

**MEMORANDUM OF UNDERSTANDING**

*BETWEEN THE FINANCIAL ANALYSIS UNIT  
OF THE REPUBLIC OF CHILE*

*AND THE GENERAL INSPECTOR OF FINANCIAL INFORMATION)  
OF THE REPUBLIC OF POLAND*

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

The Financial Analysis Unit of the Republic of Chile and the General Inspector of Financial Information of the Republic of Poland, hereafter referred to as “the Authorities”, desire, in a spirit of cooperation and mutual interest, to facilitate the investigation and prosecution of persons suspected of money laundering and criminal activity related to money-laundering and financing of terrorism.

To that end they have reached the following understanding:

1. The Authorities will cooperate, on the basis of reciprocity, to gather, develop and analyse information in their possession concerning financial transactions suspected of being related to money laundering or criminal activities connected with money laundering and financing of terrorism. To that end, the Authorities will exchange spontaneously or upon request any available information that may be relevant to the investigation by the Authorities into financial transactions related to money laundering and financing of terrorism and the persons or companies involved. Any request for information will be justified by a brief statement of the underlying facts.
2. The information or documents obtained from the respective Authorities will not be disseminated to any third party, nor be used for administrative, prosecutorial or judicial purposes without prior written consent of the disclosing Authority. Information obtained in accordance with this Memorandum can only be used when related to money laundering originated from specific categories of criminal activity and terrorist financing, as enumerated in Annex for Chile. The Authority of Chile will inform in case of any changes in its 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 written consent of the disclosing Authority,

4. The information acquired in application of the present Memorandum is confidential. It is 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.
5. 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.
6. Communication between the Authorities should be made in English. Request for information will be submitted in writing, by fax or by e-mail and, as far as possible, using the Egmont Secure Web or the IT system that could eventually replace it in the future.
7. The Authorities are under no obligation to give assistance 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 interests of the country of the requested Authority.
8. This Memorandum may be amended at any time by mutual consent.
9. This Memorandum is revocable at any time. The termination will become effective as from the reception of the written notification from the other Authority.
10. This Memorandum will become effective upon the signature by the Authorities.

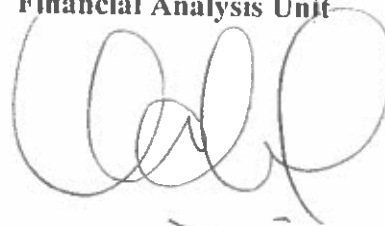
Signed at Washington on... *June 29* ..... 2005, in the English language, (this English text being the agreed authentic text, and each party taking the responsibility for establishing translation in their own language)

**General Inspector  
of Financial Information**



**Wiesław Czyżowicz**

**Financial Analysis Unit**



**Victor Ossa  
Director**

ANNEX

**CRIMINAL ACTIVITIES PRECEDENT TO MONEY LAUNDERING IN CHILE  
(LAW 19.913 OF DECEMBER 18<sup>th</sup>, 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.