



Ordinance On the Money Laundering Reporting Office Switzerland

(MROSO)

SR 955.23
of 25 August 2004 (status as at 1 January 2020)

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Unofficial translation

Ordinance on the Money Laundering Reporting Office Switzerland

(MROSO)

of 25 August 2004 (status as at 1 January 2020)

The Swiss Federal Council, based on Articles 8a(5) and 41(1) of the Anti-Money Laundering Act of 10 October 1997¹ (AMLA) as well as the Articles 4(1), 13(1) and 15 of the Federal Act on the Central Offices of the Federal Criminal Police of 7 October 1994² (FCPCOA)³ decrees:

Chapter 1: Tasks and Duties

ARTICLE 1⁴

- 1 The Money Laundering Reporting Office Switzerland (MROS) shall hold the following functions:
 - a. It shall support the prosecution authorities in the combating of money laundering, its predicate offenses, organized crime⁵ and the financing of terrorism.
 - b. It shall act as a national reporting office for combating money laundering, its predicate offenses, organized crime and the financing of terrorism.
 - c. It shall make financial intermediaries aware of the problems related to money laundering, its predicate offenses, organized crime and the financing of terrorism.
 - d. It shall publish an annual report on how the statistics on the combating money laundering, its predicate offenses, organized crime and the financing of terrorism have developed using anonymized data.
- 2 In order to fulfill its tasks, it shall:
 - a.⁶ accept reports from the following actors and analyze these:
 1. financial intermediaries,
 2. self-regulating organizations,

¹ SR **955.0**

² SR **360**

³ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁴ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁵ Terminology as per Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819). This amendment has been taken into

⁶ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

3. supervisory organizations,
 4. the Swiss Financial Market Supervisory Authority (FINMA),
 5. the Swiss Federal Gaming Board (SFGB),
 6. inter-cantonal supervisory and law enforcement authorities pursuant to Article 105 of the Swiss Gambling Act of 29 September 2017⁷ (inter-cantonal authority),
 7. dealers pursuant to Article 8a AMLA,
 8. auditors of dealers pursuant to Article 15 AMLA;
- b. perform investigations to clarify the reports;
 - c.⁸ decide whether and which data should be forwarded to the prosecutors of the federal and cantonal prosecutors;
 - d. exchange information on money laundering, its predicate offenses, organized crime and the financing of terrorism at national and international levels;
 - e.⁹ maintain its own information platform for the combating of money laundering, its predicate offenses, organized crime and the financing of terrorism;
 - f.¹⁰ evaluate the data on money laundering, its predicate offenses, organized crime and the financing of terrorism, and prepare statistics which allow operational and strategic analyses.
 - g.¹¹ accepts information from persons and institutions pursuant to Article 7 of the Federal Act of 18 December 2015 on the Freezing and Restitution of Assets Illicitly Obtained by Foreign Politically Exposed Persons (PEPs)¹² (Foreign Illicit Assets Act, FRIAA).

⁷ SR **935.51**

⁸ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁹ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

¹⁰ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

¹¹ Inserted by Section I of the Ordinance of 25 May 2016, in force since 1 July 2016 (AS **2016** 1943).

¹² SR **196.1**

Chapter 2: Processing Reports and Data¹³

Section 1: Registration

ARTICLE 2¹⁴ Origin of the Data

The MROS shall process reports and data in accordance with:¹⁵

- a.¹⁶ Articles 9(1) and 11a AMLA as well as Article 305ter(2) Swiss Penal Code¹⁷ (SPC) if from financial intermediaries;
- b. Article 27(4) AMLA if from self-regulating organizations;
- c.¹⁸ Article 16(1) AMLA if they have been provided by:
 1. the FINMA,
 2. supervisory organizations,
 3. the SFGB,
 4. inter-cantonal authorities;
- d.¹⁹ Articles 9(1bis) and 15(5) AMLA if they have been provided by dealers or their audit firms;
- e.²⁰ Article 7(1) and (2) FIAA²¹.

ARTICLE 3²² Review of reports

- 1 Reports as per Article 2(a)-(c) shall contain at the following:
 - a. The name of the financial intermediary, authority or organization that made the report, in each case with a telephone number at which the responsible person can be reached directly;

¹³ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497)

¹⁴ Version according to Annex Section 10 of the Financial Market Audit Ordinance of 15 October 2008, in force since 1 January 2009 (AS **2008** 5363)

¹⁵ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497)

¹⁶ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

¹⁷ SR **311.0**

¹⁸ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

¹⁹ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

²⁰ Inserted by Section I of the Ordinance of 25 May 2016 (AS **2016** 1943). Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

²¹ SR **196.1**

²² Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

- b. The authority or organization pursuant to Article 12 AMLA or Article 43a of the Financial Market Supervision Act of 22 June 2007²³ regulating the financial intermediary;
 - c. the information required for the identification of the contractual party of the financial intermediary as stipulated in Article 3 AMLA;
 - d. the information required for the identification of the beneficial owner as stipulated in Article 4 AMLA;
 - e. details of any other persons who are authorized to sign or represent the financial intermediary's contractual party;
 - f. the assets involved at the time of the report, including the current balance of the account;
 - g. the most precise possible presentation of the business relationship, including its type and purpose as well as the number and the date of onboarding of the business relationship;
 - h. The most precise possible presentation and documentation of the suspicions on which the report is based on, including the documentation of suspicious transactions with account statements and detailed proof and any connections to other business relationships pursuant to Article 9 AMLA and Article 305ter(2) SCC²⁴, as well as the results from the investigations performed pursuant to Article 6 AMLA.
- 2 Reports in accordance with Article 2(d) shall at least contain the information pursuant to Article 1(a), (c)-(e) and (h) as appropriate.
- 3 If persons or institutions that report something in accordance with Article 7(1) and (2) FRIAA²⁵ are not financial intermediaries pursuant to AMLA, their report shall contain at least the information stipulated in (1)(f), to the extent known to them.

ARTICLE 3a²⁶ Communicating with the MROS

- 1 The MROS shall provide an information platform (AML database) for communications with it.
- 2 Whoever wishes to communicate with the MROS through this information platform shall have to register beforehand.
- 3 Whoever does not wish to transmit a report through the information platform shall use the reporting form provided by the MROS and send the report in a secure manner.
- 4 Documents pursuant to Article 3 shall be transmitted to the MROS.

²³ SR **956.1**

²⁴ SR **311.0**

²⁵ SR **196.1**

²⁶ Inserted by Section I of the Ordinance of 27 November 2019, in force since 1 January 2020

ARTICLE 4²⁷ Records

- 1 Reports and other information transmitted to the MROS shall be recorded in the information platform of the MROS. The MROS shall confirm reception of all of the information pursuant to Articles 3(1) and 3a(3) and (4). The time limit pursuant to Article 23(5) AMLA shall begin on the day of the confirmation receipt.²⁸
- 2 Should more than one contractual party be object of a report, the MROS may deal with each business relationship separately.
- 3 If the MROS transmits information to a prosecuting authority which has been reported in accordance with Article 23(5) AMLA or if it receives a report based on Article 9(1)(c) AMLA, it shall indicate the period during which the assets shall remain frozen pursuant to Article 10(2) AMLA.²⁹
- 4 ...³⁰

Section 2: Reviews and investigations

ARTICLE 5³¹

ARTICLE 6 Obtaining information in accordance with FCPCOAi

In order to fulfill its statutory duties, the MROS may obtain information as listed in Article 3(a) - (e) FCPCOA.³²

ARTICLE 7 Collaborating with authorities and government agencies

- 1 Pursuant to Article 4(1) FCPCOA and Article 29(1) and (2) AMLA, the MROS may request from the authorities or government agencies any information related to money laundering, its predicate offenses, organized crime or terrorist financing that it needs to fulfill its statutory duties. Specifically, the MROS may review whether:³³
 - a. the relevant person or entity is or has been subject to legal or administrative proceedings;
 - b. the person or entity has a police record;

²⁷ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

²⁸ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

²⁹ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

³⁰ Repealed by Section I of the Ordinance of 27 November 2019, with effect from 1 January 2020 (AS **2019** 4701).

³¹ Repealed by Section I 20 of the Ordinance of 15 October 2008 on the amendments to the Swiss Federal Act on the Federal Police Information Systems in force since 5 December 2008 (AS **2008** 4943).

³² Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

³³ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

c.³⁴ the person in the report is domiciled in Switzerland, has the right to live in Switzerland and is entitled to pursue gainful employment in Switzerland.

d.³⁵ the reporting financial intermediary is subject to supervision by FINMA, the Swiss Federal Gaming Board (SFGB) or the inter-cantonal authority.

2 Information may be exchanged verbally, electronically or on paper.

Section 3: Transmitting information to a prosecuting authority³⁶

ARTICLE 8³⁷ Filing a report with a prosecuting authority

1 Based on the assessment of the collected information, the MROS shall take measures in accordance with Article 23(4) AMLA. The data it transmits to a prosecuting authority may not contain any information who made the report or provided the information.

2 Should the MROS have well-founded suspicions based on new findings, it may transmit to the prosecuting authority the reported information which it has not yet transmitted as outlined in Article 23(4) AMLA.

ARTICLE 9 Informing the financial intermediary

1 The MROS shall inform the financial intermediary of the steps it has taken.³⁸

2 Should a case have been forwarded to a prosecuting authority, no information shall be transmitted to the financial intermediary without the authority's prior authorization.³⁹

ARTICLE 10⁴⁰ Notification

1 The MROS may notify the following:

- a. financial intermediaries: on the steps it has taken based on reports as per Article 2(a);
- b. self-regulating organizations: on the steps it has taken based on reports as per Article 2(b);

³⁴ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

³⁵ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

³⁶ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

³⁷ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

³⁸ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

³⁹ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013

⁴⁰ Version according to Annex Section 10 of the Financial Market Audit Ordinance of 15 October 2008, in force since 1 January 2009 (AS **2008** 5363)

- c.⁴¹ the FINMA: on the steps it has taken based on reports as per Article 2(c)(1);
 - c^{bis}.⁴² supervisory organizations: on the steps it has taken based on reports as per Article 2(c)(2);
 - d.⁴³ the SFGB: on the steps it has taken based on reports as per Article 2(c)(3);
 - e.⁴⁴ inter-cantonal authorities: on the steps it has taken based on reports as per Article 2(c)(4);⁴⁵
- 2 Should the MROS find that a financial intermediary has breached its due diligence or its duties regarding suspected money laundering, it may, pursuant to Article 29(1) AMLA, provide the competent supervisory authority with the following information unsolicited:
- a. Name of the financial intermediary that filed the report;
 - b. Date of the report;
 - c. Amount of assets involved;
 - d. Type and aspect of duty breached;
 - e. prosecuting authority involved.
- 3 The MROS may inform the competent prosecuting authority involved.

ARTICLE 11⁴⁶

Chapter 3: Cooperation

ARTICLE 12 Swiss authorities

- 1 ...⁴⁷
- 2 Should the MROS learn that a prosecuting authority is already investigating persons mentioned in the request, as a rule, it shall refer the requesting authority to that prosecuting authority for further information.⁴⁸

⁴¹ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁴² Inserted by Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁴³ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁴⁴ Inserted by Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁴⁵ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁴⁶ Repealed by Annex 2 Section II 3 of the Anti-Money Laundering Ordinance of 11 November 2015, with effect from 1 January 2016 (AS **2015** 4819).

⁴⁷ Repealed by Annex 2 Section II 3 of the Anti-Money Laundering Ordinance of 11 November 2015, with effect from 1 January 2016 (AS **2015** 4819).

⁴⁸ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

ARTICLE 13⁴⁹ Foreign authorities

- 1 Subject to the conditions set out in (2), the MROS may exchange personal data and information relating to suspected money laundering, its predicate offenses, organized crime or the financing of terrorism to the following foreign authorities or forward such data and information to the following foreign authorities without being requested to do so, in order to assist them in fulfilling their statutory duties:
 - a. Authorities which fulfill the tasks of criminal prosecution and the police, provided the provisions of Article 13(2) FCPCOA are met.
 - b. Authorities that assume duties which are similar to those of the MROS, provided the provisions of Article 30 AMLA are met.
- 2 Personal data and information pursuant to (1) may be exchanged or forwarded only if:
 - a. this is necessary to obtain the information required by the MROS;
 - b. if this is not data subject to international legal assistance;
 - c. the request for administrative assistance is justified.
- 3 Articles 6, 7 and 12 shall also be applicable to the processing of requests submitted by foreign authorities.

Chapter 4: Information platform⁵⁰

ARTICLE 14 Purpose

The information platform shall serve the MROS to do the following:⁵¹

- a. fulfill its statutory information and investigative duties;
- b.⁵² investigate cases of money laundering, its predicate offenses, organized crime and the financing of terrorism;
- c. collaborate with federal and cantonal prosecutors;
- d. collaborate with relevant foreign authorities and foreign prosecutors;

⁴⁹ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁵⁰ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁵¹ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁵² Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

- e.⁵³ collaborate with FINMA, the Swiss Federal Gaming Board (SFGB) and the inter-cantonal authorities;
- f.⁵⁴ prepare strategic analyses using anonymized statistics.

ARTICLE 15 Origin of the information

The data stored in the information platform⁵⁵ shall originate from:

- a.⁵⁶ reports and information pursuant to Article 2;
- b. requests for mutual or administrative assistance in accordance with Articles 12 and 13;
- c.⁵⁷ memoranda on police investigations which were performed prior to an actual investigation;
- d.⁵⁸ memoranda of prosecuting authorities of the Swiss Confederation or the cantons pursuant to Article 29a AMLA;
- e. memoranda provided pursuant to Articles 4 and 8(1) FCPCOA, provided these serve to fulfill the statutory duties of the MROS.
- f.⁵⁹ lists with names of persons and companies which appear in resolutions passed by the Security Council of the United Nations in connection with suspected money laundering, its predicate offenses, organized crime or the financing of terrorism;
- g.⁶⁰ lists with names of persons and companies that are suspected by Swiss authorities to be involved in money laundering, its predicate offenses, organized crime or the financing of terrorism;
- h. the MROS's own investigations.

⁵³ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁵⁴ Inserted by Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁵⁵ Term according to Section I 2 of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701). This amendment has been taken into account throughout the entire enactment.

⁵⁶ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁵⁷ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁵⁸ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁵⁹ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁶⁰ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

ARTICLE 16⁶¹ Processed data

- 1 In order to combat money laundering, its predicate offenses, organized crime and the financing of terrorism, the information platform shall process data on:⁶²
 - a.⁶³ financial transactions in the period relevant to the suspicion;
 - b. Persons and companies suspected of engaging in money laundering (actual and attempted), its predicate offenses, organized crime pursuant to Article 260ter SPC or that they support the financing of terrorism pursuant to Article 260quinquies SPC;
 - c. Persons and companies suspected of preparing, engaging in or supporting delinquencies, where it is suspected that they are predicate offenses leading to money laundering or where a connection to organized crime as per (b) is suspected.
- 2 The information platform may store data on third parties which are not subject to the criteria of (1), provided this serves the purposes of Article 14.

ARTICLE 17⁶⁴ Encryption

Data transmitted from the information platform shall be encrypted during the entire transmission process.

ARTICLE 18⁶⁵ Functions

The information platform shall serve for the following:

- a. Recording, processing and analyzing of
 1. reports,
 2. information received from foreign offices for combating money-laundering,
 3. the exchange of information among authorities,
 4. transactions,
 5. data on natural persons and legal entities,
 6. topical groupings,

⁶¹ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁶² Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁶³ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁶⁴ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁶⁵ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

7. Judgments passed, orders to withdraw the prosecution (nolle prosequi) and other orders handed down by the prosecuting authorities pursuant to Article 29a(1) and (2) AMLA;
 - b. Analyses and statistics with anonymized data;
 - c. The preparation of diagrams;
 - d. The management of message exchanges;
 - e. User logs of MROS employees' use of the information platform.
- 1 The data that may be processed in the information platform is listed in Annex 1.

ARTICLE 19 Data protection and log files

- 1 The Ordinance to the Swiss Federal Act on Data Protection of 14 June 1993⁶⁶ and the Ordinance on Information Technology dated 9 December 2011⁶⁷ shall apply to data protection.⁶⁸
- 2 The Federal Police Department (fedpol) shall regulate the organizational and technical measures which prevent unauthorized processing of data and ensure the automatic logging of data processing.⁶⁹

ARTICLE 20⁷⁰ Access to the information platform

The following parties have access to the information platform using an on-line query system:

- a. MROS employees;
- b. persons entrusted with system administration to modify and adjust the system.

ARTICLES 21 and 22⁷¹

⁶⁶ SR **235.11**

⁶⁷ SR **172.010.58**

⁶⁸ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁶⁹ Version according to Section I 20 of the Ordinance of 15 October 2008 on the amendments to the Swiss Federal Act on the Federal Police Information Systems in force since 5 December 2008 (AS **2008** 4943)

⁷⁰ Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁷¹ Repealed by Annex 2 Section II 3 of the Anti-Money Laundering Ordinance of 11 November 2015, with effect from 1 January 2016 (AS **2015** 4819)

Chapter 5:⁷² Statistical data, annual report and analyses

ARTICLE 23

- 1 In order to analyze information on money laundering, its predicate offenses, organized crime and the financing of terrorism, the MROS shall prepare anonymized statistics on:
 - a. reports as per Article 2;
 - b. information requests from relevant foreign authorities;
 - c. prosecutions initiated based on reports.
- 2 The statistics shall contain:
 - a. Reports as per (1)(a): information on the number, content, origin, suspicious cases, frequency, types of infringements and MROS treatment;
 - b. for information requests as per (1)(b): information on the number of requests, their date of receipt, country of origin and number of persons who are the subject of these requests;
 - c.⁷³ for procedures as per (1)(c): Number of reported incidents which have been passed on to prosecuting authorities and the results of the proceedings.
- 3 The MROS shall publish an annual report and analyses related to the combating of money laundering, its predicate offenses, organized crime and the financing of terrorism.

Chapter 6: Safeguarding and archiving data

ARTICLE 24 Control

Upon request, personal data shall be forwarded to the regulatory authorities of the Swiss Confederation and the cantons, as well as the Swiss Federal Data Protection and Information Commissioner⁷⁴, so that these may fulfill their control function.

ARTICLE 25 Forwarding data

- 1 Whenever data is forwarded, the recipients shall be informed of the reliability of the data extracted from the information platform, as well as how up-to-date it is. The recipients shall only use the data for the original purpose for which they have been transmitted. They shall be informed of the restricted use of the data and the MROS shall reserve the right to request information on how the

⁷² Version according to Annex 2 Section II 3 of the Anti-Money Laundering Ordinance dated 11 November 2015, in force since 1 January 2016 (AS **2015** 4819).

⁷³ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁷⁴ The name of this administrative entity has been amended in application of Article 16(3) of the Publication Ordinance of 17 Nov. 2004 (AS **2004** 4937).

data has been used.

- 2 Should data be forwarded to competent national or foreign authorities, the MROS shall include a boilerplate that indicates that the forwarded data is only of an informative nature and that it may neither be used nor forwarded to another authority without the written agreement of the MROS.

ARTICLE 26⁷⁵ Applicable restrictions for forwarding data

- 1 When forwarding data from the information platform, the prohibitions of use shall be complied with. If the MROS intends to forward data on asylum seekers, recognized refugees or persons in need of protection currently in Switzerland to their home country or country of origin, the conditions set out in Article 2 of the Ordinance to the Federal Asylum Act of 11 August 1999 shall apply.⁷⁶ The MROS may only forward data on temporarily admitted persons to their home country or country of origin in accordance with Article 6 of the Data Protection Act of 19 June 1992⁷⁷ and only after consultation with the Swiss State Secretariat for Migration.
- 2 The MROS shall refuse to forward data from the information platform in the case of overriding public or private interests.

ARTICLE 27⁷⁸

ARTICLE 28 Retention period for archived data and deletion of data

- 1 Data archived in the information platform shall be retained for a maximum period of ten years from the date of entry into the system by the MROS. Records shall be deleted individually.⁷⁹
- 2 Should a person be recorded in various files, the MROS shall delete only the data for which the retention period has expired. Personal data shall be deleted once the last record concerning that person has been deleted.

ARTICLE 29 Handing over data and documents to the Swiss Federal Archive

The delivery of data and documents from the MROS to the Swiss Federal Archives shall be subject to the Swiss Archiving Act of 26 June 1998⁸⁰ and its implementing ordinance⁸¹.

⁷⁵ Version according to Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701).

⁷⁶ SR **142.314**

⁷⁷ SR **235.1**

⁷⁸ Repealed by Section 1 of the Ordinance dated 16 October 2013 with effect from 1 January 2013

⁷⁹ Version according to Section I of the Ordinance of 16 October 2013, in force since 1 November 2013 (AS **2013** 3497).

⁸⁰ SR **152.1**

⁸¹ SR **152.11/21**

Chapter 7: Final provisions

ARTICLE 30 Repeal of Previous Legislation

The Implementing Ordinance on the Money Laundering Reporting Office Switzerland (MROS) of 16 March 1998⁸² shall be repealed.

ARTICLE 30a⁸³ Transitional provision to the amendment of 27 November 2019

Information in the AML DB that had been reported in accordance with the former law shall be migrated to the new information platform and processed in this new tool.

ARTICLE 31⁸⁴ Entry into force

This Ordinance shall enter into force on 1 October 2004.

⁸² [AS **1998** 905, 2000 1369 Article 30(2), 2002 96 Article 30 111 Articles 19(2) 4362, 2003 3687 Annex Section II 6]

⁸³ Inserted by Section I of the Ordinance of 27 November 2019, in force since 1 January 2020 (AS **2019** 4701)

⁸⁴ Version according to Section I 20 of the Ordinance of 15 October 2008 on the amendments to the Swiss Federal Act on the Federal Police Information Systems in force since 5 December 2008 (AS **2008** 4943)

Annex 1⁸⁵

(ARTICLE 18(2))

Data that may be processed in the information platform

1 Data related to the management of reports (case management)

1.1 Basic data

- a. Report number (consecutive numbering)
- b. Case number (consecutive numbering)
- c. Reference number of the financial intermediary or the dealer
- d. Date of the report
- e. Type of report
- f. Canton
- g. Category
- h. Suspicions
- i. Circumstances
- j. Justification
- k. Predicate offense

1.2 Decision by the prosecuting authorities

- a. Reference number
- b. Type of case
- c. Status of case
- d. Name of accused person
- e. Name of lawyer
- f. Date of indictment

⁸⁵ Version according to Section II of the Ordinance of 27 November 2019, in force since 1 January 2020

- g. Name of prosecuting authority
- h. Date of assignment
- i. Date of legal effect
- j. Date of hearing
- k. Type of decision
- l. Date of decision
- m. Text of decision
- n. Type of measures to be taken
- o. Date of measures
- p. Description of measures

2 Case management: personal information

2.1 Natural persons

2.1.1 Personal details

- a. Role
- b. Title
- c. First name
- d. Middle name
- e. Last name
- f. Alias
- g. Gender
- h. Date of birth
- i. Place of birth/place of origin
- j. Nationality
- k. Profession

- l. E-mail address
- m. Date of death
- n. Type of telephone number
- o. Type of telephone connection
- p. Area code
- q. Phone number
- r. Type of address
- s. Address
- t. ZIP code
- u. Place
- v. Canton
- w. Country

2.1.2 Provenance of assets

2.1.3 Information on the ID

- a. Type of ID
- b. ID number
- c. Date of issuance
- d. Expiry date
- e. Issuing authority
- f. Issuing country

2.1.4 Additional information on Politically Exposed Persons (PEPs)

- a. Duration of PEP status
- b. Country of PEP

2.1.5 Information on employer

- a. Address
- b. ZIP code
- c. Place
- d. Canton
- e. Country
- f. Phone number
- g. Type of telephone number
- h. Type of telephone connection
- i. Area code

2.2 Legal entities

- a. Name
- b. Name in commercial register
- c. Legal form
- d. Industry
- e. Company number
- f. Date of incorporation
- g. Place of incorporation
- h. Canton of incorporation
- i. Domiciliary company
- j. Website
- k. Date of liquidation
- l. Comment
- m. Type of address
- n. Address

- o. ZIP code
- p. Place
- q. Canton
- r. Country

3 Data related to the prosecuting authorities

3.1 Name of organization

- a. Name
- b. ID number
- c. Status
- d. Date of registration

3.2 User details

- a. Title
- b. First name
- c. Name
- d. Gender
- e. Profession
- f. Function
- g. Type of telephone number
- h. Type of telephone connection
- i. Area code
- j. Phone number
- k. Type of address
- l. Address
- m. ZIP code

- n. Place
- o. Canton
- p. Country

4 Data related to the case management of financial intermediaries and dealers

4.1 Name of organization

- a. Name
- b. ID number
- c. Date of registration

4.2 User details

- a. Title
- b. First name
- c. Name
- d. Gender
- e. Profession
- f. Function
- g. Type of telephone number
- h. Type of telephone connection
- i. Area code
- j. Phone number
- k. Type of address
- l. Address
- m. ZIP code
- n. Place
- o. Canton

- p. Country

5 Data related to the accounts

5.1 Details on the business relationship

- a. Name of institution
- b. Place of business relationship
- c. Canton of business relationship

5.2 Account information

- a. Account number
- b. IBAN
- c. Client number
- d. Account name
- e. BIC/Clearing number
- f. Account type
- g. Status of account
- h. Main currency of account
- i. Account balance in account's currency
- j. Account balance in CHF
- k. Account opening date
- l. Account closing date

5.3 Data on the transactions

- a. Transaction number
- b. Transaction date
- c. Type of transaction
- d. Amount of transaction in foreign currency/CHF

- e. Place of transaction (only in case of cash or ATM transactions)
- f. Country of transaction
- g. Currency of transaction
- h. Comment on transaction
- i. Reason for payment

6 Data on goods and services in connection with the report

6.1 Information on goods or services

- a. Type
- b. Manufacturer
- c. Description
- d. Estimated value
- e. Market value
- f. Condition of goods or services
- g. Currency in which goods and services are purchased
- h. Size
- i. Measuring unit

6.2 Information on seller/buyer

- a. Name of buyer
- b. Name of seller
- c. Type of address
- d. Address
- e. ZIP code
- f. Place
- g. Canton

- h. Country
- i. Date of registration
- j. Registration number
- k. ID number
- l. Commentary on clarifications pursuant to Article 19 AMLO

Annex 2⁸⁶

⁸⁶ Repealed by Annex 2 Section II 3 of the Anti-Money Laundering Ordinance of 11 November 2015, with effect from 1 January 2016 (AS **2015** 4819).

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