

Book III - Service providers

Title I bis - Asset management companies of AIFs

Chapter V - Other provisions

Section 2 - Obligations relating to the prevention of money laundering and terrorist financing

General regulation of the AMF

Article 320-20 into force from 26 April 2020 to 22 April 2021

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Article 320-20

The asset management company shall draft and implement written internal procedures to ensure compliance with the provisions relating to the prevention of money laundering and terrorist financing. It shall update them periodically.

These internal procedures shall focus on:

- 1 • assessing, monitoring and managing the risks of money laundering and terrorist financing;
- 2 • implementing vigilance measures, such as:
 - a) the requirements and procedures for accepting new clients and occasional clients;
 - b) due diligence for identifying and obtaining knowledge about clients, beneficial owners and the purpose and nature of the business relationship. The frequency of these information updates shall be specified;
 - c) The additional vigilance measures stipulated in Articles L. 561-10 and L. 561-10-2 of the Monetary and Financial Code and

the requirements and procedures for their implementation.

d) The information to be gathered and retained about the transactions stipulated in Article L. 561-10-2 of the Monetary and Financial Code;

e) The vigilance measures to be implemented with regard to any other risks identified by the risk classification referred to in Article 320-19;

f) The procedures for selecting third parties pursuant to Article L. 561-7 of the Monetary and Financial Code and for implementing the requirements set out in Article R. 561-13 of the same code;

g) The vigilance measures for determining the conditions in which it needs to sign the agreement stipulated in Article R. 561-9 of the Monetary and Financial Code.

3 • if the asset management company belongs to a financial group, a mixed group or a financial conglomerate, the procedures for circulating the information needed to organise the prevention of money laundering and terrorist financing within the group as stipulated in Article L. 511-34 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.

4 • detecting and dealing with unusual or suspicious transactions;

5 • implementing the obligation to report and send information to the national financial intelligence unit;

6 • procedures for sharing information about suspicious transaction reports sent to the national financial intelligence unit, when the entities concerned belong to a group or act on behalf of the same client and in the same transaction as stipulated in Articles L. 561-20 and L. 561-21 of the Monetary and Financial Code;

7 • the record-keeping procedures for the purposes of 2°, as well as:

a) the results of the enhanced examination stipulated in Article R. 561-22 of the Monetary and Financial Code;

b) the information, documents and reports about the transactions referred to in Article L. 561-15 of the Monetary and Financial Code.

8 • the organisation of the internal control system and the internal control activities conducted, which give rise to an annual report.

This report describes:

a) The internal control procedures implemented according to the assessment of the money laundering and terrorist financing risks;

b) The means employed to exercise and control the control activity;

c) The incidents and shortcomings found and the corrective measures taken.

9 • When the asset management company belongs to a group as defined in Article L. 561-33 (I) of the Monetary and Financial Code, the organisation of the internal control system and activities set up and conducted at group level, which give rise to an annual report drawn up by the parent company.

In addition to the items under point 8°, this report concerns:

- a) The exchanging of information necessary to the prevention of money laundering and terrorist financing within the group;
- b) The treatment of any subsidiaries and/or branches of the group in third countries.

The information provided in the reports required by points 8° and 9° concerns the calendar year up to 31 December. They shall be provided to the AMF at the latest by 30 April of the following year.

↘ Version into force since 23 April 2021

↘ **Version into force from 26 April 2020 to 22 April 2021**

↘ Version into force from 11 September 2019 to 25 April 2020

↘ Version into force from 3 January 2018 to 10 September 2019