



## Book V - Market infrastructures

### Title VI bis - Provisions applicable to central depositaries of financial instruments and to settlement and delivery systems for financial instruments approved under regulation (EU) no. 909/2014 (29/10/2018)

#### Chapter unique - Central depositaries and financial instrument payment and delivery systems

##### Section 5 - Anti-money laundering

### General regulation of the AMF

#### Article 560-10 bis into force from 29 October 2018 to 10 September 2019

DISCLAIMER : Information boxes have been inserted within the General Regulation. They allow for a direct access to the relevant European regulations on the subject matter.

The user will be redirected to the European regulations as initially published in the Official Journal of the European Union and to the subsequent corrigenda, if any. The AMF does not guarantee the completeness of the redirections to these European regulations and corrigenda.

The boxes are located at the most relevant level of the GRAMF depending on the provision of the EU regulations to which they refer (Book, Title, Chapter, Section, etc.).

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#### Article 560-10 bis

The person responsible for implementing the anti-money laundering and terrorist financing system designated in Article 560-4a shall be a member of the management, who may delegate some or all of the implementation to one of the depositary's employees under the following conditions:

- a) The empowered person must have the necessary authority, resources and skills, and access to all relevant information;
- b) The empowered person must not be involved in the execution of the services and activities under supervision.

The manager shall remain responsible for the delegated activities.

Where appropriate, such a person shall also be appointed at the level of the group defined in Article L. 561-33 of the Monetary and Financial Code.

The central depositaries shall:

- 1 • Ensure that the reporting party and correspondent referred to in Articles R. 561-23 and R. 561-24 of the Monetary and Financial Code have access to all the information they need to perform their duties. They shall provide them with the appropriate tools and resources to comply with their obligations relating to the prevention of money laundering and terrorist financing.

The above-mentioned reporting party and correspondent shall also be informed of:

a) Incidents relating to the prevention of money laundering and terrorist financing that are brought to light by internal control systems;

b) Shortcomings found by domestic or foreign supervisory authorities in the implementation of provisions relating to the prevention of money laundering and terrorist financing;

- 2 • Define and implement systems for identifying and assessing money laundering and terrorism financing risks to which they are exposed as well as an appropriate policy for dealing with those risks.

For this purpose, they shall consider the information published by the international body for cooperation and coordination in the prevention of money laundering, the recommendations of the European Commission, the national risk analysis and the orders issued by the Minister for the Economy;

- 3 • Where necessary, determine a profile of usual transactions in financial securities on a member's account(s) that can be used to detect unusual transactions specific to such accounts with regard to the risks of money laundering and terrorist financing;
- 4 • Draft and implement written procedures to ensure compliance with the provisions relating to the prevention of money laundering and terrorist financing. These procedures shall focus on risk supervision, implementation of vigilance measures relating to members, record-keeping, detection of unusual or suspicious transactions in financial securities and compliance with the reporting obligation vis-à-vis the national financial intelligence unit. They shall update the procedures periodically;
- 5 • Implement supervisory procedures for due diligence relating to the risk of money laundering and terrorist financing;
- 6 • If the central depositaries of financial securities belong to a financial group, a mixed group or a financial conglomerate, they shall implement a system for identifying and assessing the risks at group level as well as an appropriate policy. They shall also establish procedures for circulating the information needed to organise the prevention of money laundering and terrorist financing within the group as stipulated in Article L. 561-32 of the Monetary and Financial Code, while ensuring that this information is not used for any other purpose than the prevention of money laundering and terrorist financing;
- 7 • Consider the risks relating to the prevention of money laundering and terrorist financing, when recruiting employees, in accordance with employees' level of responsibility.
- 8 • At the time of hiring, and periodically thereafter, provide their staff with information on and training in the applicable regulations and amendments, current money-laundering techniques, prevention and detection measures, and the procedures established. They shall be adapted to the functions performed, members, locations and risk classification.

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✚ Version into force since 23 April 2021

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✚ Version into force from 11 September 2019 to 22 April 2021

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✚ **Version into force from 29 October 2018 to 10 September 2019**