加入FINMA认可的自律组织

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加入自律组织是几乎每一家瑞士加密企业的第一项监管行为，因为一旦金融中介机构以职业方式接受第一笔客户资产，《瑞士反洗钱法》规定的义务即告产生。FINMA为此认可的自律组织包括VQF（楚格）、SO-FIT（日内瓦）、PolyReg（苏黎世）、ARIF（日内瓦）和OAD-FCT（卢加诺），它们均接纳加密企业，其中VQF历来经验最为丰富。[1]自律组织会审查申请人背后的人员、商业模式和反洗钱方案，此后通过年度审计持续监督成员。申请文件内容繁多，而自律组织提出的问题，正是公司日后开立账户时银行将会提出的问题，这也是应当认真准备的一个理由。

核对清单

- 以一份简短的内部备忘录确认依AMLA第2条第3款具有金融中介机构身份，并说明触发该身份的活动（托管、兑换、转账、支付处理）。
- 确认已经或将会超过AMLO规定的职业性门槛（总收入、交易对手数量、受控资产），或确认企业打算自始即在门槛以上经营。
- 选择自律组织。应考虑所在地、语言、数字资产方面的经验、收费标准以及该自律组织接受的审计机构。

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- 准备商业登记册摘录（如尚未注册成立，则准备设立文件）以及载明与该活动相符之经营宗旨的公司章程。
- 准备组织架构图，列明全体董事会成员、高级管理人员以及指定的反洗钱负责人及其副手。
- 为上述每一人收集：履历、不超过三个月的无犯罪记录证明（Strafregisterauszug）、债务执行登记册摘录（Betreibungsregisterauszug）、护照复印件、未决程序声明，以及反洗钱培训或经验的证明。
- 起草商业计划：产品、目标客户、地域、三年业务量、集团架构、外包、IT及钱包架构。
- 起草反洗钱方案（Geldwäschereikonzept），涵盖客户和交易的风险分类、身份识别程序、实益所有权、PEP处理、资金及财富来源、区块链分析工具、旅行规则程序、监测、向MROS报告、记录保存以及培训。
- 起草实施自律组织规章的内部指令，并交叉援引自律组织的规则编号。
- 说明区块链分析服务提供商、筛查逻辑、警报阈值和上报路径。
- 指定外部反洗钱审计机构，并取得其接受函。
- 缴纳入会费，并确认年费预算。
- 将首次年度审计和自律组织的报告期限记入日程。
- 在董事会会议记录中载明：在自律组织作出接纳决定前，不接受任何客户资产。

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注释

1. AMLA第14条及第24条以下（自律组织）；FINMA认可的自律组织名单公布于其网站；各自律组织的角色参见第C部分第VII章及第F部分第I章。↩

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