



FINANCIAL CRIME MODULE

MODULE	FC (Financial Crime)
CHAPTER	Table of Contents

**Date Last
Changed**

FC-A Introduction		
FC-A.1	Purpose	01/2011
FC-A.2	Module History	10/2011
FC-B Scope of Application		
FC-B.1	License Categories	04/2006
FC-B.2	Overseas Subsidiaries and Branches	04/2006
FC-1 Customer Due Diligence		
FC-1.1	General Requirements	07/2010
FC-1.2	Face-to-face Business	07/2010
FC-1.3	Enhanced Customer Due Diligence: General Requirements	04/2006
FC-1.4	Enhanced Customer Due Diligence: Non face-to-face Business and New Technologies	04/2006
FC-1.5	Enhanced Customer Due Diligence: Politically Exposed Persons (PEPs)	04/2006
FC-1.6	Enhanced CDD for Charities, Clubs and Societies	01/2011
FC-1.7	Enhanced CDD: 'Pooled Funds'	07/2010
FC-1.8	Introduced Business from Professional Intermediaries	07/2010
FC-1.9	Shell Banks	07/2010
FC-1.10	Simplified Customer Due Diligence	07/2010
FC-2 AML / CFT Systems and Controls		
FC-2.1	General Requirements	04/2006
FC-2.2	On-going Customer Due Diligence and Transaction Monitoring	04/2006
FC-3 Money Laundering Reporting Officer (MLRO)		
FC-3.1	Appointment of MLRO	10/2011
FC-3.2	Responsibilities of the MLRO	07/2010
FC-3.3	Compliance Monitoring	10/2011
FC-4 Suspicious Transaction Reporting		
FC-4.1	Internal Reporting	04/2006
FC-4.2	External Reporting	07/2010
FC-4.3	Contacting the Relevant Authorities	07/2010
FC-5 Staff Training and Recruitment		
FC-5.1	General Requirements	04/2006

MODULE	FC (Financial Crime)
CHAPTER	Table of Contents (continued)

**Date Last
Changed**

FC-6	Record-keeping	
FC-6.1	General Requirements	04/2006
FC-7	NCCT Measures and Terrorist Financing	
FC-7.1	Special Measures for 'NCCTs'	04/2006
FC-7.2	Terrorist Financing	04/2006
FC-7.3	Designated Persons and Entities	04/2006
FC-8	Enforcement Measures	
FC-8.1	Regulatory Penalties	04/2006
FC-9	AML / CFT Guidance and Best Practice	
FC-9.1	Guidance Provided by International Bodies	04/2006
FC-10	Fraud	
FC-10.1	General Requirements	04/2006

APPENDICES (included in Volume 4 (Investment Business), Part B)

CBB Reporting Forms

<i>Form Name</i>	<i>Subject</i>	
STR	Suspicious Transaction Reporting Form	04/2006
MLRO	[This form is deleted 07/2010]	

Supplementary Information

<i>Item Number</i>	<i>Subject</i>	
FC-(i)	Decree Law No. 4 (2001)	04/2006
FC-(i)(a)	Decree Law No. 54 (2006)	07/2007
FC-(i)(b)	Decree Law No.58 (2006)	07/2007
FC-(ii)	UN Security Council Resolution 1373 (2001)	04/2006
FC-(iii)	UN Security Council Resolution 1267 (1999)	04/2006
FC-(iv)	Examples of Suspicious Transactions	04/2006
FC-(v)	Guidance Notes	04/2006

MODULE	FC:	Financial Crime
CHAPTER	FC-A:	Introduction

FC-A.1 Purpose

Executive Summary

FC-A.1.1 This Module applies, to all investment firm licensees, a comprehensive framework of Rules and Guidance aimed at combating money laundering and terrorist financing. In so doing, it helps implement the 40 Recommendations on money laundering and 9 Special Recommendations on terrorist financing, issued by the Financial Action Task Force (FATF), that are relevant to investment firm licensees. It also helps implement IOSCO guidance in this area. (Further information on these can be found in Chapter FC-9.) The Module also contains measures relating to the combating of fraud in the investment business sector.

FC-A.1.2 The Module requires investment firm licensees to have effective anti-money laundering ('AML') policies and procedures, in addition to measures for combating the financing of terrorism ('CFT'). The Module contains detailed requirements relating to customer due diligence, reporting and the role and duties of the Money Laundering Reporting Officer (MLRO). Furthermore, examples of suspicious activity are provided, to assist investment firm licensees monitor transactions and fulfil their reporting obligations under Bahrain law.

FC-A.1.3 This Module also covers measures in place to combat fraud: these apply to Category 1 investment firms and Category 2 investment firms. Chapter FC-10 sets out basic requirements regarding measures to deter, detect and report instances of fraud and attempted fraud.

Legal Basis

FC-A.1.4 This Module contains the Central Bank of Bahrain's ('CBB') Directive (as amended from time to time) regarding the combating of financial crime, and is issued under the powers available to the CBB under Article 38 of the Central Bank of Bahrain and Financial Institutions Law 2006 ('CBB Law'). The Directive in this Module is applicable to all investment firm licensees.

FC-A.1.5 For an explanation of the CBB's rule-making powers and different regulatory instruments, see Section UG-1.1.

MODULE	FC:	Financial Crime
CHAPTER	FC-A:	Introduction

FC-A.2 Module History

Evolution of Module

FC-A.2.1 This Module was first issued in April 2006, as part of the first phase of Volume 4 (Investment Business) to be released by the BMA. Any material changes that have subsequently been made to this Module are annotated with the calendar quarter date in which the change was made: Chapter UG-3 provides further details on Rulebook maintenance and version control.

FC-A.2.2 When the CBB replaced the BMA in September 2006, the provisions of this Module remained in force. Volume 4 was updated in July 2007 to reflect the switch to the CBB; however, new calendar quarter dates were only issued where the update necessitated changes to actual requirements.

FC-A.2.3 A list of recent changes made to this Module is detailed in the table below:

Module Ref.	Change Date	Description of Changes
FC-4.3.1	07/2006	Updated telephone number for the Director, Compliance Directorate.
FC-A.1	07/2007	Updated to reflect new CBB Law: new Rule FC-A.1.4 introduced Categorising this Module as a Directive.
FC-4.3.1	07/2007	Updated new e-mail address for the Compliance Directorate.
FC-3.3.7	04/2008	Clarified to whom in the CBB, the reports required under Paragraph FC-3.3.1 should be submitted to.
Table of Contents	07/2008	Added Supplementary Information Documents to Part B.
FC-1.1.11	07/2010	Cross reference added.
FC-1.2.1, FC-1.2.3, FC-1.2.5, FC-1.9, FC-3.1, FC-3.2.1, FC-3.3.7, FC-4.2.3 and FC-4.3.1	07/2010	Paragraphs amended.
FC-1.6 and FC-1.7	07/2010	New sections added regarding enhanced CDD for charities, clubs and societies and "pooled funds".
FC-3.3	07/2010	Heading amended.
FC-A.1.4	01/2011	Clarified legal basis.
FC-1.6.4	01/2011	Corrected name of Compliance Directorate.
FC-3.1.6	01/2011	Amended requirements for position of MLRO.
FC-3.1.6	10/2011	Corrected minor typo to be in line with other Volumes of the CBB Rulebook.
FC-3.3	10/2011	Amended Section to allow for CBB-approved consultancy firm to do required sample testing and report under Paragraph FC-3.3.1.

MODULE	FC:	Financial Crime
CHAPTER	FC-A:	Introduction

FC-A.2 Module History (continued)

Superseded Requirements

FC-A.2.4 Prior to the introduction of this Module, the CBB had issued various regulatory instruments containing requirements covering different aspects of financial crime. These requirements were consolidated and updated into a comprehensive financial crime regulation, issued in January 2006 to all non-bank and non-insurance licensees (including investment firm licensees, except those licensed as Bahrain Stock Exchange brokers). In turn, this new consolidated regulation was transposed, with no major changes, into the initial version of this Module. This and other instruments replaced by this Module are listed below:

Document Ref.	Date of Issue	Module Ref. (Version 01)	Document Subject
BC/17/97	10 Nov 1997	FC-B.1	Money Laundering.
OG/308/89	14 Oct 1989	FC-B.1	Money Laundering.
EDBC/6/01	14 Oct 2001	FC-1, FC-4 to FC-7	Re: Money Laundering Module.
BC/1/02	27 Jan 2002	FC-3	FATF Special Recommendations on Terrorism Financing.
BC/3/00	5 Mar 2000	FC-1.5	Re: Accounts for Charity Organisations.
Resolution No 1	31 Dec 2003	FC-1, FC-2, FC-4 to FC-7	Money Laundering (NB This Module replaces Resolution No. 1 with respect to BSE brokers, custodians and registrars only: Resolution No. 1, as amended, continues to apply to the BSE and issuers of securities.)
FIS/C/001/2006	2 Jan 2006	FC-A to FC-10	New Financial Crime Regulation.

FC-A.2.5 Guidance on the implementation and transition to Volume 4 (Investment Business) is given in Module ES (Executive Summary).

MODULE	FC: Financial Crime
CHAPTER	FC-B: Scope of Application

FC-B.1 License Categories

FC-B.1.1

This Module applies to all categories of investment firm licensees (i.e. categories 1, 2 and 3). Category 3 investment firms are exempt from Chapter FC-10, however.

FC-B.1.2 This Module applies to all investment firm licensees, irrespective of whether they are a Bahraini investment firm licensee or an overseas investment firm licensee operating in Bahrain as a branch. Overseas investment firm licensees, and Bahraini investment firm licensees that are subsidiaries of an overseas-based group, may apply additional AML/CFT policies and procedures, provided they satisfy the minimum requirements contained in this Module.

FC-B.1.3 Category 3 investment firms are exempt from Chapter FC-10 because of the limited nature of their business.

FC-B.1.4 The scope provided for simplified customer due diligence requirements – as set out in Section FC-1.8 – will reduce the burden of customer due diligence for many investment firm licensees.

FC-B.1.5 The requirements of this Module are in addition to and supplement Decree Law No. (4) of 2001 with respect to the prevention and prohibition of the laundering of money; this Law was subsequently updated, with the issuance of Decree Law No. 54 of 2006 with respect to amending certain provisions of Decree No. 4 of 2001 (collectively, ‘the AML Law’). The AML Law imposes obligations generally in relation to the prevention of money laundering and the combating of the financing of terrorism, to all persons resident in Bahrain (including financial services firms such as investment firm licensees). All investment firm licensees are therefore under the statutory obligations of that Law, in addition to the more specific requirements contained in this Module. Nothing in this Module is intended to restrict the application of the AML Law (a copy of which is contained in Part B of Volume 4 (Investment Business), under ‘Supplementary Information’). Also included in Part B is a copy of Decree Law No. 58 of 2006 with respect to the protection of society from terrorism activities (‘the anti-terrorism law’).

MODULE	FC:	Financial Crime
CHAPTER	FC B:	Scope of Application

FC-B.2 Overseas Subsidiaries and Branches

FC-B.2.1 Investment firm licensees must apply the requirements in this Module to all their branches and subsidiaries operating both in the Kingdom of Bahrain and in foreign jurisdictions. Where local standards differ, the higher standard must be followed. Investment firm licensees must pay particular attention to procedures in branches or subsidiaries in countries that do not or insufficiently apply the FATF Recommendations and Special Recommendations.

FC-B.2.2 Where another jurisdiction's laws or Regulations prevent a licensee (or any of its foreign branches or subsidiaries) from applying the same standards contained in this Module or higher, the licensee must immediately inform the CBB in writing.

FC-B.2.3 In such instances, the CBB will review alternatives with the licensee. Should the CBB and the licensee be unable to reach agreement on the satisfactory implementation of this Module in a foreign subsidiary or branch, the licensee may be required by the CBB to cease the operations of the subsidiary or branch in the foreign jurisdiction in question.

REGULATION	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.1 General Requirements

Verification of Identity and Source of Funds

FC-1.1.1

Investment firm licensees must establish effective systematic internal procedures for establishing and verifying the identity of their customers and the source of their funds. Such procedures must be set out in writing and approved by the investment firm licensee's Board of Directors. They must be strictly adhered to.

FC-1.1.2

Investment firm licensees must implement the customer due diligence measures outlined in Chapter FC-1 when:

- (a) Carrying-out one-off or occasional transactions above BD 6,000, or where several smaller transactions that appear to be linked fall above this threshold;
- (b) Establishing business relations with a new or existing customer;
- (c) A change to the signatory or beneficiary of an existing account or business relationship is made;
- (d) Customer documentation standards change substantially;
- (e) The licensee has doubts about the veracity or adequacy of previously obtained customer due diligence information;
- (f) A significant transaction takes place;
- (g) There is a material change in the way that an account is operated or in the manner in which the business relationship is conducted;
or
- (h) There is a suspicion of money laundering or terrorist financing.

FC-1.1.3 For the purposes of this Module, 'customer' includes counterparties such as financial markets counterparties, except where financial institutions are acting as principals where simplified due diligence measures may apply. These simplified measures are set out in Section FC-1.8.

FC-1.1.4 The CBB's specific minimum standards to be followed with respect to verifying customer identity and source of funds are contained in Section FC-1.2, with further explanations provided in Guidance Notes (see Supplementary Information, item FC-(v), in Part B of Volume 4). Enhanced requirements apply under certain high-risk situations: these requirements are contained in Sections FC-1.3 to FC-1.5 inclusive. Additional requirements apply where a licensee is relying on a professional intermediary to perform certain parts of the customer due diligence process: these are detailed in Section FC-1.6. Simplified customer due diligence measures may apply in defined circumstances: these are set out in Section FC-1.8.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.1 General Requirements (continued)

Verification of Third Parties

FC-1.1.5 Investment firm licensees must obtain a signed statement from all new customers (or for one-off transactions above the BD 6,000 threshold) confirming whether or not the customer is acting on their own behalf or not. This undertaking must be obtained prior to conducting any transactions with the customer concerned.

FC-1.1.6 Where a customer is acting on behalf of a third party, the licensee must also obtain a signed statement from the third party, confirming they have given authority to the customer to act on their behalf. Where the third party is a legal person, the licensee must have sight of the original Board resolution (or other applicable document) authorising the customer to act on the third party's behalf, and retain a certified copy.

FC-1.1.7 Investment firm licensees must establish and verify the identity of the customer and (where applicable) the party/parties on whose behalf the customer is acting, including the Beneficial Owner of the funds. Verification must take place in accordance with the requirements specified in this Chapter.

FC-1.1.8 Where financial services are provided to a minor or other person lacking full legal capacity, the normal identification procedures as set out in this Chapter must be followed. In the case of minors, investment firm licensees must additionally verify the identity of the parent(s) or legal guardian(s). Where a third party on behalf of a person lacking full legal capacity wishes to open business relations, the licensee must establish the identity of that third party as well as the person conducting the business.

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.1 General Requirements (continued)

Anonymous and Nominee Accounts

FC-1.1.9 Investment firm licensees must not establish or keep anonymous accounts or accounts in fictitious names. Where investment firm licensees maintain a nominee account, which is controlled by or held for the benefit of another person, the identity of that person must be disclosed to the licensee and verified by it in accordance with the requirements specified in this Chapter.

Timing of Verification

FC-1.1.10 Investment firm licensees must not commence a business relationship or undertake an occasional transaction (above the threshold) with a customer before completion of the relevant customer due diligence ('CDD') measures specified in Chapter FC-1. However, verification may be completed after receipt of funds in the case of non face-to-face business, or the subsequent submission of CDD documents by the customer after initial face-to-face contact, providing that no disbursement of funds takes place until after the requirements of this Chapter have been fully met.

Incomplete Customer Due Diligence

FC-1.1.11 Where a licensee is unable to comply with the requirements specified in Chapter FC-1, it must consider whether to terminate the relationship or not proceed with the transaction. If it proceeds with the transaction (to avoid tipping off the customer), it should additionally consider whether it should file a suspicious transaction report (STR).

FC-1.1.12 See also Chapter FC-4, which covers the filing of suspicious transaction reports.

Existing Customers

FC-1.1.13 Investment firm licensees must ensure that the information they hold on existing customers meet the requirements of this Chapter and is reasonably up to date. If not, licensees must put in place measures to ensure compliance over a reasonable time-scale.

FC-1.1.14 The CBB will monitor the application of these requirements to investment firm licensees' existing customer base.

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.2 Face-to-face Business

Natural Persons

FC-1.2.1

If the customer is a natural person, investment firm licensees must obtain and record the following information (in hard copy or electronic form), before providing financial services or engaging in one-off transactions above BD 6,000, as described in Paragraph FC-1.1.2:

- (a) Full legal name and any other names used;
- (b) Full permanent address (i.e. the residential address of the customer; a post office box is insufficient);
- (c) Date and place of birth;
- (d) Nationality;
- (e) Passport number (if the customer is a passport holder);
- (f) CPR or residency permit number (for residents of Bahrain or GCC states);
- (g) Telephone/fax number and email address (where applicable);
- (h) Occupation or public position held (where applicable);
- (i) Employer's name and address (if self-employed, the nature of the self-employment);
- (j) Type of account, and nature and volume of anticipated business dealings with the licensee;
- (k) Signature of the customer(s); and
- (l) Source of funds.

FC-1.2.2 See the Guidance Notes (filed under Supplementary Information in Part B of Volume 4) for further information on source of funds (FC-1.2.1 (1)) and CDD requirements for Bahrain residents (FC-1.2.1 (c) & (f)).

FC-1.2.3

Investment firm licensees must verify the information in Paragraph FC-1.2.1 (a) to (f), by the following methods below; at least one of the copies of the identification documents mentioned in (a) and (b) below must include a clear photograph of the customer:

- (a) Confirmation of the date of birth and legal name, by taking a copy of a current valid official original identification document (e.g. birth certificate, passport, CPR or residency permit);
- (b) Confirmation of the permanent residential address by taking a copy of a recent utility bill, bank statement or similar statement from another licensee or financial institution, or some form of official correspondence or official documentation card, such as CPR, from a public/governmental authority, or a tenancy agreement or record of home visit by an official of the licensee; and
- (c) Where appropriate, direct contact with the customer by phone, letter or email to confirm relevant information, such as residential address information.

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.2 Face-to-face Business (continued)

FC-1.2.4 Any document copied for the purpose of identification verification must be an original. An authorised official of the licensee must certify the copy, by writing on it the words ‘original sighted’, together with the date and his signature. Equivalent measures must be taken for electronic copies.

FC-1.2.5 Identity documents which are not obtained by an authorised official of the licensee in original form (e.g. due to a customer sending a copy by post following an initial meeting) must instead be certified (as per FC-1.2.4) by one of the following from a GCC or FATF member state:

- (a) A lawyer;
- (b) A notary;
- (c) A chartered/certified accountant;
- (d) An official of a government ministry;
- (e) An official of an embassy or consulate; or
- (f) An official of another licensed financial institution or of a licensed associate company of the licensee.

FC-1.2.6 The individual making the certification under FC-1.2.5 must give clear contact details (e.g. by attaching a business card or company stamp). The licensee must verify the identity of the person providing the certification through checking membership of a professional organisation (for lawyers or accountants), or through checking against databases/websites, or by direct phone or email contact.

Legal Entities or Legal Arrangements (such as trusts)

FC-1.2.7 If the customer is a legal entity or a legal arrangement such as a trust, the licensee must obtain and record the following information from original identification documents, databases or websites, in hard copy or electronic form, to verify the customer’s legal existence and structure:

- (a) The entity’s full name and other trading names used;
- (b) Registration number (or equivalent);
- (c) Legal form;
- (d) Registered address and trading address (where applicable);
- (e) Type of business activity;
- (f) Date and place of incorporation or establishment;

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.2 Face-to-face Business (continued)

FC-1.2.7 (continued)

- (g) Telephone, fax number and email address;
- (h) Regulatory body or listing body (for regulated activities such as financial services and listed companies);
- (i) Name of external auditor (where applicable);
- (j) Type of account, and nature and volume of anticipated business dealings with the licensee; and
- (k) Source of funds.

FC-1.2.8

The information provided under FC-1.2.7 must be verified by obtaining certified copies of the following documents, as applicable (depending on the legal form of the entity):

- (a) Certificate of incorporation and/or certificate of commercial registration or trust deed;
- (b) Memorandum of association;
- (c) Articles of association;
- (d) Partnership agreement;
- (e) Board resolution seeking the financial services (only necessary in the case of private or unlisted companies);
- (f) Identification documentation of the authorised signatories of the account;
- (g) Copy of the latest financial report and accounts, audited where possible (audited copies do not need to be certified); and
- (h) List of persons authorised to do business on behalf of the company and in the case of the opening of an account, a Board resolution (or other applicable document) authorising the named persons to operate the account (resolution only necessary for private or unlisted companies).

FC-1.2.9

Documents obtained to satisfy the requirements in Paragraph FC-1.2.8 above must be certified in the manner specified in Paragraphs FC-1.2.4 to FC-1.2.6.

FC-1.2.10

The documentary requirements in Paragraph FC-1.2.8 above do not apply in the case of FATF/GCC listed companies: see Section FC-1.8 below. Also, the documents listed in Paragraph FC-1.2.8 above are not exhaustive: for customers from overseas jurisdictions, documents of an equivalent nature may be produced as satisfactory evidence of a customer's identity.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.2 Face-to-face Business (continued)

FC-1.2.11

Investment firm licensees must also obtain and document the following due diligence information. These due diligence requirements must be incorporated in the licensee's new business procedures:

- (a) Enquire as to the structure of the legal entity or trust sufficient to determine and verify the identity of the ultimate beneficial owner of the funds, the ultimate provider of funds (if different), and the ultimate controller of the funds (if different);
- (b) Ascertain whether the legal entity has been or is in the process of being wound up, dissolved, struck off or terminated;
- (c) Obtain the names, country of residence and nationality of Directors or partners (only necessary for private or unlisted companies);
- (d) Require, through new customer documentation or other transparent means, updates on significant changes to corporate ownership and/or legal structure;
- (e) Obtain and verify the identity of shareholders holding 20% or more of the issued capital (where applicable). The requirement to verify the identity of these shareholders does not apply in the case of FATF/GCC listed companies;
- (f) In the case of trusts or similar arrangements, establish the identity of the settlor(s), trustee(s), and beneficiaries (including making such reasonable enquiries as to ascertain the identity of any other potential beneficiary, in addition to the named beneficiaries of the trust); and
- (g) Where a licensee has reasonable grounds for questioning the authenticity of the information supplied by a customer, conduct additional due diligence to confirm the above information.

FC-1.2.12 For the purposes of Paragraph FC-1.2.11, acceptable means of undertaking such due diligence might include taking bank references; visiting or contacting the company by telephone; undertaking a company search or other commercial enquiries; accessing public and private databases (such as stock exchange lists); making enquiries through a business information service or credit bureau; confirming a company's status with an appropriate legal or accounting firm; or undertaking other enquiries that are commercially reasonable.

FC-1.2.13 In cases where an investment firm licensee is providing investment management services to a regulated mutual fund, and is not responsible for receiving investors' funds being paid into the fund, it may limit its CDD to confirming that the administrator of the fund is subject to FATF-equivalent customer due diligence measures (see FC-1.6 for applicable measures). Where there are reasonable grounds for believing that investors' funds being paid into the fund are not being adequately verified by the administrator, then the investment firm licensee should consider terminating its relationship with the fund.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.3 Enhanced Customer Due Diligence: General Requirements

FC-1.3.1 Enhanced customer due diligence must be performed on those customers identified as having a higher risk profile, and additional inquiries made or information obtained in respect of those customers.

FC-1.3.2 The additional information referred to in Paragraph FC-1.3.1 might include documents (either in hard copy or electronic format) relating to the following:

- (a) Evidence of a person's permanent address through the use of a credit reference agency search or through independent verification by home visit;
- (b) A personal reference (e.g. by an existing customer of the licensee);
- (c) Another licensed entity's reference and contact with the concerned licensee regarding the customer;
- (d) Documentation outlining the customer's source of wealth;
- (e) Documentation outlining the customer's source of income; and
- (f) Independent verification of employment, or public position held.

FC-1.3.3 In addition to the general Rule contained in Paragraph FC-1.3.1 above, special care is required in the circumstances specified in Sections FC-1.4 to FC-1.7 inclusive.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.4 Enhanced Customer Due Diligence: Non face-to-face Business and New Technologies

FC-1.4.1 Investment firm licensees must establish specific procedures for verifying customer identity where no face-to-face contact takes place.

FC-1.4.2 Where no face-to-face contact takes place, investment firm licensees must take additional measures (to those specified in Section FC-1.2), in order to mitigate the potentially higher risk associated with such business. In particular, investment firm licensees must take measures:

- (a) To ensure that the customer is the person they claim to be; and
- (b) To ensure that the address provided is genuinely the customer's.

FC-1.4.3 There are a number of checks that can provide a licensee with a reasonable degree of assurance as to the authenticity of the applicant. They include:

- (a) Telephone contact with the applicant on an independently verified home or business number;
- (b) With the customer's consent, contacting an employer to confirm employment, via phone through a listed number or in writing; and
- (c) Salary details appearing on recent bank statements.

FC-1.4.4 Financial services provided via post, telephone or internet pose greater challenges for customer identification and AML/CFT purposes. Investment firm licensees must establish procedures to prevent the misuse of technological developments in money laundering or terrorist financing schemes. Investment firm licensees must also ensure that they comply with any e-commerce laws and/or CBB Modules issued from time to time.

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.5 Enhanced Customer Due Diligence: Politically Exposed Persons ('PEPs')

FC-1.5.1 Investment firm licensees must have appropriate risk management systems to determine whether a customer is a Politically Exposed Person ('PEP'), both at the time of establishing business relations and thereafter on a periodic basis. Investment firm licensees must utilise publicly available databases and information to establish whether a customer is a PEP.

FC-1.5.2 Investment firm licensees must establish a client acceptance policy with regard to PEPs, taking into account the reputational and other risks involved. Senior management approval must be obtained before a PEP is accepted as a customer.

FC-1.5.3 Where an existing customer is a PEP, or subsequently becomes a PEP, enhanced monitoring and customer due diligence measures must include:

- (a) Analysis of complex financial structures, including trusts, foundations or international business corporations;
- (b) A written record in the customer file to establish that reasonable measures have been taken to establish both the source of wealth and the source of funds;
- (c) Development of a profile of anticipated customer activity, to be used in on-going monitoring;
- (d) Approval of senior management for allowing the customer relationship to continue; and
- (e) On-going account monitoring of the PEP's account by senior management (such as the MLRO).

FC-1.5.4 'Politically Exposed Persons' means individuals who are, or have been, entrusted with prominent public functions in Bahrain or a foreign country, such as Heads of State or government, senior politicians, senior government, judicial or military officials, senior executives of state owned corporations or important political party officials. Business relationships with immediate family members (i.e. spouse and children, including step-children or adopted children) or close associates of PEPs involve reputational risks similar to PEPs themselves. The definition is not intended to cover middle-ranking or more junior officials in the foregoing categories. Bahraini PEPs would include all Ministers, all MPs, and all Ministry officials with the rank of Undersecretary or above.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.6 Enhanced Due Diligence: Charities, Clubs and Other Societies

FC-1.6.1 Financial services must not be provided to charitable funds and religious, sporting, social, cooperative and professional societies, until an original certificate authenticated by the relevant Ministry confirming the identities of those purporting to act on their behalf (and authorising them to obtain the said service) has been obtained. For Clubs and Societies registered with the General Organisation for Youth and Sports (GOYS), licensees must contact GOYS to clarify whether the account may be opened in accordance with the rules of GOYS.

FC-1.6.2 Investment firm licensees are reminded that clubs and societies registered with GOYS may only have one account with banks in Bahrain.

FC-1.6.3 Charities should be subject to enhanced transaction monitoring by licensees. Investment firm licensees should develop a profile of anticipated account activity (in terms of payee countries and recipient organisations in particular).

FC-1.6.4 Investment firm licensees must provide a monthly report of all payments and transfers of BD3,000 (or equivalent in foreign currencies) and above, from accounts held by charities registered in Bahrain. The report must be submitted to the CBB's Compliance Directorate (see FC-4.3 for contact address), giving details of the amount transferred, account name, number and beneficiary name account and bank details. Investment firm licensees must ensure that such transfers are in accordance with the spending plans of the charity (in terms of amount, recipient and country).

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.7 Enhanced Due Diligence: ‘Pooled Funds’

FC-1.7.1 Where investment firm licensees receive pooled funds managed by professional intermediaries (such as investment and pension fund managers, stockbrokers and lawyers or authorised money transferors), they must apply CDD measures contained in Section FC-1.8 to the professional intermediary. In addition, investment firm licensees must verify the identity of the beneficial owners of the funds where required as shown in Paragraphs FC-1.7.2 or FC-1.7.3 below.

FC-1.7.2 Where funds pooled in an account are not co-mingled (i.e. where there are ‘sub-accounts’ attributable to each beneficiary), all beneficial owners must be identified by the investment firm licensee, and their identity verified in accordance with the requirements in Section FC-1.2.

FC-1.7.3 For accounts held by intermediaries resident in Bahrain, where such funds are co-mingled, the investment firm licensee must make a reasonable effort (in the context of the nature and amount of the funds received) to look beyond the intermediary and determine the identity of the beneficial owners or underlying clients, particularly where funds are banked and then transferred onward to other financial institutions (e.g. in the case of accounts held on behalf of authorised money transferors). Where, however, the intermediary is subject to equivalent regulatory and money laundering regulation and procedures (and, in particular, is subject to the same due diligence standards in respect of its client base) the CBB will not insist upon all beneficial owners being identified provided the licensee has undertaken reasonable measures to determine that the intermediary has engaged in a sound customer due diligence process, consistent with the requirements in Section FC-1.8.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.7 Enhanced Due Diligence: ‘Pooled Funds’ (cont’d)

FC-1.7.4

For accounts held by intermediaries from foreign jurisdictions, the intermediary must be subject to requirements to combat money laundering and terrorist financing consistent with the FATF 49 Recommendations and the intermediary must be supervised for compliance with those requirements. The licensee must obtain documentary evidence to support the case for not carrying out customer due diligence measures beyond identifying the intermediary. The licensee must satisfy itself that the intermediary has identified the underlying beneficiaries and has the systems and controls to allocate the assets in the pooled accounts to the relevant beneficiaries. The due diligence process contained in Section FC-1.8 must be followed.

FC-1.7.5

Where the intermediary is not empowered to provide the required information on beneficial owners (e.g. lawyers bound by professional confidentiality rules) or where the intermediary is not subject to the same due diligence standards referred to above, a licensee must not permit the intermediary to open an account or allow the account to continue to operate, unless specific permission has been obtained in writing from the CBB.

MODULE	FC: Financial Crime
CHAPTER	FC-1: Customer Due Diligence

FC-1.8 Introduced Business from Professional Intermediaries

FC-1.8.1 A licensee may only accept customers introduced to it by other financial institutions or intermediaries, if it has satisfied itself that the introducer concerned is subject to FATF-equivalent customer due diligence measures. Where investment firm licensees delegate part of the customer due diligence measures to an introducer, the responsibility for meeting the requirements of Chapters 1 and 2 remains with the licensee, not the introducer.

FC-1.8.2 Investment firm licensees may only accept introduced business if all of the following conditions are satisfied:

- (a) The customer due diligence measures applied by the introducer are consistent with those required by the FATF 40 + 9 Recommendations;
- (b) A formal agreement is in place defining the respective roles of the licensee and the introducer in relation to customer due diligence measures. The agreement must specify that the customer due diligence measures of the introducer will comply with the FATF 40 + 9 Recommendations;
- (c) The introducer is able to provide all relevant data pertaining to the customer's identity, the identity of the customer and beneficial owner of the funds and, where applicable, the party/parties on whose behalf the customer is acting; also, the introducer has confirmed that the licensee will be allowed to verify the customer due diligence measures undertaken by the introducer at any stage; and
- (d) Written confirmation is provided by the introducer confirming that all customer due diligence measures required by the FATF 40 + 9 Recommendations have been followed and the customer's identity established and verified. In addition, the confirmation must state that any identification documents or other customer due diligence material can be accessed by the licensee and that these documents will be kept for at least five years after the business relationship has ended.

FC-1.8.3 The licensee must perform periodic reviews ensuring that any introducer on which it relies is in compliance with the FATF 40 + 9 Recommendations. Where the introducer is resident in another jurisdiction, the licensee must also perform periodic reviews to verify whether the jurisdiction is in compliance with the FATF 40 + 9 Recommendations.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.8 Introduced Business from Professional Intermediaries (continued)

FC-1.8.4	Should the <u>licensee</u> not be satisfied that the introducer is in compliance with the requirements of the FATF 40 + 9 Recommendations, the <u>licensee</u> must conduct its own customer due diligence on introduced business, or not accept further introductions, or discontinue the business relationship with the introducer.
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MODULE	FC:	Financial Crime
CHAPTER	FC 1:	Customer Due Diligence

FC-1.9 Shell Banks

FC-1.9.1 Investment firm licensees must not establish business relations with banks which have no physical presence or ‘mind and management’ in the jurisdiction in which they are licensed and which are unaffiliated with a regulated financial group (‘shell banks’). Investment firm licensees must not knowingly establish relations with financial institutions that have relations with shell banks.

FC-1.9.2 Investment firm licensees must make a suspicious transaction report to the Financial Intelligence Unit and the Compliance Directorate if they are approached by a shell bank or an institution they suspect of being a shell bank.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.10 Simplified Customer Due Diligence

FC-1.10.1

Investment firm licensees may apply simplified customer due diligence measures, as described in Paragraphs FC-1.10.2 to FC-1.10.6, if:

- (a) The transaction is a one-off or occasional transaction not exceeding BD 6,000 (or equivalent in other currencies), or one of a number of transactions which are related and, when taken together, do not exceed BD 6,000 per year (or equivalent in other currencies);
- (b) The transaction concerns the sale of a security listed on the Bahrain Stock Exchange, and issued as a result of an initial public offering after January 2006, and the customer already holds an investor number, an allotment letter and a valid BSE Form 2 in place. Furthermore, the BSE should have advised the broker (by circular) that all necessary customer due diligence information and copies of all original identification documents will be made available upon request without delay;
- (c) The customer is a company listed on a GCC or FATF member state stock exchange with equivalent disclosure standards to those of the BSE;
- (d) The customer is a financial institution whose entire operations are subject to AML/CFT requirements consistent with the FATF Recommendations/Special Recommendations and it is supervised by a financial services supervisor in a FATF or GCC member state for compliance with those requirements;
- (e) The customer is a financial institution which is a subsidiary of a financial institution located in a FATF or GCC member state, and the AML/CFT requirements applied to its parent also apply to the subsidiary;
- (f) The customer is the Central Bank of Bahrain ('CBB'), the Bahrain Stock Exchange ('BSE') or a licensee of the CBB; or
- (g) The customer is a Ministry of a Gulf Cooperation Council ('GCC') or Financial Action Task Force ('FATF') member state government, a company in which a GCC government is a majority shareholder, or a company established by decree in the GCC.

FC-1.10.2

For customers falling under categories (a) and (b) in Paragraph FC-1.10.1, the customer's name and contact information must be recorded. However, the verification, certification and due diligence requirements (contained in Paragraphs FC-1.2.3, FC-1.2.5, FC-1.2.8, FC-1.2.9 and FC-1.2.11), may be dispensed with.

MODULE	FC:	Financial Crime
CHAPTER	FC-1:	Customer Due Diligence

FC-1.10 Simplified Customer Due Diligence (continued)

FC-1.10.3 As a matter of prudence, it is recommended that the licensee nonetheless at least checks identification documentation in respect of customers under categories (a) and (b) in Paragraph FC-1.10.1. Investment firm licensees may, of course, continue to apply the verification, certification and due diligence requirements referred to in Paragraph FC-1.10.2 for their own purposes.

FC-1.10.4 For customers falling under categories (c) to (g) in Paragraph FC-1.10.1, the information required under Paragraph FC-1.2.1 (for natural persons) or FC-1.2.7 (for legal entities) must be obtained. However, the verification, certification and due diligence requirements (contained in Paragraphs FC-1.2.3, FC-1.2.5, FC-1.2.8, FC-1.2.9 and FC-1.2.11), may be dispensed with.

FC-1.10.5 Investment firm licensees wishing to apply simplified due diligence measures as allowed for under categories (c) to (g) of Paragraph FC-1.10.1 must retain documentary evidence supporting their categorisation of the customer.

FC-1.10.6 Examples of such documentary evidence may include a printout from a regulator's website, confirming the licensed status of an institution, and internal papers attesting to a review of the AML/CFT measures applied in a jurisdiction.

FC-1.10.7 Investment firm licensees may use authenticated SWIFT messages as a basis for confirmation of the identity of a financial institution under FC-1.10.1 (d) and (e) where it is dealing as principal. For customers coming under Paragraph FC-1.10.1 (d) and (e), investment firm licensees must also obtain and retain a written statement from the parent institution of the subsidiary concerned, confirming that the subsidiary is subject to the same AML/CFT measures as its parent.

FC-1.10.8 Simplified customer due diligence measures must not be applied where a licensee knows, suspects, or has reason to suspect, that the applicant is engaged in money laundering or terrorism financing or that the transaction is carried out on behalf of another person engaged in money laundering or terrorism financing.

FC-1.10.9 Simplified customer due diligence measures must not be applied where a licensee knows, suspects, or has reason to suspect, that transactions are linked, such that they exceed the threshold specified in Paragraph FC-1.10.1 (a).

MODULE	FC: Financial Crime
CHAPTER	FC-2: AML / CFT Systems and Controls

FC-2.1 General Requirements

FC-2.1.1

Investment firm licensees must take reasonable care to establish and maintain appropriate systems and controls for compliance with the requirements of this Module and to limit their vulnerability to financial crime. These systems and controls must be documented, and approved and reviewed annually by the Board of the licensee. The documentation, and the Board's review and approval, must be made available upon request to the CBB.

FC-2.1.2

The above systems and controls, and associated documented policies and procedures, should cover standards for customer acceptance, on-going monitoring of high-risk accounts, staff training and adequate screening procedures to ensure high standards when hiring employees.

MODULE	FC:	Financial Crime
CHAPTER	FC-2:	AML / CFT Systems and Controls

FC-2.2 On-going Customer Due Diligence and Transaction Monitoring

Risk Based Monitoring

FC-2.2.1

Investment firm licensees must develop risk-based monitoring systems appropriate to the complexity of their business, their number of clients and types of transactions. These systems must be configured to identify significant or abnormal transactions or patterns of activity. Such systems must include limits on the number, types or size of transactions undertaken outside expected norms; and must include limits for cash and non-cash transactions.

FC-2.2.2

Investment firm licensees' risk-based monitoring systems should therefore be configured to help identify:

- (a) Transactions which do not appear to have a clear purpose or which make no obvious economic sense;
- (b) Significant or large transactions not consistent with the normal or expected behaviour of a customer; and
- (c) Unusual patterns of activity (relative to other customers of the same profile or of similar types of transactions, for instance because of differences in terms of volumes, transaction type, or flows to or from certain countries), or activity outside the expected or regular pattern of a customer's account activity.

Automated Transaction Monitoring

FC-2.2.3

Investment firm licensees must consider the need to include automated transaction monitoring as part of their risk-based monitoring systems to spot abnormal or unusual flows of funds. In the absence of automated transaction monitoring systems, all transactions above BD 6,000 must be viewed as 'significant' and be captured in a daily transactions report for monitoring by the MLRO or a relevant delegated official, and records retained by the licensee for five years after the date of the transaction.

FC-2.2.4

The CBB would expect larger investment firm licensees to include automated transaction monitoring as part of their risk-based monitoring systems. See also Chapters FC-3 and FC-6, regarding the responsibilities of the MLRO and record-keeping requirements. Where the investment firm licensee is not receiving funds – for instance where it is simply acting as agent on behalf of a principal, and the customer is directly remitting funds to the principal – then the investment firm licensee may agree with the principal that the latter should be responsible for the daily monitoring of such transactions.

MODULE	FC:	Financial Crime
CHAPTER	FC-2:	AML / CFT Systems and Controls

FC-2.2 On-going Customer Due Diligence and Transaction Monitoring (continued)

Unusual Transactions or Customer Behaviour

FC-2.2.5

Where a licensee's risk-based monitoring systems identify significant or abnormal transactions (as defined in FC-2.2.2 and FC-2.2.3), it must verify the source of funds for those transactions, particularly where the transactions are above the occasional transactions threshold of BD 6,000. Furthermore, investment firm licensees must examine the background and purpose to those transactions and document their findings. In the case of one-off transactions where there is no on-going account relationship, the licensee must file an STR if it is unable to verify the source of funds to its satisfaction (see Chapter FC-4).

FC-2.2.6

The investigations required under Paragraph FC-2.2.5 must be carried out by the MLRO (or relevant delegated official). The documents relating to these findings must be maintained for five years from the date when the transaction was completed (see also FC-6.1.1 (b)).

FC-2.2.7

Investment firm licensees must consider instances where there is a significant, unexpected or unexplained change in customer activity.

FC-2.2.8

When an existing customer closes one account and opens another, the licensee must review its customer identity information and update its records accordingly. Where the information available falls short of the requirements contained in Chapter FC-1, the missing or out of date information must be obtained and re-verified with the customer.

FC-2.2.9

Once identification procedures have been satisfactorily completed and, as long as records concerning the customer are maintained in line with Chapters FC-1 and FC-6, no further evidence of identity is needed when transactions are subsequently undertaken within the expected level and type of activity for that customer, provided reasonably regular contact has been maintained between the parties and no doubts have arisen as to the customer's identity.

MODULE	FC:	Financial Crime
CHAPTER	FC-2:	AML / CFT Systems and Controls

FC-2.2 On-going Customer Due Diligence and Transaction Monitoring (continued)

Maintaining Documentation

FC-2.2.10

Investment firm licensees must take reasonable steps to ensure that they receive and maintain up-to-date copies of the identification documents specified in Chapter FC-1. Investment firm licensees must require all customers to provide up-to-date identification documents in their standard terms and conditions of business.

FC-2.2.11

Investment firm licensees must review and update their customer due diligence information at least every three years. If, upon performing such a review, copies of identification documents are more than 12 months out of date, the licensee must take steps to obtain updated copies as soon as possible.

MODULE	FC: Financial Crime
CHAPTER	FC-3: Money Laundering Reporting Officer (MLRO)

FC-3.1 Appointment of MLRO

FC-3.1.1 Investment firm licensees must appoint a Money Laundering reporting officer (“MLRO”). The position of MLRO is a controlled function and the MLRO is an approved person.

FC-3.1.1.A For details of CBB’s requirements regarding controlled functions and approved persons, see Section AU-1.2. Amongst other things, approved persons require CBB approval before being appointed, which is granted only if they are assessed as ‘fit and proper’ for the function in question. A completed Form 3 must accompany any request for CBB approval.

FC-3.1.2 The position of MLRO must not be combined with functions that create potential conflicts of interest, such as an internal auditor or business line head. The position of MLRO may not be outsourced.

FC-3.1.3 Subject to Paragraph FC-3.1.2, however, the position of MLRO may otherwise be combined with other functions in the licensee, such as that of Compliance Officer, in cases where the volume and geographical spread of the business is limited and, therefore, the demands of the function are not likely to require a full time resource.

FC-3.1.4 Investment firm licensees must appoint at least one deputy MLRO (or more depending on the scale and complexity of the licensee’s operations). The deputy MLRO must be resident in Bahrain unless otherwise agreed with the CBB.

FC-3.1.5 Investment firm licensees should note that although the MLRO may delegate some of his functions, either to other employees of the licensee or even (in the case of larger groups) to individuals performing similar functions for other group entities, the responsibility for compliance with the requirements of this Module remains with the licensee and the designated MLRO. The deputy MLRO should be able to support the MLRO discharge his responsibilities and to deputise for him in his absence.

MODULE	FC: Financial Crime
CHAPTER	FC-3: Money Laundering Reporting Officer (MLRO)

FC-3.1 Appointment of MLRO (continued)

FC-3.1.6 So that he can carry out his functions effectively, investment firm licensees must ensure that their MLRO:

- (a) Is a member of senior management of the licensee and has a sufficient level of seniority within the licensee, has the authority to act without interference from business line management and has direct access to the Board and senior management (where necessary);
- (b) [Subparagraph (b) combined with (a) in January 2011];
- (c) Has sufficient resources, including sufficient time and (if necessary) support staff, and has designated a replacement to carry out the function should the MLRO be unable to perform his duties;
- (d) Has unrestricted access to all transactional information relating to any financial services provided by the licensee to a customer, or any transactions conducted by the licensee on behalf of that customer;
- (e) Is provided with timely information needed to identify, analyse and effectively monitor customer accounts;
- (f) Has access to all customer due diligence information obtained by the licensee; and
- (g) Is resident in Bahrain.

FC-3.1.7 In addition, investment firm licensees must ensure that their MLRO is able to:

- (a) Monitor the day-to-day operation of its policies and procedures relevant to this Module; and
- (b) Respond promptly to any reasonable request for information made by the Financial Intelligence Unit or the CBB.

FC-3.1.8 If the position of MLRO falls vacant, the licensee must appoint a permanent replacement (after obtaining CBB approval), within 120 calendar days of the vacancy occurring. Pending the appointment of a permanent replacement, the licensee must make immediate interim arrangements (including the appointment of an acting MLRO) to ensure continuity in the MLRO function's performance. These interim arrangements must be approved by the CBB.

MODULE	FC: Financial Crime
CHAPTER	FC 3: Money Laundering Reporting Officer (MLRO)

FC-3.2 Responsibilities of the MLRO

FC-3.2.1

The MLRO is responsible for:

- (a) Establishing and maintaining the licensee's AML/CFT policies and procedures;
- (b) Ensuring that the licensee complies with the AML Law, any other applicable AML/CFT legislation and this Module;
- (c) Ensuring day-to-day compliance with the licensee's own internal AML/CFT policies and procedures;
- (d) Acting as the licensee's main point of contact in respect of handling internal suspicious transaction reports from the licensee's staff (refer to Section FC-4.1) and as the main contact for the Financial Intelligence Unit, the CBB and other concerned bodies regarding AML/CFT;
- (e) Making external suspicious transaction reports to the Financial Intelligence Unit and Compliance Directorate (refer to Section FC-4.2);
- (f) Taking reasonable steps to establish and maintain adequate arrangements for staff awareness and training on AML/CFT matters (whether internal or external), as per Chapter FC-5;
- (g) Producing annual reports on the effectiveness of the licensee's AML/CFT controls, for consideration by senior management, as per Paragraph FC-3.3.3;
- (h) On-going monitoring of what may, in his opinion, constitute high-risk customer accounts; and
- (i) Maintaining all necessary CDD, transactions, STR and staff training records for the required periods (refer to Section FC-6.1).

MODULE	FC: Financial Crime
CHAPTER	FC-3: Money Laundering Reporting Officer (MLRO)

FC-3.3 Compliance Monitoring

Annual Compliance Review

FC-3.3.1

A licensee must review the effectiveness of its AML/CFT procedures, systems and controls at least once each calendar year. The review must cover the licensee and its branches and subsidiaries both inside and outside the Kingdom of Bahrain. The scope of the review must include:

- (a) A report, containing the number of internal reports made in accordance with Section FC-4.1, a breakdown of all the results of those internal reports and their outcomes for each segment of the licensee's business, and an analysis of whether controls or training need to be enhanced;
- (b) A report, indicating the number of external reports made in accordance with Section FC-4.2 and, where a licensee has made an internal report but not made an external report, noting why no external report was made;
- (c) A sample test of compliance with this Module's customer due diligence requirements; and
- (d) A report as to the quality of the licensee's anti-money laundering procedures, systems and controls, and compliance with the AML Law and this Module.

FC-3.3.2

The reports listed under Paragraph FC-3.3.1 (a) and (b) must be made by the MLRO. The sample testing required under Paragraph FC-3.3.1 (c) must be undertaken either by the licensee's internal auditor, its external auditor or a consultancy firm approved by the CBB. The report required under Paragraph FC-3.3.1 (d) must be made by the licensee's external auditor or a consultancy firm approved by the CBB.

FC-3.3.2A

In order for a consultancy firm to be approved by the CBB for the purposes of Paragraph FC-3.3.2, such firm should provide the CBB's Compliance Directorate with:

- (a) A sample AML/CFT report prepared for a financial institution;
- (b) A list of other AML/CFT related work undertaken by the firm;
- (c) A list of other audit/review assignments undertaken, specifying the nature of the work done, date and name of the licensee; and
- (d) An outline of any assignment conducted for or in cooperation with an international audit firm.

MODULE	FC: Financial Crime
CHAPTER	FC-3: Money Laundering Reporting Officer (MLRO)

FC-3.3 Compliance Monitoring (continued)

FC-3.3.2B The firm should indicate which personnel (by name) will work on the report (including, where appropriate, which individual will be the team leader) and demonstrate that all such persons have appropriate qualifications in one of the following areas:

- (a) Audit;
- (b) Accounting;
- (c) Law; or
- (d) Banking/Finance.

FC-3.3.2C At least two persons working on the report (one of whom would normally expected to be the team leader) should have:

- (a) A minimum of 5 years professional experience dealing with AML/CFT issues; and
- (b) Formal AML/CFT training.

FC-3.3.2D Submission of a curriculum vitae for all personnel to be engaged on the report is encouraged for the purposes of evidencing the above requirements.

FC-3.3.2E Upon receipt of the above required information, the CBB Compliance Directorate will assess the firm and communicate to it whether it meets the criteria required to be approved by the CBB for this purpose. The CBB may also request any other information it considers necessary in order to conduct the assessment.

FC-3.3.3 The reports listed under Paragraph FC-3.3.1 must be submitted to the licensee's Board, for it to review and commission any required remedial measures, and copied to the licensee's senior management.

FC-3.3.4 The purpose of the annual compliance review is to assist a licensee's Board and senior management to assess, amongst other things, whether internal and external reports are being made (as required under Chapter FC-4), and whether the overall number of such reports (which may otherwise appear satisfactory) does not conceal inadequate reporting in a particular segment of the licensee's business (or, where relevant, in particular branches or subsidiaries). Investment firm licensees should use their judgement as to how the reports listed under Paragraph FC-3.3.1 (a) and (b) should be broken down in order to achieve this aim (e.g. by branches, departments, product lines, etc).

MODULE	FC: Financial Crime
CHAPTER	FC-3: Money Laundering Reporting Officer (MLRO)

FC-3.3 Compliance Monitoring (continued)

- FC-3.3.5** Investment firm licensees must instruct their external auditors to produce the report referred to in Paragraph FC-3.3.1 (d). The report must be submitted to the CBB by the 30th of April of the following year. The findings of this review must be received and acted upon by the licensee.
- FC-3.3.6 The external auditors may rely upon work performed by the licensee's internal audit function, as part of their procedures for producing the report referred to in Paragraph FC-3.3.5.
- FC-3.3.7** The four reports referred to in Paragraph FC-3.3.1 must be submitted to the Director, Compliance Directorate of the CBB by the 30th of April of each year.

MODULE	FC: Financial Crime
CHAPTER	FC-4: Suspicious Transaction Reporting

FC-4.1 Internal Reporting

FC-4.1.1

Investment firm licensees must implement procedures to ensure that staff who handle customer business (or are managerially responsible for such staff) make a report promptly to the MLRO if they know or suspect that a customer (or a person on whose behalf a customer may be acting) is engaged in money laundering or terrorism financing, or if the transaction or the customer's conduct otherwise appears unusual or suspicious. These procedures must include arrangements for disciplining any member of staff who fails, without reasonable excuse, to make such a report.

FC-4.1.2

Where investment firm licensees' internal processes provide for staff to consult with their line managers before sending a report to the MLRO, such processes must not be used to prevent reports reaching the MLRO, where staff have stated that they have knowledge or suspicion that a transaction may involve money laundering or terrorist financing.

MODULE	FC: Financial Crime
CHAPTER	FC-4: Suspicious Transaction Reporting

FC-4.2 External Reporting

FC-4.2.1 Investment firm licensees must take reasonable steps to ensure that all reports made under Section FC-4.1 are considered by the MLRO (or his duly authorised delegate). Having considered the report and any other relevant information, if the MLRO (or his duly authorised delegate), still suspects that a person has been engaged in money laundering or terrorism financing, or the activity concerned is otherwise still regarded as suspicious, he must report the fact promptly to the relevant authorities. Where no report is made, the MLRO must document the reasons why.

FC-4.2.2 To take reasonable steps, as required under Paragraph FC-4.2.1, investment firm licensees must:

- (a) Require the MLRO to consider reports made under Section FC-4.1 in the light of all relevant information accessible to or reasonably obtainable by the MLRO;
- (b) Permit the MLRO to have access to any information, including know your customer information, in the licensee's possession which could be relevant; and
- (c) Ensure that where the MLRO, or his duly authorised delegate, suspects that a person has been engaged in money laundering or terrorist financing, a report is made by the MLRO which is not subject to the consent or approval of any other person.

FC-4.2.3 Reports to the relevant authorities made under Paragraph FC-4.2.1 must be sent to the Financial Intelligence Unit at the Ministry of the Interior, with a copy sent to the CBB's Compliance Directorate. Reports must be made using the Suspicious Transaction Report (STR) form and related instructions, included in Part B of Volume 4 (Investment Business).

FC-4.2.4 Investment firm licensees must report all suspicious transactions or attempted transactions. This reporting requirement applies regardless of whether the transaction involves tax matters.

MODULE	FC:	Financial Crime
CHAPTER	FC-4:	Suspicious Transaction Reporting

FC-4.2 External Reporting (continued)

FC-4.2.5 Investment firm licensees must retain all relevant details of STRs submitted to the relevant authorities, for at least five years.

FC-4.2.6 In accordance with the AML Law, investment firm licensees, their Directors, officers and employees must not warn or inform ('tipping off') their customers, the beneficial owner or other subjects of the STR when information relating to them is being reported to the relevant authorities.

MODULE	FC: Financial Crime
CHAPTER	FC-4: Suspicious Transaction Reporting

FC-4.3 Contacting the Relevant Authorities

FC-4.3.1

Reports made by the MLRO or his duly authorised delegate under Section FC-4.2 must be sent to the Financial Intelligence Unit at the Ministry of the Interior and copied to the Compliance Directorate at the Central Bank of Bahrain at the following addresses:

Financial Intelligence Unit
General Directorate of Criminal Investigation
Ministry of Interior
P.O. Box 26698
Manama, Kingdom of Bahrain
Telephone: 17 718888
Fax: 17 715818
E-mail: bahrainfiu@moipolice.bh

Director of Compliance Directorate
Central Bank of Bahrain
P.O. Box 27
Manama, Kingdom of Bahrain
Telephone: 17 547107
Fax: 17 535673
E-mail: Compliance@cbb.gov.bh

MODULE	FC: Financial Crime
CHAPTER	FC-5: Staff Training and Recruitment

FC-5.1 General Requirements

FC-5.1.1

Investment firm licensees must take reasonable steps to provide periodic training and information to ensure that staff who handle customer transactions, or are managerially responsible for such transactions, are made aware of:

- (a) Their responsibilities under the AML Law, this Module, and any other relevant AML/CFT laws and Regulations;
- (b) The identity and responsibilities of the MLRO and his deputy;
- (c) The potential consequences, both individual and corporate, of any breach of the AML Law, this Module and any other relevant AML/CFT laws or Regulations;
- (d) The licensee's current AML/CFT policies and procedures;
- (e) Money laundering and terrorist financing typologies and trends;
- (f) The type of customer activity or transaction that may justify an internal report in accordance with Section FC-4.1;
- (g) The licensee's procedures for making an internal report as per Section FC-4.1; and
- (h) Customer due diligence measures with respect to establishing business relations with customers.

FC-5.1.2

The information referred to in Paragraph FC-5.1.1 must be brought to the attention of relevant new employees of investment firm licensees, and must remain available for reference by staff during their period of employment.

FC-5.1.3

Relevant new employees must be given AML/CFT training within three months of joining a licensee.

FC-5.1.4

Investment firm licensees must ensure that their AML/CFT training for relevant staff remains up-to-date, and is appropriate given the licensee's activities and customer base.

FC-5.1.5

The CBB would normally expect AML/CFT training to be provided to relevant staff at least once a year.

FC-5.1.6

Investment firm licensees must develop adequate screening procedures to ensure high standards when hiring employees. These procedures must include controls to prevent criminals or their associates from being employed by investment firm licensees.

MODULE	FC:	Financial Crime
CHAPTER	FC-6:	Record-keeping

FC-6.1 General Requirements

CDD and Transaction Records

FC-6.1.1

Investment firm licensees must comply with the record-keeping requirements contained in the AML Law and in the CBB Law. Investment firm licensees must therefore retain adequate records (including accounting and identification records), for the following minimum periods:

- (a) For customers, in relation to evidence of identity and business relationship records (such as application forms and business correspondence), for at least five years after the customer relationship has ceased; and
- (b) For transactions, in relation to documents enabling a reconstitution of the transaction concerned, for at least five years after the transaction was completed.

Compliance Records

FC-6.1.2

Investment firm licensees must retain copies of the reports produced for their annual compliance review, as specified in Paragraph FC-3.3.1, for at least five years. Investment firm licensees must also maintain for five years reports made to, or by, the MLRO made in accordance with Sections FC-4.1 and 4.2, and records showing how these reports were dealt with and what action, if any, was taken as a consequence of those reports.

Training Records

FC-6.1.3

Investment firm licensees must maintain for at least five years, records showing the dates when AML/CFT training was given, the nature of the training, and the names of the staff that received the training.

Access

FC-6.1.4

All records required to be kept under this Section must be made available for prompt and swift access by the relevant authorities or other authorised persons.

MODULE	FC: Financial Crime
CHAPTER	FC-7: NCCT Measures and Terrorist Financing

FC-7.1 Special Measures for Non-Cooperative Countries or Territories ('NCCTs')

FC-7.1.1 Investment firm licensees must give special attention to any dealings they may have with entities or persons domiciled in countries or territories which are:

- (a) Identified by the FATF as being 'non-cooperative'; or
- (b) Notified to investment firm licensees from time to time by the CBB.

FC-7.1.2 Whenever transactions with such parties have no apparent economic or visible lawful purpose, their background and purpose must be re-examined and the findings documented. If suspicions remain about the transaction, these must be reported to the relevant authorities in accordance with Section FC-4.2.

MODULE	FC:	Financial Crime
CHAPTER	FC-7:	NCCT Measures and Terrorist Financing

FC-7.2 Terrorist Financing

FC-7.2.1 Investment firm licensees must comply in full with the provisions of the UN Security Council Anti-terrorism Resolution No. 1373 of 2001 ('UNSCR 1373').

FC-7.2.2 Any licensee that wishes, intends or has been requested to do anything that might contravene, in its reasonable opinion, the provisions of UNSCR 1373 (and in particular Article 1, Paragraphs c) and d) of UNSCR 1373) must seek, in writing, the prior written opinion of the CBB on the matter.

FC-7.2.3 A copy of UNSCR 1373 is included in Part B of Volume 1 (Conventional Banks), under 'Supplementary Information' on the CBB Website.

FC-7.2.4 Investment firm licensees must report to the CBB details of:

- (a) Funds or other financial assets or economic resources held with them which may be the subject of Article 1, Paragraphs c) and d) of UNSCR 1373; and
- (b) All claims, whether actual or contingent, which the licensee has on persons and entities which may be the subject of Article 1, Paragraphs c) and d) of UNSCR 1373.

FC-7.2.5 For the purposes of Paragraph FC-7.2.4, 'funds or other financial resources' includes (but is not limited to) shares in any undertaking owned or controlled by the persons and entities referred to in Article 1, Paragraph c) and d) of UNSCR 1373, and any associated dividends received by the licensee.

FC-7.2.6 All reports or notifications under this Section must be made to the CBB's Compliance Directorate.

FC-7.2.7 See Section FC-4.3 for the Compliance Directorate's contact details.

MODULE	FC:	Financial Crime
CHAPTER	FC-7:	NCCT Measures and Terrorist Financing

FC-7.3 Designated Persons and Entities

FC-7.3.1 Without prejudice to the general duty of all investment firm licensees to exercise the utmost care when dealing with persons or entities who might come under Article 1, Paragraphs (c) and (d) of UNSCR 1373, investment firm licensees must not deal with any persons or entities designated by the CBB as potentially linked to terrorist activity.

FC-7.3.2 The CBB from time to time issues to investment firm licensees lists of designated persons and entities believed linked to terrorism. Investment firm licensees are required to verify that they have no dealings with these designated persons and entities, and report back their findings to the CBB. Names designated by the CBB include persons and entities designated by the United Nations, under UN Security Council Resolution 1267 ('UNSCR 1267').

FC-7.3.3 Investment firm licensees must report to the relevant authorities, using the procedures contained in Section FC-4.2, details of any accounts or other dealings with designated persons and entities, and comply with any subsequent directions issued by the relevant authorities.

MODULE	FC:	Financial Crime
CHAPTER	FC-8:	Enforcement Measures

FC-8.1 Regulatory Penalties

- FC-8.1.1** Without prejudice to any other penalty imposed by the CBB Law, the AML Law No. 4 or the Penal Code of the Kingdom of Bahrain, failure by a licensee to comply with this Module or any direction given hereunder shall result in the levying by the CBB, without need of a court order and at the CBB's discretion, of a fine of up to BD 20,000.
- FC-8.1.2 Module EN provides further information on the assessment of financial penalties and the criteria taken into account prior to imposing such fines (see Paragraph EN-5.1.4). Other enforcement measures may also be applied by the CBB in response to a failure by a licensee to comply with this Module; these other measures are also set out in Module EN.
- FC-8.1.3 The CBB will endeavour to assist investment firm licensees to interpret and apply the requirements of this Module. Investment firm licensees may seek clarification on any issue by contacting the Compliance Directorate (see Section FC-4.3 for contact details).
- FC-8.1.4 Without prejudice to the CBB's general powers under the law, the CBB may amend, clarify or issue further directions on any provision of this Module from time to time, by notice to its investment firm licensees.

MODULE	FC:	Financial Crime
CHAPTER	FC-9:	AML / CFT Guidance and Best Practice

FC-9.1 Guidance Provided by International Bodies

FATF: 40 Recommendations and 9 Special Recommendations

FC-9.1.1 The Forty Recommendations (see www.fatf-gafi.org) and Nine Special Recommendations (together with their associated interpretative notes and best practices papers) issued by the Financial Action Task Force (FATF), provide the basic framework for combating money laundering activities and the financing of terrorism. FATF Recommendations 4-6, 8-11, 13-15, 17-19, 21-23, 25, 29-32 and 40 as well as Special Recommendations IV-IX, and the AML/CFT Methodology are specifically relevant to the investment business sector.

FC-9.1.2 The relevant authorities in Bahrain believe that the principles established by these Recommendations and Special Recommendations should be followed by investment firm licensees in all material respects, as representing best practice and prudence in this area.

Other Website References Relevant to AML/CFT

FC-9.1.3 The following lists a selection of other websites relevant to AML/CFT:

- (a) The Middle East North Africa Financial Action Task Force:
www.menafatf.org ;
- (b) The Egmont Group: www.egmontgroup.org ;
- (c) The United Nations: www.un.org/terrorism ;
- (d) The UN Counter-Terrorism Committee:
www.un.org/Docs/sc/committees/1373/ ;
- (e) The UN list of designated individuals:
www.un.org/Docs/sc/committees/1267/1267ListEng.htm ;
- (f) The Wolfsberg Group: www.wolfsberg-principles.com ; and
- (g) The Association of Certified Anti-Money Laundering Specialists:
www.acams.org.

MODULE	FC:	Financial Crime
CHAPTER	FC-10:	Fraud

FC-10.1 General Requirements

FC-10.1.1 The requirements of this Chapter apply to Category 1 investment firms and Category 2 investment firms only.

FC-10.1.2 Investment firm licensees must ensure that they allocate appropriate resources and have in place systems and controls to deter, detect, and record instances of fraud or attempted fraud.

FC-10.1.3 Fraud may arise from internal sources originating from changes or weaknesses to processes, products and internal systems and controls. Fraud can also arise from external sources, for instance through false invoicing or advance fee frauds. Further guidance – and occasional investor alerts – can be found on the CBB’s website (www.cbb.gov.bh).

FC-10.1.4 Any actual or attempted fraud incident (however small) must be reported to the appropriate authorities (including the CBB) and followed up. Monitoring systems must be designed to measure fraud patterns that might reveal a series of related fraud incidents.

FC-10.1.5 Investment firm licensees must ensure that a person, of sufficient seniority, is given overall responsibility for the prevention, detection and remedying of fraud within the organisation.

FC-10.1.6 Investment firm licensees must ensure the effective segregation of functions and responsibilities, between different individuals and departments, such that the possibility of financial crime is reduced and that no single individual is able to initiate, process and control a transaction.

FC-10.1.7 Investment firm licensees must provide regular training to their management and staff, to make them aware of potential fraud risks.