

UAB Raimda auditas

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✓ *Ministry of Justice of the Republic of Lithuania*  
*On the application of the provisions of the law*

REQUEST

23 October 2020

*Law on Prevention of Money Laundering and Terrorist Financing* (hereinafter - LPMLTF) 1997-06-19 No. VIII-275 (current wording from 10/07/2020) Chapter 3 of the *Money Laundering and/or Terrorist Financing Prevention Measures* Article 9 *Customer's and the Beneficial Owner's due Diligence* and other related articles establish the obligation **to identify the Beneficial Owner**.

The provisions of the LPMLTF apply to ***other obliged entities*** (Item 10 of Article 2) and to all financial-credit institutions.

The term "customer" is often emphasized in this law, but in a similar *reverse situation*, the term "supplier" is omitted.

For example, Public Institution "X", in which one of the relevant ministries of the Republic of Lithuania is a shareholder announces an international public procurement tender for the purchase of goods / services.

1. **Question:** Does the Public Institution "X" not have a legal obligation to obtain the *identification of the final beneficial owner* of the company (supplier) participating in the tender in accordance with the provisions of the *Law on the Prevention of Money Laundering and Terrorist Financing* of the Republic of Lithuania?

In the text of the Public Procurement Law of the Republic of Lithuania No. I-1491 of 13 August 1996 (current wording from 1 August 2020), I did not notice that there was a legal obligation regarding the identification of *the supplier - the beneficial owner*.

2. **Question:** Are the provisions of the Law of the Republic of Lithuania on the *Prevention of Money Laundering and Terrorist Financing* regarding the determination of the ***beneficial owner*** not mandatory, i.e. legally applicable to the Law on Public Procurement of the Republic of Lithuania?

Director and Auditor of UAB Raimda auditas

Member of ACCA (Association of Chartered Certified Accountants) Daiva Žumbakienė



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