监管机构之间的合作

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各中心之间的竞争与其监管机构之间的合作并存。跨越多地搭建架构的客户应当了解，监管机构彼此之间会通报多少信息。MAS与FINMA于2016年9月12日签署了金融科技合作协议，这是同类协议中最早的之一；根据该协议，双方相互转介创新企业，并分享监管动态信息。MAS与香港证券及期货事务监察委员会、日本金融厅以及阿布扎比和迪拜的监管机构也签有类似协议，而这些机构都同为金融行动特别工作组、金融稳定理事会和IOSCO的成员。[1]在执法方面，合作渠道包括《IOSCO多边谅解备忘录》下的谅解备忘录、司法协助条约，以及在反洗钱情报方面的金融情报机构埃格蒙特集团（Egmont Group）——新加坡STRO和瑞士洗钱举报办公室均为其成员。

其结果是，在其中两地持牌的集团，不能对各个监管机构讲述不同的故事。在新加坡申请牌照时，须提交集团架构、在其他地方持有的牌照，以及在任何地方针对任何集团实体采取的任何监管行动。FINMA的申请和证监会的申请中也会出现同样的问题。这些答案会被相互比对。在我的执业实践中，我曾见过一份申请被拖延一年，原因是某集团在新加坡提交的文件中将一家瑞士关联公司描述为不受监管，而该关联公司实际上受自律组织监管；MAS通过询问FINMA发现了这一矛盾。教训是：在提交第一份申请之前，准备一份经各司法管辖区律师核对的统一集团陈述。

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注释

1. MAS与FINMA，Cooperation Agreement on FinTech，2016年9月12日签署；MAS的金融科技合作协议列于MAS网站；关于执法中的监管合作，参见第H部分第VI章及第N部分第II章。↩

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