PARQUET GÉNÉRAL
DU GRAND-DUCHÉ DE LUXEMBOURG

CRF - Cellule de renseignement financier

goAML : guidance for the investment sector

Online training
29 April 2021

Agenda

- ❑ Registration in goAML

- ❑ Delegations

- ❑ Report forms (SAR/STR)

- ❑ Q&A

goAML at the CRF

- live since 1 January 2017

- over 4 000 registered reporting entities

- +/- 200 SAR/STRs per business day

goAML

GoAML is developped by United Nations Office on Drugs and Crime

2 environments for external users

https://goaml.b2g.etat.lu/

https://goaml-training.b2g.etat.lu/

goAML - FAQ

- https://faq.goaml.lu/

FAQ – dedicated website

https://faq.goaml.lu/

1) Registration

Registration Type

Please select the type of organization you are registering as, and then enter your organization details

Entity type:

- ● Reporting Entity
- ○ Stakeholder
- ○ Supervisory Body

Registering Organization

Organization Business Type* [⌄] **Bank**

Click on the appropriate "Organization Business Type" in drop down list (f.ex.)

- Alternative investment fund manager
- Registrar agents
- Person carrying out a professional activity mentioned in annex I of the law (as per, article 2(I)7 + article 1(I)(3bis) of the 2004 AMLCFT law)

  Exceptionnally only: other person referred to in the law or person not referred to in the law

Assessment of contractual situation by legal team/lawyer of reporting entity!

Fill in the rest, as applicable.

2) Delegations

- ❑ GoAML sign-in requires Lux trust token

- ❑ However, LuxTrust token = nominative, i.e. 1 token for 1 person

- ❑ Consequence : 1 LuxTrust token for each registered reporting entity

- ❑ To avoid logistic headache, CRF allows for delegations

- ❑ Use of <u>same single token</u> for reports filed in name and on behalf of others

- ❑ Beware : Technical feature (IT)

- ❑ Applicable legal regime: **MANDATE**, i.e. in the name and on behalf of another reporting entity

2) Delegations: structure in practice

2) Delegations: in goAML environment

```
        ┌──────────────┐
        │   Mandatee   │
        └──────┬───────┘
    ┌──────────┼──────────┐
┌────────┐ ┌──────────┐ ┌──────────┐
│Mandator 1│ │Mandator 2│ │Mandator 3│
└────────┘ └──────────┘ └──────────┘
```
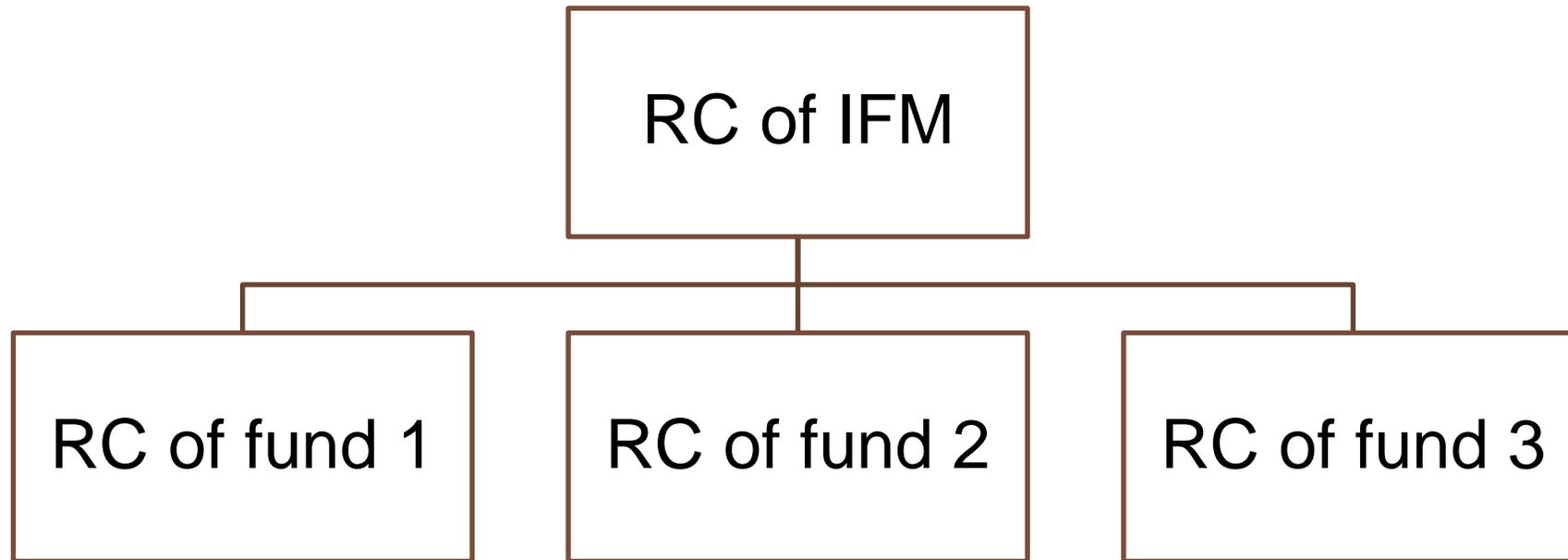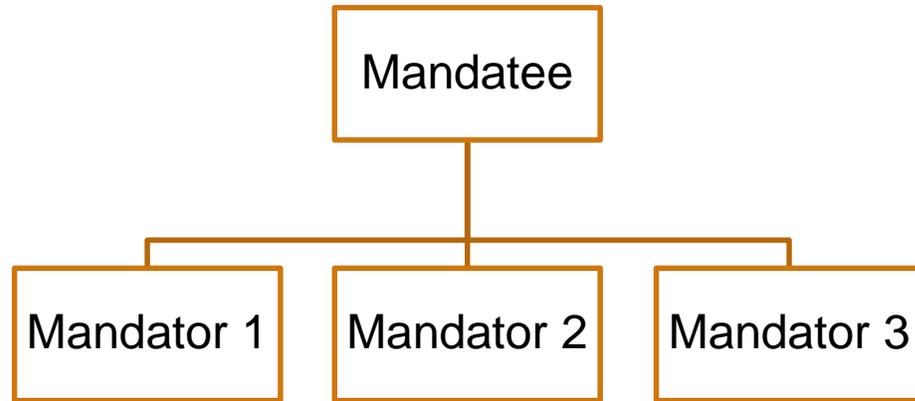
➤ RC of the IFM registers as reporting entity (Mandatee) in goAML

➤ after validation by the CRF

➤ RC of IFM registers the funds he/she manages as reporting entities (mandators), in the name and on behalf of which, he/she will file reports with the CRF

2) Delegations

For more detailed information on RCs and IFMs, please check the following external links :

http://www.cssf.lu/fileadmin/files/Publications/Communiques/Communiques_2019/OPC_AML_Conference_3_December_2019_051219.pdf

http://www.cssf.lu/fileadmin/files/Metier_OPC/FAQ/FAQ_Persons_involved_in_AML_CFT_for_a_Luxembourg_Investment_Fund_or_Investment_Fund_Manager_251119.pdf

2) Delegations: legal structure in goAML environment

2) Delegations: in goAML environment

```
┌──────────────────────┐
│  Mandatee            │
│        ┌─────────────┴──┐
│        │ • Anouk        │
│        │ • Max          │
└────────┴────────────────┘
    │
┌───┴────┬──────────────┬──────────────┐
│        │              │              │
┌────────────┐  ┌────────────┐  ┌────────────┐
│ Mandator 1 │  │ Mandator 2 │  │ Mandator 3 │
│    ┌───────┴┐ │            │  │      ┌──────┴┐
│    │ • Jean │ │            │  │      │ • Paul│
└────┴────────┘ └────────────┘ └──────┴───────┘
```
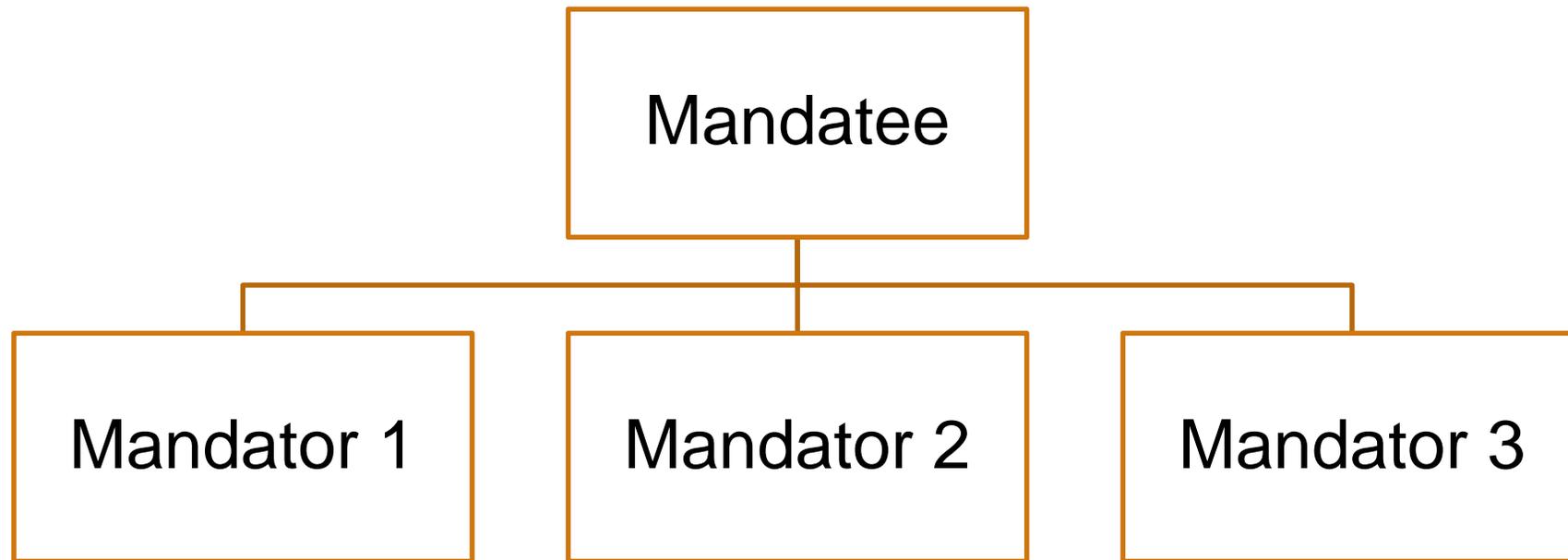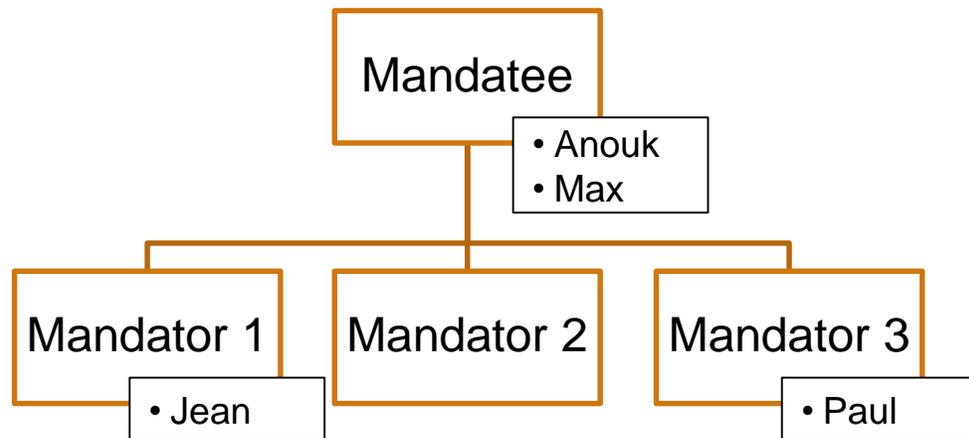
User rights !

2) Delegations: in goAML environment

Mandatee
- Anouk
- Max

Mandator 1
- Jean

Mandator 2
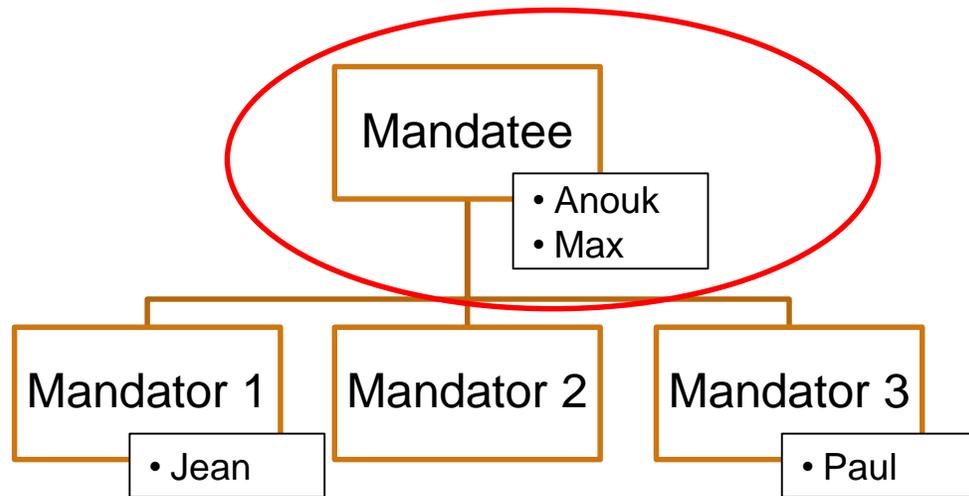
Mandator 3
- Paul

Users with access to "Mandatee" (Anouk and Max) automatically have access to "Mandator 1", "Mandator 2" and "Mandator 3".

2) Delegations: in goAML environment

```
┌─────────────────┐
│ Mandatee        │
│      ┌──────────┴──┐
│      │ • Anouk     │
└──────│ • Max       │
       └─────────────┘
```

```
┌──────────────┐   ┌──────────────┐   ┌──────────────┐
│ Mandator 1   │   │ Mandator 2   │   │ Mandator 3   │
│      ┌───────┴─┐ └──────────────┘   │      ┌───────┴─┐
│      │ • Jean  │                    │      │ • Paul  │
└──────│         │                    └──────│         │
       └─────────┘                           └─────────┘
```
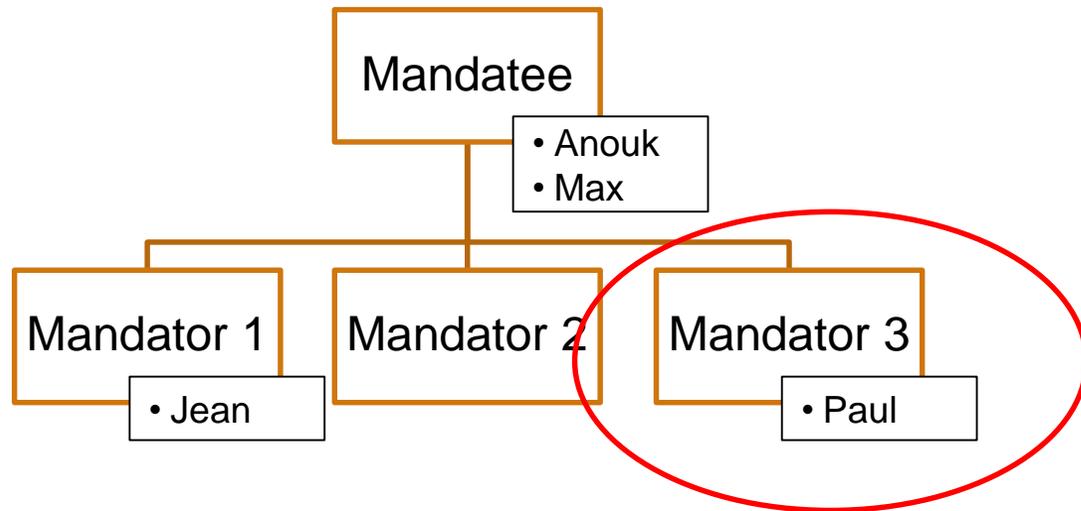
Users with access to "Mandator 3" (Paul) only have access to "Mandator 3".

2) Delegations: in goAML environment
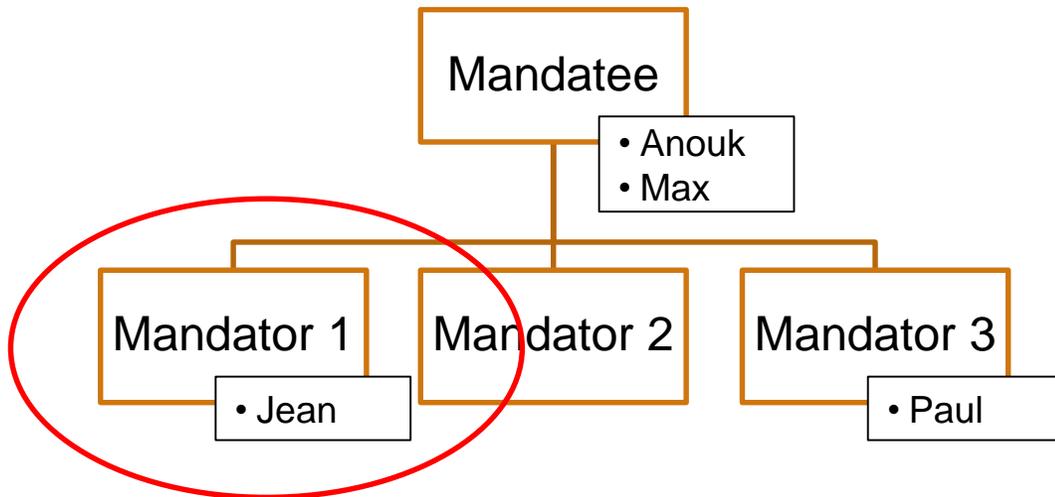
Users with access to "Mandator 1" (Jean) only have access to "Mandator 1".

2) Delegations : user rights create risks

Warning :

The goAML user acting as Mandatee, in the name and on behalf of his/her Mandator(s) has 2 risk exposures :

1) conflict of interest
2) breach of non tipping-off obligation of article 5 (5) of the Law of 12 November 2004 on the fight against money laundering and terrorist financing

If, from a contractuel point of view, the Mandatee amounts to :

o the "client" which the report is about, or
o a third party vis-à-vis the Mandator.

The CRF validates delegations (from a technical point of view).

In turn, the Mandatee and his/her Mandators must assess these risks, based on their **legal and factual merits**, and bear the **entire responsibility** thereof.
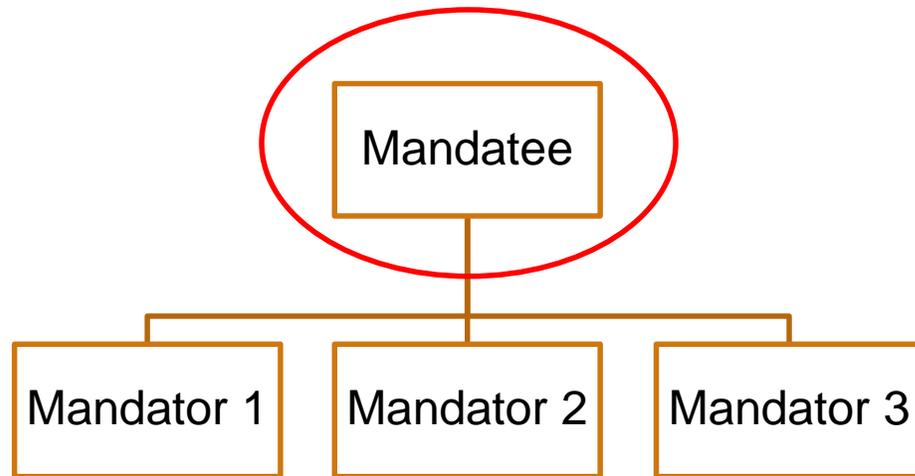
2) Delegations: creation
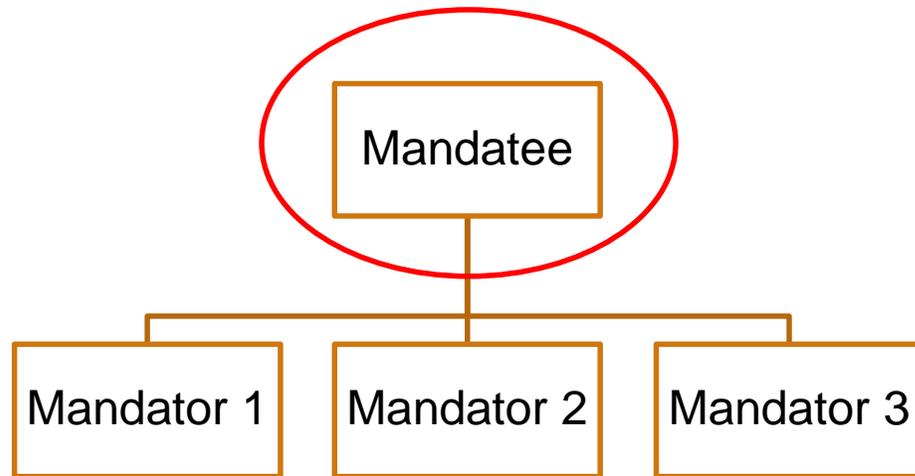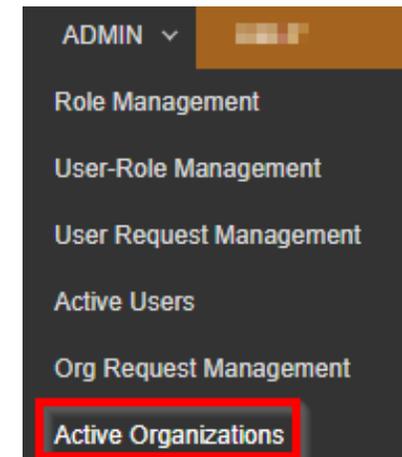

1st step :

➢ Registration in goAML of the Mandatee
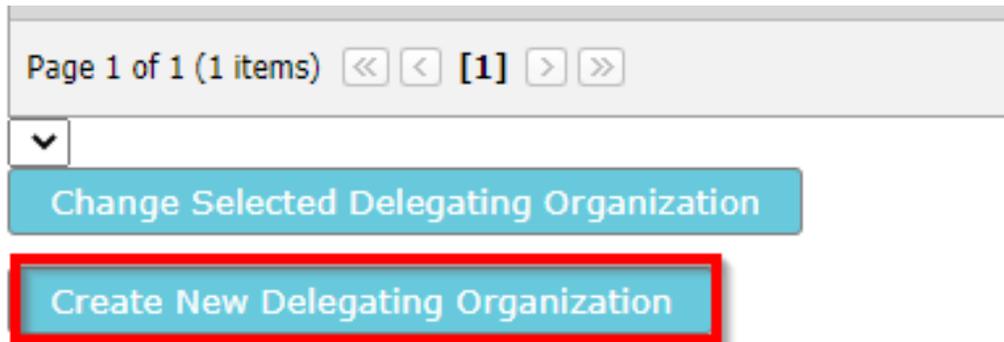
2) Delegations: creation

2nd step :

➢ click on "Active organizations" in the Admin tab

2) Delegations: creation

3rd step :

➤ At the bottom of this page, on the left, click on "Create New Delegating Organization"

CRF must then validate the registration of this delegation.

2) Delegations

Warning :

This validation by the CRF is of a purely technical nature and does not release the "Mandatee", nor his/her "Mandators" from their obligation to assess the risks described above.

2) Delegations

- When filing a report, you must chose in which capacity you are acting.

Select a reporting entity for this session.
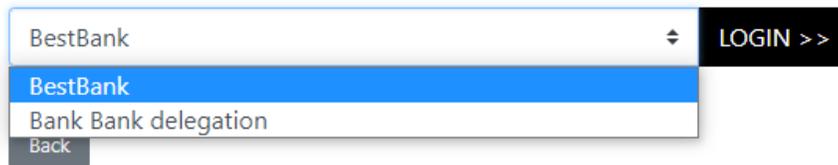
| BestBank | LOGIN >> |

BestBank
Bank Bank delegation
Back

- To modify data regarding the Mandatee, click on "Change Selected Delegating Organization"

Page 1 of 1 (2 items) « < [1] > »

Bank Bank delegation ⌄

Change Selected Delegating Organization

2) Delegations : further help in CRF FAQ goAML website

https://faq.goaml.lu/manuels-dutilisation/menu-administration/decl-actifs-delegations/?hilite=%27d%C3%A9l%C3%A9gation%27

https://faq.goaml.lu/manuels-dutilisation/menu-administration/decl-actifs-delegations/explication-de-la-fonction-delegation/?hilite=%27d%C3%A9l%C3%A9gation%27

https://faq.goaml.lu/manuels-dutilisation/menu-administration/decl-actifs-delegations/delegations-fonds-dinvestissement/?hilite=%27d%C3%A9l%C3%A9gation%27

3) Report form : structured data

- FATF requires CRF to perform 2 types of analysis :
  - operational (SAR/STR); and
  - strategic (trends, typologies, risks etc)

- SARs for suspicious activity

- STRs for suspicious transaction

- Attachments = unstructured data

- SAR/STR form = structured data fields

- The more data is structured, the better analysis can be done

3) SAR Form

There are 3 types of "report parties" to choose from :

❖ Account

❖ Person

❖ Entity

Report Parties

| Entity | ➕ 🔲 Account | ➕ 👤 Person | ➕ 🔳 Entity |

3) SAR Form

In case of a screening hit/match on a name, click on "Person" or "Entity" for providing data in relation to the suspect name

3) SAR Form

For a suspect "Person", please add :
- First name
- Last name
- Nationality

For a suspect "Entity", please add :
- Name
- Incorporation Legal Form
- Incorporation Country Code

Of course, any additional information is useful.

3) SAR Form

For a suspect (or not suspect) "Account", please add :

- Account number
- Account holder name
- Institution name
- Swift OR institution code

Of course, any additional information is useful.

3) STR Form : how to fill in ?

- Transactions in goAML : BiParty

- Every financial flow must be reported from « origin » to « destination »
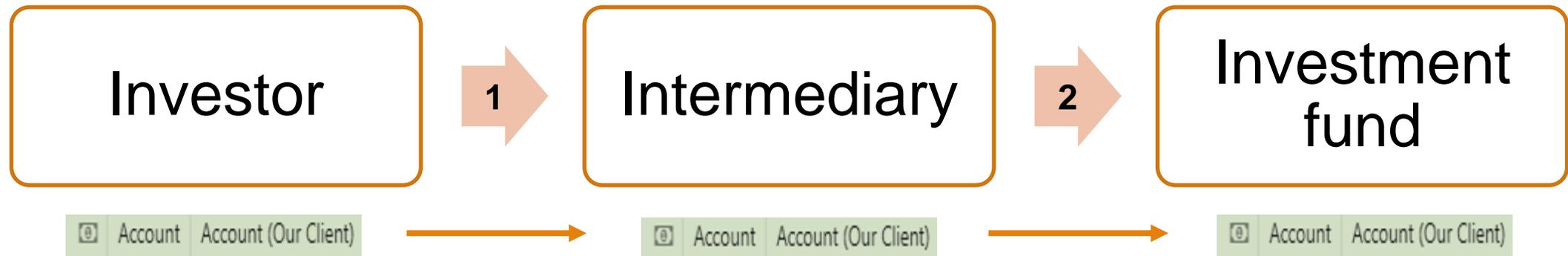
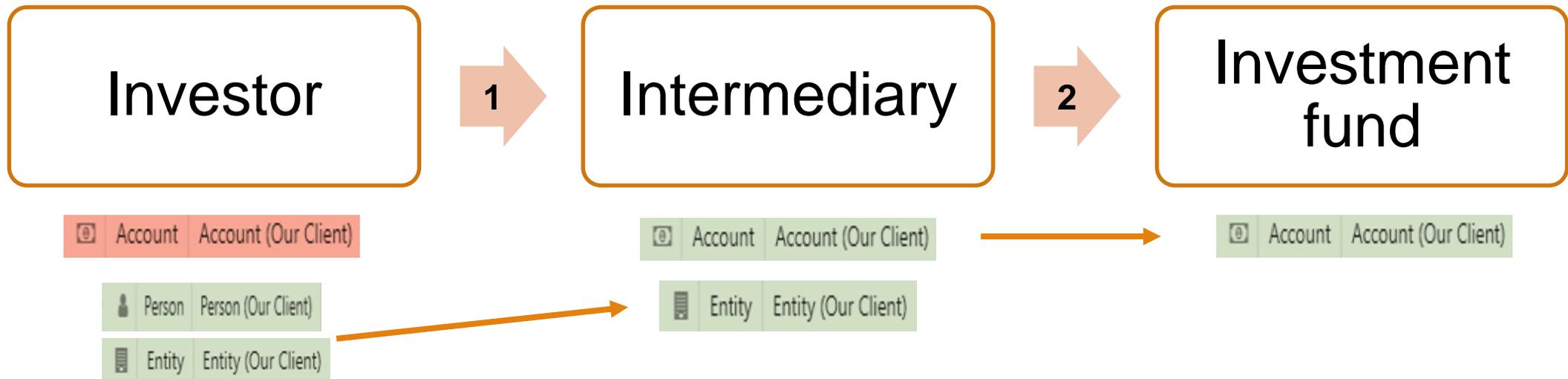- FROM – TO

3) STR Form : for investments funds

Subscription:

| Investor | → **1** | Intermediary | → **2** | Investment fund |

3) STR Form : ideally

Subscription:

3) STR Form : in practice

Subscription:

3) STR Form

Redemption :

3) STR Form

To **add** a transaction, click on

General part of a « transaction », always fill in :

- Unique Number (can be automatically generated by goAML) ;

- Status of the transaction (drop down list; choice between announced, cancelled by client, executed, pending, refused) ; and

- Amount (always in EUR).

3) STR Form

Not many fields are mandatory for filing a **valid** STR (in red).

However, in terms of **analysis and statistics**, any data you hold is important.

Therefore, the data we ask for hereafter is mandatory for the **CRF's work purposes**.

To assist you in completing the STR form swiftly, you may click on this icon ♻ to re-use data of a person/entity/account you have already filled in.

3) STR Form

1. INITIAL SUBSCRIPTION (TRANSACTION 1)

For the <u>origin</u> of the 1st financial flow, click on :

From – Person/Entity (= investor)

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "Transfer" in drop down list ;
- country of origin of the transfer ;
- foreign currency ;
- amount (at time of investment); and
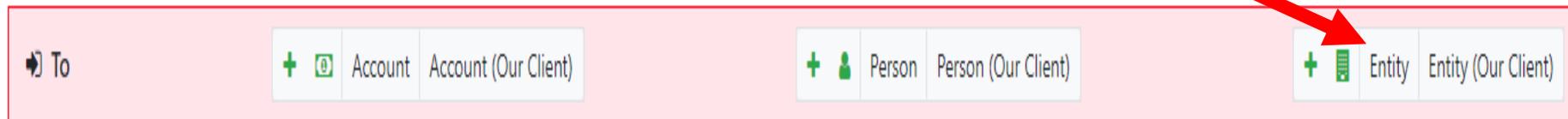- exchange rate.

For the investing <u>person</u>, the following information is mandatory :
- First name ;
- last name; and
- citizenship.

Of course, any additional information is useful.

3) STR Form

For the <u>destination</u> of the 1st financial flow, click on

« To – Entity » (= intermediary)

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "Transfer" in drop down list ;
- country of destination of the transfer ;
- foreign currency ;
- amount ; and
- exchange rate.

For the receiving <u>entity</u>, the following information is mandatory :
- Name; and
- Incorporation country code.

Of course, any additional information is welcome.

3) STR Form

2. INITIAL SUBSCRIPTION (TRANSACTION 2)

For the <u>origin</u> of the 2nd financial flow, click on

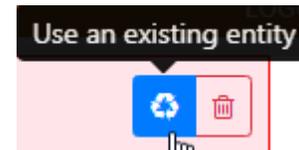**« From – Account » (= intermediary account)**

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "**purchase of securities**" in drop down list ;
- Country where the account is held ;
- Foreign currency ;
- amount invested ;
- Exchange rate ;
- Account number at financial institution which receives subscription monies;
- swift of this financial insitition OR institution code.

For the receiving <u>entity</u>, the following information is mandatory :
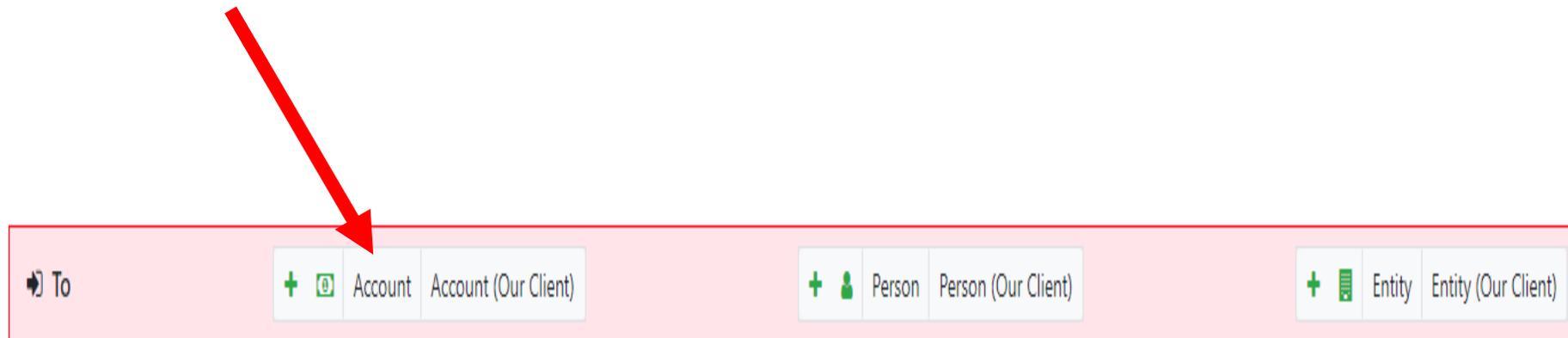- Name; and
- Incorporation country code.

Of course, any additional information is welcome.

3) STR Form

For the underdestination of the 2nd financial flow, click on

«To – Account »

(= investment fund account)

3) STR Form

In this part, the following information is <u>mandatory</u> :

- "Transaction type" : click on "**purchase of securities**" in drop down list ;
- Country where the account is held ;
- Foreign currency ;
- amount invested ;
- Exchange rate ;
- Account number at financial institution which receives subscription monies;
- swift of this financial institution OR Institution code

3) STR Form

- Account holder name ;
- Account type : click on "**portfolio of securities**" in drop down list
- Status : drop down list with choice (active/blocked/closed/dormant/freezing CRF/unknown) ;
- currency ;

balance (in account currency) + date of balance :

in view of potential CRF freeze

Of course, any additional information is welcome

3) STR Form

### 3.	FINAL REDEMPTION (TRANSACTION 3)

For the <u>origin</u> of the 3rd financial flow, click on

« From – Account » (= investment fund account)

3) STR Form

In this part, the following information is <u>mandatory</u> :

- "Transaction type" : click on "**sale of securities**" in drop down list ;
- Country where the account is held ;
- Foreign currency ;
- Amount redeemed ;
- Exchange rate ;
- Account number at financial institution which receives redemption monies;
- swift of this financial institution OR Institution code.

3) STR Form

- Account holder name ;
- Account type : click on "**portfolio of securities**" in drop down list
- Status : drop down list with choice (active/blocked/closed/dormant/freezing CRF/unknown) ; and
- Currency.

Balance (in account currency) + date of balance :

in view of potential CRF freeze

Of course, any additional information is welcome

3) STR Form

For the destination of the 3rd financial flow, click on

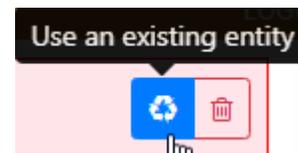**« To – account » (= intermediary account)**

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "**sale of securities**" in drop down list ;
- Country where the account is held ;
- Foreign currency ;
- Amount redeemed ;
- Exchange rate ;
- Account number at financial institution which receives redemption monies;
- swift of this financial institution OR Institution code.

For the receiving <u>entity</u>, the following information is mandatory :
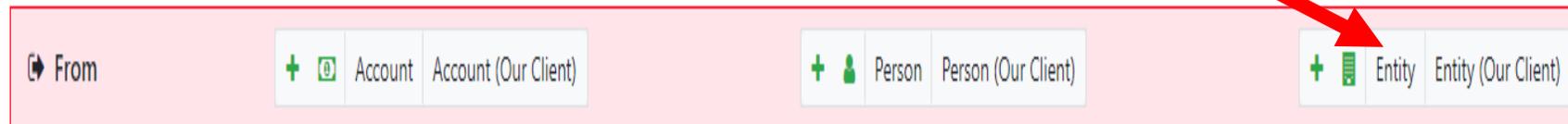- Name; and
- Incorporation country code.

Use an existing entity

Of course, any additional information is welcome.

3) STR Form

4. FINAL REDEMPTION (TRANSACTION 4)

As origin of the 4th financial flow, click on

« From – entity » (= intermediary)

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "**transfer**" in drop down list ;
- Country of origin of the transfer ;
- Foreign currency ;
- amount redeemed ; and
- Exchange rate.

For the <u>entity</u>, the following information is mandatory :
- Name and
- Incorporation country code.

Of course, any additional information is welcome.

3) STR Form

For the destination of the 4th financial flow, click on

To – person/entity (= investor)

| ▶ To | ＋ ⊡ Account | Account (Our Client) | ＋ 👤 Person | Person (Our Client) | ＋ 🏢 Entity | Entity (Our Client) |

3) STR Form

In this part, the following information is <u>mandatory</u> :
- "Transaction type" : click on "**transfer**" in drop down list ;
- Country of destination of the transfer ;
- Foreign currency ;
- amount redeemed ; and
- Exchange rate.

For the <u>person</u>, the following information is mandatory :
- First name;
- Last name; and
- citizenship.

Of course, any additional information is welcome.

Completed report

STR is complete when all sections on the left are green.

Red means that there is missing data.

Incomplete reports may not be filed with the CRF.

However, a report may be *saved at all times*. This allows users to start drafting a report and complete it as and when data becomes available.

Reports are not automatically saved. Data may be lost if this is not done on a regular basis.

QUESTIONS?