

# GUIDELINES

for applications for subjecting a financial intermediary's **group companies in Switzerland** to FINMA money-laundering supervision in accordance with Art. 4 para. 1 AMLO-FINMA

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## Purpose

These Guidelines are not legally binding. They are intended to facilitate the processing of applications both for the applicant and FINMA. They list the information and documents normally required. This does not prevent the applicant from providing further information or FINMA from asking for further information and documentation. Applications are to be submitted in an **official Swiss language**. Where an application is submitted by an applicant's legal representative, the representative's power of attorney is to be submitted in the original.

Applications can be submitted by the financial intermediaries already subject to FINMA supervision or by the group company in Switzerland.

The relevant legal principles on which these guidelines are based can be obtained from the Federal Office for Buildings and Logistics (FOBL) 3003 Bern (phone 031 325 50 50, Fax 031 325 50 58, Internet [www.bbl.admin.ch](http://www.bbl.admin.ch)) or downloaded on the federal authorities homepage ([www.admin.ch](http://www.admin.ch)).

## Application for supervision

### 1. General information

#### Information

- 1.1 Address and contact details of the group company in Switzerland
- 1.2 Full details on the purpose and area of business incl. financial activities (Art. 4 para. 1 in conjunction with Art. 3 para. 1 let. b AMLO-FINMA and Art. 2 para. 3 AMLA)
- 1.3 Legal form
- 1.4 Date of establishment / foundation
- 1.5 Details of **financial intermediaries** in the same group that **are already subject to FINMA supervision** within the meaning of Art. 3 para. 1 let. a AMLO-FINMA (see also Art. 4 para. 1 AMLO-FINMA)

- 1.6 Details of the external auditors of the financial intermediaries mentioned under 1.5
- 1.7 Description of relationships with or position within the group (especially capital and voting rights)
- 1.8 Details of whether the group company in Switzerland is already under AMLA supervision and if so by whom
- 1.9 Links with other natural persons or legal entities (stakes held by or in third parties, joint venture agreements).

#### **Documentation**

- 1.10 Up-to-date extract from the Commercial Register
- 1.11 Articles of association or deed of incorporation/foundation
- 1.12 Annual reports for the last three years, including auditor's reports
- 1.13 Any reports by the AMLA auditor
- 1.14 Organisation chart for the whole group
- 1.15 Acknowledgement by the group company in Switzerland that FINMA can impose measures on it as detailed in Art. 29 ff. of FINMASA and Art. 20 AMLA
- 1.16 Assurance by one of the financial intermediaries already subject to FINMA supervision within the meaning of Art. 3 para. 1 let. a AMLO-FINMA (point 1.5 above) to monitor and enforce compliance with AMLA and AMLO-FINMA.
- 1.17 Assurance by one of the financial intermediaries already subject to FINMA supervision within the meaning of Art. 3 para. 1 let. a AMLO-FINMA (point 1.5 above) that their external auditor has been instructed to check the applicant's compliance with the AMLA and AMLO-FINMA and to comment individually on each group company concerned in its audit report for the group in Switzerland (Art. 4 para. 1 AMLO-FINMA).

## **2. Persons in charge of administration and management (Art. 14 para. 2 let. c AMLA)**

#### **Information**

- 2.1 Composition of the board of directors
- 2.2 Composition of the executive board
- 2.3 Auditor: information from the Commercial Register.

#### **Documentation**

- 2.4 Organisation chart of the Swiss group company

2.5 For natural persons specified under points 2.1 and 2.2 above:

- Copy of a valid passport or valid ID card
- Extract from the criminal records
- Signed CV (including at least the following: personal details, education, professional training, a brief description of professional activities and a list of any mandates held)
- Declaration of criminal or administrative proceedings (completed or pending) incl. collection of debts and bankruptcy proceedings.

**3. Due diligence obligations, special bodies defined by AMLA, training (Art. 14 para. 2 lets. b and c AMLA).**

### Information

3.1 Overview of the Swiss group company's internal procedures for the fulfilment of obligations arising from AMLA and/or AMLO-FINMA. The following points in particular must be explained in detail:

- Nomination of an internal specialist unit for money laundering in accordance with Art. 22 ff. AMLO-FINMA 1 (details of the internal staff responsible and any delegation to third parties, especially delegation to another Swiss group company)
- Procedures for verifying the identity of the counterparty and establishing the identity of the beneficial owner (requirements, procedures, people responsible, organization and location of document storage, especially of the counterparty register)
- Implementation of the AMLO-FINMA, especially with regard to the definition and management of increased risks in accordance with Art. 12 ff. AMLO-FINMA and the provision of the transaction monitoring system in accordance with Art. 19 AMLO-FINMA
- Notification and blocking procedures in accordance with Art. 28 ff. AMLO-FINMA and Arts. 9 and 10 AMLA
- Internal staff training (including training for the executive board)
- Description of the internal supervisory processes introduced;
- Description of any outsourcing or delegation arrangements relating to due diligence obligations.

3.2 Point of contact for FINMA: contact details for the relevant person.

### Documentation

3.3 Internal directives

3.4 List of all the documents used to verify identity

3.5 Outsourcing or delegation agreements

3.6 Confirmation by the group's external auditor (see point 1.17 above) that the Swiss group company's organisational structure will allow it to meet its due diligence obligations as set out in the AMLA and the AMLO-FINMA.