Sovereign Ordinance no. 2,318 of 03/08/2009 setting the conditions for application of Act no. 1,362 of 3 August 2009 on the fight against money laundering, terrorist financing and corruption

(Journal de Monaco dated 7 August 2009 and Erratum published in the Journal de Monaco on 21 August 2009).

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Having regard to the Constitution;

Having regard to Act no. 1,144 of 26 July 1991 on the exercise of certain economic and legal activities, amended;

Having regard to Sovereign Ordinance no. 11,160 of 24 January 1994 setting the conditions for application of Act no. 1,162 of 7 July 1993 on the participation of financial bodies in the fight against money laundering and terrorist financing, amended;

Having regard to Sovereign Ordinance no. 11,246 of 12 April 1994 establishing a *Service d'information et de Contrôle sur les Circuits Financiers* (S.I.C.C.F.I.N.), amended;

Having regard to Sovereign Ordinance no. 16,552 of 20 December 2004 creating a Liaison Committee to combat money laundering and terrorist financing, amended;

Having regard to Act no. 1,362 of 3 August 2009 on the fight against money laundering, terrorist financing, and corruption;

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - 1 Definitions

Article 1 .-*(Amended by Article 1 of Ordinance no. 8,634 of 29 April 2021 set aside by decision of the Supreme Court dated 2 December 2021; by Ordinance no. 9,125 of 25 February)*

For the application of this Ordinance, the terms below have the following meanings:

1 °) "professional": an organisation, natural or legal person in one of the categories listed in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned;

2°) "beneficial owner": the natural person or persons who ultimately own or control the customer and/or the natural person for whom a transaction is performed. This also includes natural persons who ultimately exercise effective control over a legal person or arrangement;

3°) "unusual transaction": a transaction specified in Article 14 of Act no. 1.362 of 3 August 2009, amended, aforementioned;

4°) "payment service provider": a credit institution or payment institution;

5°) "intermediary payment service provider": a payment service provider that is not the payment service provider of the payer or of the payee and that receives and transmits a transfer of funds on behalf of the payment service provider of the payer or of the payee or of another intermediary payment service provider;

6°) "payer": a natural or legal person who is the account holder and who orders a transfer of funds from that account, or in the absence of an account, the natural or legal person who gives the order to carry out a transfer of funds;

7°) “payee”: the person who is the intended recipient of transferred funds;

8°) “bank transfer or transfer of funds”: any transaction carried out on behalf of a payer through a payment service provider at least partly by electronic means with a view to making funds available to a payee, irrespective of whether the payer and the payee or the payer’s payment service provider and that of the payee are the same person;

9°) “cross-border bank transfer or transfer of funds”: a transfer for which the payment service provider of the payer and that of the payee are located in different countries; this term also describes any chain of electronic transfers which includes at least one cross-border element;

10°) “national bank transfer or transfer of funds”: a transfer for which the payment service providers of the payer and the payee are located in the same country. This term therefore refers to all chains of electronic transfers that are entirely performed within the borders of the same country, even if the system used to perform the transaction is located in another country;

11°) “batch file transfer”: a bundle of several individual transfers of funds put together for transmission;

12°) “unique identifier’”: a number formed by a combination of letters, numbers or symbols determined by the payment service provider, in accordance with the protocols of the payment and settlement systems or messaging systems used for the transfer of funds, which permits the traceability of the transaction back to the payer and the payee;

13°) “funds”: all types of assets, whether material or immaterial, tangible or intangible, movable or immovable, including virtual financial assets within the meaning of Article 1 of Act no. 1,383 of 2 August 2011 for a digital Principality, amended, as well as legal instruments or documents certifying ownership of these assets or rights relating thereto;

14°) “money transmitter”: any person who offers, as their usual profession, financial services accepting cash, cheques, any other payment instruments or deposits of securities in a given place and pays an equivalent sum in cash or in any other form to a beneficiary who is located in another geographical area using communications, messages, transfers or a clearing system to which the money remittance service belongs. Transactions carried out using this service may involve one or several intermediaries and a third party who receives the final payment;

15°) “business background”: the knowledge that professionals have of their customers, their activities, their risk profile and, where necessary, the origin of funds.

16°) “electronic money”: any monetary value which is stored electronically, including magnetically, representing a claim on the issuer and which is issued on receipt of funds for the purposes of making payment transactions, and is accepted as a means of payment by natural or legal persons other than the issuer, excluding:

- monetary value stored on instruments that allow the holder to acquire goods and services only in the premises of the issuer or within a limited network of service providers under a commercial agreement with the issuer or only a limited range of goods and services;

- monetary value used for payment transactions carried out using a telecommunication or other digital or information technology device, where the goods or services purchased are delivered and must be used by means of a telecommunication or digital or information technology device, provided the telecommunication, digital, or information technology operator does not act only as an intermediary between the payment service user and the supplier of the goods and services.

17°) “sports agent”: any person who, whether occasionally or habitually and in consideration of remuneration, brings interested parties together to make a contract, either for the paid exercise of a sporting activity, or for the agreement of an employment contract for the paid exercise of a sporting or training activity;

18°) “correspondent banking”:

a) the provision of banking services by one bank as the correspondent to another bank as the respondent, including providing a current or other liability account and related services, such as cash management, international fund transfers, cheque clearing, payable-through accounts and foreign exchange services;

b) the relationships between and among credit institutions and financial institutions including where similar services are provided by a correspondent institution to a respondent institution, and including relationships established for securities transactions or fund transfers;

19°) “senior management”: a member of senior management, an officer or employee with sufficient knowledge of the institution's money laundering and terrorist financing risk exposure and with sufficient seniority to take decisions affecting its risk exposure, and who need not, in all cases, be a member of the board of directors;

20°) “gambling services”, a service which involves wagering a stake with monetary value in games of chance, including those with an element of skill such as lotteries, casino games, poker games and betting transactions that are provided at a physical location;

21°) “legal entity”: any legal construction, notably including foundations and trusts;

22°) “group of insurance undertakings”:

1°) either a group of undertakings which consists of a parent undertaking, its subsidiaries, and the entities in which the parent undertaking or its subsidiaries hold a participation, as well as undertakings linked to each other by the fact that their administrative, management or supervisory bodies, consist in the majority of the same persons or are managed on a unified basis in accordance with a contract or the articles of association;

2°) or a group of undertakings founded on the establishment of a strong and sustainable financial relationship between those undertakings, provided that:

- one of those undertakings effectively exercises, through centralised coordination, a dominant influence over the decisions, including financial decisions, of the other undertakings that are part of the group; and,

- the establishment and dissolution of such relationships are subject to prior approval by the group supervisor.

The undertaking exercising the centralised coordination as provided in item 2°) shall be considered as the parent undertaking, and the other undertakings shall be considered as subsidiaries;

a°) “participating undertaking”: a parent undertaking within the meaning of c°) below or another undertaking which holds a participation within the meaning of b°) below, or an entity linked with another entity by the fact that their administrative, management or supervisory bodies consist in the majority of the same persons or are managed on a unified basis in accordance with a contract or the articles of association;

b°) “participation”: ownership, directly or by way of control, of 20% or

more of the voting rights or capital of an undertaking;

c°) “parent undertaking”: an undertaking which exercises exclusive control of an undertaking within the meaning of 22°). This second undertaking is referred to as the: “subsidiary”;

23°) Exclusive control by an undertaking results:

1°) either from the direct or indirect holding of a majority of the voting rights in another undertaking;

2°) or from the appointment, for two successive financial years, of a majority of the members of the administrative, management or supervisory bodies of another undertaking;

3°) or from the right to exercise a dominant influence over an undertaking under a contractual arrangement or in accordance with the articles of association, where permitted by applicable law.

24°) “virtual financial asset”: a virtual financial asset within the meaning of Act no. 1,383 of 2 August 2011 for a digital Principality, amended;

25°) “custodian wallet provider”: entity that provides services to safeguard private cryptographic keys on behalf of its customers, to hold, store and transfer virtual assets”

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 1-1 .- ***(Created by Article 2 of Ordinance no. 8,634 of 29 April 2021 set aside by decision of the Supreme Court dated 2 December 2021).***

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

1-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

The merchants and persons specified in point 15°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall report to the *Service d'Information et de Contrôle sur les Circuits Financiers*, under the conditions laid down by Ministerial decree, all transactions or series of transactions, settled in cash, for an amount equal to or greater than the amount specified in Article 64(2).

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter II - Identification and verification of the identity of customers

Article 2 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

A business relationship is established within the meaning of Articles 4, 4-1, and 4-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, where:

- a professional and a customer enter into a contract under the terms of which a succession of transactions will be carried out between them over a definite or indefinite period, or which creates ongoing obligations;

- a customer regularly and repeatedly requests the assistance or intervention of the same professional to perform successive distinct financial operations.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 3 .- The use of numbered accounts or those bearing a name of convenience is permitted solely in the professional's internal communications and operations, provided that the identities of the customer and beneficial owner are entirely known to the person responsible for monitoring the fight against money laundering and terrorist financing as well as any other appropriate person at the institution, and can be disclosed upon request to officers of the *Service d'Information et de Contrôle sur les Circuits Financiers*.

The names of convenience used must under no circumstances potentially cause confusion with any natural or legal person.

Where an account bears a name of convenience, this name must not appear on any scriptural payment methods attached to the account, nor on any correspondence or other documentation issued by the professional and relating to the transactions carried out.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 4 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Identification of the customer is required by Article 4-1(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, where:

- after the customer has been identified, there is reason to believe that the identification data they have provided were inaccurate or misleading;

- there is reason to doubt that the person seeking to carry out a transaction as part of a pre-existing business relationship is actually the customer identified for the purpose of said business relationship or their duly authorised and identified agent.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 5 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021; by Ordinance no. 9,125 of 25 February 2022)***

For the application of Articles 4-1 and 6 of Act no. 1,362 of 3 August 2009, amended, aforementioned, professionals are required to identify and to verify the identity of the customer and, if appropriate, the identity and authority of persons acting on the customer's behalf, in the following manner:

1°) where the customer is a natural person, physically present for the purposes of identification by the production of an original of a valid official document bearing their photograph, and either, by taking a photocopy of this document or by collecting the following details: last name, first names, nationalities, date and place of birth of the person, their address, and the nature, date, and place of issue of the document, and the name and status of the authority of person which issued, and, where appropriate, authenticated or certified the document;

Where the customer's address is not shown on the supporting document produced, or in case of doubt as to the accuracy of the address shown, the professional must verify this information by means of another document establishing the customer's real address, a copy of which shall be retained;

2°) where the customer is a legal person, whose duly authorised representative is physically present for the purposes of identification, by the production of the original or a certified copy of its articles of association or any deed or transcript from an official register or corporate document dated within the last three months, showing the company name, legal form, registered office address and that of one of its main places of business, if different, and the identity of the partners and corporate officers and, if appropriate, any third parties empowered to administer or manage or enter into legally binding commitments for the company on a habitual basis, or their equivalents in foreign law. In the case of a commercial undertaking,it shall be indicated whether each of these have the authority to enter into legally binding commitments for the undertaking in respect of third parties.

Professionals must also understand the nature of the legal person's business activity and its ownership and control structure.

Where the corporate officers or third parties empowered to administer, manage or enter into legally binding commitments for the undertaking on a habitual basis, or their equivalents in foreign law, are legal persons, by the production of the company name, legal form, registered office address, and identity of their representative, and the place and number of registration on a public register;

3°) where the identity cannot be verified in the presence of the natural person or representative of the legal person, professionals shall apply the due diligence measures specified in Article 13 of Act no. 1,362 of 3 August 2009, amended, aforementioned, or by electronic identification means issued under an identification scheme presenting a substantial or high level of guarantee, within the meaning of Ministerial Decrees no. 2020-461 and no. 2020-462 of 6 July 2020, aforementioned;

4°) where the customer is under undivided joint ownership, the customer identification and verification of identity obligations, as per Articles 4 and 4-1 of Act no. 1,362 of 3 August 2009, amended, shall apply to each joint owner.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 6 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

The identity of the customer, and of the beneficial owner where applicable, may be verified only during establishment of the business relationship, in the following conditions:

1 °) pursuant to Article 4-2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, where an account is opened, the identity verification shall be carried out before the first transaction is realised on this account;

2°) pursuant to Article 11-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, where a contract is made, the identity verification shall be carried out by the time the contract is made or before the start of the transaction concerned by the contract, provided the professional concerned is able to show the supervisory authority due justification for their decision not to verify their customer's identity before establishing a business relationship, so as not to interrupt the normal conduct of business and where there is little risk of money laundering or terrorist financing.

Professionals must be able to show the *Service d'Information et de Contrôle sur les Circuits Financiers* due justification for their decision not to verify the identity of their customer before establishing a business relationship.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6.279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 7 .- If the professional deems necessary, they may request a French translation of the documents specified in point 2 of Article 5.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 8 .- When identifying customers who are legal entities or trusts, professionals shall ascertain the existence, nature, objectives, management arrangements and representation of the legal entity or trust concerned. This identification also entails ascertaining and verifying the list of persons authorised to exercise administration or representation of these customers.

Said professionals shall verify this information by means of any supporting written documents, of which they shall retain a copy.

Professionals must also understand the ownership and control structure of the legal entity or trust.

Where the customer is a legal entity or trust, the obligations to identify the customer and verify their identity, pursuant to Article 4 of Act no. 1,362 of 3 August 2009, amended, also apply to the settlors of the legal entity or trust and, where applicable, the protectors of the legal entity or trust.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 9 .- Notwithstanding the customer and beneficial owner due diligence measures, where the customer subscribes or adheres to a life insurance or capitalisation contract, professionals shall identify and also verify the identity of the beneficiaries of these contracts.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 9-1 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

An occasional customer, within the meaning of Article 23 of Act no. 1,362 of 3 August 2009, amended, is any person who approaches a professional for the purpose of preparing or carrying out a one-off transaction or obtaining assistance in the preparation or carrying out of such a transaction, whether said transaction is carried out in a single operation or in several operations which appear to be linked.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 9-2 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Where a person managing mutual funds or other collective investment funds receives the subscription and purchase orders, they shall identify the related shareholders pursuant to Article 4-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

Where a person managing mutual funds or other collective investment funds does not receive the subscription and purchase orders, they shall ensure that the credit institution or financial institution which receives these orders fulfils the conditions laid down by Article 8 of Act no. 1,362 of 3 August 2009, amended, aforementioned. The person shall also retain any documents used to verify that these conditions are met.

The custodian credit institution holding the assets of mutual funds or other collective investment funds shall ensure that the management undertaking fulfils the obligations provided for in the foregoing paragraphs.

It shall also retain any documents used to verify that these conditions are met.

Where a professional receives subscription and purchase orders on behalf of mutual funds or other collective investment funds, they shall identify the related shareholders pursuant to Article 4-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 10.- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

For identifying the proposed purpose and nature of the business relationship pursuant to Article 4-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, professionals shall ascertain and keep a record of the types of transactions for which the customer seeks their assistance, along with any information which may be useful in determining the purpose of the relationship.

This information, along with any details concerning the origin of the customer's assets and the customer's business background, shall be supported with reliable, documents, data or sources of information.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 11 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Without prejudice to the customer's identification, the identification of persons acting on the customer's behalf in the course of the customer's relations with the professional, must be carried out pursuant to Article 4-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and the provisions set forth in this Chapter.

Professionals shall also ascertain the powers of representation of the person acting on the customer's behalf in the course of the customer's relations with the professional, and shall verify them by means of supporting documents, of which they shall retain a copy.

This Article notably concerns:

- legal representatives of customers who are legally incapacitated; - persons authorised to act on behalf of customers under a general or special power of attorney;

- persons authorised to represent customers who are legal persons, legal entities, or trusts.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 12 .- Where a professional has reasonable grounds to believe that the identity of their customer and the identification details previously obtained are no longer accurate or relevant, they shall identify the customer again.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 12-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021; replaced by Ordinance no. 9,125 of 25 February 2022)***

The organisations and persons specified in Articles 1 and 2 must be able to demonstrate to the supervisory authorities specified in Chapter VIII of Act no. 1,362 of 3 August 2009, amended, aforementioned, that the extent of these measures is appropriate and proportionate to the risks of money laundering, terrorist financing, or corruption.

The report specified in Article 14(4) of Act No. 1,362 of 3 August 2009, amended, aforementioned, shall be kept in the manner set forth in Article 23 of said Act, and made available to the *Service d'information et de Contrôle sur les Circuits Financiers*, the Public Prosecutor, or the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* (Chairman of the Bar Association) as appropriate.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - III Identification of beneficial owners

Article 13 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021; amended by Ordinance no. 9,125 of 25 February 2022***

Professionals shall identity the beneficial owner in the business relationship and verify the identification details obtained on the beneficial owner by obtaining any appropriate document or supporting documentation, taking account of the risks of money laundering and terrorist financing presented by the business relationship.

The identification of beneficial owners pursuant to Article 4 -1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, concerns the following:

1°) last name, given name, nickname or pseudonym, first names, date and place of birth, nationality, personal address of the natural person or persons;

2°) the conditions of the control exercised over the undertaking or economic interest group provided for by Article 14;

3°) the date on which the natural person(s) became the beneficial owner(s) of the undertaking or economic interest group concerned.

Where ownership or control of the customer is exercised through a chain of ownership or by any other form of control other than directly, the professional shall also identify all of the persons comprising the aforesaid chain, in addition to the natural persons who are the beneficial owners.

For verification of the identity of the beneficial owner:

- where the customer is a person mentioned in Article 21(3) of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of said Act shall obtain information on the beneficial owner contained in the register mentioned in Article 22 of Act no. 1,362 of 3 August 2009, amended, aforementioned;

- where the customer is a trustee or any person holding an equivalent function in a similar legal arrangement as mentioned in Article 11 of Act no. 214 of 27 February 1936, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall obtain information on the beneficial owner contained in the register of trusts mentioned in the same Article.

For the same purposes of identity checks, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall, where appropriate, take additional measures in line with a risk-based approach.

The organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, must be able to show the supervisory authorities that they have applied these measures and that they are adequate for the risk of money laundering or terrorist financing presented by the business relationship. They must also be able to show that the measures taken to determine the beneficial owner are compliant with this Article.

Pursuant to the provisions of Article 23 of Act no. 1,362 of 3 August 2009, amended, aforementioned, they shall retain, by way of documents and information relating to their customer’s identity, documents and information relating to the identification and verification of the identity of the beneficial owner carried out in accordance with this Article, regardless of the format.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 14 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021; amended by Ordinance no. 9,125 of 25 February 2022***

Where the customer is a legal person, professionals shall identity and verify the identity of:

- the natural persons who ultimately own or control, directly or indirectly, at least 25% of the shares or voting rights in the legal person; or, where there are doubts as to whether the person or persons with a controlling interest is or are the beneficial owners or where no natural person has a controlling interest;

- natural persons who exercise effective control, through any other means, over the shares, or management or administration bodies of the undertaking, or over its general meeting of shareholders or the natural person.

These provisions shall not apply to undertakings whose securities are traded on a regulated market and which are subject to disclosure requirements consistent with European Union legislation or subject to equivalent international standards ensuring adequate transparency of information on share ownership, which the organisations or persons specified in Articles 1 and 2 are able to demonstrate to the supervisory authorities.

Where no natural person can be identified based on the criteria set forth in the preceding paragraphs, and where there is no suspicion of money laundering, terrorist financing or corruption against the customer mentioned in the first paragraph, the beneficial owner is the natural person or persons below or, if the undertaking is not registered in Monaco, their foreign law equivalent who legally represents the undertaking;

a) the manager or managers of *sociétés en nom collectif*, *sociétés en commandite simple*, *sociétés à responsabilité limitée*, *sociétés en commandite par actions*, and *sociétés civiles*;

b) the chief executive officer or managing director of *sociétés anonymes*;

c) the liquidator appointed in court-ordered insolvency, administration, or liquidation proceedings.

Where the representatives of the legal entities are themselves legal entities, the beneficial owner is the natural person or persons who legally represent these legal entities.

If ownership is divided between a bare title holder and a usufructuary, the following should be considered as beneficial owners:

- natural persons who are bare title holders and who ultimately own, directly or indirectly, at least 25% of the shares and voting rights in the legal person;

- natural persons who are usufructuaries and who ultimately enjoy the use of and directly or indirectly control at least 25% of the shares or voting rights in the legal person;

- natural persons who exercise effective control, through any other means, over the shares, or management or administration bodies of the undertaking, or over its general meeting of shareholders.

Professionals shall take reasonable measures to verify the list of beneficial owners referred to in the first indent of the first paragraph of this Article by means of any supporting document.

Professionals shall keep information on the measures taken to identify beneficial owners pursuant to the first paragraph.

Where the beneficial owner identified is the senior managing official, professionals shall take necessary reasonable measures to verify the identity of the natural person who holds the position of senior managing official and shall keep records of the actions taken as well as any difficulties encountered during the verification process.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 15.- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Where the customer is a legal entity or trust, beneficial owner shall be understood to mean:

1°) the settlor(s);

2°) the trustee(s);

3°) the protector, if any;

4°) the beneficiaries, or where the individuals benefiting from the legal arrangement or entity have yet to be determined, the class of persons in whose main interest the legal arrangement or entity is set up or operates;

5°) any other natural person exercising ultimate control over the legal entity or trust by means of direct or indirect ownership or by other means.

For legal entities or arrangements similar to trusts, the beneficial owner is the natural person(s) holding equivalent or similar positions to those referred to in points 1° to 5°.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 15-1 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Where the future beneficiaries have been named, they must be identified as soon as possible and their identity verified no later than the time at which they intend to exercise their rights over the assets of the legal entity of trust. In all cases, these verifications must be carried out before possession is taken of the assets of the legal entity or trust in any manner whatsoever.

Where the future beneficiary or beneficiaries are designated solely by characteristics or class, professionals are required to obtain sufficient information as to ensure that they are able to identify and verify the identity of these beneficiaries, no later than the time at which they intend to exercise their rights over the assets of the legal entity or trust and in all cases, before possession is taken of the assets of the legal entity or trust in any manner whatsoever.

Professionals shall take all reasonable measures to verify the list of beneficial owners referred to in points 1° to 5° of the previous Article, by means of the legal instrument creating the legal entity or trust, or any other supporting document of which they shall keep a copy.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 16 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Where the customer subscribes or adheres to a life insurance or capitalisation contract, the professionals specified in points 1°), 2°) and 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall, in addition to the customer due diligence measures specified in Articles 4-1, 4-3, and 5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, also identify and verify the identity of the beneficiaries of these contracts and the following persons:

- the natural or legal persons who are the beneficiaries of the life insurance contract;
- the natural or legal persons who subscribe the life insurance contract;
- the natural or legal persons who pay the premiums under the life insurance contract;
- the natural or legal persons who are the insured parties under the life insurance contract.

Where the beneficiaries of the contracts are persons or legal entities designated by name, they shall obtain their last name, first names, or legal name.

Where beneficiaries are designated by their characteristics, class or by other means, the professionals specified in the preceding paragraph shall obtain sufficient information concerning these beneficiaries as to be able to establish their identity at the time of the payout.

Verification of the identity of the contract beneficiary shall be carried out by the time of the payout to the contract beneficiary upon presentation of any written proof as set forth in Articles 5 and 13.

Where a life insurance contract or capitalisation contract is partially or entirely assigned to a third party, the professionals referred to in the first paragraph, being aware of the assignment, shall identify the beneficial owner at the time of the assignment to the natural or legal person or legal arrangement receiving the value of the contract assigned.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 16-1 .- Professionals shall be deemed to have fulfilled the obligation to identify the identify the beneficial owner in the business relationship where the risk of money laundering or terrorist financing is low and where the customer is an organisation or person specified in points 1° to 4° of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, based or having its registered office in Monaco, or in a State with equivalent anti-money laundering and terrorist financing requirements.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - IV Protection of personal information and record-keeping

Article 16-2 .- ***(Repealed by Ordinance no. 8,634 of 29 April 2021).***

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 16-3 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

The agent specified in Article 26 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be chosen from among the professionals authorised to operate in the Principality, specified in points 12°), 13°), and 20°) of Article 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 16-4 .- The contract of agency specified in Article 26 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be established in a written document, a copy of which shall be sent by the principal to the *Service d'Information et de Contrôle sur les Circuits Financiers*.

The contract must contain the following information:
- the names and addresses of the parties;
- the effective date;
- the conditions for the retention and distribution of documents and data;
- a reminder of the agent's obligation to respond quickly and fully to any request for information made by the *Service d'Information et de Contrôle sur les Circuits Financiers*, and to provide it, upon request and at no cost, with a copy of any supporting document.

Documents and information must be retained and distributed in such a manner as to guarantee their security.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - V Identification of customers and beneficial owners by a third party

Article 16-5 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

The organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, are authorised to have a third party fulfil the obligations required by Articles 4-1 and 4-3, subject to the conditions set forth in Article 8 of this Ordinance.

For the application of these provisions, the third party who fulfils the due diligence obligations provided for in the Articles cited in the preceding paragraph, shall immediately provide the professionals with the identification elements concerning the customer's identity, and that of the beneficial owner where applicable, and the purpose and nature of the business relationship.

The third party shall, upon request, send the professionals a copy of the customer's identification documents and those of the beneficial owner where applicable, along with any other document relevant for these due diligence measures, including adequate copies of the identification and verification documents obtained by the remote identification means specified in point 3°) of Article 5.

The procedure for sending the information and documents mentioned above, and the procedure for checking due diligence measures applied by the third party, shall be stipulated in a written agreement between the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and the third party.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 17 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

The intervention of a third party pursuant to Article 8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is subject to the following conditions:

- the professional shall verify in advance that the third party satisfies the conditions laid down by Article 8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and shall keep the documentation used;

- the third party shall give a written undertaking, prior to the start of the relationship, to provide the professional with the identification information of the customers or beneficial owners they identify, along with copies of the documents used to verify their identity, including, where applicable, data obtained by the remote identification means specified in point 3°) of Article 5;

- the professional must be in a position to make the declarations provided for in Chapter V of Act no. 1,362 of 3 August 2009, amended, aforementioned, and to respond to any requests from the *Service d'Information et de Contrôle sur les Circuits Financiers* pursuant to Article 50 of said Act;

- there must be no contractual outsourcing or agency relationship between the professional and the third party; where such a relationship exists, the outsourced service provider or the agent shall be considered as part of the professional.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 17-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the application of Article 8-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the group is to be understood within the meaning of Article 47(1).

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 18 .- To determine whether a State has legislation which may be treated as imposing obligations equivalent to those provided for by Act no. 1,362 of 3 August 2009, amended, aforementioned, for the application of Article 8 of this Ordinance, the following elements shall be taken into account:

- the existence of a system to monitor compliance with legislation on money laundering and terrorist financing;

- the State's adhesion to an international body requiring its members to adopt anti-money laundering and terrorist financing standards;

- declarations or reports from international organisations, international consultation or cooperation bodies or public sources specialising in the fight against money laundering, terrorist financing or corruption;

- any relevant, publicly available information concerning compliance with internationally recognised guidelines on money laundering, terrorist financing and corruption, statutory and regulatory provisions and mechanisms adopted by the State concerned and intended to combat money laundering, terrorist financing and corruption.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 19 .- Where a third party is used pursuant to Article 8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the professional must take steps to ensure that the third party has identified the customer or beneficial owner and verified their identity fully and correctly in accordance with applicable legislation.

If necessary, the professional must carry out any additional customer due diligence measures, and where applicable identify the customer or beneficial owner and verify their identity once again. In such cases, the professional shall act in accordance with the provisions of Act no. 1,362 of 3 August 2009, amended, aforementioned, and of this Ordinance.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 20 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Where a customer subscribes a life insurance contract with an insurance undertaking through an insurance intermediary, agent or broker, as specified in point 4° of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, identification of the customer and verification of their identity may be carried out by said intermediary, agent or broker on their own behalf and on behalf of the insurance undertaking. The same applies to the identification and verification of the identity of the beneficial owner of a life insurance contract, where said beneficial owner approaches such an intermediary to obtain payment by the insurance undertaking of the payout provided for in the life insurance contract. These measures shall be taken in accordance with the provisions of Article 16.

In such cases, the insurance intermediary, agent or broker shall immediately provide the insurance undertaking with the identification details of the customer or beneficial owner, along with a copy of the supporting documents used to verify the identity of the customer or beneficial owner.

Where, pursuant to the foregoing paragraphs, an insurance intermediary, agent or broker intervenes, the insurance undertaking must take steps to ensure that the insurance intermediary has identified the customer or beneficial owner and verified their identity fully and correctly. If necessary, the undertaking must carry out any additional customer due diligence measures itself, and where applicable identify the customer or beneficial owner and verify their identity once again.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; ; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017 ; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - VI Simplified due diligence obligations

Article 21 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

1°) Pursuant to Article 11 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of said Act shall obtain information showing that the business relationship or transaction presents a low risk of money laundering or terrorist financing.

They shall ensure that the risk of money laundering or terrorist financing remains low throughout the business relationship, and shall implement a system to monitor and analyse transactions that is adapted to the main characteristics of their customers and products, to enable them to detect any unusual or suspicious transaction. In the event of a suspicious transaction, they shall apply the due diligence measures specified by Articles 4-1 and 4-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, unless they have reason to think that applying these measures would alert the customer. In both cases, they shall make the report specified in Articles 36 and 40 as appropriate.

2°) The provisions of point 1°) shall also apply where the customer is:

a) one of the organisations or persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, based or having its registered office in Monaco or in a State with equivalent obligations in terms of anti-money laundering and terrorist financing and corruption;

b) an undertaking whose securities are traded on a regulated market, in a State whose legislation includes provisions deemed equivalent to those of Act no. 1,362 of 3 August 2009, amended, aforementioned, and whose compliance with these obligations is monitored, or which is subject to disclosure requirements consistent with international standards which ensure adequate transparency of ownership information, which the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, must be able to demonstrate to the supervisory authorities;

c) a public authority or public body, if its identity is accessible to the public, transparent and certain, and provided its activities and accounting practices are also transparent.

The provisions of this Article above shall not apply where there is a suspicion of money laundering, terrorist financing or corruption.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 22 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to the provisions of Article 12 of Act no. 1,362 of 3 August 2009, amended, aforementioned, professionals are not bound by the due diligence obligations set forth in Articles 4-1 and 4-3, where there is no suspicion of money laundering, terrorist financing or corruption, for electronic money, provided the following risk mitigation conditions are met:

1°) the payment instrument is not rechargeable or has a monthly maximum limit of 150 EUR and can be used exclusively for payments in the Principality of Monaco;

2°) the maximum amount stored does not exceed 150 EUR;

3°) the payment instrument is used exclusively to pay for goods or services;

4°) the payment instrument cannot be credited using electronic money, the holder of which is not identified nor their identity verified, in the manner specified in Article 5;

5°) the issuer exercises sufficient control over the transactions or business relationship as to be able to detect any unusual or suspicious transaction.

The derogation provided for in the preceding paragraph shall not apply in case of redemption in cash or cash withdrawal of the monetary value of the electronic money where the amount redeemed exceeds EUR 50, or for payment transactions initiated via internet or through a device that can be used for distance communication, where the amount paid exceeds 50 EUR per transaction;

Pursuant to the provisions of Article 12-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, anonymous prepaid cards issued in foreign jurisdictions must satisfy the requirements set forth in the preceding paragraphs.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 22-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Where the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, opt to apply simplified due diligence measures under the conditions provided by point 1°) of Article 21, they:

1 °) shall identify and verify the identity of their customer in the manner provided by Article 5, and identify and verify the identity of the beneficial owner in the manner provided by Article 13;

2°) may defer the verification of the identity of their customer and the beneficial owner in the manner provided by Article 6;

3°) may simplify the other due diligence measures provided by Article 16, and Articles 4-3 and 5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, by adapting the time and frequency with which these measures are applied, the extent of the means employed, the quantity of information collected, and the quality of the information sources used, to reflect the low risk identified;

4°) must be able to show the supervisory authorities that the extent of the due diligence measures they apply is suitable for the risks that they have assessed.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 22-2 ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the application of simplified due diligence measures under the conditions provided by point 2°) of Article 21, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall apply measures to identify the customer and the beneficial owner in the manner provided by Articles 5 and 13, and the measures provided by point 1°) of Article 21.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - VII Internal policies and procedures – Enhanced due diligence measures applicable to politically exposed persons

Article 23 .- Professionals shall determine and implement an appropriate policy and procedures for the activities in which they are engaged, and which allow them to contribute fully to the prevention of the risk of money laundering, terrorist financing and corruption, by identifying and adequately examining the characteristics of new customers and/or the services or transactions envisaged**.**

This policy and these procedures shall establish distinctions and different levels of requirements based on objective criteria fixed by each professional, taking into account notably the characteristics of the goods and services they offer and those of their customers, in order to define an appropriate risk scale.

Professionals must be able to prove that the scope of the measures they take is appropriate for the risk of money laundering, terrorist financing or corruption.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 24 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021; amended by Ordinance no. 9,125 of 25 February 2022)***

Pursuant to Article 17 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of said Act shall define and implement procedures, adapted to the money laundering and terrorist financing risks to which they are exposed, enabling them to determine whether their customer or their beneficial owner is a politically exposed person, or becomes a politically exposed person during the business relationship.

These provisions shall also apply to the organisations and persons specified in points 1°), 3°) and 4°) of Article 1 as regards the beneficiaries of life or other investment-related insurance contracts.

Internal procedures and policy on customer acceptance shall specify the criteria and methods used to determine whether customers are politically exposed persons.

Professionals engaged in a business relationship with politically exposed persons are required to exercise enhanced, ongoing monitoring of the business relationship.

The due diligence measures also apply where an existing customer is subsequently found to be or becomes a politically exposed person.

These due diligence measures apply, regardless of whether the politically exposed persons are customers, beneficial owners or agents.

Where the customer or their beneficial owner, the beneficiary of a life or other investment-related insurance contract, or the beneficial owner of the insurance contract, are politically exposed persons, acceptance of these customers is subject to a special examination and must be decided by a member of the senior management situated in the territory of the Principality. Said acceptance requires all appropriate measures to be taken in order to establish the origin of the customer’s assets and that of the funds that are or will be involved in the business relationship or in the occasional transaction envisaged.

In addition, the due diligence measures specified in Article 25-3 must be strengthened.

For the application of Article 17 of Act no. 1,362 of 3 August 2009, amended, aforementioned, customers, beneficial owners or agents are considered to be politically exposed persons where they hold or have held important public functions, including the following:
1°) heads of State;
2°) members of government;
3°) members of parliament;
4°) members of supreme courts, constitutional courts or other high-level judicial bodies, the decisions of which are not subject to further appeal, except in exceptional circumstances;
5°) leaders and senior officials of political parties;
6°) members of courts of auditors or of the boards of central banks;
7°) ambassadors, chargés d'affaires and high-ranking officers in the armed forces;
8°) members of the administrative, management or supervisory bodies of State-owned enterprises;
9°) directors, deputy directors and members of the board or equivalent function of an international organisation.

International organisations accredited in the Principality shall establish and update, each on their own behalf, the list of persons holding the functions mentioned in point 9°).

Persons considered to be family members of the politically exposed persons mentioned in the preceding paragraph are:

1°) the spouse, or a person living as the spouse, of a politically exposed person;

2°) a partner bound by a civil union or partnership registered in a foreign jurisdiction;

3°) direct ascendants or descendants of a politically exposed person and their spouse or partner bound by a civil union or partnership registered in a foreign jurisdiction.

Close associates of politically exposed persons are:

1°) natural persons identified as being the beneficial owners of a legal person or mutual fund, investment fund, trust, or similar legal arrangement under foreign law, jointly with a politically exposed person, or as having any other close business relationship with a politically exposed person;

2°) natural persons who are the sole beneficial owners of a legal person, mutual fund, investment fund, trust, or similar legal arrangement under foreign law, known to have been created for the benefit of a politically exposed person.

The list of important public functions at the national level corresponding to the functions listed in points 1°) to 9°) of paragraph 9 shall be determined by Ministerial Decree. This list also includes all prominent functions that may be entrusted to representatives of third countries and international bodies accredited by the State.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 25 .- The acceptance of customers who may potentially present a particular level of risk is subject to specific examination. It shall be decided at an appropriate level of seniority. These customers are notably those:

- who seek to open accounts bearing a name of convenience as referred to in Article 3;

- who reside or are domiciled in a country or territory classed as a non-cooperative jurisdiction by international bodies for consultation and coordination specialising in the fight against money laundering, terrorist financing, or corruption;

- who have been identified remotely on the basis of a copy of a supporting document;

- who, under the criteria referred to in Article 23(2), are considered as potentially presenting a particular level of risk.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - VII bis Enhanced due diligence measures applicable to transactions involving high-risk third countries

(Chapter created by Ordinance no. 8,634 of 29 April 2021)

Article 25-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

The organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall define and implement procedures enabling them to determine whether the transactions they carry out are among those specified in Article 14-2 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

Where they carry out such a transaction, they shall apply the following enhanced due diligence measures, which shall be risk-sensitive and shall take account of the transaction's characteristics:

a) obtain additional information on the customer and on the beneficial owner(s);

b) obtain additional information about the intended nature of the business relationship;

c) obtain information about the source of funds and wealth of the customer and the Beneficial Owner(s);

d) obtain information about the reasons for the transaction planned or carried out;

e) obtain approval from senior management before they establish or continue the business relationship;

f) conduct enhanced monitoring of the business relationship by increasing the number and frequency of controls applied, and selecting patterns of transactions that require further examination.

For the organisations and persons specified in points 1°) and 2°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the methods and monitoring of transactions must be defined by the person mentioned in Article of said Act who carries them out.

In addition to the measures set forth in the first paragraph, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall, where appropriate, apply at least one of the additional measures in line with a risk-based approach:

a) the application of additional elements of enhanced due diligence;

b) the introduction of enhanced monitoring or reporting mechanisms intended notably for the officer responsible for implementing the AML/CFT system specified in Article 27 of Act no. 1,362 of 3 August 2009, amended, aforementioned;

c) the limitation of business relationships or transactions with natural persons or any other entity from a State or territory specified in Article 14-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

The organisations and persons specified in points 1°) and 2°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall not be required to apply the due diligence measures specified in the first paragraph, where the transactions mentioned in Article 14-2 of said Act are carried out from or to one of their subsidiaries or branches established abroad, provided they show the supervisory authority mentioned in Article 54 of said Act that the subsidiary or branch concerned applies customer due diligence and record-keeping measures at least equivalent to those provided by Chapter II of Act no. 1,362 of 3 August 2009, amended, aforementioned.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

(Chapter created by Ordinance no. 8,634 of 29 April 2021)

Article 25-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Measures intended to impose specific obligations, to restrict, or to prohibit the activities of entities maintaining links with high-risk States or territories as specified in Article 14-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, or the activity or business relationships of the persons and organisations specified in Articles 1 and 2 of said Act with entities established in such States or territories, shall be determined by Sovereign Ordinance.

These measures may entail:

1°) prohibiting the establishment, in the Principality, of subsidiaries, branches, or representative offices of organisations and persons equivalent to those specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and which are domiciled or established in a high-risk State or territory, or otherwise taking into account the fact that the organisation or person concerned originates from a State or territory that does not have adequate anti-money laundering, terrorist financing, and corruption regimes;
1.362

2°) prohibiting the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, from establishing subsidiaries or representative offices in a high-risk State or territory, or otherwise taking into account the fact that the relevant branch or representative office would be established in a State that does not have adequate anti-money laundering, terrorist financing, and corruption regimes;

3°) requiring the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, to comply with enhanced prudential supervision or external audit obligations for subsidiaries or branches established in a high-risk State or territory;

4°) imposing enhanced external audit obligations for subsidiaries and branches of the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, whose parent undertakings or head offices are situated in a high-risk State or territory;

5°) without prejudice to Articles 15 and 15-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and pursuant to Article 16 of said Act, requiring the organisations and persons specified in points 1°) to 4°) of Article 1 of said Act to adapt, or if necessary terminate, their correspondent relationships with respondent institutions situated in high-risk States or territories.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - VIII Due diligence obligations concerning the business relationship

Article 25-3 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the application of Article 4-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of said Act:

1°) when establishing a business relationship, shall collect and analyse the information needed to ascertain the nature and purpose of the business relationship;

2°) throughout the course of the business relationship, shall collect, update, and analyse the information needed to maintain appropriate and up-to-date knowledge of their business relationship.

The nature and extent of the information collected, the frequency with which it is updated, and the extent of the analyses carried out, shall be adapted to the risk of money laundering and terrorist financing posed by the business relationship. They shall also take account of relevant changes affecting the business relationship or the customer's situation, including where these changes are observed when re-examining any relevant information on the beneficial owners.

The organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, must be able to show the supervisory authorities mentioned in Articles 54, 57, and 57-1 of said Act, that these measures have been implemented and are adequate for the risk of money laundering and terrorist financing posed by the business relationship.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017*; *replaced by Ordinance no. 7,065 of 26 July 2018)

Article 26 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

The ongoing due diligence obligations of professionals, as provided for by Article 5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, include the duty to obtain, analyse and update, within an appropriate period of time based on the risk involved, the identification data and other information used to maintain an adequate level of knowledge of their customers.

Updating the identification data referred to in the preceding paragraph requires the new data to be verified in accordance with Article 6 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

A copy of the documents obtained for this purpose shall be retained in accordance with Article 23 of Act no. 1,362 of 3 August 2009, amended, aforementioned.
1.362

For the application of Article 5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the persons mentioned in Articles 1 and 2 of said Act shall apply measures to ensure that the transactions carried out in the course of a business relationship are consistent with the up-to-date knowledge of that business relationship as per Article 25-3. These measures must notably allow the person concerned to ensure that the transactions carried out are consistent with the customer's professional activities, the risk profile of the business relationship and, if necessary, based on the risk assessment, the source and destination of the funds involved in the transactions.

The persons mentioned in the preceding paragraph must be able to show the supervisory authorities that these measures have been implemented and are adequate for the risk of money laundering and terrorist financing posed by the business relationship.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 27 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Professionals shall give employees who are in direct contact with the customer a written indication of the appropriate criteria enabling them to identify the unusual transactions or operations specified in Article 14 of Act no. 1,362 of 3 August 2009, amended, aforementioned, to which they must pay special attention, and which must be documented in a written report. This examination shall notably extend to their economic justification and apparent legitimacy. They shall also indicate the procedure for submitting written reports to the officer responsible for prevention of money laundering and terrorist financing referred to in Article 27 of Act no. 1,362 of 3 August 2009, amended, aforementioned, along with the deadlines for submitting such reports.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 28 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

The persons specified in points 1° to 6° of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall adopt a monitoring system for detecting unusual transactions.

The monitoring system must:

- cover all customer accounts and transactions;

- be based on precise and relevant criteria, fixed by each professional taking account notably of the characteristics of the goods and services they offer and those of the customers for whom they are intended, and sufficiently discriminating as to allow unusual transactions to be detected;

- allow such transactions to be detected quickly;

- produce written reports describing the unusual transactions detected and the criteria provided for in the second indent of this paragraph and used to detect the transactions. These reports shall be sent to the officer responsible for prevention of money laundering, terrorist financing and corruption designated in Article 27 of Act no. 1,362 of 3 August 2009, amended, aforementioned;

- be automated, unless the professional is able to show that the nature and volume of transactions to be monitored does not require it or that the alternative measures implemented do not require it, whereas such alternative measures must be approved in advance by the *Service d'Information et de Contrôle sur les Circuits Financiers*. A prior request must be sent to the *Service d'Information et de Contrôle sur les Circuits Financiers*, accompanied by all supporting documents and information. The request for exemption from the requirement to implement an automated system must be reasoned and renewed during the first calendar quarter of each year. ;

- be validated initially and their relevance subsequently re-examined periodically, in order that they may be adapted as necessary to changes in the professional's activities, customer base or environment.

The criteria identified in the second indent of the preceding paragraph shall notably take account of the particular risk of money laundering, terrorist financing and corruption that may be associated with transactions: - carried out by customers who are natural persons and who are not physically present when the transaction is carried out;

- carried out by customers, acceptance of whom is subject to enhanced rules under the customer acceptance policy described in Chapter VII;

- involving unusual amounts, whether in absolute terms or given the usual habits of the customer concerned in his relations with the professional.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 29 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Professionals shall implement appropriate procedures to analyse the written reports, as soon as possible and under the coordination of the officer responsible for prevention of money laundering, terrorist financing and corruption, in order to determine whether there are grounds to report the transactions or facts concerned to the *Service d'Information et de Contrôle sur les Circuits Financiers*, pursuant to Chapter V of this Ordinance.

The written report, its analysis, and where applicable the suspicious activity report made as a result, shall be kept in the manner defined in Article 23 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and made available to the *Service d'Information et de Contrôle sur les Circuits Financiers*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - IX Appointment and roles of the officer responsible for prevention of money laundering, terrorist financing and corruption

Article 30 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 27 of Act no. 1,362 of 3 August 2009, amended, aforementioned, professionals shall:

1°) classify the risk of money laundering and terrorist financing presented by their activities, based on the degree of exposure to these risks assessed notably on the nature of the goods or services offered, the conditions of the transactions proposed, the distribution channels used and the characteristics of customers;

2°) determine a profile for the business relationship with the customer, in order to detect any anomalies in the relationship in terms of money laundering or terrorist financing risks;

3°) define procedures to be applied for the assessment of risks, the application of customer due diligence measures, record-keeping, the detection of unusual or suspicious transactions, and compliance with the obligation to report to the *Service d'Information et de Contrôle sur les Circuits Financiers*, the Public Prosecutor, or the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats*,as appropriate; 4°) implement periodic and permanent control procedures for the risks of money laundering and terrorist financing;

5°) take account of the risks of money laundering and terrorist financing when recruiting personnel, based on the levels of responsibilities exercised in the field of the fight against money laundering and terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 30-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the application of Article 27(4) of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of said Act shall introduce an internal control system appropriate for their size, nature, and the complexity and volume of their activities, and allocate sufficient human resources to that system.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 30-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the internal control system specified in the preceding Article must include procedures defining the organisation of the internal control system and the internal control activities conducted by these persons in order to comply with the obligations laid down in Chapter II of said Act.

These procedures shall notably provide for criteria and thresholds to identify significant incidents and inadequacies in terms of anti-money laundering and terrorist financing. They shall also lay down the conditions in which corrective measures are made to address these incidents or inadequacies.

Directors, under the supervision of the board of directors, the supervisory board, or any other body exercising supervisory functions, shall take the corrective measures necessary to remedy incidents immediately and inadequacies identified within a reasonable period of time.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 30-3 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

At least once per year, the board of directors, the supervisory board, or any other body exercising supervisory functions of the organisations and persons mentioned in the preceding Article, shall be informed of the activity and results of internal controls and any inadequacies identified by the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

Once per year, the board of directors, the supervisory board, or any other body exercising supervisory functions of the persons mentioned in Article 30-2(1) shall approve a report established in accordance with Article 33 of Act no. 1,362 of 3 August 2009, amended, aforementioned, on the organisation of the internal control system, and on incidents, inadequacies, and corrective measures taken to address them. This report shall be sent to the supervisory authority mentioned in Article 54 of said Act.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 30-4 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For the organisations and persons specified in points 5°) to 26°) of Article 1 and in Article 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the internal control system specified in Article 30-1 must include procedures defining the internal control activities they carry out in order to comply with the obligations laid down in Chapter II of said Act.

The organisations and persons mentioned in the first paragraph shall take the corrective measures necessary to remedy any incidents or inadequacies in terms of anti-money laundering and terrorist financing, and to ensure the efficacy of the internal control system, within a reasonable period of time and based on the money laundering and terrorist financing risks to which they are exposed.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 31 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

The officer(s) responsible for prevention of money laundering, terrorist financing, and corruption specified in Article 27 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be appointed by the effective management body of each professional, which must ensure in advance that they fulfil the requirements of good repute necessary for the performance of their duties with integrity and that their numbers and qualifications, along with the resources at their disposal, are adequate for the professional's activities, size and the locations in which they operate.

These officers must have the professional experience, seniority and, within the establishment that employs them, the necessary powers in order to carry out their functions effectively and independently.

Furthermore, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall ensure that the officer(s) responsible for prevention of money laundering, terrorist financing and corruption receive adequate training for their functions or activities, their seniority, and the risks identification by the risk classification specified in Article 3 of said Act, and that they have access to the information required in order to carry out their functions or activities.

Generally, they must ensure that the professional fulfils all its obligations in terms of the prevention of money laundering, terrorist financing, and corruption, and notably that adequate administrative organisation and internal control arrangements are in place in accordance with Articles 30-1 to 30-4. To this end, the officers shall have the authority to propose to the management such measures as are necessary or useful.

In particular, they shall organise and enforce, under their own authority, procedures for analysing written reports established pursuant to Articles 33 and 33-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and also procedures for submitting reports to the *Service d'Information et de Contrôle sur les Circuits Financiers* and to the Public Prosecutor as appropriate, in accordance with Chapter V of said Act.

They shall ensure that staff are trained and made aware, pursuant to Article 30 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and Article 34 of this Ordinance.

They shall act as the designated contacts for the *Service d'Information et de Contrôle sur les Circuits Financiers* for all matters relating to the prevention of money laundering, terrorist financing, and corruption.

Where they are appointed by the organisations or persons specified in Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, with the exception of those specified in point 15°) of said Article, the officer(s) responsible for prevention of money laundering, terrorist financing, and corruption shall, at least once per year, establish and submit an activity report to the professional's management body, concerning the conditions in which the prevention of money laundering, terrorist financing and corruption is ensured.

This report must notably:

- allow an assessment of any presumed attempted offences detected;

- allow a judgement to be made on the adequacy of the administrative organisation, internal controls implemented and the collaboration of the professional's departments for the prevention of such offences, taking into account the professional's activities, size and the locations in which they operate;

- indicate the main actions taken in terms of the internal control of measures to combat money laundering, terrorist financing, and corruption, and present any actions planned in this regard;

- describe any significant changes occurring in terms of controls during the reference period, in particular to take account of changes to the professional's activity and risks.

A copy of this annual activity report shall systematically be sent to the *Service d'Information et de Contrôle sur les Circuits Financiers*, and also to the professional's statutory auditor where applicable.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by

Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 32 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

The report established by a chartered accountant or certified accountant, as provided by Article 59 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall contain the following information:

- the existence of up-to-date procedures to combat money laundering, terrorist financing and corruption suitable for the activity of the professional concerned;

- the proper dissemination of these procedures to the employees of the professional concerned and to persons who collaborate and participate in its activity;

- the proper application of procedures to combat money laundering, terrorist financing, and corruption, formally confirmed by checks on a sample of files selected by the author of the report;

- the existence and proof of ongoing training actions and regular information for employees.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 33 .- ***(Replaced by Ordinance No. 8,634 of 29 April 2021; repealed by Ordinance no. 9,125 of 25 February 2022).***

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - IX Training and awareness of personnel

Article 34 .- The obligation for training and awareness regarding the prevention of money laundering, terrorist financing, and corruption referred to in Article 30 of Act no. 1,362 of 3 August 2009, amended, aforementioned, concerns those members of the professional's personnel whose tasks:

- in relation with customers or transactions place them at risk of encountering attempted money laundering, terrorist financing, or corruption; or,

- entail developing procedures or information technology or other tools applicable to sensitive activities in view of this risk.

Training, awareness and regular information of personnel are notably intended to allow them to:

- acquire the knowledge and develop the critical faculties needed to detect unusual transactions;

- acquire the knowledge of procedures needed to respond appropriately to such transactions;

- integrate the issue of prevention of money laundering, terrorist financing and corruption into the procedures and tools developed for application to sensitive activities in view of such a risk.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - X The *Service d'Information et de Contrôle sur les Circuits Financiers*

Article 35 .- The *Service d'Information et de Contrôle sur les Circuits Financiers* may propose any changes to laws or regulations that it deems necessary regarding the fight against money laundering, terrorist financing, and corruption.

It may disseminate any instruction or recommendation it deems necessary regarding the application of the measures provided for by Act no. 1,362 of 3 August 2009, amended, aforementioned, and by this Ordinance.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by

Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 35-1 .- The *Service d'information et de Contrôle sur les Circuits Financiers* shall draw the attention of professionals to information useful for the assessment of risks, by any means it deems fit, and notably by:

- disseminating instructions or recommendations provided for by Article 35;
- publishing, on its website, documents designed and drafted in the course of the National Risk Assessment;
- holding informal meetings with the professionals concerned or with the organisations or associations representing them.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 36 .- The *Service d'information et de Contrôle sur les Circuits Financiers* is designated a specialised anti-corruption authority, within the meaning of the Criminal Law Convention on Corruption of the Council of the Council of Europe of 27 January 1999.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 36-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Based on the results of the risk assessment, the *Service d'information et de Contrôle sur les Circuits Financiers* shall prepare a report which shall be published, and where appropriate shall make proposals to the government for a plan of action intended to reduce the risk level identified.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 36-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

The report on the national risk assessment shall be published on the website of the *Service d'information et de Contrôle sur les Circuits Financiers* and by any other means of communication deemed fit.

The results of the national risk assessment shall be brought to the attention of the categories of professionals concerned by any means, including at information meetings.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter XI - Inspection and audit reports

Article 37 .- After completion of the on-site inspection provided by Article 54 of Act No. 1,362 of 3 August 2009, amended, aforementioned, the *Service d'information et de Contrôle sur les Circuits Financiers* shall establish a report following adversarial exchanges, in the following manner:

A preliminary report drafted by the *Service d'information et de Contrôle sur les Circuits Financiers* shall be sent to the professional concerned, by registered letter with postal advice of receipt.

The professional shall then have a period of eight days, following receipt of the preliminary report, in which to seek a meeting for the purpose of debating the preliminary report, if it deems necessary. The meeting must take place within a period of thirty days following receipt of the preliminary report.

The professional may be assisted by an advisor of its choosing.

At this meeting, to be attended by at least one of the inspectors who participated in the inspection, the *Service d'information et de Contrôle sur les Circuits Financiers* shall give the professional’s managers or representatives a verbal account of its main observations.

Having seen the preliminary report, the professional may ask for any errors to be corrected; he may also put forward new elements which were previously not known to the inspector, or state differing viewpoints.

After this interview, and once an additional examination of the facts has been carried out, including any additional elements provided by the professional, the *Service d'information et de Contrôle sur les Circuits Financiers* shall produce a draft report and send it to the professional by registered letter with postal advice of receipt.

The professional shall then have a period of fifteen calendar days, following receipt of the draft report, in which to present its written observations. These observations shall be sent to the *Service d'information et de Contrôle sur les Circuits Financiers* in paper or electronic format, using the standard document available on the *Service d'information et de Contrôle sur les Circuits Financiers* website.

Exceptionally, upon a written and reasoned request from the professional, it may be granted a further period of fifteen calendar days.

The written observations of the professional and of the *Service d'information et de Contrôle sur les Circuits Financiers* shall be appended to the draft report sent previously. Together, the draft report and these observations shall constitute the definitive report, which shall be signed by at least one of the inspectors who participated in the inspection. It shall be sent to the professional concerned by registered letter with postal advice of receipt.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 37-1 .- Notwithstanding the provisions of the previous Article, upon completion of the inspection operations, the *Service d'information et de Contrôle sur les Circuits Financiers* may, if appropriate, send recommendations to the professionals concerned regarding the observations made, by registered post with acknowledgement of receipt.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 37-2 .- In urgent cases or where there is a need to take observations immediately for facts or actions which may constitute a serious breach or breaches of the provisions of Act no. 1,362 of 3 August 2009, amended, aforementioned, and its implementing instruments, the *Service d'information et de Contrôle sur les Circuits Financiers*'s inspectors may draw up statements. These statements shall list the observations which may constitute a serious breach of the provisions applicable to the professional subject to the control. They shall list the nature, date and place of the observations made and shall be signed by at least one of the inspectors who participated in the inspection, and the professional's manager or representative. Any refusal on the part of the latter shall be noted in the statement.

(Amened by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 38 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Control of the application of the provisions of Act no. 1,362 of 3 August 2009, amended, aforementioned, and its implementing measures, by the persons specified in points 1°) and 2°) of Article 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be carried out by the Public Prosecutor, who may be assisted by officers from the *Service d'information et de Contrôle sur les Circuits Financiers*.

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(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 38-1 .- .-Upon completion of the inspection specified in the preceding Article, the Public Prosecutor shall, following adversarial exchanges, establish a report in the following manner: A preliminary report produced by the Public Prosecutor shall be sent to the professional concerned, by registered letter with postal advice of receipt.

The professional shall then have a period of eight days, following receipt of the preliminary report, in which to seek a meeting for the purpose of debating the preliminary report, if it deems necessary. The meeting must take place within a period of thirty days following receipt of the preliminary report.

The professional may be assisted by an advisor of its choosing.

At this meeting, to be attended by at least one of the inspectors who participated in the inspection, the Public Prosecutor shall give the professional's managers or representatives a verbal account of his main observations.

Having seen the preliminary report, the professional may ask for any errors to be corrected; it may also put forward new elements which were previously not known to the inspector, or state differing viewpoints.

After this interview, and once an additional examination of the facts has been carried out, including any additional elements provided by the professional, the Public Prosecutor shall produce a draft report and send it to the professional by registered letter with postal advice of receipt.

The professional shall then have a period of fifteen calendar days, following receipt of the draft report, in which to present its written observations. These shall be sent to the Public Prosecutor in paper or electronic format.

Exceptionally, upon a written and reasoned request from the professional, it may be granted a further period of fifteen calendar days.

The written observations of the professional and of the Public Prosecutor shall be appended to the draft report sent previously. Together, the draft report and these observations shall constitute the definitive report, which shall be signed by at least one of the inspectors who participated in the inspection. It shall be sent to the professional concerned by registered post with advice of receipt.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 38-1-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Following the inspections carried out pursuant to Article 57-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* (Chairman of the Bar Association) shall, following adversarial exchanges, establish a report in the following manner:

A preliminary report produced by the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* shall be sent to the senior attorney (*avocat-défenseur*) or lawyer concerned, by registered post with advice of receipt.

The senior attorney or lawyer shall then have a period of eight days, following receipt of the preliminary report, in which to seek a meeting for the purpose of debating the preliminary report, if he deems necessary. The meeting must take place within a period of thirty days following receipt of the preliminary report.

The senior attorney or lawyer may be assisted by an advisor of his choosing.

At this meeting the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* shall give the senior attorney or lawyer concerned a verbal account of his main observations.

Having seen the preliminary report, the senior attorney or lawyer concerned may ask for any errors to be corrected; he may also put forward new elements which were previously not known to the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats*, or state differing viewpoints.

After this interview, and once an additional examination of the facts has been carried out, including any additional elements provided by the senior attorney or lawyer concerned, the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* shall produce a draft report and send it to the senior attorney or lawyer by registered post with advice of receipt.

The senior attorney or lawyer concerned shall then have a period of fifteen calendar days, following receipt of the draft report, in which to present his written observations. These shall be sent to the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* in paper or electronic format.

Exceptionally, upon a written and reasoned request from the senior attorney or lawyer concerned, he may be granted a further period of fifteen calendar days.

The written observations of the senior attorney or lawyer concerned and of the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats* shall be appended to the draft report sent previously. Together, the draft report and these observations shall constitute the definitive report, which shall be signed by at least one of the inspectors who participated in the inspection. It shall be sent to the professional concerned by registered post with advice of receipt.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XII Suspicious transaction reports by the professionals specified in Article 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned

Article 38-2 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

The persons specified in points 1°) and 2°) of Article 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall send the report specified in Article 40 of this instrument, to the Public Prosecutor, as soon as possible, by registered post with advice of receipt or delivered by hand to the Secretariat of the Public Prosecution Department against receipt.

If the circumstances so require, the report may be sent early by fax or by appropriate electronic means.

The foregoing provisions are applicable to the report specified in Article 40(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, made by senior attorneys, lawyers, and junior barristers to the *Bâtonnier* of the *Ordre des avocats-défenseurs et avocats*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XIII Information to accompany electronic transfers

Article 39 .- The provisions of this Chapter shall apply to transfers of funds, in any currency whatsoever, sent or received by a payment service provider or an intermediary payment service provider established in the Principality.

This Chapter shall not apply to transfer of funds effected by means of a payment card, electronic money instrument or mobile phone, or any other digital or computerised system allowing pre- or post-payment and presenting similar characteristics, where the following conditions are met:

a) the card, instrument or system is used exclusively to pay for goods or services; and

b) the number of this card, instrument or system accompanies all transfers resulting from the transaction.

However, the provisions of this Chapter shall apply where a payment card, electronic money instrument or mobile phone, or any other digital or information technology system allowing pre- or post-payment and presenting similar characteristics, is used to effect a person-to-person transfer of funds.

This Chapter shall not apply to persons who create digital copies of paper documents acting under a contract with a payment service provider, or to those whose sole activity is to supply payment service providers with messaging systems or other support systems for the transmission of funds, or clearing and settlement systems.

This Chapter shall not apply to transfers of funds:

a) where the payer withdraws cash from his own payment account;

b) which constitute transfers of funds to a public authority for the payment of taxes, fines or other deductions in the Principality;

c) for which the payer and the payee are both payment service providers acting on their own behalf;

d) which are effected by means of an exchange of cheque images, including truncated cheques.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Section -1 Obligations of the payer’s payment service provider

Article 40 .- The payer's payment service provider shall ensure that transfers of funds are accompanied by the following information on the payer:

- the name of the payer;

- the payer's payment account number;

- if there is no account number due to the professional's activity, a unique reference number;

- the payer's address, official identity document number, customer identification number or date and place of birth.

The payer's payment service provider shall ensure that transfers of funds are accompanied by the following information on the payee:

- the name of the payee;

- the payee's payment account number.

By way of derogation from paragraphs 1 and 2, in the case of a transfer not made from or to a payment account, the payer's payment service provider shall ensure that the transfer of funds is accompanied by a unique transaction identifier rather than the payment account number(s).

Before transferring funds, the payer's payment service provider shall verify the accuracy of the information referred to in paragraph 1 of this Article on the basis of documents, data or information obtained from a reliable and independent source.

The verification referred to in the previous paragraph shall be deemed to have taken place, where the identity of the payer has been verified pursuant to Section I of Act no. 1,362 of 3 August 2009, amended, aforementioned, and to Chapter II of this Ordinance, and the information obtained in the course of this verification have been retained pursuant to Article 23 of said Act.

The provisions of Article 12 shall apply to the payer.

The payer's payment service provider shall effect no transfer of funds until he has confirmed that the provisions of the preceding paragraphs have been applied.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 41 .- National bank transfers and transfers of funds and bank transfers and transfers of funds from or to the Republic of France must include information concerning the payer and the payee, pursuant to the previous Article, unless this information can be made available to the payee's payment service provider and to the *Service d'information et de Contrôle sur les Circuits Financiers* by other means within a period of no more than three business days following receipt of the request. In this case, payment service providers need only include the account number or a unique identification number for both the payer and the payee.

For the transactions specified in paragraph 1, the payer's payment service provider shall make the following information available to the intermediary payment service provider or to the *Service d'information et de Contrôle sur les Circuits Financiers*, within three business days as from receipt of the request for information from the payee's payment service provider:

a) for transfers of funds exceeding 1,000 EUR, whether carried out in a single operation or in several operations which appear to be linked, information on the payer or the payee as per Article 40;

b) for transfers of funds not exceeding 1,000 EUR and which do not appear to be linked to other transfers of funds whose amount, when added to that of the transfer in question, exceeds 1,000 EUR, as a minimum:

- the names of the payer and the payee; and

- the payment account numbers of the payer and the payee or, where Article 40(3) applies, the unique transaction identifier.

By way of derogation from Article 40(4), in the case of the transfers of funds specified in point b) of paragraph 2, the payer's payment service provider need not verify the information on the payer, unless the payer's payment service provider:

a) has received the funds to be transferred in cash or in anonymous electronic money; or

b) has reasonable grounds for suspecting money laundering or terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 42 .- In the case of a batch file transfer from a single payer to payees whose payment service providers are established outside the Principality or the Republic of France, Article 40(1) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in Article 40(1), (2) and (3), that that information has been verified in accordance with Article 40(4) and (5), and that the individual transfers bear the payment account number of the payer or, where Article 40(3) applies, the unique transaction identifier.

By way of derogation from Article 40(1), transfers of funds for which the payee's payment service provider is established outside the Principality or the Republic of France, not exceeding 1,000 EUR and that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed 1,000 EUR, shall be accompanied by at least the following information:

a) the names of the payer and the payee; and

b) the payment account numbers of the payer and the payee or, where Article 40(3) applies, the unique transaction identifier.

By way of derogation from Article 40(4), the payer's payment service provider need not verify the information on the payer concerned by this paragraph unless the payer's payment service provider:

a) has received the funds to be transferred in cash or in anonymous electronic money; or

b) has reasonable grounds for suspecting money laundering or terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Section - 2 Obligations of the payee's payment service provider

Article 43 .- The payee's payment service provider shall implement effective procedures to detect whether the fields relating to the information on the payer and the payee in the messaging or payment and settlement system used to effect the transfer of funds have been filled in using characters or inputs admissible in accordance with the conventions of that system.

The payment service provider of the beneficiary shall implement effective procedures, including, where appropriate, ex-post monitoring or real-time monitoring, in order to detect whether the following information on the payer or the payee is missing:

a) for transfers of funds where the payer's payment service provider is established in the Principality or the Republic of France, the information specified in Article 41;

b) for transfers of funds where the payer's payment service provider is established outside the Principality or the Republic of France, the information specified in Article 40(1) and (2);

c) for batch file transfers where the payer's payment service provider is established outside the Principality or the Republic of France, the information specified in Article 40(1) and (2) in respect of that batch file transfer.

In the case of transfers of funds exceeding 1,000 EUR, whether those transfers are carried out in a single operation or in several operations which appear to be linked, before crediting the payee's payment account or making the funds available to the payee, the payee's payment service provider shall verify the accuracy of the information on the payee referred to in paragraph 2 of this Article on the basis of documents, data or information obtained from a reliable and independent source.

In the case of transfers of funds not exceeding 1,000 EUR that do not appear to be linked to other transfers of funds which, together with the transfer in question, exceed 1,000 EUR, the payee's payment service provider need not verify the accuracy of the information on the payee, unless the payee's payment service provider:

a) effects the payout of the funds in cash or in anonymous electronic money; or

b) has reasonable grounds for suspecting money laundering or terrorist financing.

The verification referred to in paragraphs 3 and 4 above shall be deemed to have taken place, where the identity of the payee has been verified pursuant to Section I of Act no. 1,362 of 3 August 2009, amended, aforementioned, and to Chapter II of this Ordinance, and the information obtained in the course of this verification have been kept pursuant to Article 23 of said Act.

The provisions of Article 12 shall apply to the payee.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 44 .- The payee's payment service provider shall implement effective risk-based procedures for determining whether to execute, reject or suspend a transfer of funds lacking the required complete information on the payer and payee and for taking the appropriate follow-up action.

Where the payee's payment service provider observes, upon receiving a transfer of funds, that the information referred to in Article 40(1) and (2), Article 41(1) or Article 42, is missing or incomplete, or where the fields relating to this information have not been filled in using characters or inputs admissible in accordance with the conventions of the messaging or payment and settlement system as referred to in Article 43(1), the payee's payment service provider shall reject the transfer or ask for the required information on the payer and the payee before crediting the payee's payment account or making the funds available to the payee, or after this operation, on a risk-sensitive basis.

Where a payment service provider repeatedly fails to provide the required information on the payer or the payee, the payee's payment service provider shall take steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider, or restricting or terminating its business relationship with that payment service provider.

The payee's payment service provider shall report that failure, and the steps taken, to the *Service d'information et de Contrôle sur les Circuits Financiers*.

The payee's payment service provider shall take into account missing or incomplete information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious and whether it is to be reported to the *Service d'information et de Contrôle sur les Circuits Financiers*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Section 3 - Obligations of intermediary payment service providers

Article 45 .- Intermediary payment service providers shall ensure that all the information received on the payer and the payee that accompanies a transfer of funds is retained with the transfer.

The intermediary payment service provider shall implement effective procedures to detect whether the fields relating to the information on the payer and the payee in the messaging or payment and settlement system used to effect the transfer of funds have been filled in using characters or inputs admissible in accordance with the conventions of that system.

The intermediary payment service provider shall implement effective procedures, including, where appropriate, ex-post monitoring or real-time monitoring, in order to detect whether the following information on the payer or the payee is missing:

a) for transfers of funds where the payment service providers of the payer and the payee are established in the Principality or the Republic of France, the information specified in Article 41;

b) for transfers of funds where the payment service provider of the payer or the payee is established outside the Principality or the Republic of France, the information specified in Article 40(1) and (2);

c) for batch file transfers where the payment service provider of the payer or the payee is established outside the Principality or the Republic of France, the information specified in Article 40(1) and (2) in respect of that batch file transfer.

The intermediary payment service provider shall establish effective risk-based procedures for determining whether to execute, reject or suspend a transfer of funds lacking the required information on the payer and the payee, and for taking the appropriate follow up action.

Where the intermediary payment service provider observes, upon receiving a transfer of funds, that the information referred to in Article 40(1) and (2), Article 41(1) or Article 42, is missing or incomplete, or where the fields relating to this information have not been filled in using characters or inputs admissible in accordance with the conventions of the messaging or payment and settlement system as referred to in Article 43(1), it shall reject the transfer or ask for the required information on the payer and the payee before transmitting the transfer of funds, or after this operation, on a risk-sensitive basis.

Where a payment service provider repeatedly fails to provide the required information on the payer or the payee, the intermediary payment service provider shall take steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider, or restricting or terminating its business relationship with that payment service provider.

The intermediary payment service provider shall report that failure, and the steps taken, to the *Service d'information et de Contrôle sur les Circuits Financiers*.

The intermediary payment service provider shall take into account missing or incomplete information on the payer or the payee as a factor when assessing whether a transfer of funds, or any related transaction, is suspicious and whether it is to be reported to the *Service d'information et de Contrôle sur les Circuits Financiers*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Section - 4 Record-keeping and disclosure

Article 46 .- Professionals shall keep information on the payer and the payee in accordance with Article 23 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

Information relating to the bank transfers and transfers of funds indicated in this Chapter shall be kept available to the *Service d'Information et de Contrôle sur les Circuits Financiers* and sent to that body upon request.

Professionals shall comply immediately and exhaustively with requests from the *Service d'Information et de Contrôle sur les Circuits Financiers* in relation to the information referred to in the preceding paragraphs.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XIV Provisions specific to groups

Article 46-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 27(7) of Act no. 1,362 of 3 August 2009, amended, aforementioned, where the organisations and persons specified in Articles 1 and 2 of said Act belong to a group defined as a group of undertakings, one of which controls the others within the meaning of Article 48, they shall implement group policies and procedures, notably as regards the personal

data protection and information sharing for the purposes of anti-money laundering and terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 47 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 28 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in points 1°) to 4°) and 8°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, established in the Principality and belonging to a financial group or a group containing at least one finance undertaking or, to a group of undertakings engaged in insurance activities within the meaning of point 22°) of Article 1, or to a mixed group or financial conglomerate, the parent undertaking of which is established in the Principality or in a State whose legislation includes provisions equivalent to those of Act no. 1,362 of 3 August 2009, amended, aforementioned, and whose compliance with these obligations is monitored, shall establish a group-wide organisation and procedures that take into account the risks identified by the risk classification specified in Article 3 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

These procedures must provide for the sharing of information within the group, including for information required to organise AML/CFT, personal data protection, and internal control measures.

They shall enable the exchange of information required for the purposes of group AML/CFT due diligence.

The procedures shall define the nature of the information to be disclosed and which is required for due diligence; they shall concern:

a) risk assessment;

b) on a case by case basis, information specific to a given customer or transaction, and which is required for group due diligence, namely information relating to the assessment or modification of the customer's risk profile, the monitoring of their transactions, in particular for the handling of a complex or unusual transaction and at the request of the judicial or supervisory authorities and financial intelligence units.

This information may include personal information relating to the identification details of the customer and beneficial owners concerned, the nature and purpose of the business relationship, ongoing due diligence in respect of the business relationship, or a customer whose transactions are subject to enhanced examination;

c) information required in order to manage the AML/CFT regime, such as the results of internal controls;

d) where appropriate, the information provided for by Article 45 of Act no. 1,362 of 3 August 2009, amended, aforementioned.

This information shall be communicated solely between organisations and persons presenting equivalent guarantees in respect of professional secrecy and personal data protection.

Persons in receipt of this information shall be bound by professional secrecy in respect of all information or documents they may receive.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinanceno. 7,065 of 26 July 2018)

Article 48 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Within the meaning of Article 45 of Act no. 1,362 of 3 August 2009, amended, aforementioned, a group is defined as a group of undertakings, one of which controls the others under the following conditions:

1°) a natural or legal person shall be considered as exercising control over another, where:

a) it directly or indirectly owns a share of the capital granting it a majority of voting rights at general meetings of the undertaking concerned;

b) it holds, solely, a majority of the voting rights in this undertaking by virtue of an agreement with other shareholders or members and which is not contrary to the interests of the undertaking;

c) it exercises de facto control, through the voting rights it holds, over the decisions taken by general meetings of the undertaking;

d) it is a shareholder or member of the undertaking and has the power to appoint or remove a majority of the members of the undertaking's administrative, management or supervisory bodies.

It is presumed to exercise this control where it directly or indirectly holds more than 40% of the voting rights and where no other shareholder or member directly or indirectly holds a fraction of the voting rights greater than its own.

Two or more persons acting in concert shall be considered as jointly controlling over another, where they exercise de facto control over the decisions taken by general meetings;

2°) where one undertaking owns more than half of the capital of another undertaking, the second shall be considered as a subsidiary of the first.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

The provisions of Articles 48-1 to 48-8 lay down a set of additional measures, including the minimum action to be taken by the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, in in order to effectively handle the money laundering and terrorist financing risk where the law of a third country's law (i.e. a non-EU country) does not permit the implementation of the group-wide policies and procedures specified in Articles 28, 29, and 45 of said Act, at the level of branches and majority owned subsidiaries that are part of the group and established in the third country.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

For each third country in which they have established a branch or are majority shareholders of a subsidiary, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) assess the money laundering and terrorist financing risk to their group, record that assessment, keep it up to date and retain it in order to be able to share it with the supervisory authority specified in Article 54 of Act no. 1,352 of 3 August 2009, amended, aforementioned;

b) ensure that the risk referred to in point (a) is reflected appropriately in their group-wide anti-money laundering and countering the financing of terrorism policies and procedures;

c) obtain senior management approval at group-level for the risk assessment referred to in point (a) and for the group-wide anti-money laundering and countering the financing of terrorism policies and procedures referred to in point (b);

d) provide targeted training to relevant staff members in the third country to enable them to identify money laundering and terrorist financing risk indicators, and ensure that the training is effective.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-3 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

1°) Where the third country's law prohibits or restricts the application of policies and procedures that are necessary to identify and assess adequately the money laundering and terrorist financing risk associated with a business relationship or occasional transaction due to restrictions on access to relevant customer and beneficial ownership information or restrictions on the use of such information for customer due diligence purposes, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) inform the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, without undue delay and in any case no later than 28 calendar days after identifying the third country of the following:

i) the name of the third country concerned;

ii) how the implementation of the third country's law prohibits or restricts the application of policies and procedures that are necessary to identify and assess the money laundering and terrorist financing risk associated with a customer;

b) ensure that their branches or majority-owned subsidiaries that are established in the third country determine whether consent from their customers and, where applicable, their customers' beneficial owners, can be used to legally overcome restrictions or prohibitions referred to in point (a)(ii);

c) ensure that their branches or majority-owned subsidiaries that are established in the third country determine whether consent from their customers and, where applicable, their customers' beneficial owners, can be used to legally overcome restrictions or prohibitions referred to in point (a)(ii);

2°) Where the consent referred to in point (c) of point 1°) is not feasible, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall take additional measures as well as their standard anti-money laundering and countering the financing of terrorism measures, to manage the money laundering and terrorist financing risk.

Those additional measures shall include the additional measure set out in point (c) of Article 48-8, and one or more of the measures set out in points (a), (b), (d), (e) and (f) of that Article.

Where an organisation or person specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, cannot effectively manage the money laundering and terrorist financing risk by applying the measures referred to in points 1°) and 2°), it shall:

a) ensure that the branch or majority-owned subsidiary terminates the business relationship;

b) ensure that the branch or majority-owned subsidiary does not carry out the occasional transaction;

c) close down some or all of the operations provided by their branch or majority- owned subsidiary established in the third country.

3°) The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall determine the extent of the additional measures referred to in points 2°) and 3°) on a risk-sensitive basis and be able to demonstrate to the authority specified in Article 54 of said Act that the extent of additional measures is appropriate in view of the money laundering and terrorist financing risk.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended àwith effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-4 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

1°) Where a third country's law restricts or prohibits the sharing or processing of customer data for anti-money laundering and countering the financing of terrorism purposes within the group, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) inform the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, without undue delay and in any case no later than 28 days after identifying the third country of the following:

i) the name of the third country concerned;

ii) how the implementation of the third country's law prohibits or restricts the sharing or processing of customer data for anti-money laundering and countering the financing of terrorism purposes;

b) ensure that their branches or majority-owned subsidiaries that are established in the third country determine whether consent from their customers and, where applicable, their customers' beneficial owners, can be used to legally overcome restrictions or prohibitions referred to in point (a)(ii);

c) ensure that their branches or majority-owned subsidiaries that are established in the third country determine whether consent from their customers and, where applicable, their customers' beneficial owners, can be used to legally overcome restrictions or prohibitions referred to in point (a)(ii);

2°) Where the consent referred to in point (c) of point 1°) is not feasible, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall take additional measures as well as their standard anti-money laundering and countering the financing of terrorism measures to manage risk.

These additional measures shall include the additional measure set out in point (a) of Article 48-8 or the additional measure set out in point (c) of that Article.

Where the money laundering and terrorist financing risk is sufficient to require further additional measures, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall apply one or more of the remaining additional measures set out in points (a) to (c) of Article 48-8.

3°) Where an organisation or person specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, cannot effectively manage the money laundering and terrorist financing risk by applying the measures referred to in points 1°) and 2°), it shall close down some or all of the operations provided by their branch and majority-owned subsidiary established in the third country.

3°) The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall determine the extent of the additional measures referred to in points 2°) and 3°) on a risk-sensitive basis and be able to demonstrate to the competent authority that the extent of additional measures is appropriate in view of the risk of money laundering and terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-5 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

1°) Where the third country's law restricts or prohibits the sharing of information referred to in Chapter V of Act no. 1,362 of 3 August 2009, amended, aforementioned, by branches and majority-owned subsidiaries established in the third country with other entities in their group, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) inform the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, without undue delay and in any case no later than 28 days after identifying the third country, of the following:

i) the name of the third country concerned;

ii) how the implementation of the third country's law prohibits or restricts the sharing or processing of the content of information referred to in Chapter V of Act no. 1,362 of 3 August 2009, amended, aforementioned, identified by a branch or majority-owned subsidiary established in a third country, with other entities in their group;

b) require the branch or majority-owned subsidiary to provide relevant information to the credit institution's or financial institution's senior management so that it is able to assess the money laundering and terrorist financing risk associated with the operation of such a branch or majority-owned subsidiary and the impact this has on the group, such as:

i) the number of suspicious transactions reported within a set period;

ii) aggregated statistical data providing an overview of the circumstances that gave rise to suspicion.

2°) The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, of Act no. 1,362 of 3 August 2009, amended, shall take additional measures, as well as their standard

anti-money laundering and countering the financing of terrorism measures and the risk management measures specified in point 1°). These additional measures shall include one or more of the additional measures listed in points a) to c) and g) to i) of Article 48-8.

3°) Where the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, cannot effectively manage the money laundering and terrorist financing risk by applying the measures referred to in points 1°) and 2°), they shall close down some or all of the operations provided by their branch and majority-owned subsidiary established in the third country.

3°) The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall determine the extent of the additional measures referred to in points 2°) and 3°) on a risk-sensitive basis and be able to demonstrate to the authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, that the extent of additional measures is appropriate in view of the money laundering and terrorist financing risk.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-6 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Where the third country's law prohibits or restricts the transfer of data related to customers of a branch and majority-owned subsidiary established in a third country to a Member State of the European Union for the purpose of supervision for anti-money laundering and countering the financing of terrorism, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) inform the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, without undue delay and in any case no later than 28 calendar days after identifying the third country of the following:

i) the name of the third country concerned;

ii) how the implementation of the third country's law prohibits or restricts the transfer of data related to customers for the purpose of supervision for anti-money laundering and countering the financing of terrorism;

b) carry out enhanced reviews, including, where this is commensurate with the money laundering and terrorist financing risk associated with the operation of the branch or majority-owned subsidiary established in the third country, on-site checks or independent audits, to be satisfied that the branch or majority-owned subsidiary effectively implements group-wide policies and procedures and that it adequately identifies, assesses and manages the money laundering and terrorist financing risks;

c) provide the findings of the reviews referred to in point (b) to the competent authority of the home Member State upon request;

d) require the branch or majority-owned subsidiary established in the third country regularly to provide relevant information to the senior management of the organisation or person specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, including at least the following:

i) the number of high risk customers and aggregated statistical data providing an overview of the reasons why customers have been classified as high risk, such as politically exposed person status;

ii) the number of suspicious transactions identified and reported and aggregated statistical data providing an overview of the circumstances that gave rise to suspicion;

e) make the information referred to in point (d) available to the competent authority of the home Member State upon request.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-7 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

1°) Where the third country's law prohibits or restricts the application of record-keeping measures equivalent to those specified in section VI of Chapter II of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall at least:

a) inform the supervisory authority specified in Article 54 of Act no. 1,362 of 3 August 2009, amended, aforementioned, without undue delay and in any case no later than 28 days after identifying the third country, of the following:

i) the name of the third country concerned;

ii) how the implementation of the third country's law prohibits or restricts the application of record-keeping measures equivalent to those laid down in section VI of Chapter II of Act no. 1,362 of 3 August 2009, amended, aforementioned;

b) establish whether consent from the customer and, where applicable, their beneficial owner, can be used to legally overcome restrictions or prohibitions referred to in point (a)(ii);

c) ensure that their branches or majority-owned subsidiaries that are established in the third country require customers and, where applicable, their customers' beneficial owners, to provide consent to overcome restrictions or prohibitions referred to in point (a)(ii) to the extent that this is compatible with the third country's law.

2°) In cases where consent referred to in point (c) of point 1°) is not feasible, the organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall take additional measures as well as their standard anti-money laundering and countering the financing of terrorism measures specified in point 1°) to manage risk. These additional measures shall include one or more of the additional measures set out in points (a) to (c) and (j) of Article 48-8.

3°) The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall determine the extent of the additional measures referred to in point 2°) on a risk-sensitive basis and be able to demonstrate to the authority specified in Article 54 of said Act that the extent of additional measures is appropriate in view of the risk of money laundering and terrorist financing.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 48-8 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall take the following additional measures pursuant to point 2°) of Article 48-3, point 2°) of Article 48-4, point 2°) of Article 48-5, and point 2°) of Article 48-7 respectively:

a) ensure that their branches or majority-owned subsidiaries that are established in the third country restrict the nature and type of financial products and services provided by the branch of majority-owned subsidiary in the third country to those that present a low money laundering and terrorist financing risk and have a low impact on the group's risk exposure;

b) ensure that other entities of the same group do not rely on customer due diligence measures carried out by a branch or majority-owned subsidiary established in the third country, but instead carry out customer due diligence on any customer of a branch or majority-owned subsidiary established in third country who wishes to be provided with products or services by those other entities of the same group even if the conditions set down in Article 8-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, are met:

c) carry out enhanced reviews, including, where this is commensurate with the money laundering and terrorist financing risk associated with the operation of the branch or majority-owned subsidiary established in the third country, on-site checks or independent audits, to be satisfied that the branch or majority-owned subsidiary effectively identifies, assesses and manages the money laundering and terrorist financing risks;

d) ensure that their branches or majority-owned subsidiaries that are established in the third country seek the approval of the credit institution's or financial institution's senior management for the establishment and maintenance of higher-risk business relationships, or for carrying out a higher risk occasional transaction;

e) ensure that their branches or majority-owned subsidiaries that are established in the third country determine the source and, where applicable, the destination of funds to be used in the business relationship or occasional transaction;

f) ensure that their branches or majority-owned subsidiaries that are established in the third country carry out enhanced ongoing monitoring of the business relationship including enhanced transaction monitoring, until the branches or majority-owned subsidiaries are reasonably satisfied that they understand the money laundering and terrorist financing risk associated with the business relationship;

g) ensure that their branches or majority-owned subsidiaries that are established in the third country share with the organisation and one of the persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, underlying suspicious transaction report information that gave rise to the knowledge, suspicion or reasonable grounds to suspect that money laundering and terrorist financing was being attempted or had occurred, such as facts, transactions, circumstances and documents upon which suspicions are based, including personal information to the extent that this is possible under the third country's law;

h) carry out enhanced ongoing monitoring on any customer and, where applicable, beneficial owner of a customer of a branch or majority-owned subsidiary established in the third country who is known to have been the subject of suspicious transaction reports by other entities of the same group;

i) ensure that their branches or majority-owned subsidiaries that are established in the third country have effective systems and controls in place to identify and report suspicious transactions;

j) ensure that their branches or majority-owned subsidiaries that are established in the third country keep the risk profile and due diligence information related to a customer of a branch or majority-owned subsidiary established in the third country up to date and secure as long as legally possible, and in any case for at least the duration of the business relationship.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinanceno. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XV Liaison Committee and Contact Group

Article 49 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Under the authority of the Minister of State, a Liaison Committee is formed against money laundering, terrorist financing and corruption.

The purpose of this Committee is to ensure reciprocity of information between the State departments concerned with the fight against money laundering, terrorist financing, and corruption, and professionals, and also to be cognisant of any matter of shared interest, in order to improve the efficacy of the system put in place, notably through the exchange of information concerning trends and developments in the methods and techniques of money laundering, terrorist financing or corruption.

This Committee shall be chaired by the Minister of Finance and Economy, assisted by the Director of the *Service d'information et de Contrôle sur les Circuits Financiers*, and shall be composed of:

- the Secretary of Justice or his representative;
- the Public Prosecutor or his representative;
- the Minister of Interior or his representative;
- the Police Commissioner or his representative specially tasked with the fight against money laundering and terrorist financing;
- the Director of the Department of Budget and Treasury or his representative specially tasked with receiving information on the freezing of funds for the purpose of combating terrorism and/or the implementation of economic sanctions;
- the Director of the Department of Tax Services;
- the Director of the *Service d'information et de Contrôle sur les Circuits Financiers* or his representative;
- the Head of the Gambling Authority or his representative;

- representatives of each category of the professionals specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, appointed for a period of three years by Ministerial Decree by reason of their competence and, where appropriate, on a proposal by the professional organisation or order to which they are affiliated.

If the Minister of Finance and Economy is absent or unavailable, the Director of the *Service d'information et de Contrôle sur les Circuits Financiers* shall chair the Committee.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 50 .- The *Service d'information et de Contrôle sur les Circuits Financiers* shall act as secretary of the Committee.

The Committee may, as needed, enlist any qualified person intervening or exercising an activity in the field of the fight against money laundering, terrorist financing, and corruption.

The representatives of each category of professionals listed in the 8th indent of Article 49(3) shall be tasked with disseminating the information communicated at meetings of the Committee to the professionals they represent.

The Liaison Committee shall be convened at least twice per year by the Chairman, who shall determine the agenda. He may obtain the opinion of the other members in order to determine the agenda.

The other members may ask him to call an extraordinary meeting on an urgent and important matter.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 51 .- ***(Amended by Ordinance no. 9,125 of 25 February 2022)***

Under the authority of the Secretary of Justice, a Contact Group is formed against money laundering, financing of terrorism and the proliferation of weapons of mass destruction, and corruption.

The purpose of this Group is to ensure reciprocity of information between the criminal prosecution authorities and the State departments concerned with the fight against money laundering, financing of terrorism and the proliferation of weapons of mass destruction, and corruption, and also to be cognisant of any matter of shared interest, in order to improve the efficacy of the cooperation and coordination mechanisms put in place at the operational level.

This Group shall be chaired by the Secretary of Justice and shall be composed of:

- the Secretary of Justice or his representative, who may be assisted by officials of the Department of Justice;

- the Public Prosecutor or his representative, who may be assisted by officials of the Public Prosecution Department;

- Investigating Judges;

- the Police Commissioner or his representative, who may be assisted by officers of the Police Department specially tasked with the fight against money laundering and terrorist financing;

- the Director of the *Service d'information et de Contrôle sur les Circuits Financiers* or his representative, who may be assisted by officers of the *Service d'information et de Contrôle sur les Circuits Financiers*.

If the Secretary of Justice is absent or unavailable, the Public Prosecutor shall chair the Group.

The Group may, as needed, enlist any qualified person intervening or exercising an activity in the field of the fight against money laundering, financing of terrorism and the proliferation of weapons of mass destruction, and corruption.

The Department of Justice shall act as secretary of this Group.

The Contact Group shall be convened at least twice per year by the Chairman, who shall determine the agenda. He may obtain the opinion of the other members in order to determine the agenda. The other members may ask him to call an extraordinary meeting on an urgent and important matter.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XVI Cross-border transport of cash

(Title replaced by Ordinance no. 8,634 of 29 April 2021)

Article 51-1 .- ***(Created with effect from 31 December 2021 by Act no. 8,634 of 29 April 2021)***

The following are considered as cash within the meaning of Article 60 of Act no. 1,362 of 3 August 2009, amended, aforementioned:

- currency: banknotes and coins currently in circulation as a medium of exchange, or which have previously been in circulation as a medium of exchange and can still be exchanged by financial institutions or central banks for banknotes and coins currently in circulation as a medium of exchange;

- bearer-negotiable instruments: means instruments other than currency which entitle their holders to claim a financial amount upon presentation of the instruments without having to prove their identity or entitlement to that amount. Those instruments are as follows:

1) traveller’s cheques; and

2) cheques, promissory notes and money orders that are either in bearer form, signed but with the payee's name omitted, endorsed without restriction,made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery;

- commodity used as a highly-liquid store of value: a good that presents a high ratio between its value and its volume and that can easily be converted into currency through accessible trading markets while incurring only modest transaction costs. Those goods are as follows:

1) coins with a gold content of at least 90%; and

2) bullion such as bars, nuggets or clumps with a gold content of at least 99.5%.

- prepaid card: a non-nominal card that stores or provides access to monetary value or funds which can be used for payment transactions, for acquiring goods or services or for the redemption of currency where such card is not linked to a bank account;

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

(Title replaced by Ordinance no. 8,634 of 29 April 2021)

Article 52 .- ***(Replaced with effect from 31 December 2021 by Ordinanceno. 8,634 of 29 April 2021)***

The Police Department is designated as the supervisory authority referred to in Article 61 of Act no. 1,362 of 3 August 2009, amended; aforementioned. The declarations provided for by Articles 60 and 60-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be made by means of a form kept available to the public and conforming to the standard document appended hereto.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

(Title replaced by Ordinance no. 8,634 of 29 April 2021)

Article 53 .- This declaration, which must be signed and dated, may be submitted:

- either by post, prior to the transport of funds, by sending it to:

Police Department

9, rue Suffren-Reymond

BP 555

MC 98015 Monaco Cedex;

- or, at the latest, when the funds are transported in the Principality, by delivery by hand to a Police Officer.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinanceno. 7,065 of 26 July 2018)

(Title replaced by Ordinance no. 8,634 of 29 April 2021)

Article 54 .- Regardless of the method by which the declaration is made, the declarant must retain a duplicate copy of the declaration for the duration of his stay in the Principality, and present it whenever requested to do so by a Police Officer.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XVI bis Register of payment accounts, bank accounts, and safe deposit boxes

(Chapter created with effect from 31 December 2021 by Ordinance no. 8,634 of 29 April 2021)

Article 54-1 .- ***(Created with effect from 31 December 2021 by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to the provisions of Article 64-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, declarations made on the opening, closing, or modification of accounts or contracts mentioned in Article 64-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, must include the following information:

- the name and address of the institution handling the account or which signed a safe deposit box rental agreement;

- the details of the account (IBAN, nature, type, and characteristics) or safe deposit box rented, and the rental period in the latter case;

- the date and nature of the operation being declared: opening, modification, closure;

- where the account holder or the lessee of the safe deposit box, or any person claiming to be acting on their behalf, their agents, or their beneficial owners is a natural person: full name, date and place of birth, address, and trade and industry register number in the case of sole traders;

- where the account holder or the lessee of the safe deposit box, or any person claiming to be acting on their behalf, their agents, or their beneficial owners is a legal person: company name, legal form, trade and industry register or non-trading company register number, and address.

These data will be kept for a period of ten full years after the account closure has been recorded, regardless of whether the holder is a natural or legal person.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

(Chapter created with effect from 31 December 2021 by Ordinance no. 8,634 of 29 April 2021)

Article 54-2 .- ***(Created with effect from 31 December 2021 by Ordinance no. 8,634 of 29 April 2021)***

The organisations and persons specified in points 1°) to 4°) of Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall satisfy the obligations resulting from this chapter by disclosing information in the manner provided by Ministerial Decree.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XVII Proceedings before the Committee specified in Article 65-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned

Article 55 .- ***(Replaced by Act no. 7,285 of 10 January 2019; by Act no. 7,559 of 28 June 2019; by Ordinance no. 9,125 of 25 February 2022)***

The notification of grievances referred to in Article 65-3(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be made by the secretary-general of the Commission by registered letter with postal advice of receipt.

The notification of grievances shall state that the defendant may be assisted by a counsel of their choice.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 56 .- ***(Replaced by Ordinance no. 7,559 of 28 June 2019; amended with effect from 31 August 2021 by Ordinance no. 8,634 of 29 April 2021; replaced by Ordinance No. 9,125 of 25 February 2022)***

When the notification of grievances is sent, the Chairman shall appoint a rapporteur from among the Commission's members.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 56-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021; repealed by Ordinance no. 9,125 of 25 February 2022).***

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 56-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021; repealed by Ordinance no. 9,125 of 25 February 2022).***

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 57 .- ***(Replaced by Ordinance no. 7,559 of 28 June 2019; amended by Ordinance no. 8,634 of 29 April 2021; replaced by Ordinance no. 9,125 of 25 February 2022)***

Pursuant to Article 65-3(8) of Act no. 1,362 of 3 August 2009, amended, aforementioned, the Chairman of the Commission shall summon the defendant for a hearing before the Commission, by registered letter with postal advice of receipt, within a period not less than fifteen days following the expiry of the period allotted for said person to provide their written observations specified in paragraph 4 of said Article.

The Commission shall meet publicly at the request of the defendant.

However, the Chairman may order all or part of the proceedings to be held behind closed doors, to preserve public order or where public proceedings may breach any secrecy protected by Act no. 1,362 of 3 August 2009, amended, aforementioned.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 57-1 .- ***(Created by Ordinance no. 9,170 of 4 April 2022)***

The defendant shall be sent notice of the composition of the Commission, including the rapporteur appointed, along with the summons specified in paragraph 1 of the preceding Article.

The defendant or his agent may apply to the secretary-general of the Commission to have a member of the Commission recused, within a maximum of ten working days after receiving notice of the Commission's composition.

In order to be admissible, the request must identify the Commission member concerned by name, clearly indicate the grounds for the recusal, and be accompanied by documents supporting those grounds.

The secretary-general shall issue a receipt for the request.

A copy of the recusal request shall be given to the Commission member concerned.

Within eight working days following this notice, he or she shall either indicate that he or she agrees to be recused, or state his or her reasons for opposing the recusal.

Where he or she agrees, the Chairman or, if the Chairman is concerned by the recusal request, the Vice-Chairman, shall invite the recused member to abstain from sitting on the Commission and replace him or her with another member in order to complete the Commission ruling on the matter in his or her absence.

Where he or she contests the grounds for recusal, or fails to respond within eight working days, the recusal request shall be examined by the Commission without the participation of the member concerned by the recusal request.

The Commission shall rule on the recusal request in a decision that is not subject to appeal, without stating the reasons for its decision.

Where the recusal is accepted, the Chairman or, if the Chairman is concerned by the recusal request, the Vice-Chairman, shall invite the recused member to abstain and replace him or her with another member in order to complete the Commission. The secretary-general shall send notice thereof to the defendant.

Where the recusal is rejected, the secretary-general shall also send notice of the Commission's decision to the defendant.

Actions taken by the recused member before he or she learned of his or her recusal may not be challenged.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 58 .- ***(Replaced by Ordinance no. 7,559 of 28 June 2019; replaced with effect from 31 August 2021 by Act no. 8,634 of 29 April 2021; amended by Act no. 9,125 of 25 February 2022)***

The reasoned opinion of the Commission, to which shall be appended, where appropriate, the statement specified in Article 65-3 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be communicated to the Minister of State.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 59 .- ***(Replaced by Ordinance no. 7,559 of 28 June 2019)***

Notice of the decision by the Minister of State either to impose a sanction, or not to impose a sanction, shall be sent to the person concerned by registered letter with postal advice of receipt. Where he decides not to impose a sanction, the Minister of State may, however, where appropriate, invite the organisation or person mentioned in Article 1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, to comply with their obligations under this Act and its implementing instruments, by registered letter with postal advice of receipt.

A copy of the Minister of State's decision shall also be sent, for information, to the Chairman of the Commission and to the Director of the *Service d'information et de Contrôle sur les Circuits Financiers*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 59-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 21(7) of Act no. 1,362 of 03 August 2009, amended, aforementioned, the information shall be sent by the beneficial owner to the legal person within a period of thirty working days of the request being made.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XVIII Register of beneficial owners

Article 60 .- ***(Amended by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 22 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the information on the beneficial owner referred to in Article 22 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be submitted, on the forms supplied by the Trade and Industry Register service, when the request is made for entry on the Trade and Industry Register or within a period of fifteen days following the issue of the corresponding receipt.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 61 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to Article 22 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the following information on the beneficial owner shall be declared when the request is made for entry on the register:

1°) the name, legal form and registered office address of the undertaking or economic interest group, and its registration number in the Trade and Industry Register;

2°) for the beneficial owner:

a) last name, given name, nickname or pseudonym, first names, date and place of birth, nationality, personal address of the natural person or persons;

b) the conditions of the control exercised over the undertaking or economic interest group provided for by Article 14, and the extent of that control;

c) The date on which the natural person(s) became the beneficial owner of the undertaking or economic interest group concerned.

The legal persons specified in Article 21(3) of the aforementioned Act must request an amending entry within one month following any fact or legal act which requires the information declared to be rectified or supplemented.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 61-1 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

Pursuant to and under the conditions set forth in Article 22-5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, the following persons may access the information on the register of beneficial owners, without informing the person concerned:

1°) specially commissioned and sworn officers of the *Service d'Information sur les Circuits Financiers*;

2°) sitting judges and prosecutors of the Public Prosecution Department in the course of their duties;

3°) police officers of the Police Department of Monaco acting on written orders from the Public Prosecutor or the authority of an investigating judge;

4°) specially authorised officials of the Department of Tax Services;

5°) the *Bâtonnier* of the *Ordre des avocats-défenseurs et des avocats* (Chairman of the Bar Association);

6°) specially authorised officers of the *Commission de Contrôle des Activités Financières*.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 62 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021; amended by Ordinance no. 9,170 of 4 April 2022)***

Pursuant to point 2°) of Article 22-6(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned, may access information on the register of beneficial owners in the performance of their due diligence obligations, solely where the Register of Trade and Industry department is provided with a declaration signed by the legal representative of the requesting party or a duly authorised member of their personnel.

In order to be admissible, this declaration must be accompanied by:

1°) a copy of the signatory's valid identity document;

2°) any document establishing that the requesting party belongs to one of the organisations and persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned;

3°) proof of that the legal person has been informed of the application to access the register, by registered letter with postal advice of receipt, by registered email or any signed document delivered by hand.

The declaration shall specify:

1°) where the requesting party is a natural person: their last name, given name, nickname or pseudonym, first names, date and place of birth, nationality, personal address;

2°) where the requesting party is a legal person: its legal form, name, registered office, and the body that represents it legally, or by virtue of a delegation of authority or power of attorney;

3°) an indication that the requesting party belongs to one of the organisations or persons specified in Articles 1 and 2 of Act no. 1,362 of 3 August 2009, amended, aforementioned; and

4°) an indication that the information on the register of beneficial owners is being consulted as part of at least one of the due diligence measures laid down in Chapter II of Act no. 1,362 of 3 August 2009, amended, aforementioned.

The information specified in Article 61(1) shall be disclosed to the requesting party in the form of a transcript and in exchange for the payment of a fee, the amount of which shall be determined by Ministerial Decree.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 63 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021)***

For the application of the provisions of Article 22-7 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and without prejudice to Articles 63-1 to 63-3, the information on the register of beneficial owners concerning the name, month and year of birth, country of residence, and nationality of a beneficial owner and the nature and extent of the beneficial interests held, may be disclosed, after the legal person concerned has been informed, to persons who request it under the following conditions:

The request for information must be sent to the Register of Trade and Industry department by means of a form signed by the requesting party.

In order to be admissible, the request for information must be accompanied by a copy of a valid identity document belonging to the signatory, and must indicate:

1°) where the requesting party is a natural person: their last name, given name, nickname or pseudonym, first names, date and place of birth, nationality, personal address, and elected domicile in Monaco;

2°) where the requesting party is a legal person: its legal form, name, registered office, and the body that represents it legally, or by virtue of a delegation of authority or power of attorney;

3°) a list of the grounds for the request and its connection with the fight against money laundering and terrorist financing.

Before the information is disclosed to the requesting party, the Register of Trade and Industry department shall send notice of the request for information, the grounds for the request, and their connection with the fight against money laundering and terrorist financing alleged by the requesting party, to the legal person and the beneficial owners concerned, by registered letter with postal advice of receipt or by registered email.

Information shall be disclosed not by the issuance of a transcript but rather by means of on-site consultation exclusively of the information listed in the first paragraph, in the presence of a civil servant of the Register of Trade and Industry department.

Without prejudice to Article 22-8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, such consultation shall be possible only upon the expiry of a period of two months after notice of the request for information has been sent to the legal person and to the beneficial owners concerned.

In order to consult the information, the persons specified in Article 22-7 of Act no. 1,362 of 3 August 2009, amended, aforementioned, shall be required to pay a fee, the amount of which shall be determined by Ministerial Decree.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 63-1 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

In order to be admissible, the request made to the Minister of State to restrict access to the register of beneficial owners specified in Article 22-8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, a copy of which shall be sent to the Register of Trade and Industry department, must include;

1°) where the requesting party is a natural person: their last name, given name, nickname or pseudonym, first names, date and place of birth, nationality, personal address;

2°) where the requesting party is a legal person: its legal form, name, registered office, and the body that represents it legally, or by virtue of a delegation of authority or power of attorney;

3°) the last names, first names, date of birth, nationality and domicile or residence of the beneficial owners for whom access to information is to be restricted;
4°) the information for which access is to be restricted;
5°) the grounds for the request;
6°) a receipt for the filing of a copy of the request with the Register of Trade and Industry department.
Any document which may show the existence of exceptional circumstances may be enclosed in support of the request.

The request to restrict access to the register of beneficial owners specified in Article 22-8 of Act no. 1,362 of 3 August 2009, amended, aforementioned, may rely upon exceptional circumstances relating particularly to essential security requirements, privacy, or the confidentiality of scientific, economic, professional and cultural activities. In this regard, account shall notably be taken of the name of the beneficial owner, their health, their activities, whether scientific, economic, professional, cultural, political, charity, artistic, or sporting activities, their profile, wealth, and personal or family background.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 63-2 .- ***(Created by Ordinance no. 8,634 of 29 April 2021)***

Upon receiving the request, the Register of Trade and Industry department shall provisionally restrict access to the information on the register of beneficial owners to the authorities specified in Article 22-5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and to the organisations and persons specified in points 1°) to 3°) of Article 1 of said Act.
A marginal entry shall be made in the register.

If the request is dismissed, access to the information shall remain restricted for an additional period of two months. If an appeal is made against a dismissal, access to the information shall remain restricted until an irrevocable decision is handed down.

A restriction on access to information may be renewed by a decision of the Minister of State on the grounds of a reasoned request for renewal, sent no later than one month before the restriction is due to expire.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Article 63-3 *.- (Created by Ordinance no. 8,634 of 29 April 2021)*

In order to be admissible, the petition filed with the Presiding Judge of the Court of First Instance, to restrict access to the register of beneficial owners specified in Article 22-8(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, a copy of which shall be sent to the Register of Trade and Industry department, must include the items listed in Article 63-1.

The petition must be founded on exceptional circumstances such as those mentioned in Article 63-1.

Upon receiving the copy of the petition, the Register of Trade and Industry department shall provisionally restrict access to the information on the register of beneficial owners to the authorities specified in Article 22-5 of Act no. 1,362 of 3 August 2009, amended, aforementioned, and to the organisations and persons specified in points 1°) to 3°) of Article 1 of said Act. A marginal entry shall be made in the register.

If the petition is dismissed, access to the information shall remain restricted for an additional period of thirty days. If an appeal is made, access to the information shall remain restricted until an irrevocable decision is handed down.

A restriction on access to information may be renewed on the grounds of a reasoned petition for renewal, sent no later than one month before the restriction is due to expire.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Chapter - XIX Miscellaneous provisions

Article 64 .- ***(Replaced by Ordinance no. 8,634 of 29 April 2021; by Ordinance no. 9,125 of 25 February 2022)***

The amount provided for in point 10°) of Article 1(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in point 15°) of Article 1(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in point 15° ter) of Article 1(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR where the transaction or series of linked transactions is settled in cash and the sum of 100,000 EUR where the transaction or series of linked transactions is settled by any means of payment other than cash.

The amount provided for in point 16°) of Article 1(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in point 17°) of Article 1(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in the first indent of Article 1(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 750,000 EUR.

The amount provided for in the second indent of Article 1(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 1,000 EUR.

The percentage provided for in the third indent of Article 1(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at 5%.

The amount provided for in the second indent of point 1°) of Article 4 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 15,000 EUR.

The amount provided for in point 2°) of Article 4 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 2,000 EUR.

The amount provided for in point 3°) of Article 4 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in point 4°) of Article 4 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 100,000 EUR.

The amounts provided for in Article 10(1) of Act no. 1,362 of 3 August 2009, amended, aforementioned, are fixed at the sum of 2,000 EUR for table games and for slot machines.

The amount provided for in Article 20(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 1,500 EUR.

The amount provided for in Article 59(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 500,000 EUR.

The number of employees provided for in Article 59(2) of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at five.

The amount provided for in Article 60 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

The amount provided for in Article 60-1 of Act no. 1,362 of 3 August 2009, amended, aforementioned, is fixed at the sum of 10,000 EUR.

(Amended by Ordinance no. 3,450 of 15 September 2011; by Ordinance no. 4,104 of 26 December 2012; by Ordinance no. 6,029 of 9 September 2016; amended with effect from 26 June 2017 by Ordinance no. 6,279 of 28 February 2017; replaced by Ordinance no. 7,065 of 26 July 2018)

Annex

DECLARATION OF TRANSPORT OF CASH AND BEARER INSTRUMENTS OF A TOTAL VALUE EXCEEDING 10,000 EUR

Declaration to the competent Monegasque authority pursuant to Article 60 of Act no. 1,362 of 3 August 2009, amended, on the fight against money laundering, terrorist financing, and corruption.

Declaration type:

Entering the Principality of Monaco

Leaving the Principality of Monaco

Declarant (1):

Last name:

First name:

Date of birth: .... /.... / .....

Place of birth:

Nationality:

Passport number:

Principal address:

Payer (in case of transfer on behalf of a third party) (2):

Last name or company name:

First name:

Principal address or registered office:

Payee to receive the cash and bearer instruments (3):

Last name or company name:

First name:

Principal address or registered office:

Mode of transport:

Air – Flight No.

Sea - Name of vessel: Flag state:

Road - Vehicle registration:

Train - Train number:

Transport itinerary of cash and bearer instruments:

Country of departure:

Country of arrival:

Nature and amount of cash and bearer instruments transported (4):

Type (cash, cheques, other bearer instruments)	Currency	Amount	Equivalent value in EUR
		TOTAL:	

Source and use of cash and bearer instruments transported:

Economic origin (5):

Planned use (6):

I, undersigned, do hereby declare that I am the bearer of the monies or securities listed hereunder. This declaration is correct and complete. The declaration obligation will be considered not to have been completed if the information supplied contains errors or omissions. If you fail to provide a declaration, or provide an incorrect or incomplete declaration, you may incur the penalties provided for by Article 72 of Act no. 1,362 of 3 August 2009, amended, on the fight against money laundering, terrorist financing, and corruption.

Done in, on
Signature

EXPLANATORY NOTICE

1 The natural person making the declaration, i.e. the natural person transporting the cash and bearer instruments.

2 Not to be completed for an own-account transfer.

3 The payee of the cash and bearer instruments is the natural or legal person who is the intended recipient of these cash and bearer instruments, as part of a commercial or non-commercial transaction. If this person is unknown, mark “not yet known”. If the declarant is retaining the cash and bearer instruments, he should enter his name a second time.

4 “Bearer instruments” means negotiable bearer instruments such as traveller’s cheques, negotiable instruments (including cheques, promissory notes and money orders) that are either in bearer form, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery; incomplete instruments (including cheques, promissory notes and money orders) signed, but with the payee’s name omitted.

Example of completed table:

Type (cash, cheques, other bearer instruments)	Currency	Amount	Equivalent value in EUR
Cash	EUR	7.500-	7.500-
Cash	USD	3.000-	2.300-
Traveller’s cheques	EUR	2.000-	2.000-
		TOTAL:	11.800-

5 Not the geographical origin, but the economic origin. For example: savings, inheritance, proceeds of a sale, working capital, etc.

6 For example: purchase, payment for a service, etc.

PLEASE NOTE
If you have any questions or are having difficulty completing the form, please contact the relevant officials for more information before submitting your signed declaration.

Although you have submitted this declaration to the Monegasque authorities, you may still be required to make a declaration in the State to which you are travelling.