

Qualitative questionnaire on the fight against money laundering and terrorist financing (AML/CFT)

Of the broker as a natural person

Name of the individual broker natural person

Registration number

Deadline for submission: xx/xx/2019

Do you distribute life insurance products and provide other investment-related services? no yes

Do you conduct operations in the "credit insurance" or "surety" classes? no yes

* if the answers are "no" to the two questions above, please specify only in the narrative part the procedures put in place to detect persons covered by United Nations Security Council resolutions and acts adopted by the European Union containing prohibitions and restrictive financial measures in respect of certain persons, entities and groups in the fight against terrorist financing (refer to question I.17.4.2 below).

Legal and regulatory references :

- **AML/CFT Law**: Law of 12 November 2004 on the fight against money laundering and terrorist financing as amended
- **AML/CFT DGR**: Grand-Ducal Regulation of 1 February 2010 providing certain details of the AML/CFT Law as amended
- **Law of 27 October 2010**: Law of 27 October 2010 relating to the implementation of United Nations Security Council resolutions as well as acts adopted by the European Union concerning prohibitions and restrictive measures in financial matters in respect of certain persons, entities and groups in the context of the combat against terrorist financing
- **RGD 29 October 2010**: Grand-ducal regulation of 29 October 2010 implementing the law of 27 October 2010 as amended as well as the ministerial regulations amending Annex I C of this grand-ducal regulation
- **R.CAA**: Regulation of the Commissariat aux Assurances n°13/01 of 23 December 2013 on the fight against money laundering and terrorist financing (in the process of being amended)

I. General internal organization

Money laundering and terrorist financing risk assessment (ML/TF)

I.1 Have you identified and assessed in writing the ML/TF risks to which you are exposed, taking into account risk factors including those related to customers, countries or geographical areas products, services, transactions or distribution channels? no yes **Main references** Art. 2-2 (1) and (2) AML/CFT Law

I.2 If yes: what is your exposure to ML/TF risks based on this assessment against the following criteria:

I.2.1 - type of customer very low low medium high high very important

I.2.2 - country of origin of the funds very low low medium high high very important

I.2.3 - type of transactions/operations very low low medium high high very important

I.2.4 - type of products very low low medium high high very important

I.2.5 - distribution channels (e.g. direct sales, online sales/phone sales) and types of intermediaries, if any (nature of intermediaries and geographical location) very low low medium high high very important

I.3 Identify and assess the ML/TF risks that may result from the development of non new products and business practices (including new distribution mechanisms) or the use of new technologies before the launch or the use of these products, practices and technologies? no yes not applicable **Art. 2-2 (3) AML/CFT Law**

Acceptance of new customers

I.4 Is any entry into contact documented by a questionnaire adapted to the client's profile? (even if it is not followed by an entry into a business relationship)? no yes **Art. 10 (1) R CAA .**

I.5 In which cases, do you take into account the increased risk of ML/TF requiring the implementation of enhanced due diligence measures? **Art 3-2 AML/CFT Law, Annex IV AML/CFT, Art 9. R CAA**

I.5.1 - politically exposed persons no yes

I.5.2 - customers, agents, beneficial owners residing in high-risk geographical areas (e.g. countries listed by the FATF as not having effective AML/CFT systems, countries identified by reliable sources as having significant levels of corruption or other criminal activity, countries subject to sanctions, embargoes or other similar measures imposed by the European Union or by the United Nations, countries that finance or support terrorist activities or on whose territory designated terrorist organisations operate) no yes not applicable

I.5.3 - complex structure/arrangement (e.g. shares in bearer form, nominee shareholders, companies whose ownership structure appears unusual or overly complex in view of the nature of their activities) no yes not applicable

I.5.4 - activity considered by its nature to be sensitive with regard to ML/TF (e. g. cash-intensive activities, sectors sensitive to corruption,...) no yes not applicable

I.5.5 - remote entry into a relationship that is not accompanied by a guarantee such as an electronic signature no yes not applicable

I.5.6 - specific products (e.g. products likely to promote anonymity, possible early redemption, possible single premium,...) no yes not applicable

I.5.7 - transaction amount above a specified threshold no yes not applicable

I.5.8 - determined payment methods (e.g. cash, cheques,...) no yes not applicable

I.5.9 - payments received from unknown or unrelated third parties no yes not applicable

AML/CFT Policy

I.6	Do you have an AML/CFT policy?	no yes	Art 4(1) AML/CFT Law
I.7	When did you first have an AML/CFT policy?	date	
I.8	When was the AML/CFT policy last updated?	date	Art 36 (4) R. CAA .
I.9	Does the AML/CFT policy include the following elements?		AML/CFT Law, AML/CFT GDR, Art. 36 R. CAA
I.9.1	- the customer acceptance policy	no yes	Art 7 R. CAA
I.9.2	- the measures to be taken in terms of customer due diligence (identification and verification of the identity of policyholders, agents, insured, beneficial owners and beneficiaries and obtaining information and documents on the purpose of the transaction and the economic and geographical origin of the funds)	no yes	Art 3, 3-1 and 3-2 AML/CFT Law, Art 1 RGL AML/CFT, Art 14 to 24 R. CAA
I.9.3	- the procedures to be followed for updating documents, data or information collected on existing customers	no yes	Art 3, 3-1 and 3-2 AML/CFT Law - Art 33 R
I.9.4	- the procedures to be followed in order to monitor the evolution of the business relationship as well as the operations carried out by customers	no yes	CAA Art 3, 3-1 and 3-2 AML/CFT Law
I.9.5	- the procedures to be followed for data storage	no yes	Art 3 (6) AML/CFT Law, Art 1 (5) AML/CFT GDR, Art 25 CAA
I.9.6	- the procedures to be followed in the event of recourse to a third party initiator	no yes not applicable	Art 3-3 AML/CFT Law, Art 34 R. CAA
I.9.7	- the procedures to be followed in the event of recourse to third parties involved in an outsourcing contract	no yes not applicable	Art 3-3 (5) AML/CFT Law, Art 35 R. CAA
I.9.8	- the procedures to be followed in the event of suspicion of ML/TF	no yes no yes	Art 3(4) al 4, Art 5 AML/CFT Law
I.9.9	- the procedures to be followed in terms of cooperation with the authorities		Art 4 (3) AML/CFT Law, Art 5 AML/CFT Law, Art 8 AML/CFT RGL, Law of 27 October 2010, Art 45 to 46 R.CAA
I.10	Do you rank your clients according to different levels of ML/TF risk taking into account at least the lower and higher variables and risk factors listed in the AML/CFT law?	no yes	Art. 3, 3-1 and 3-2 AML/CFT Law, Annexe II, III and IV AML/CFT Law
I.11	Do all existing contracts comply with the current procedure?	yes for all contracts yes in case of movement to the contract no	Art 3(5) AML/CFT Law Art 3-3 AML/CFT Law, Art 6 AML/CFT GDR
I.12	Do you work with third party introducers? If so, please provide details in the narrative part.	no yes	
I.13	Have you outsourced certain customer due diligence obligations to a third party (other than an insurance undertakings) through a contract?	no yes	Art 3-3 (5) AML/CFT Law
I.14	Do you have appropriate procedures in place to allow your staff or persons in a comparable situation to internally report violations of professional AML/CFT obligations by specific, independent and anonymously means?	No Yes Not applicable	Art 4(4) AML/CFT Law Art 37 R. CAA
System for monitoring business relationships and operations			
I.15	Do you systematically conclude a brokerage agreement with the insurance undertakings with which you place your business?	no yes no yes	
I.15.1	If yes: please ensure that these agreements include specific provisions relating to customer due diligence obligations?		
I.16	Do you have a contract management tool?	no yes	Art 1(3) AML/CFT GDR
I.16.1	If yes: please briefly explain how it works in the narrative section		
I.16.2	If not: please explain in the narrative part how the firm carefully examines the transactions carried out throughout the whole lifetime of the business relationship		
I.17	Do you have any computer tool(s) for database screening?	no yes	Art 3-2 AML/CFT Law, Art 37 R. CAA
I.17.1	- If not: please describe which steps are taken to address this matter in the narrative part		
	If yes:		
I.17.2	- what is the name of this tool(s)?	free text	
I.17.3	- are the following persons screened?		
I.17.3.1	• policyholder	no yes	
I.17.3.2	• beneficial owner	no yes	
I.17.3.3	• agent or representative	no yes	
I.17.3.4	• insured	no yes	
I.17.3.5	• beneficiary identified or named by name	no yes	
I.17.3.6	• assignee of rights (new policyholder or beneficiary)	no yes	
I.17.3.7	• other	free text	
I.17.4	- allows to detect persons, entities and groups:		Art 3-2 (4) AML/CFT Law
I.17.4.1	• who are politically exposed persons	no yes	
I.17.4.2	• covered by United Nations Security Council resolutions and acts adopted by the European Union containing prohibitions and restrictive measures in financial matters against certain persons, entities and groups in the context of the fight against terrorist financing	no yes	Law 27 October 2010, RGD 29 October 2010, Art 31 R. CAA
I.17.4.3	• included on an internal blacklist of rejected customers	no yes	
I.17.5	- what is the frequency of the programmed screening?	daily monthly other frequency	
I.17.6	Is the analysis of each alert during the screening documented?	no yes	
Training			
I.18	Have you (and your staff, if applicable) received training in AML/CFT during the last two years?	no yes	Art.4 (2) AML/CFT Law, Art 43 and 44 R. CAA

II. Assessment of the AML/CFT manager

II.1

In your opinion, are all the measures put in place sufficient to mitigate the BC/FT risks?

no partially yes
