

INFORMATION CIRCULAR No 02/IMPIC/2019

Subject: Regulation No 276/2019 of 26 March 2016 – Entry into force and procedures to be adopted by the obliged entities that carry out real estate activities

On 18 August 2017, Law No 83/2017 on combating money laundering and terrorist financing, which partly transposes into national law Directive 2015/849/EU and repeals Law No 25/2008, previously in force on the same subject, conferring new powers on IMPIC, I.P. in this area, was published.

This new framework further reinforces existing rules and obligations in order to establish stricter requirements for IMPIC and the obliged entities as regards risk assessment in the real estate sector, and increases the preventive duties in combating money laundering and terrorist financing.

Within the scope of the powers granted to IMPIC, I.P. by Decree-Law No 232/2015 of 13 October 2015 and Law No 83/2017 of 18 August 2017, Regulation No 276/2016 was published on 26 March 2019 to enter into force on 26 June 2019.

Whereas Law No 83/2017 of 18 August 2017 entered into force on 17 September 2017 and the new legal framework applicable to the real estate sector shall apply only from 26 June 2019.

Whereas within the scope of that legal framework and the new Regulation approved by IMPIC, I.P., some legal obligations have been modified while other new ones have been imposed to entities that carry out real estate activities, which were unable to comply with the corresponding reporting obligations because the relevant regulatory legal framework did not exist and it was necessary to adapt the existing electronic platform.

Whereas with the entry into force of Regulation No 276/2019 and the end of the temporal scope of Deliberation No 988/2017 approved by the Governing Board of IMPIC, I.P., on 9 November 2017, the duties provided for in Law No 83/2017 and addressed by that Deliberation are now fully in force with the specificities established in Regulation No 276/2016, namely as regards the identification and training obligations.

Whereas pursuant to Articles 16 and 46 of Law No 83/2017 of 18 August 2017 and Articles 10 and 14 of the Regulation, the entities carrying out real estate activities are required to perform the mandatory reporting to IMPIC, I.P., we hereby inform that:

1. The time limit of 60 working days provided for in Article 10(3) of the Regulation for the appointment of a compliance officer by the entities that are obliged to do so under paragraph 1 begins from the date of entry into force of the Regulation, i.e., on 26 June 2019;
2. For the purpose of reporting the details of lease contracts amounting to no less than EUR 2,500.00 per month, provided for in Article 46(1)(b) and (3) of Law No 83/2017 of 28 August 2017 and Article 14(1)(c) of the Regulation, only the contracts concluded after 1 July

2019 should be reported and there is no obligation as regards those concluded before that date;

3. Changes made to the electronic platform provided by IMPIC, I.P., so that the entities carrying out real estate activities can perform their mandatory reporting as provided for in Article 46 of Law No 83/2017 of 18 August 2017 and in Regulation No 276/2019 of 26 March 2019 will become operational on 1 July 2019 and reporting can be made from that date onwards.

4. As from 1 July 2019, a section with “Frequently asked questions” will be available at the following link devoted to this subject: <http://www.impic.pt/impic/pt-pt/perguntas-frequentes/comunicacao-de-transacoesimobiliarias;>

5. Entities that have questions about this subject can submit their queries by sending an email to informa.lei83@impic.pt, but should first read the “Frequently asked questions”.

6. A presentation delivered to the real estate entities on the new Regulation No 276/2019 is available on the website of IMPIC, I.P., at http://www.impic.pt/impic/assets/misc/pdf/documentos_de_iniciativas_estrategicas/BCFTjun2019.pdf.

24.06.2019

The Governing Board of IMPIC, I.P.