



UAF
Unidad de Análisis Financiero



GOVERNMENT OF ROMANIA
NATIONAL OFFICE FOR THE PREVENTION
AND CONTROL OF MONEY LAUNDERING

**MEMORANDUM OF UNDERSTANDING
BETWEEN**

**THE NATIONAL OFFICE FOR PREVENTION
AND CONTROL OF MONEY LAUNDERING -ROMANIA**

AND

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

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

The National Office for Prevention and Control of Money Laundering - Romania and the Financial Analysis Unit (FAU) of the Republic of Chile, hereinafter referred to as an "Authority" or collectively as "the Authorities", desire, in a spirit of cooperation and mutual interest, to facilitate the exchange of information relevant to the investigation and prosecution of money laundering or the financing of terrorism and criminal activity related to money laundering or the financing of terrorism.

To that end they have reached the following understanding:

1. The Authorities will cooperate to assemble, develop and analyse information in their possession concerning financial transactions suspected of being related to money laundering or the financing of terrorism or criminal activities connected with money laundering or the financing of terrorism. To that end and to the extent authorized by the laws to its respective country, and consistent with its own policies and procedures, each Authority will exchange spontaneously or upon request any available information that may be relevant to financial transactions related to money laundering or the financing of terrorism and the persons or companies involved. Any request for information will be justified by a brief statement of the underlying facts.



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2. The information or documents obtained from the respective Authorities will not be disseminated to any third party, nor be used for administrative, police investigation or prosecution purposes without prior consent of the disclosing Authority, excluding information obtained from public sources or negative reply. It is understood that information obtained in accordance with this Memorandum can only be used when related to money laundering or financing of terrorism originating from specific categories of criminal activity, enumerated in Annex I for the Republic of Chile and Annex II for Romania. The Authorities undertake to keep the annexes up to date in case of change in the relevant national legislation.
3. The Authorities will not permit the use or release of any information or document obtained from the respective Authorities for purposes other than those stated in this Memorandum, without the prior consent of the disclosing Authority.
4. If an Authority is subject to legal process or proceedings that could require the disclosure of information it has received from the other Authority, the Authority subject to such process or proceedings will immediately notify the other Authority and make reasonable efforts to limit further disclosure of the information.
5. The information acquired in application of the present Memorandum is confidential. It is subject to official secrecy and is at least protected by the same confidentiality as provided by the national legislation of the receiving Authority for similar information from national sources.
6. 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 Memorandum.
7. Communication between the Authorities will take place in English.



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8. The Authorities are under no obligation to give assistance, in particular 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 (ii) provision of such information would be likely to prejudice the sovereignty, security, national interest or other essential interests of the country of the requested Authority.
9. This Memorandum may be amended at any time by mutual consent.
10. This Memorandum is revocable at any time. The termination will become effective as from the reception of the written notification from the other Authority. The terms and conditions of this Memorandum dealing with the confidentiality of information received prior to the termination of this Memorandum will remain in effect after the termination of this Memorandum.
11. This Memorandum will become effective upon the signature by the Authorities.

Signed in Sofia, Bulgaria on October 6th, 2005, in the English language, (this English text being the agreed authentic text, and each party taking the responsibility for establishing translation in their own language).

For the Financial Analysis Unit (UAF)
of the Republic of Chile

Mr. Víctor Ossa Frugone
Director

For the National Office for Prevention
and Control of Money Laundering -
Romania

On behalf of

Mr. Tullian Dragomir, President
Iosif Lukacsii
Senior Member of the Board

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06.10.2005.



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ANNEX I - REPUBLIC OF CHILE

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.)

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- 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 *quarter*, 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.

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ANNEX II - ROMANIA

In accordance with the provisions of art. 23 of the Law no. 656/07.12.2002 on the prevention and sanctioning of money laundering, amended and completed by the Law no. 230/2005, which stipulates that:

"(1) The following shall be considered as offence of money laundering and shall be punished with 3 to 12 years imprisonment:

- a) the conversion or transfer of property, knowing that such property is derived from criminal activity, for the purpose of concealing or disguising the illicit origin of property or of assisting any person who is involved in the commission of such activity to evade the prosecution, trial and punishment execution;
- b) the concealment or disguise of the true nature, source, location, disposition, movement, rights with respect to, or ownership of property, knowing that such property is derived from criminal activity;
- c) the acquisition, possession or use of property, knowing, that such property is derived from criminal activity",

all the offences generating illegal proceeds are predicate offences for money laundering.