與瑞士監管的互動

Dr Alexander Ressos, TEP
Attorney-at-Law (Switzerland and Germany),
Solicitor (England & Wales and Hong Kong)
Of Counsel, KGP Legal LLC
alexander.ressos@kgplegal.com.sg
www.ressos.com.sg

瑞士與新加坡的跨境集團會同時受兩地監管機構監管，而這些監管機構互相溝通。瑞士金融市場監管局（FINMA）與新加坡金融管理局（MAS）根據國際證監會組織（IOSCO）《多邊諒解備忘錄》及雙邊金融科技合作協議交換資訊，但須受《金融市場監管法》（FINMAG/FINMASA）第42條及新加坡相應條文所訂的保密條件規限（參見第II章）。在新加坡的執法行動會為FINMA所知悉，並會影響FINMA對瑞士實體能否保證無可指摘的業務經營（Gewähr）的評估。同樣，在瑞士的自律組織（SRO）制裁亦會影響MAS對集團新加坡高級人員的適當人選評估。因此，集團應將與兩地監管機構的執法往來作為單一事項處理，並提供一致的事實陳述，因為向MAS所述與向FINMA所述不一致，本身即構成兩地的制裁理由。

客戶提問

「MAS已就打擊洗錢缺失與我們的新加坡附屬公司進行罪行和解。我們必須告知FINMA嗎？」如瑞士實體持有FINMA牌照，FINMASA第29條第2款規定它須從速報告任何對監管具重大意義的事件。集團公司在同一業務範疇因合規缺失而受制裁，即屬這類事件。如瑞士實體只受SRO監管，SRO的規則亦

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載有類似責任。除了這項責任以外，實際建議是在FINMA或SRO從MAS得悉之前主動通知它們，並說明集團已在整體上作出哪些補救。從對口機構得悉外地制裁的監管機構，會對集團的透明度自行得出結論。

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Author contact: Dr Alexander Ressos, TEP · contact@ressos.com