

Adjustment to the practice of reporting via goAML valid from 01.04.2021 (version 2.0)

Based on the experience gained from the productive operation with goAML, MROS has adjusted the practice in connection with the electronic transmission of reports (STR/SAR) via goAML. The changes concern the explanations in the [goAML web manual \(version 2.1\)](#) regarding the reporting of transactions in the suspicious period (chapter 9.3.1). In the future, the transmitted transactions shall ¹correspond to the suspicious transactions according to Art. 3 para. 1 lit. h OMLRO. According to this provision, the reports to MROS must contain, among other things, " a description and documentation of the suspicious facts as detailed as possible" on which the report is based, including documentation of suspicious transactions by means of account statements and detailed documents".

After a transition period from September 1, 2020 to March 31, 2021, the new practice will be definitively implemented as of April 1, 2021. This document is an update to the document 'Adjustments in goAML reporting' dated July 21, 2020. Due to the expiry of the transition period, the solutions described in sections 2 and 3 of that document (special solution and transitional solution) are no longer applicable.

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¹ SR 955.23

1. New practice: reporting of suspicious transactions (max. 100 transactions per report)

These are the specifications for the new practice:

- Only suspicious transactions (STR); max. 100 transactions per report (via XML upload or as manually entered report).
- ²Securities transactions are to be transmitted in XML format or optionally in an Excel spreadsheet. For the recording in XML format, the additional information provided by MROS for the recording of corresponding transactions must be taken into account.
- Account and securities statements in PDF for all transactions in the suspicious period are sent as an attachment to the report.
- MROS reserves the right to request detailed information on transactions based on Art. 11a para. 1 and 3 AMLA³. The financial intermediary submits this information by means of an AIFT report (or as a standard ⁴Excel file).

Please take into account that all relevant persons and accounts are recorded in the system (not only in the narrative). If, for example, several business relations are reported, several transactions or a MultiParty Dummy Transaction⁵ must be entered in the system so that each contracting party and each account of the reported business relations not only appears in the narrative, but is also transmitted to MROS as a person, company or account.

² Purchase/sale of securities; corporate action/dividends/fees; deposits and withdrawals of securities held in custody accounts

³ SR 955.0

⁴ This refers to the Excel template provided by MROS

⁵ See goAML web manual (version 2.1) chapter 9.4.2.2

2. Further requirements for the purpose of clear and uniform reporting practice

Business relations

If more than one business relation is reported in one report (SAR or STR), a list of the individual contractual partners including the client number must be entered in the 'Reason for Suspicion' field. Text (example): We hereby report the following five business relations: (listing).

In the case of reports of suspected money mules, one report per money mule must be submitted, even if the facts are the same or similar.

Attachments

This is a clarification of the [goAML web manual \(version 2.1\)](#) chapter 9.6 notes 1 and 2. As already explained in the manual, the documents must be created in the defined formats and in principle the character recognition system OCR must be used (see note 1).

In addition to note 2, based on the findings of the reports received to date, group the records into the following documents (or folders), if possible:

- Opening documents (+ client base number if several business relations)
- Balance sheet (+ client base number if several business relations)
- Account statements (+ account number / client base number)
- Detailed documents (+ account number / client base number)
- Media reports
- Clarifications
- KYC files (+ client base number if several business relations)
- Edition order (if available / trigger)
- Other elements

This grouping increases clarity and avoids the transmission of 100 or more documents for more extensive reports with multiple business relations.

We also ask that you do not submit a reporting form attached to the electronic report (SAR or STR).

3. Additional notes

Balance sheet

A statement of assets and liabilities in PDF must be submitted for each business relation. It must be ensured that all accounts and securities accounts are listed. In addition, the account balance of the reported accounts should match the account balance according to the statement of assets and liabilities.

If only one account and not the entire business relation is reported, an account statement showing the current balance is sufficient.

MultiParty functionality

The functionality is mandatory according to [goAML web manual \(version 2.1\)](#) chapter 9.4.2.2. This serves in particular to record additional (relevant) legal entities and/or natural persons involved in the report as well as accounts, trust structures and alias identities/pseudonyms. If the preparation of the data to be reported is fully automated at a financial intermediary via XML and the recording of a corresponding transaction is not provided for, an AIFT message can additionally be recorded manually in the web portal and transmitted with reference to the original report without further comments. The solution via this dummy transaction (MultiParty Dummy), which always shows the amount CHF 0.00, is necessary because the logic of goAML is based on transactions and not on business relations and persons/companies.

Elements pursuant to Art. 3 para. 1 lit. h OMLRO

If details of transactions cannot be mapped in XML, a standard Excel file with the transactions can be transmitted after consultation with MROS. If this is also not possible, detailed documents with at least the recipient bank / sender bank and an individually assignable element (name/account number/reference number, etc.) must be transmitted. In the case of several transactions with identical counterparties, one detailed document is sufficient as an example.

Suspicious transactions (electronic) vs. transactions in the suspicious period (PDF)

The aim of the reporting obligation under Art. 9 AMLA is to not only trace and confiscate incriminated funds. Rather, the documentary basis (paper trail) should be created and information provided (reporting obligation) so that the persons responsible for money laundering can be identified and prosecuted (BBI 1996 III 1101, 1116).

To ensure that this purpose can be fulfilled, Art. 3 AMLA regulates the minimum content of a SAR. This list is not exhaustive.

Suspicious transactions (electronic)

As stated in Art. 3 lit. h of the OMLRO, suspicious circumstances, including suspicious transactions, must be presented and documented as precisely as possible. If suspicious transactions are involved, detailed information on them is required.

In addition, the results of the investigations carried out in accordance with Art. 6 AMLA (in conjunction with Art. 15 and 16 OML-FINMA) must be presented and documented (Art. 3 para. 1 lit. h OMLRO). Accordingly, any details of transactions that were part of the financial intermediary's investigations must also be submitted here so that MROS can confirm receipt of the report and the time limit according to Art. 23 para. 5 AMLA begins to run (Art. 4 para. 1 OMLRO).

Transactions in the suspicious period (PDF format)

MROS's clarifications allow it to request additional information from financial intermediaries on transactions during the suspicious period, based on Art. 11a AMLA in conjunction with Art. 16 a OMLRO. Art. 16 lit. a AMLA.

For practical and efficiency reasons, the submission of account and securities statements for all transactions in the suspicious period can save many inquiries based on Art. 11a AMLA and their responses for both MROS and the financial intermediaries. In our opinion, this means less effort for both sides.

Therefore, MROS strives to provide for this accordingly in practice.

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