



CH-3003 Bern
fedpol MROS

To the financial intermediaries

Bern, December 2022

Special information bulletin goAML - Entry into force of the revised AMLA on 1.1.2023

Dear goAML users,

We are pleased to send you the fourth goAML newsletter of the year 2022. *This special newsletter contains important information regarding changes in the use of goAML as well as the practice of MROS in connection with the entry into force of the revised version of the Anti-Money Laundering Act (AMLA) on 1.1.2023.*

The essentials in brief

In the goAML newsletters of March, July and September 2022 we informed you about the forthcoming amendments of the AMLA (see [object 19.044](#)), the related amendments of various ordinances (in particular the ordinance on the Money Laundering Reporting Office MROS) and their consequences for the use of goAML. We have also dedicated a chapter in our annual report 2021 to the consequences of this legal revision from the perspective of MROS practice.¹ From a technical point of view, the main implication of this revision of the AMLA is the introduction of new report types in goAML, which will be used to notify MROS of the termination of a business relationship according to the new article 9b AMLA.

This newsletter looks at three important effects the revision of the AMLA has on the interaction between financial intermediaries and MROS.

¹ See MROS Annual Report for the year 2021, Chapter 6.1.

1. New or modified technical dispositions as a result of the revision of the AMLA

The technical regulations for financial intermediaries, which have been modified as a result of the legal reform coming into force on 1.1.2023, were published by MROS as early as last September (see our September newsletter). Since then, technical information on this subject as well as an updated FAQ are available on our [website](#). *At the same address you will now also find the revised [goAML manual](#), which will be effective as of 1.1.2023 as well as the updated version of the [XSD schema](#).* These documents incorporate the changes announced in September and replace any previous documents by 1.1.2023

We would like to take this opportunity to remind you of the main dispositions relating to the notification of the termination of a business relationship: such notifications must be made by means of new types of report (CANCL/CANCT) selected in the "New reports" menu. This report structures the information relating to the terminated business relationship (reference of the initial SAR/STR, accounts concerned, date of the termination, etc.). As a transitional measure and until the deadline for the implementation of version 5 of goAML by financial intermediaries has expired, this notification of the termination of a business relationship can also be made by means of a message sent via the Message Board of the goAML web portal. In this case, the message must strictly comply with the [instructions for the termination notification pursuant to art. 9b AMLA - message via Message Board](#) on our website. Reports which do not comply with these instructions cannot be processed by MROS and will be returned to the financial intermediaries.

2. Processing of reports, which MROS will not have issued a decision for by 1.1.2023

Some financial intermediaries have raised questions about the handling of SAR/STR which have been submitted in 2022 pursuant to the previous version AMLA, but are still pending as of 1.1.2023.

Below we would like to clarify how MROS will implement the new AMLA provisions as soon as they come into force. As of 1.1.2023, pending reports (i.e., those for which MROS has not yet informed the financial intermediary whether or not the reported information will be forwarded to a law enforcement authority) will be processed according to the new legal basis. This should enable financial intermediaries to decide for themselves whether or not to terminate business relationships that were reported in SAR/STR under art. 305^{ter} para. 2 of the Swiss Criminal Code before the new legal provisions came into force and that were still being analyzed at that time.

The following situations may therefore arise after 1.1.2023 with SARs/STRs that were transmitted to MROS before that date:

A) A notice of non-transmission was sent by MROS before 1.1.2023: MROS has issued a decision pursuant to art. 23 para. 5 (for reports based on art. 9 AMLA) or 23 para. 6 (for reports based on art. 305^{ter} para. 2 CC) of the current version of the AMLA. The financial intermediary may terminate the reported business relationship even if the 40-day period from the date of the initial report has not expired. It is **not necessary for the financial intermediary to report the termination of the business relationship to MROS, as the latter has already issued a decision.**

B) MROS has not sent a notice of non-transmission before 1.1.2023: The reported business relationship may be terminated under the conditions of the new art. 9b AMLA upon expiration of a period of 40 working days. This period starts on the date mentioned in the receipt confirmation from MROS. **The termination of the business relationship must be reported to MROS.**

3. Change of practice concerning the spontaneous sending of additional information by the financial intermediary relating to a reported business relationship

A financial intermediary who has filed a SAR/STR may wish to provide new information to MROS. This information may be of various kinds and may concern, for example, new elements documenting more precisely the initial suspicion, suspicious transactions carried out during the analysis of MROS, sometimes new suspicious business relationships detected shortly after the report or even the termination of the reported business relationship. At present, as long as MROS has not informed the financial intermediary of the transmission or non-transmission of the information contained in the initial report, financial intermediaries report this spontaneous information by means of an AIFI/AIFT report, in accordance with the provisions set out in chapter 10.2 of the goAML manual.

As of 1.1.2023, the provisions of the revised AMLA provide that MROS will only report to the financial intermediary cases in which a SAR/STR leads to the transmission of information to the law enforcement authorities and as long as the business relationship initially reported has not been terminated under art. 9b AMLA (new art. 23 para. 5 AMLA). Therefore, in order to avoid that new information is spontaneously transmitted by the financial intermediary in relation to a SAR/STR that has already been processed by MROS, the possibility to use an AIF/AIFT report to report new information will expire at the end of the 40 working day period provided for in the new art. 9b AMLA. After this period, financial intermediaries will have to submit a new SAR/STR. If they consider it necessary, financial intermediaries can indicate in the report the references of previous reports. The goAML manual has been amended in chapter 10.2 to reflect this modification in practice, which does not entail any technical changes for financial intermediaries. It should be noted that these provisions do **not apply** to cases where financial intermediaries respond with an AIF/AIFT report to a request for information from MROS pursuant to Art. 11a AMLA.

4. Maintenance window

We would like to point out that due to the implementation of the changes in connection with the revision of the AMLA, the goAML web portal will not be available from **30.12.2022 (from 12.00 pm) to 3.1.2023 (until 6.00 am)**. We thank you for your attention and understanding.

Questions about goAML

goAML hotline, Tel +41 58 461 60 00 or E-Mail: goaml.info@fedpol.admin.ch

The response times for the goAML hotline are as follows:

Monday - Friday: 0900 to 1130 hours / 1330 to 1630 hours

General questions to MROS

- via Message Board of the goAML web portal (preferred variant)
- by e-mail: mros.info@fedpol.admin.ch
- by phone: +41 58 463 40 40

Best regards

Federal Office of Police fedpol

Money Laundering Reporting Office MROS