

# The Russian Laundromat – a \$70 billion money-laundering scheme facilitated by Moldovan political elites

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## Abbreviations

AML	Anti-money laundering
NAC	National Anticorruption Center
NBM	National Bank of Moldova
OPFML	Office for Prevention and Fight against Money Laundering
SCM	Supreme Council of Magistracy
SCS	Supreme Council of Security

## Executive summary

In 2014, public opinion worldwide was staggered by revelations of a massive money laundering scheme in Eastern Europe published by the investigative journalists from OCCRP and dubbed the “Russian Laundromat”<sup>1</sup>. During 2010-2014, billions of US dollars from Russian banks were laundered through Moldovan banks, using illicit court rulings on defaulted fake debts. The laundered funds were further transferred to a group of shell companies having accounts in Western banks. Although law enforcement officers from Moldova pretend to have tracked down \$20 billion of suspicious money, publicly available evidence shows that the real amount of laundered funds amounted to as much as \$70 billion. Not a single person from the Moldovan banking supervisory or prosecution authorities has been sentenced so far for allowing this to take place on their watch. Moreover, several individuals directly involved were recently promoted to the Constitutional Court. This research summarizes the arguments on how Moldovan supervisory and prosecution authorities, captured by and subordinated to certain political elites, knowingly turned a blind eye on suspicious activities, while the Parliament and the Constitutional Court approved legislative changes to facilitate the money laundering scheme.

### 1. How the money was moved from Russia to Moldova and onward

The laundered Russian money may have come from unsecured bank loans, fictitious acquisitions related to government contracts, misappropriation of funds from the Russian treasury, tax evasion and smuggling. In order to move the funds out of Russia, the perpetrators opened at least 21 shell companies incorporated in the UK, Cyprus and New Zealand. The scheme worked as follows<sup>2</sup>: *Shell Company A* issued a promissory note to *Shell Company B*, without transferring any real money<sup>3</sup>. The note was endorsed by the Russian companies who intend to launder the funds, creating thus a fake debt. The same note was also endorsed by a Moldovan citizen whose identity had been stolen by the perpetrators. Using this ingenious

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<sup>1</sup> OCCRP, The Russian Laundromat, Aug 2014, available at <https://www.reportingproject.net/therussianlaundromat/russian-laundromat.php>

<sup>2</sup> OCCRP Laundromat infographic, available at <https://www.occrp.org/assets/laundromat/laundromat-infographic.png>

<sup>3</sup> Copy of a promissory note, available at <https://www.documentcloud.org/documents/3520227-PROMISSORY-NOTES>

scheme with endorsed promissory notes, the organizers claimed the fake debt repayments in Moldovan courts. Since the debt was not contested by any of the parties, the court rulings were pronounced within 5 days of the debt claims being filed. Based on these illicit court rulings, the Russian companies moved the money to Moldovan banks, into the account of a judicial executor appointed by the Moldovan court. Subsequently, the largest share of the laundered funds was further transferred to the Latvian Trasta Komercbanka, inside the EU. Further transactions using the funds originated from a commercial bank of an EU-member state and thus were not questioned by other Western banks. The money went to a total of 5,140 companies in 96 countries, according to OCCRP journalists<sup>4</sup>.

This ingenious scheme allowed the perpetrators to accomplish several goals: (i) to launder ill-gotten assets; (ii) to transfer the funds into Western banks and place them into legal circulation; and (iii) to avoid any legal issues with the repatriation of money in the Russian Federation by having court rulings issued by Moldovan judges.

Among the beneficiaries of the enormous sums run through the Russian Laundromat is Alexey Krapivin, the son of a deceased associate of Vladimir Yakunin – the former president of Russian Railways. Between 2011 and 2014, Krapivin's firms received at least \$277 million from the Laundromat, OCCRP reporters say<sup>5</sup>. In 2012 and 2013 alone, companies controlled by the Krapivin family and its partners won tenders worth 120 billion rubles (nearly \$3.7 billion) from state-owned Russian Railways<sup>6</sup>. Another beneficiary of the Laundromat money was Moldovan "shadow banker" Ilan Shor. Between 2011 and 2013, his companies received about \$22 million from so-called "ghost companies" involved in the Russian Laundromat<sup>7</sup>. Shor was convicted for his role in the \$1 billion Moldovan bank fraud<sup>8</sup> in 2017, but is free pending appeal. The corporate investigation firm Kroll stated in its report to the National Bank of Moldova (NBM) that "Shor was one of, if not the only beneficiary" of the billion dollar theft<sup>9</sup>. However, given the immense amount of the fraud (13% of the GDP), Shor could not have committed the fraud without the protection of the supervisory and prosecution authorities, subordinated to the political elites.

The immense Laundromat fraud scheme involved at least one Moldovan bank (Moldindconbank, controlled by Veaceslav Platon) and at least 19 Russian banks. One of them

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<sup>4</sup> OCCRP, The Russian Laundromat Exposed, Mar 2017, available at <https://www.occrp.org/en/laundromat/the-russian-laundromat-exposed/>

<sup>5</sup> OCCRP, The Russian Laundromat Superusers Revealed, Mar 2017, available at <https://www.occrp.org/en/laundromat/the-russian-laundromat-superusers-revealed/>

<sup>6</sup> OCCRP, Wringing Profits from the Russian Railways, Apr 2016, available at <https://www.occrp.org/en/panamapapers/wringing-profits-from-the-russian-railways/>

<sup>7</sup> RISE Moldova, #LAUNDROMAT: Two huge scams. One Moldovan businessman, Mar 2017, available at <https://www.rise.md/english/laundromat-two-huge-scams-one-moldovan-businessman/>

<sup>8</sup> BBC, The great Moldovan bank robbery, June 2015, available at <https://www.bbc.com/news/magazine-33166383>

<sup>9</sup> Kroll, Project Tenor II Summary Report, Dec. 20, 2017, available at <https://bnm.md/en/content/nbm-published-detailed-summary-second-investigation-report-kroll-and-steptoe-johnson>

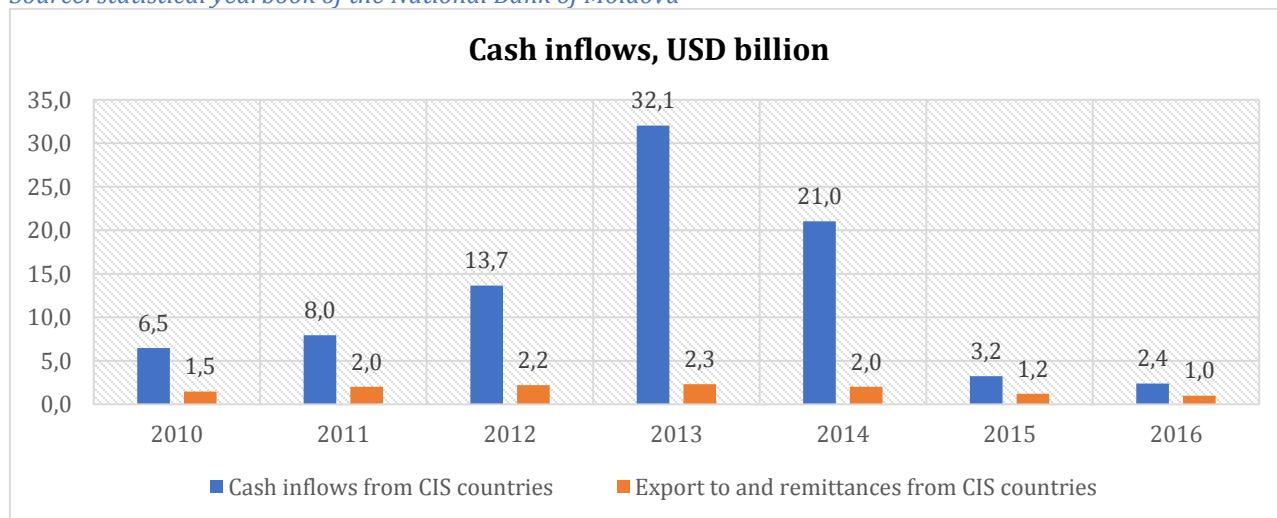
was the Russian Land Bank (RZB) that allegedly laundered \$9.7 billion<sup>10</sup>. RZB was controlled by “shadow banker” Alexander Grigoriev, who was arrested by FSB officers in October 2015 for supposedly laundering \$46 billion through Moldovan and Baltic financial institutions<sup>11</sup>. Until 2014, among the members of the supervisory board of RZB was Igor Putin, the cousin of the Russian president<sup>12</sup>. Igor Putin had been also a board member of Promsberbank, another Russian bank controlled by Grigoriev. According to a whistleblower report, Promsberbank was involved in the Danske Bank financial scandal<sup>13</sup>.

## 2. Nearly \$70 billion was laundered in Moldova between 2010-2014

The statistical reports show an increased amount of cash inflows originating from CIS (former Soviet) countries into the Moldovan banks between 2010 and 2014. The total inflows amounted to as much as \$80 billion (94.4% originated from Russia<sup>14</sup>) and significantly exceeded financial flows from real economic activities, such as exports and personal remittances, which totaled \$ 9 billion during the same period. A comparative analysis of these indicators is presented in the chart below:

*Figure 1: cash inflows vs real economic activities with CIS countries, \$ billion.*

Source: statistical yearbook of the National Bank of Moldova<sup>15</sup>



<sup>10</sup> The Guardian, “The Global Laundromat: how did it work and who benefited?”, Mar 2017, available at <https://www.theguardian.com/world/2017/mar/20/the-global-laundromat-how-did-it-work-and-who-benefited>

<sup>11</sup> OCCRP, Russia: ‘Billion Dollar Laundromat Chief’ Busted at the Dinner Table, Nov 2015, available at <https://www.ocrrp.org/en/daily/4569-russia-billion-dollar-laundromat-chief-busted-at-the-dinner-table>

<sup>12</sup> OCCRP, The Russian Banks and Putin’s Cousin, Aug 2014, available at <https://www.reportingproject.net/therussianlaundromat/the-russian-banks-and-putins-cousin.php>

<sup>13</sup> The Guardian, Russian millions laundered via UK firms, leaked report says, Feb 2018, available at <https://www.theguardian.com/world/2018/feb/26/russian-millions-laundered-via-uk-firms-leaked-report-says>

<sup>14</sup> NBM answer, see Annex 2

<sup>15</sup> Statistical yearbook „International accounts of Moldova” for 2016, page 77, available at [http://www.bnm.md/files/Anuar\\_2016\\_rom.pdf](http://www.bnm.md/files/Anuar_2016_rom.pdf) and the 2014 yearbook, page 59, available at [http://bnm.md/files/Anuar\\_CI\\_2014\\_contacte%20noi.pdf](http://bnm.md/files/Anuar_CI_2014_contacte%20noi.pdf)

Foreign direct investment ("FDI") and external loans were not considered, given their significantly lower value. For instance, during the 2010-2014 period the amount of FDI increased by \$730 million up to a total of \$3.6 billion, out of which only 11.2% was attributable to CIS countries.

Thus, **during 2010-2014 the total inflows from CIS countries to Moldova related to suspicious activities are estimated at \$71 billion, which is more than 10 times the annual GDP of Moldova for 2014**. Following that, after the end of the Russian Laundromat scheme in 2014, annual financial inflows from CIS countries decreased significantly in 2015, from \$21 billion to \$3.2 billion. In order to clarify the situation, we submitted an information request to the Moldovan authorities<sup>16</sup>. In the answer provided by NBM, the supervisory authority explains that the suspicious transactions refer to interbank operations with deposits, loans and transactions with financial derivatives<sup>17</sup>. On the other hand, the OPFML considers **the respective suspicious transactions as being part of the Russian Laundromat scheme** conducted through Moldindconbank<sup>18</sup>. The OPFML fined the bank 4.3 million MDL (equivalent to approximately \$250,000) for not submitting Suspicious Activity Reports (SARs). It is worth noting that the New York State financial regulator DFS is conducting an investigation into global money laundering and recently asked two Nordic banks (Nordea Bank Abp and SEB AB) to provide detailed information about their transactions with Moldindconbank<sup>19</sup>.

### **3. The role of the supervisory authorities in Moldova**

When a court examines a debt repayment claim based on a promissory note worth \$700 million (about 10% of Moldova's GDP in 2014) that was endorsed by a Moldovan citizen, it should obviously raise red flags. But when such cases happen continuously during a 5 year period, it is impossible to consider them as being a coincidence. It can only be seen as an organized process of legalizing ill-gotten funds originating from Russia.

#### **3.1. National Bank of Moldova**

The supervisory activity of the Moldovan banking sector is conducted by the NBM. According to Moldovan law, the NBM has the following AML instruments<sup>20</sup>:

- To block suspicious transactions related to operations without economic reasons and transfer of funds to offshore firms;
- To impose special administration on a poorly governed bank;
- To refuse to approve the appointment of a bank's top managers, if nominated by suspicious shareholders;

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<sup>16</sup> Information request, see Annex 1

<sup>17</sup> Idem 14

<sup>18</sup> OPFML answer, see Annex 3

<sup>19</sup> Bloomberg, New York Presses Nordea, SEB for Danske Bank Transactions, Mar 2019, available at <https://www.bloomberg.com/news/articles/2019-03-28/danske-scandal-widens-as-new-york-is-said-to-press-nordea-seb>

<sup>20</sup> Art. 75 of the Law of the NBM no. 548-XIII from 21.07.1995, available at <http://bnm.md/ro/content/lege-cu-privire-la-banca-nationala-moldovei-nr-548-xiii-din-21071995>

- To block the ownership stakes of suspicious shareholders which were acquired in a concerted action;
- To revoke the license of a bank.

Given the immense value of the suspicious transactions, the NBM should have performed an ad-hoc inspection of Moldindconbank to verify the legal grounds for the suspicious transfers. Nevertheless, the bank could not have refused to execute a payment ordered by a court ruling.

### **3.2. OPFML – the AML supervisory authority**

The country's AML supervisory authority is the OPFML. According to the legal provisions, the banks are obliged to submit SARs to the OPFML about suspicious transactions within 24 hours after receiving the payment documents. The banks are obliged as well to indicate in the SAR the date and time of the transaction, the name and the title of the person who performed the transaction, as well as the reasons for suspicion<sup>21</sup>. The former governor of the NBM, Dorin Dragutanu, stated that during 2010-2014 Moldindconbank reported all such transactions to the OPFML<sup>22</sup>. Thus, the AML supervisory authority may have been aware of the ongoing money laundering activities from the very beginning. For its part, the OPFML has authority to block any suspicious transactions<sup>23</sup> and could notify the Prosecutor's Office about any reasonable suspicions of money laundering<sup>24</sup>.

### **3.3. Supreme Council of Magistracy**

The national supervisory authority of the judiciary is the Supreme Council of Magistracy (SCM). At the request of the SCM, the Judiciary Inspection investigates the suspicious activity of the judges liable for criminal prosecution<sup>25</sup>. Accordingly, the Prosecutor General must request the permission of the SCM to initiate criminal proceedings against judges<sup>26</sup>. Although the Laundromat started in 2010, the Judiciary Inspection submitted its report on the suspicious court rulings to the SCM only in April 2014<sup>27</sup>. However, the prosecution of the complicit judges started much later. The Prosecutor General submitted the prosecution inquiry to the SCM in September 2016, i.e. more than two years after the scheme was over<sup>28</sup>.

<sup>21</sup> Art. 8 point (1) of the Moldovan AML Law no. 190 from 26.07.2007 on preventing and combatting the money laundering and terrorism financing [was in force between 2007-2017], available at <http://lex.justice.md/md/325094/>

<sup>22</sup> Adevarul.ro, BNM: "Banca implicață în „mega spălarea“ de bani din Rusia a raportat în permanentă toate tranzacțiile la CNA" [The bank implicated in the Russian "mega money laundering" was constantly reporting all the transactions to the Anticorruption Center], Apr 2014, available at <https://bit.ly/2ZumA73>

<sup>23</sup> Art. 14 point (1) of the Moldovan AML Law [Idem 21]

<sup>24</sup> Art 13<sup>1</sup> point b) of the Moldovan AML Law [Idem 21]

<sup>25</sup> Art 7<sup>1</sup> point (6) c) of the Law of the Supreme Council of Magistracy no. 947 from 19.07.1996, available at <http://lex.justice.md/index.php?action=view&view=doc&id=313302>

<sup>26</sup> Art. 23 of the Law of the SCM [idem 25]

<sup>27</sup> Ziarul de Gardă, "15 judecători reținuți după doi ani și jumătate de tacere" [15 judges arrested after 2,5 years of silence], Sept 2016, available at <https://www.zdg.md/editia-print/social/15-judecatori-retinuti-dupadoi-ani-si-jumata-de-tacere>

<sup>28</sup> Decision of the SCM no. 608/25 from 20 Sept 2016, available at <https://www.csm.md/files/Hotaririle/2016/25/608-25.pdf>

### **3.4. Moldovan authorities failed to act**

The Laundromat scheme was constructed very ingeniously, because all the parties involved in the debt repayment claims were not contesting them. However, when a Moldovan citizen guarantees a debt worth hundreds of millions of dollars, that fact should have raised concerns about the reasons for such economic activity. Given the fact that the money laundering process was based on court rulings, the issue was under the responsibility of the General Prosecutor's Office and the SCM. The Prosecutor General had to submit a prosecution inquiry to the SCM regarding the judges who issued the court rulings. Respectively, the SCM's Judiciary Inspection had to perform the investigation of the judges and collect evidence regarding the court rulings issued as part of the Laundromat scheme. It should also be noted that during 2011-2012 the instrument of court rulings based on fake debts was used in "raider attacks" (hostile takeovers using illegal tactics) against the shareholders of Moldova-Agroindbank, Victoriabank, as well as other Moldovan banks and insurance companies<sup>29</sup>.

The first investigative articles about the court rulings on suspicious debt recovery appeared as early as February 2012<sup>30</sup>. Shortly after that, the Chief Anticorruption Prosecutor Viorel Radetchi stated that a criminal investigation was started based on an order of the Prosecutor General<sup>31</sup>.

The first publicly available document issued by a Moldovan authority regarding the suspicious financial flows dates from July 2012, when a meeting of the SCS (Supreme Council of Security) took place. The minutes of the meeting were declassified in September 2015 by former President Nicolae Timofti<sup>32</sup>. The meeting gathered all the supervisory and enforcement institutions, including the NBM governor, the Prosecutor General, the head of the National Anticorruption Center (NAC) and the deputy head of the Security and Intelligence Service. The SCS recommended the Prosecutor's Office and the NAC to promptly investigate the information provided by the NBM about the suspicious activity of money laundering<sup>33</sup>. Following that, in December 2012 the SCM issued a decision related to one suspicious court ruling concerning a \$30 million debt<sup>34</sup>, after the relevant information was provided by the Security and Intelligence

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<sup>29</sup> Ziarul de Garda, "Moldova-Raider SRL", Sept 2011, available at <https://www.zdg.md/editia-print/investigatii/moldova-raider-srl>; Ziarul de Garda, "Cei 12 judecători raider" [the 12 raider judges], Jan 2012, available at <https://www.zdg.md/editia-print/investigatii/cei-12-judecatori-raider>

<sup>30</sup> Adevarul.ro, "O moldoveancă și-a luat pe cap o datorie de 300 de milioane USD" [a Moldovan woman has taken on a debt of \$300 million], Feb 2012, available at [https://adevarul.ro/moldova/actualitate/o-moldoveanca-si-a-luat-cap-datorie-300-milioane-usd-1\\_50ae60e97c42d5a6639c328d/index.html](https://adevarul.ro/moldova/actualitate/o-moldoveanca-si-a-luat-cap-datorie-300-milioane-usd-1_50ae60e97c42d5a6639c328d/index.html)

<sup>31</sup> Adevarul.ro, "Trei miliardari ruși și una dintre cele mai mari companii din Rusia, ținta șmecherilor în Moldova" [Three Russian billionaires and one of the largest companies in Russia, the goal of crooks in Moldova], Feb 2012, available at [https://adevarul.ro/moldova/economie/trei-miliardari-rusi-cele-mai-mari-companii-rusia-tinta-smecherilor-moldova-1\\_50ae7b3d7c42d5a6639d1ccf/index.html](https://adevarul.ro/moldova/economie/trei-miliardari-rusi-cele-mai-mari-companii-rusia-tinta-smecherilor-moldova-1_50ae7b3d7c42d5a6639d1ccf/index.html)

<sup>32</sup> Agora.md, DOC. Timofti a desecretizat mai multe documente [DOC. Timofti has declassified several documents], Sept 2015, available at <http://agora.md/stiri/12391/doc-timofti-a-desecretizat-mai-multe-documente>

<sup>33</sup> Decision no. 05/1-03-03 from 29 Jun 2012 of the Supreme Council of Security, available at <https://docs.google.com/viewerng/viewer?url=http://st.interakt.md/storage/documents/2015/09/image-40986.pdf>

<sup>34</sup> Decision no. 812/38 from 18 Dec 2012 of the Supreme Council of Magistracy, available at <https://csm.md/files/Hotaririle/2012/38/812-38.pdf>

Service to the Judiciary Inspection. The SCM noted that the judge issued the court ruling with multiple violations, including unauthenticated copies of the documents submitted to the court. The SCM notified the General Prosecutor's Office about this matter; however, no prosecution inquiry was submitted to the SCM.

Starting in at least February 2012, the prosecutors were aware of suspicious court rulings aimed at legalizing multi-million-dollar fake debts. By July 2012, all of the responsible state institutions were informed about the suspicious financial flows and recommended the Prosecutor's Office to investigate the issue. Nevertheless, the SCM conducted a thorough examination of the court rulings only in May 2014 and mentioned about a criminal prosecution that was opened on this matter<sup>35</sup>. This happened only after the release of the first investigative article describing the proportions of the Russian Laundromat scheme<sup>36</sup>. Even after that, no measures were taken regarding the judges and judicial executors involved in money laundering. As mentioned above in point 3.3, the prosecution inquiry concerning the complicit judges was submitted to the SCM just over 2 years later. The prosecutors sent the cases to the court in February 2017<sup>37</sup>. However, their examination has been postponed for more than 2 years<sup>38</sup>. For example, there have been cases of claims being examined by a district court, by the Court of Appeal, and by the Supreme Court in less than 3 weeks, when those cases involve the interest of the Democratic Party's leader Vladimir Plahotniuc, a Moldovan oligarch and controversial political figure. When protests were organized outside his apartment on Bulgara 41 Street in Chisinau during the summer of 2015, a related claim was submitted to the district court on July 27, and the case went shortly up to the Supreme Court, which issued a decision already on August 12, 2015<sup>39</sup>.

#### **4. The role of the Moldovan political elites**

All available evidence demonstrates that all the responsible state institutions were aware of the laundering scheme but did not take any measures to prevent it. Neither of the responsible persons addressed the press in order to raise the concern of the public and stop the fraud. Moreover, the authorities pretend that only \$20 billion was laundered, hiding the fact that the real amount of the fraud is \$70 billion, as the evidence shows. The overdue first reactions of public authorities came only in 2014, after the first information about the Laundromat scheme

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<sup>35</sup> Decision no. 470/16 from 27 May 2014 of the Supreme Council of Magistracy, available at <https://www.csm.md/files/Hotaririle/2014/16/470-16.pdf>

<sup>36</sup> Kommersant.ru, "Отток капитала затопил Молдавию. Ее судебная система отмыла \$18,5 млрд" [The capital outflow has flooded Moldova. Its judicial system laundered \$18.5 billion], April 2014, available at <https://www.kommersant.ru/doc/2459951>

<sup>37</sup> Ziarul de Garda, "14 magistrați, acuzați de implicare în spălare de bani, trimiși în judecată" [14 magistrates accused of involvement in money laundering, sued], Feb 2017, available at <https://www.zdg.md/stiri/stiri-justicie/14-magistrati-acuzati-de-implicare-in-spalare-de-bani-trimisi-in-judecata>

<sup>38</sup> Ziarul de Garda, "Dosarele judecătorilor reținuți pentru implicare în spălarea a 20 de miliarde de USD – fără sentință" [The cases of judges detained for involvement in laundering \$ 20 billion - unresolved], July 2018, available at <https://www.zdg.md/editia-print/justicie/dosarele-judecatorilor-retinuti-pentru-implicare-in-spalarea-a-20-de-miliarde-de-usd-fara-sentinta>

<sup>39</sup> The decision from 12 Aug 2015 of the Supreme Court of Justice, available at [http://jurisprudenta.csj.md/search\\_col\\_civil.php?id=21369](http://jurisprudenta.csj.md/search_col_civil.php?id=21369)

started to leak into the press. During 2010-2014, neither of the responsible state institutions mentioned anything in their annual reports about the suspicious money flows originating from Russia. A short notice about the staggering money laundering scheme appears only in the 2014 annual report of the OPFML<sup>40</sup>. **This well-coordinated activity could not have taken place without the political protection of the ruling parties.**

#### **4.1. The political influence over the supervisory and prosecution authorities**

The so-called “pro-European coalition” that governed the country between 2010 and 2014 had signed a coalition agreement in December 2010<sup>41</sup>. According to a secret annex to the agreement, the members of the coalition shared control over the supervisory and prosecution institutions that are supposed to be independent. Thus, the Democratic Party (DPM) controlled by Vladimir Plahotniuc obtained the control over the National Anticorruption Center and the General Prosecutor’s Office<sup>42</sup>. Other evidence shows that the NBM was also under the control of the Democratic Party. Dorin Dragutanu, the former governor of the NBM, has held several leading positions within the audit company PwC Moldova, including the position of country-manager for Moldova during 2003-2005. One of his subordinates was Andrian Candu, the Democratic Party MP and the former Speaker of the Parliament. Candu is also the wedding godson of Vladimir Plahotniuc. Before his resignation in September 2015, on the eve of the arrival of an IMF mission to Moldova, Dragutanu had a secret meeting with Candu<sup>43</sup>. Furthermore, Otilia Dragutanu, the wife of the former NBM governor, has recently become an MP of the Democratic Party following the 2019 parliamentary elections<sup>44</sup>.

#### **4.2. Legislative changes that facilitated the money laundering**

Sharing political influence over the supervisory bodies was not the only action taken by Moldovan political elites to protect the Laundromat scheme. During 2010-2011 the Parliament and the Constitutional Court approved several acts to change the legal framework, in order to facilitate money laundering schemes.

##### **4.2.1. Legislative changes approved by the Parliament**

In March 2010 a bill was submitted to Parliament on capping the 3% tax for the examination of

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<sup>40</sup> The annual report of the OPFML for 2014 year, page 26, available at [http://spcsb.cna.md/sites/default/files/documents/files/AR\\_2014\\_eng.pdf](http://spcsb.cna.md/sites/default/files/documents/files/AR_2014_eng.pdf)

<sup>41</sup> The coalition agreement from 30 Dec 2010 of the Alliance for European Integration, available at <http://www.e-democracy.md/files/parties/acord-constituire-aie-2010.pdf>

<sup>42</sup> Publika.md, “EXCLUSIV! Vedeți AICI Anexele secrete ale Acordului de constituire a AIE” [Exclusive, see here the secret annexes of the coalition agreement of AIE], Nov 2011, available at [https://www.publika.md/exclusiv-vedeti-aici-anexelete-secrete-ale-acordului-de-constituire-a-aie\\_572041.html](https://www.publika.md/exclusiv-vedeti-aici-anexelete-secrete-ale-acordului-de-constituire-a-aie_572041.html)

<sup>43</sup> Ziarul de Gardă, “Inainte de demisie, la Nobil, Dragutanu s-a intalnit in secret cu Andrian Candu” [Prior to his resignation, Dragutanu met secretly with Andrian Candu at hotel Nobil], Sept 2015, available at <https://www.zdg.md/stiri/stiri-politice/inainte-de-demisie-la-nobil-dragutanu-s-a-intalnit-in-secret-cu-andrian-candu>

<sup>44</sup> Otilia Dragutanu, MP of the Democratic Party, available at <http://www.pdm.md/ro/pdm-in-parlament/fx/dragutanu-otilia>

debt recovery claims<sup>45</sup>. The bill was approved in May 2010, setting a threshold of 25,000 lei (or \$2000) for individuals and 50,000 lei (or \$4000) for legal entities<sup>46</sup>. This amendment was not a coincidence. According to AML experts, the organizers of money-laundering operations charge a 3-4% commission for the legalization and transfer of "dirty money"<sup>47</sup>. The author of the bill was the former MP and Minister of Justice Alexandru Tanase.

In June 2010 the Democratic Party MP Valeriu Guma submitted a bill to modify the AML (anti-money laundering) Law. The respective bill provided the courts the possibility to suspend the decisions of the OPFML to block the suspicious transactions<sup>48</sup>. The bill was approved by the Parliament in April 2011. Later, in July 2014 this provision was cancelled by another amendment. The informative note to the 2014 amendment mentions that the **modifications approved by the Parliament in 2011 allowed for the execution of large scale money laundering operations, with the involvement of Russian economic agents and offshore firms.**<sup>49</sup>

#### **4.2.2. Legislative changes approved by the Constitutional Court**

In June 2010 a referral was submitted to the Constitutional Court by the MP Valentin Chepteni, Veaceslav Platon's colleague within the Parliamentary faction of the AMN Party. The referral concerned the cancelation of several provisions of the Law on the National Anticorruption Center<sup>50</sup>. The Constitutional Court approved the referral in November 2010 and annulled the right of the OPFML to suspend suspicious financial operations<sup>51</sup>, although the judges Victor Puscas and Elena Safaleru gave a separate opinion on the Court's decision.

The Constitutional Court had its own role in approving legislative changes that facilitated the billion dollar theft. Thus, in June 2013 Serghei Sirbu, another MP of the Democratic Party, submitted a referral to the Constitutional Court and requested the cancellation of several provisions of the Law on the NBM and the Law on Administrative Litigation.<sup>52</sup> The Court headed

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<sup>45</sup> Law bill no. 675 from 12 Mar 2010 on amending the Law regarding the state tax, available at <http://old.parlament.md/lawprocess/laws/05.2010/Nr.90.20.05.10/>

<sup>46</sup> Law no. 90 from 20 May 2010 concerning the state tax, available at <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=334848>

<sup>47</sup> OCCRP, "The Laundry Cycle, From Start To Finish", Aug 2014, available at <https://www.reportingproject.net/therussianlaundromat/the-laundry-cycle-from-start-to-finish.php>

<sup>48</sup> The law bill no. 1672 from 02 June 2010, available at <http://parlament.md/ProcesulLegislativ/Projectedeactelegislative/tabid/61/LegislativId/535/language/ro-RO/Default.aspx>

<sup>49</sup> Informative note to the law bill no. 179 from 21 July 2014, available at <http://parlament.md/ProcesulLegislativ/Projectedeactelegislative/tabid/61/LegislativId/2412/language/en-US/Default.aspx>

<sup>50</sup> Referral to the Constitutional Court no. 15a from 18 June 2010, available at <http://www.constcourt.md/ccdocview.php?tip=sesizari&docid=160&l=ro>

<sup>51</sup> Decision of the Constitutional Court no. 27 from 25 Nov 2010, available at [http://www.constcourt.md/public/ccdoc/hotariri/ro\\_2010\\_h\\_27.pdf](http://www.constcourt.md/public/ccdoc/hotariri/ro_2010_h_27.pdf)

<sup>52</sup> Referral to the Constitutional Court no. 26a from 06 June 2013, available at <http://www.constcourt.md/ccdocview.php?l=ro&tip=sesizari&docid=223>

by Alexandru Tanase issued a positive decision in October 2013.<sup>53</sup> This allowed the perpetrators connected to Ilan Shor to suspend the acts of the NBM through the decisions of the Moldovan courts. The aim of the perpetrators was to suspend the NBM regulation concerning the lending limits of the banks, in order to extract significant amount of funds from the three collapsed banks.

#### **4.3. The responsible persons promoted by the Democratic Party**

To date not a single person was convicted in this money laundering case. Moreover, two former members of the SCM were promoted. **Corneliu Gurin**<sup>54</sup>, the former Prosecutor General and member ex-officio of the SCM during 2013-2016 years, together with **Mihai Poalelungi**<sup>55</sup>, the former president of the Supreme Court of Justice and member ex-officio of the SCM during 2012-2018 years, were appointed as judges of the Constitutional Court in December 2018 by the Parliamentary majority controlled by the Democratic Party. In June 2019 the Constitutional Court issued several decisions to dissolve the legally elected Parliament, to remove a sitting President of the Republic and to replace him with the former Prime Minister Pavel Filip, the representative of the Democratic Party<sup>56</sup>.

**Alexandru Tanase**, the author of the law bill eliminating the 3% tax for the examination of the debt claims, was later appointed to the Constitutional Court and served on the court until 2017.<sup>57</sup> After that he was appointed to represent the Republic of Moldova in the Venice Commission of the European Council.<sup>58</sup>

### **5. Attachments**

Annex 1: Inquiry to the NBM and OPFML

Annex 2: Reply from the NBM

Annex 3: Reply from the OPFML

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<sup>53</sup> Decision of the Constitutional Court no. 31 from 01 Oct 2013, available at <http://www.constcourt.md/ccdocview.php?tip=hotariri&docid=463&l=ro>

<sup>54</sup> Cornelius Gurin, judge of the Constitutional Court, available at <http://constcourt.md/pageview.php?l=en&id=1368&idc=18&t=/Composition-and-organization/Constitutional-judges/Corneliu-GURIN/>

<sup>55</sup> Mihai Poalelungi, judge of the Constitutional Court, available at <http://constcourt.md/pageview.php?l=en&id=1167&idc=18&t=/Composition-and-organization/Constitutional-judges/Mihai-POALELUNGI/>

<sup>56</sup> International Commission of Jurists concerned at constitutional crisis in Moldova, June 2019, available at <https://www.ici.org/moldova-icij-concerned-at-constitutional-crisis-in-moldova/?fbclid=IwAR1ffPfHmG14t4g9ZE2uvffSHe87U34MbGLJhdove6at9dlNZueGEYkfjVY>

<sup>57</sup> IPN, Alexandru Tanase appointed judge at Constitutional Court, Apr 2011, available at <http://www.ipn.md/en/politica/37773>

<sup>58</sup> Alexandru Tanase, member of the Venice Commission, available at [https://www.venice.coe.int/webforms/pages/?p=cv\\_2609](https://www.venice.coe.int/webforms/pages/?p=cv_2609)

# **Annex 1**

In attention of: National Bank of Moldova

Office for Prevention and Fight against Money  
Laundering of the National Anticorruption Center

Copy: **Mr. Matthias KLOTH,**  
Executive Secretary of MONEYVAL Committee

**Mr. Petras AUŠTREVIČIUS,**  
European Parliament's rapporteur on Moldova

IMF Mission in the Republic of Moldova

World Bank office in the Republic of Moldova

16 January 2019

*Ref: cash inflows CIS*

Dear Sirs,

According to the statistical yearbook of the National Bank concerning the „International accounts of the Republic of Moldova”, the aggregated international financial flows from the CIS countries via the national banking system of Moldova exceed significantly the ordinary economic activities with the respective region, such as export, personal remittances from CIS countries, foreign direct investments and loans. The comparative analysis of these indicators for the period 2010-2015 is presented in the table below:

*Table 1: Comparative analysis of the financial flows and economic activities with CIS countries, million USD*

Indicator	2010	2011	2012	2013	2014	2015
<b>Gross financial inflows from CIS countries via the national banking system<sup>1</sup></b>	<b>6 485,9</b>	<b>7 954,5</b>	<b>13 655,3</b>	<b>32 050,7</b>	<b>21 030,4</b>	<b>3 217,1</b>
Gross financial inflows from ordinary economic activities, including:	1457,6	2 014,1	2 190,3	2 318,6	2 002,5	1 218,2
<i>Export to CIS countries *</i>	624,0	919,3	928,1	923,2	735,7	492,3
<i>Personal remittances from CIS</i>	833,6**	1 094,8	1 262,2	1 395,4	1 266,8	725,9
<b>Difference: financial inflows from unclear (suspicious) activities</b>	<b>5 028,3</b>	<b>5 940,5</b>	<b>11 465,1</b>	<b>29 732,1</b>	<b>19 027,9</b>	<b>1 998,9</b>

\* The export to CIS countries differs from the financial flows generated by this activity (the commercial relations involve payment delays and existence of arrears), however given the lack of statistical data on this matter we will use the amount of export as the reference value.

\*\* The amount of remittances in 2010 was 1244,14 million USD, out of which approx. 67% represent the remittances from CIS countries.

<sup>1</sup> Source: Statistical yearboor of the National Bank on the „International accounts of Moldova” for 2016, page 77.  
Link: [http://www.bnm.md/files/Anuar\\_2016\\_rom.pdf](http://www.bnm.md/files/Anuar_2016_rom.pdf)

We note that in every year exists a significant difference between the financial inflows transferred from CIS countries to the Republic of Moldova and the ordinary economic activities with CIS region. The amount of foreign direct investments and loans from CIS can be neglected, as they are considerably lower than the foreign trade and personal remittances.

**Therefore, during 2010-2014 the gross financial inflows from uncertain (suspicious) activities is estimated at 71 billion USD.** Given the fact that these financial flows were transferred from CIS via the banking system of the Republic of Moldova without any reasonable economic ground, these transactions can be treated as suspicious.

In this context we solicit the following information:

1. In which way the respective transactions were analyzed under the law on preventing and combatting the money laundering and terrorism financing?
2. For what reason in 2015 the annual financial inflows from CIS countries decreased significantly, from 21,0 billion USD to 3,2 billion USD?
3. What is the gross value of the tracked suspicious transactions and what countries they are originated from?
4. What sanctions were applied by the National Bank to the financial institutions and their executives concerning the performed suspicious transactions?
5. What is the amount of financial inflows transferred from the Russian Federation and Azerbaijan via the Moldovan banking system between 2010-2014 years?

Annexes:

- i) Aggregated international financial flows via the national banking system, published in the statistical yearbook „International accounts of the Republic of Moldova” for 2014, page 59;
- ii) i) Aggregated international financial flows via the national banking system, published in the statistical yearbook „International accounts of the Republic of Moldova” for 2016, page 77.

Respectfully yours,

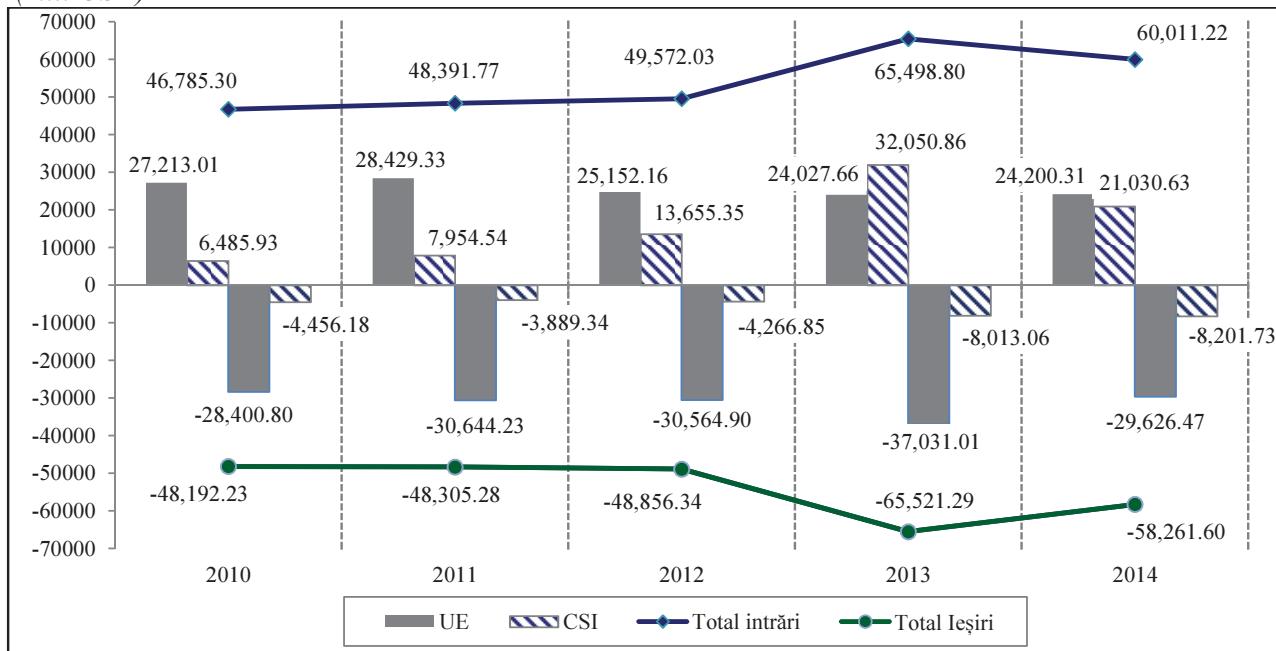
Sergiu Tofilat  
chairperson of the Community „Watchdog.MD”

Veaceslav Negruță  
economic expert from Transparency International Moldova

## V. STATISTICA OPERAȚIUNILOR BANCARE INTERNAȚIONALE

Pe parcursul anului 2014, sistemul bancar național a înregistrat intrări de fluxuri financiare în valoare de 60,011.22 mil. USD și ieșiri – de 58,261.60 mil. USD, încasările depășind plățile cu 1,749.62 mil. USD. Astfel, de menționat o descreștere de 8.4 la sută la intrări și de 11.1 la sută la ieșiri (diagrama 28).

Diagrama 28. Fluxurile financiare internaționale agregate înregistrate în sistemul bancar național (mil. USD)



Volumul operațiunilor de încasări și plăți cu statele *Uniunii Europene*, comparativ cu anul 2013, a crescut nesemnificativ la intrări cu 0.7 la sută, la ieșiri însă s-a diminuat cu 20.0 la sută. Pondere acestora a constituit 40.3 la sută din totalul intrărilor și 50.9 la sută din totalul ieșirilor.

Fluxurile bancare cu *CSI* s-au diminuat, comparativ cu anul precedent, cu 34.4 la sută la intrări și s-au majorat cu 2.4 la sută la ieșiri, înregistrând o pondere de 35.0 la sută din totalul intrărilor și de 14.1 la sută din totalul ieșirilor.

Volumul operațiunilor de încasări și plăți aferente *comerțului exterior cu bunuri*, comparativ cu anul 2013, s-a majorat la export cu 0.6 la sută și s-a diminuat la import cu 7.7 la sută, constituind, respectiv, 2,010.50 mil. USD și 4,564.64 mil. USD. Pondere acestor operațiuni în fluxurile totale a constituit 3.4 la sută la intrări și 7.8 la sută la ieșiri. Gradul de acoperire a plășilor pentru importuri de bunuri prin încasările din exporturi de bunuri a constituit 44.0 la sută, majorându-se față de 2013 cu 3.6 puncte procentuale (p.p.).

Operațiunile bancare internaționale aferente *serviciilor* s-au majorat față de anul precedent cu 1.8 la sută la încasări (până la 864.72 mil. USD) și cu 2.6 la sută la plăți (înregistrând 729.77 mil. USD). Gradul de acoperire a plășilor prin încasări la servicii a fost de 118.5 la sută. Cea mai însemnată pondere în operațiunile pentru servicii le-a revenit celor pentru transport, care au deținut 38.5 la sută din încasări și 39.6 la sută din plăți. De asemenea, încasări și plăți importante au fost înregistrate la următoarele tipuri de servicii: călătorii - 21.2 și 25.2 la sută, comunicații - 10.7 și 4.5 la sută, construcții - 6.5 și 6.2 la sută, servicii informatiche - 6.8 și 5.0 la sută, guvernamentale - 2.9 și 3.3 la sută, servicii de publicitate și de marketing - 2.9 și 0.9 la sută, de asigurare - 0.6 și 2.6 la sută din totalul serviciilor, respectiv încasări și plăți.

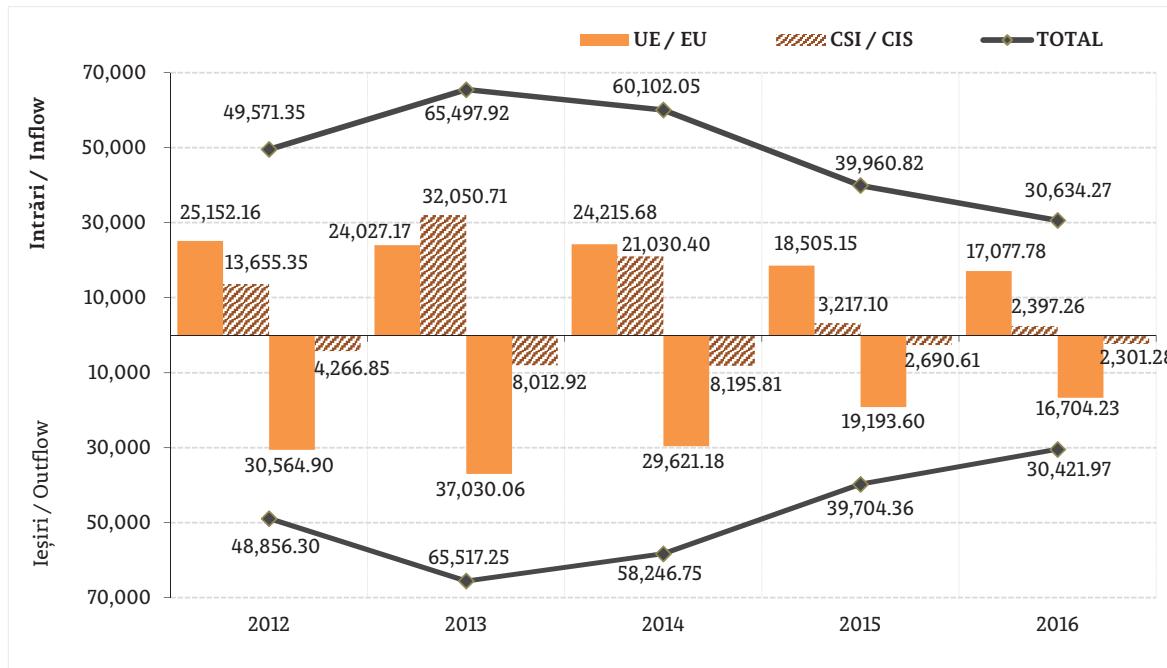
Volumul granturilor și al *asistenței tehnice* din exterior s-a majorat față de anul 2013 cu 36.9 la sută și a constituit 309.39 mil. USD.

## V. STATISTICA OPERAȚIUNILOR BANCARE INTERNAȚIONALE

Pe parcursul anului 2016, sistemul bancar național a înregistrat intrări de fluxuri financiare în valoare de 30,634.27 mil. USD și ieșiri – de 30,421.97 mil. USD, plățile depășind încasările cu 212.29 mil. USD. Astfel, comparativ cu anul 2015 este înregistrată o descreștere cu 23.3 la sută la intrări și cu 23.4 la sută la ieșiri (diagrama 28).

**Diagrama 28. Fluxurile financiare internaționale agregate înregistrate în sistemul bancar național (mil. USD)**

Aggregated international financial flows via the national banking system (US\$ million)



Volumul operațiunilor de încasări și plăți cu statele *Uniunii Europene*, comparativ cu anul 2015, s-a diminuat atât la intrări, cât și la ieșiri, respectiv cu 7.7 la sută și 13.0 la sută. Ponderea acestora a constituit 55.7 la sută din totalul intrărilor și 54.9 la sută din totalul ieșirilor.

Fluxurile bancare cu *CSI* s-au diminuat comparativ cu anul precedent: cu 25.5 la sută la intrări și 14.5 la sută la ieșiri, înregistrând o pondere de 7.8 la sută din totalul intrărilor și de 7.6 la sută din totalul ieșirilor.

Volumul operațiunilor de încasări și plăți aferente *comerțului exterior cu bunuri*, comparativ cu anul 2015, s-a majorat la export cu 9.3 la sută și la import s-a diminuat cu 0.3 la sută, constituind, respectiv, 1,684.16 mil. USD și 3,411.78 mil. USD. Ponderea acestor operațiuni în fluxurile totale a constituit 5.5 la sută la intrări și 11.2 la sută la ieșiri. Gradul de acoperire a plăților pentru importuri de bunuri prin încasările din exporturi de bunuri a constituit 49.4 la sută, majorându-se față de 2015 cu 4.4 puncte procentuale.

Volumul operațiunilor bancare internaționale aferente *serviciilor* s-a majorat, față de anul precedent, cu 7.9 la sută la încasări (până la 798.93 mil. USD) și cu 3.1 la sută la plăți (înregistrând 599.58 mil. USD). Gradul de acoperire a plăților prin încasări la servicii a fost de 133.2 la sută, majorându-se față de 2015 cu 5.9 puncte procentuale. Cea mai însemnată pondere în operațiunile pentru servicii le-a revenit celor pentru transport, care au deținut 38.4 la sută din încasări și 31.8 la sută din plăți. De asemenea, încasări și plăți importante au fost

## **Annex 2**



# Banca Națională a Moldovei

Nr. 18-00012/229/478

"15" februarie 2019

**Dlui Sergiu Tofilat,**  
președinte al Comunității „Watchdog.MD”

**Dlui Veaceslav Negruța,**  
expert economic al „Transparency International Moldova”  
*MD-2012, Chișinău, str. Scusev 68, MD*  
*AO Comunitatea „Watchdog.MD”*

Stimați domni,

Cu referire la întrebările dumneavoastră, Banca Națională a Moldovei (BNM) vă comunică următoarele informații de care dispune:

*1. În ce mod au fost analizate tranzacțiile respective prin prisma Legii privind prevenirea și combaterea spălării banilor și finanțării terorismului?*

În perioada la care se face referință (2010-2015), BNM a dispus în domeniul prevenirii și combaterii spălării banilor și finanțării terorismului de competență expres prevăzută în art. 10 din Legea nr. 190 din 26.07.2007 privind prevenirea și combaterea spălării banilor și finanțării terorismului. În particular, competența BNM în domeniul prevenirii și combaterii spălării banilor și finanțării terorismului, în fond, a constat în emiterea actelor normative, ghidurilor și recomandărilor pentru implementarea legii menționate, precum și în verificarea aplicării de către entitățile raportoare supravegheate a prevederilor legii și ale actelor normative respective, ale programelor proprii în domeniul respectiv.

Totodată, în temeiul legii menționate, obligațiile privind aplicarea unor măsuri specifice – identificarea, verificarea identității clienților, beneficiarului efectiv, adoptarea unor măsuri rezonabile pentru a înțelege structura proprietății și structura de control ale clientului, scopul și natura relației de afaceri, monitorizarea continuă a relației de afaceri, inclusiv examinarea tranzacțiilor, obținerea și evaluarea informației, raportarea către organul abilitat a informației cu privire la tranzacțiile suspecte, păstrarea datelor – au revenit băncilor și altor persoane juridice și fizice care, potrivit legii, erau „entități raportoare”.

În acest context, BNM vă informează că examinarea, analizarea prin prisma legii menționate a fiecărei tranzacții în parte efectuate prin intermediul entităților raportoare, calificarea

tranzacțiilor ca fiind suspecte, raportarea tranzacțiilor suspecte și a unor altor tranzacții, conform legii, nu țin de atribuțiile BNM. Examinarea și analiza de către BNM a unor tranzacții/operațiuni concrete efectuate prin intermediul sau de către entitățile raportoare poate avea loc cu ocazia efectuării unui control (complex sau tematic) la entitatea respectivă și doar în contextul verificării respectării de către entitate a prevederilor actelor normative respective, ale programelor proprii referitor la aplicarea măsurilor sus-menționate (identificarea clientilor, verificarea identității lor, a beneficiarului efectiv, a scopului și naturii relației de afaceri, monitorizarea continuă a relației de afaceri, obținerea și evaluarea informației). Notăm că BNM examinează tranzacțiile pe un anumit eșantion selectat în conformitate inclusiv cu practicile internaționale în domeniu și procedurile interne, și nu toate tranzacțiile efectuate prin entitatea respectivă într-o anumită perioadă.

Sub aspectul exercitării atribuției BNM de supraveghere, unele activități sau tranzacții în bănci au fost verificate în cadrul controalelor efectuate de BNM. Informația mai amplă în acest sens este prezentată în continuare la pct. 3, 4.

Totodată, menționăm că datele privind fluxul de mijloace financiare în/din Republica Moldova referitoare la conturile internaționale ale Republicii Moldova se colecteză și se procesează de către BNM în scopuri statistice, pentru exercitarea atribuțiilor BNM de întocmire a balanței de plăți și elaborare a statisticii cu privire la datoria externă a Republicii Moldova. Aceste fluxuri includ și transferurile de capital precum rulajele interbancare și, de regulă, sunt mai mari decât valoarea schimburilor comerciale și a remiterilor.

Datele menționate se publică în anuarul statistic al BNM și sunt elaborate cu respectarea Legii cu privire la statistica oficială, care stabilește scopul și regimul de utilizare a datelor statistice.

*2. Din care motiv în anul 2015 se înregistrează o scădere considerabilă a transferurilor din CSI, de la 21,0 miliarde USD până la 3,2 miliarde USD?*

În anul 2015, comparativ cu anul 2014, în sistemul bancar s-a înregistrat o scădere a fluxurilor financiare totale din țările CSI. Această scădere s-a produs pe fondul reducerii (cu peste 80 la sută) valorii tranzacțiilor financiare interbancare, operate de băncile licențiate în nume propriu (operațiuni de convertire, depozite interbancare inclusiv overnight, împrumuturi interbancare, derivate financiare, ș.a.), inclusiv ca urmare a măsurilor de supraveghere aplicate de BNM băncilor cărora ulterior le-au fost retrase licențele de desfășurare a activităților financiare.

*3, 4. Care este valoarea totală a tranzacțiilor suspecte depistate și din care țări provin aceste tranzacții? Ce sancțiuni au fost aplicate de către Banca Națională asupra instituțiilor financiare și administratorilor acestora în legătură cu efectuarea tranzacțiilor suspecte respective?*

În scopul prevenirii și combaterii spălării banilor și finanțării terorismului, în conformitate cu art.8 din Legea nr.190 din 26.07.2007, entitățile raportoare sunt obligate să informeze Serviciul Prevenirea și Combaterea Spălării Banilor despre orice activitate sau despre orice tranzacție suspectă de spălare a banilor și de finanțare a terorismului, aceste date fiind remise în adresa SPCSB.

Suplimentar celor expuse în răspunsul la prima întrebare, vă informăm că în perioada 2010-2015, BNM a efectuat controale pe teren și din oficiu la bănci, inclusiv în scopul verificării respectării legislației privind prevenirea și combaterea spălării banilor, ca parte componentă a legislației care constituie obiectul supravegherii.

Ca rezultat, în perioada respectivă, urmare încălcării legislației depistate în activitatea unor bănci, BNM a aplicat, în limita competenței sale, 37 de avertismente scrise, 18 amenzi, 4 retrageri de licență. Încălcările au vizat și fapte de nerespectare a prevederilor legislației privind prevenirea și combaterea spălării banilor și finanțării terorismului (neaplicarea măsurilor suficiente de identificare și verificare a clienților, beneficiarilor efectivi ai tranzacțiilor sau fondurilor, lipsa informației necesare privind scopul și natura relației de afaceri, neraportarea unor tranzacții ce conțin indicii tranzacției suspecte etc). Urmare neregulilor depistate, BNM a informat organele de drept competente în legătură cu identificarea faptelor de încălcare a legislației sau a activităților/tranzacțiilor suspecte de spălare a banilor.

Informația și datele privind rezultatele măsurilor întreprinse de BNM în domeniul prevenirii și combaterii spălării banilor și finanțării terorismului sunt dezvăluite și în rapoartele de specialitate ale autorităților naționale și organizațiilor internaționale (rapoartele anuale ale SPCSB, al 4-lea raport de evaluare „Moneyval” din 2012, Raportul de evaluare a stabilității sistemului finanțier efectuat de Banca Mondială și Fondul Monetar Internațional) cu competențe în domeniul prevenirii și combaterii spălării banilor și finanțării terorismului.<sup>1</sup>

*5. Care este volumul transferurilor efectuate din Federația Rusă și Azerbaidjan în Republica Moldova prin intermediul sistemului bancar în perioada 2010-2014?*

BNM nu elaborează statistici pe țări ale tranzacțiilor bancare cu nerezidenții. Statistica operațiunilor bancare internaționale este una din sursele primare, care se colecteză și se utilizează doar în scopul producerii statisticilor oficiale privind „Conturile internaționale ale Republiei Moldova”, inclusiv „Balanța de plăti a statului” și indicatorul „Transferurile de mijloace bănești din străinătate efectuate în favoarea persoanelor fizice prin intermediul băncilor”. O analiză succintă dedicată acestei surse importante este publicată trimestrial în cadrul „Comentariilor analitice la Conturile Internaționale ale Republiei Moldova” ([http://bnm.md/ro/search?partitions\[0\]=677&post\\_types\[677\]\[0\]=223](http://bnm.md/ro/search?partitions[0]=677&post_types[677][0]=223)) în spiritul transparenței și alinierii Codului de Bune Practici al Statisticilor Europene.

Totodată, în vederea oferirii unui răspuns detaliat la întrebarea dvs., au fost efectuate prelucrări suplimentare ale datelor statistice, prezentate în tabelul ce urmează:

**Tabel. Volumul încasărilor totale de fluxuri financiare din Federația Rusă și Azerbaidjan în Republica Moldova, înregistrate prin sistemul bancar al Republiei Moldova în perioada 2010 – 2014 (mil. USD).**

Țara	2010	2011	2012	2013	2014
Federația Rusă	5694,37	6520,66	12540,32	31347,51	20541,66
Azerbaidjan	6,55	5,35	7,75	6,92	12,97

În ultimii trei ani, Banca Națională a Moldovei a pornit un proces amplu de reforme soldate cu un cadru normativ nou, bazat pe principiile Basel III, un nou cadru de combatere a spălării

<sup>1</sup> <http://spcsb.md/ro/annual-reports>,

<https://www.coe.int/en/web/moneyval/jurisdictions/moldova>,

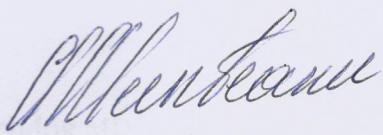
<https://www.imf.org/external/np/fsap/fsap.aspx?CountryName=Moldova,%20Republic%20of>

banilor, o supraveghere mult mai riguroasă a băncilor, a luat măsuri pentru transparentizarea acționariatului bancar și sporirea responsabilității personale a bancherilor etc. De asemenea, schimbarea calitativă a acționarilor unui șir de bănci exclude posibilitatea derulării schemelor de acest gen prin intermediul băncilor licențiate.

Agenda de reforme va continua în sistemul bancar, cu scopul de a asigura dezvoltarea acestuia, a implementa mecanisme noi de prevenire a crizelor și a pune în aplicare cele mai bune practici internaționale pentru prevenirea și combaterea spălării banilor și finanțării terorismului.

Cu respect,

Vladimir MUNTEANU  
Prim-viceguvernator



Ex.: I.Borș  
Tel.: (+373) 22 822 331

## **Annex 3**



**SERVICIUL  
PREVENIREA ȘI COMBATEREA  
SPĂLĂRII BANILOR**



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**Domnului Sergiu Tofilat  
Comunitatea „Watchdog.MD”**

**Domnului Veaceslav Negruță  
Transparency International Moldova**

Serviciul a examinat solicitarea din 16 ianuarie 2019 cu privire la datele aferente intrărilor de fluxuri financiare din CSI în sistemul bancar național pentru perioada anilor 2010 – 2015 și în limitele competențelor deținute comunică că în conformitate cu prevederile Legii nr. 308 din 22.12.2017 „cu privire la prevenirea și combaterea spălării banilor și finanțării terorismului”, Serviciul primește, înregistrează, analizează, prelucrează și transmite organelor competente informațiile privind activitățile și tranzacțiile suspecte de spălare a banilor, de infracțiuni asociate acesteia și de finanțare a terorismului, prezentate de entitățile raportoare.

Astfel, din informațiile acumulate conform competențelor legale deținute, s-a concluzionat că pînă în anul 2014 o parte din fluxul financiar al mijloacelor bănești provenite din Federația Rusă a avut un caracter tranzitoriu, în acest context din informațiile preliminare deținute, diferența dintre valoarea fluxurilor financiare provenite din Federația Rusă pentru perioada anilor 2010 – 2014 în comparație cu perioada ulterioară este motivată de tranzitarea mijloacelor bănești prin schema de spălare de bani „Laundromat”.

Totodată, Serviciul Prevenirea și Combaterea Spălării Banilor a aplicat amenzi instituției financiare BC MOLDINDCONBANK S.A. în sumă totală de 4 300 000 lei pe faptul comiterii contravenției prevăzute de art. 291<sup>5</sup> din Codul Contravențional al Republicii Moldova „neraportarea tranzacțiilor suspecte”.

Tranzacțiile bancare neraportate de către BC MOLDINDCONBANK S.A. au făcut parte din activitățile financiare derulate prin intermediul conturilor corespondente ale băncilor din Federația Rusă deschise la BC MOLDINDCONBANK S.A. și investigate în cadrul cauzelor penale.

Cu respect,

director

Vasile ȘARCO