加入FINMA認可的自律組織

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加入自律組織，是幾乎每家瑞士加密資產業務的第一項監管行動，因為金融中介人一旦以專業形式接受第一筆客戶資產，《瑞士打擊洗錢法》（GwG/AMLA）下的責任即隨之產生。為此目的獲瑞士金融市場監管局（FINMA）認可的自律組織（SRO）包括VQF（楚格）、SO-FIT（日內瓦）、PolyReg（蘇黎世）、ARIF（日內瓦）及OAD-FCT（盧加諾），全部均接納加密資產業務，其中VQF歷來經驗最豐富。[1]SRO會審查申請人背後的人士、業務模式及打擊洗錢方案，其後透過年度審計持續監督成員。申請文件內容繁多，而SRO提出的問題，正是公司日後開立銀行戶口時銀行會提出的問題，因此值得審慎準備。

核對清單

- 以一份簡短內部備忘錄確認業務屬AMLA第2條第3款下的金融中介人，並述明觸發該身份的活動（保管、兌換、轉帳、支付處理）。
- 確認業務已經或將會超出《打擊洗錢條例》（GwV/AMLO）的專業形式門檻（總收入、交易對手數目、受控資產），或確認業務擬自始即在門檻以上營運。

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- 選擇SRO。考慮所在地、語言、處理數碼資產的經驗、收費表，以及SRO接受的審計公司。
- 準備商業登記冊摘錄（如屬註冊成立前，則為註冊成立文件），以及載明與該活動相符的宗旨的公司章程。
- 準備組織架構圖，列出所有董事會成員、行政人員，以及指定的打擊洗錢主任及其副手。
- 為上述每名人士收集：履歷、不超過三個月的刑事紀錄摘錄（Strafregisterauszug）、債務執行登記冊摘錄（Betreibungsregisterauszug）、護照副本、待決法律程序聲明，以及打擊洗錢培訓或經驗證明。
- 草擬業務計劃：產品、目標客戶、地域、三年業務量、集團架構、外判安排、資訊科技及錢包架構。
- 草擬打擊洗錢方案（Geldwäschereikonzept），涵蓋客戶及交易的風險分類、身份識別程序、實益擁有權、政治人物（PEP）處理、資金及財富來源、區塊鏈分析工具、旅遊規則（travel rule）程序、監察、向洗錢舉報辦公室（MROS）舉報、紀錄保存及培訓。
- 草擬實施SRO規例的內部指令，並交叉引述SRO規則編號。
- 說明區塊鏈分析服務供應商、篩查邏輯、警示門檻及上報途徑。
- 指定外聘打擊洗錢審計公司，並取得其接受委聘函。
- 繳付入會費，並確認年費預算。
- 把首次年度審計及SRO的申報期限記入日程。
- 在董事會會議紀錄中記錄，在SRO作出接納決定前不會接受任何客戶資產。

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註釋

1. AMLA第14條及第24條及其後條文（SRO）；FINMA的認可SRO名單於其網站公佈；各SRO的角色於第C部分第VII章及第F部分第I章說明。↩

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