实体之间的依赖

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最常见的操作问题是：一个实体能否依赖另一个实体完成的CDD，使在楚格完成准入的客户无需重复流程即可在新加坡开立账户。

从新加坡方面看，PSN02允许在第II章所述的三项条件下依赖第三方，包括集团公司。该第三方必须受与FATF标准相一致的AML/CFT要求约束并受监管。新加坡机构必须立即取得CDD信息，并且必须能够毫不迟延地取得相关文件。新加坡机构仍须承担责任。[1]楚格的SRO成员根据AMLA在AML/CFT方面受其SRO监管，而FATF承认SRO监管是对瑞士金融中介机构的充分监管。我认为这一条件已经满足，我也未见MAS持不同立场。尽管如此，新加坡机构必须将评估形成书面记录，必须在自己的系统中保存身份识别数据，必须自行进行筛查和风险评级，并且必须自行开展持续监控，因为持续监控不能依赖他方。

从瑞士方面看，AMLA允许金融中介机构通过书面协议将客户身份识别和受益所有人的确定委托给第三方。该第三方必须经过适当挑选并接受指示，中介机构保留责任，文件必须存放在中介机构的档案中。[2]受MAS监管的新加

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坡MPI是适当的受托方。[3]同样，瑞士实体必须保存文件，必须根据SRO规章自行进行风险分类，并且必须使用瑞士表格（尤其是受益所有人声明）。除非集团已将这些表格纳入流程，否则新加坡的流程不会生成这些表格。

因此，实务上的设计是建立一个共享的客户准入流程：一次性收集两种制度要求的全部信息，并根据同一数据生成两个实体各自的文件（新加坡PSN02记录和瑞士SRO表格）。随后运行两套独立的筛查、风险评级和监控流程，各由与客户建立关系的实体负责。客户签署两套条款并作出两套声明，但相关基础文件只需提供一次。

示例

一家香港家族办公室由集团的楚格AG接纳，接受托管和场外交易服务。楚格AG收集该办公室所属公司、其董事及受益所有人的身份证明文件，并取得瑞士K表控制人声明。它进行筛查，因离岸架构和持仓规模将该客户评为较高风险，取得财富来源证明，并记录高级管理层的批准。六个月后，该办公室希望使用新加坡MPI的交易所。MPI根据PSN02第9段依赖楚格AG完成的身份识别和验证，并将数据和文件导入自身系统。它自行对照新加坡名单和OFAC名单进行筛查，并按自身风险模型对客户评级，结果同样为较高风险。它确认财富来源证明符合第V章所述的新加坡标准，并取得自身高级管理层的批准。MPI的档案记录了对楚格AG的依赖评估。客户签署MPI的条款和新加坡方面的声明，无需提供新文件。两个实体各自监控自身的客户关系，并通过集团协议共享风险评级的变化。

注释

1. MAS Notice PSN02，第9段（由第三方履行措施），包括依赖集团实体的条件；Guidelines指出，符合该通知标准的集团计划可为依赖集团实体提供便利。 ↩

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2. AMLO-FINMA，第28–29条（将尽职调查义务委托给第三方），以及SRO规章中的相应规定，允许通过书面协议委托身份识别和受益所有人的确定，责任仍由委托方保留。 ↩

3. AMLO-FINMA，第28条第1款（委托给经审慎挑选并接受指示的第三方，中介机构保留责任）及第29条（受托方本身必须是受同等监管的金融中介机构，或以其他方式根据书面协议可予接受）；SRO规章载有类似规定。 ↩

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