAU the exchange of information shall be provided for all categories of crimes designated as money laundering predicate offences, meaning all offences specified in Annex I. FAU undertakes to keep the annex up to date in case of change in the relevant national legislation and to notify the other Authority on any changes immediately.

As for OMLP, it would reserve the right to use the principle of the actual reciprocity (according to the Article 21 of the Law on the Prevention of Money Laundering) with reference to the exchange of information, related with the predicate offences, stipulated in the afore mentioned Annex.

4. Confidentiality of Financial Intelligence

The information in application of the present Letter is confidential. It is a subject to official secrecy and is protected by at least the same confidentiality as provided by the national legislation of the receiving Authority for similar information from national sources. All information exchanged on the basis of this Letter must be subjected to strict controls and safeguards to ensure that the information is used only in an authorized manner, consistent with national provisions on privacy and data protection. The information exchanged under this Letter shall not be accessible by any other authorities, agencies or departments.

5. Refusal of Providing Financial Intelligence

Every refusal to exchange information will be specified, including the reasons for refusal.

The Authorities are under no obligation to give assistance or provide information, if (i) the requested Authority determines that release of the information or documents requested may



unduly prejudice an investigation or proceeding in the country of the requested Authority or (ii) judicial proceedings have already been initiated concerning the same facts as the request is related to or (iii) provision of such information would be likely to prejudice the sovereignty, security, national interest or other essential interest of the country of the requested Authority. A written explanation shall be provided to the requesting FIU.

6. Consultations

The Authorities will jointly arrange, consistent with the legislation of their respective countries, for acceptable procedures of communication and will consult each other with the purpose of implementing this Letter.

7. Official Language

Communication between the Authorities will take place in English.

8. Effective date; Amendment; Termination

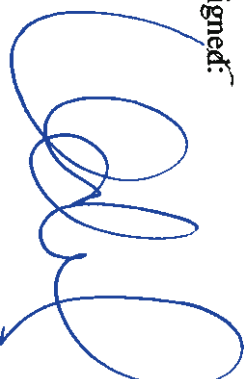
- a. This Letter will become effective upon signature by the Authorities.
- b. This Letter may be amended at any time, in writing, as mutually arranged by the Authorities.
- c. Either Party may terminate this Letter on Information Sharing by 30 days notice in writing to the other Party.

“The Letter on Information Sharing has been written and signed by the heads of the FIUs in 4 (four) copies in the English language.”

Signed:

Washington


Signed:



Klaudijo Stroligo
Director
Office for Money Laundering Prevention
Republic of Slovenia

Víctor Ossa
Director
Financial Analysis Unit
Republic of Chile

Date: 30.06.2005

Date: Washington, June 30, 2005

ANNEX I

CRIMINAL ACTIVITIES PRECEDENT TO MONEY LAUNDERING IN CHILE (LAW 19.913 OF DECEMBER 18th, 2003)

It shall be punished with imprisonment and a fine

a) The one who in any manner hides or conceals the illegitimate origin of certain goods, knowing that they originate, directly or indirectly, from the perpetration of acts which constitute any of the criminal offenses contemplated in the following laws:

- Law No. 20,000 (illicit traffic of narcotics and psychotropic substances)
- Law 18,314 (terrorist conducts)
- Law No. 17,798, Section 10 (control of weapons)
- Law No. 18,045, Title XI, Securities and Capital Market (to provide false information to Securities and Capital Market Supervisory Agencies, Stock Exchange, or the public; the public bidding of wrongfully registered securities; to act as stockbroker, securities agent or capital market risk advisor, without being registered; to use or provide classified information for own benefit; to use for own benefit third party securities; to hide or destroy security intermediaries accounting records; the diffusion of false information to the market, etc.)
- Decree with Force of Law No. 3 of 1997 of the Ministry of Finance, Title XVII, General Banking Act; (to provide false information regarding the property or capital conformation of a Bank or present adulterated balance sheets to the Banking Supervisory Institutions; to alter data in balance sheets, accounting books or other documents of an entity subject to supervision by the Banking Supervisory Institutions; to omit to record transactions that may affect the supervised entity's accountability or assets; to obtain loans having provided false or incomplete information regarding identity, assets, or other information for the purpose of obtaining such loans, etc)
- Criminal Code,
 - paragraphs 4, 5, 6 and 9 of Title V, Book II (malfeasance, embezzlement of public wealth, fraud, bribery, illegal levies, etc)
 - Sections 141, 142, 366 *quater*, 367 and 367 *bis* (kidnap, to facilitate or promote infant prostitution, statutory rape or sexual offense, to facilitate or promote the coming in or out of the country of prostitutes, etc.)

b) The one who acquires, possesses, keeps or uses the above-referenced properties, with the intention of making a profit out of it, when at the time of receiving the properties has been aware of their illegitimate origin.





UAF
Unidad de Análisis Financiero

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