银行与金融机构

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我们是一家新加坡银行，在数字资产方面可以做什么？为客户提供DPT的托管和交易，需要依据PSA获得豁免或牌照（就大多数支付服务而言，银行凭借其银行牌照即可获得豁免），并须遵守有关DPT的各项通告。代币化存款以及参与守护者计划（Project Guardian）试点，则在MAS的沙盒和试点框架下进行。向零售客户分销DPT受到消费者准入措施的限制，MAS也不鼓励银行向零售客户提供DPT交易服务。[2]

一位客户希望存入代币销售所得款项，我们应要求提供什么？分类备忘录或FINMA函件、代币销售文件、购买人名单及其开户审核证明、所得款项的链上记录、兑换为法币的轨迹、所得款项的税务处理以及资金用途计划。如

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果代币销售通过信誉良好的反洗钱服务商对购买人进行开户审核，并持有FINMA函件，银行就可以接受。如果代币销售接受匿名购买，无论金额大小，银行都不会接受。[3]

就资本和隔离而言，我们应如何处理客户已质押的ETH？在瑞士，FINMA 2023年的指引允许银行在满足五项条件的情况下，将已质押资产视为可依据《瑞士银行法》第16条予以隔离的托管资产。这五项条件是：资产仍归属于客户；质押系依客户指示进行；验证者身份明确；罚没（slashing）和解除质押风险已作披露；银行不将这些资产与自有资产混同。按其他条件质押的资产属于存款，会落入银行的破产财产。在新加坡，DPT服务提供者不得为零售客户提供质押服务；对于认可投资者，托管条款必须就所有权和风险作出规定。[4]

一位客户的钱包被标记为曾收到来自受制裁混币器的资金，我们该怎么办？应将其作为制裁和反洗钱警报处理，并进行有书面记录的调查。首先确定风险敞口是直接的（客户与受制裁地址进行过交易）还是间接的（资金经过中间地址转手）。在瑞士，如果SECO已将该地址列入名单，与SECO或OFAC所列地址的直接接触即构成被禁止的交易；否则也是一项严重的风险指标。应记录分析过程，考虑向MROS或STRO报告，如达到报告门槛则予以冻结，且不得告知客户已作报告。第II章的旅行规则和钱包筛查程序适用于此项调查。[5]

对于适用旅行规则的转账，我们是否需要筛查交易对手的钱包？在两国都需要，但义务的内容有所不同。瑞士要求识别交易对手的VASP，对于非托管钱包，还要求核实客户的控制权。新加坡要求依据PSN02对交易对手进行尽职调查，并对非托管钱包采取基于风险的措施。向无法接收旅行规则数据的交易对手转账，应视为高风险，许多机构干脆予以阻止。[6]

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注释

1. BankA第3条第2款和第16条第1bis项；FINMA通过其通函落实BCBS关于加密资产风险敞口的审慎标准（SCO60）；参见第E部分第II章和第O部分第V章。 ↩
2. Payment Services Act 2019第13条（获豁免支付服务提供者）及附表一；MAS消费者准入措施；参见第K部分第III章和第VII章。 ↩
3. 第F部分第III章和第P部分第IX章。 ↩
4. FINMA Guidance 08/2023 of 20 December 2023；MAS消费者准入措施；参见第E部分第VIII章和第K部分第VIII章。 ↩
5. AMLA第9条和第10条；Embargo Act；CDSA第45条；参见第F部分第V章和第VII章以及第L部分第IV章和第VI章。 ↩
6. AMLO-FINMA第10条；MAS Notice PSN02；参见第F部分第IV章和第L部分第III章。 ↩

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