1st August 2016

Dear Stakeholders:

Re: Guidance Notes for AML/ATF Regulated Financial Institutions on Anti-Money Laundering & Anti-Terrorist Financing - Update

The Bermuda Monetary Authority (the Authority) would like to thank our stakeholders for reviewing and providing comments on the revised Guidance Notes for AML/ATF Regulated Financial Institutions on Anti-Money Laundering & Anti-Terrorist Financing (AML/ATF GN) which were issued for consultation on 1st February 2016. The Authority provided a response to stakeholders in our Notice of 3rd June 2016, however, there were a number of areas which we advised would require further review.

As such, the attached carries forward responses from our June advice with recent updates annotated in bold/red text for ease of reference.

BMA
BERMUDA MONETARY AUTHORITY

CONSOLIDATION OF COMMENTS – AML/ATF GENERAL GUIDANCE NOTES – UPDATED AUGUST 2016

Please note that references below to the AML/ATF GN relate to the **draft version**, however, some of these references may change upon publication of the final version of the AML/ATF GN. The Authority intends to hold stakeholder meetings in due course.

Section	Comments from stakeholders	Resolution/Action Required
General	The guidance notes mention a three pronged test for the filing of Suspicious Activity Reports (SAR) with the FIA, specifically belief/knowledge, suspicion and reasonable grounds to suspect, beginning in Section 6 of the guidance notes and throughout the rest of the guidance and is specifically defined in Section 9.10. This three pronged test is not applicable in Bermuda as Bermuda legislation only provides for a two pronged test of belief/knowledge or suspicion. We have attached the UK legislation, specifically Section 330 of their Proceeds of Crime Act 2001 and the corresponding Bermuda legislation, Section 46 of the Proceeds of Crime Act (POCA) for your review. Accordingly, as BMA guidance notes cannot amend POCA, the ATFA or the Regulations, we believe that all references to reasonable grounds for suspicion in relation to the filing of a SAR should be removed from the guidance. Further discussion on belief/knowledge and suspicion versus reasonable grounds can be found in Shah –v- HSBC Private Bank (UK) Limited [2012] EWHC 1283.	This three-pronged test is not in POCA, however as this is in Financial Action Task Force (FATF) Recommendation 20 POCA needs to be amended and the three-pronged test be re-inserted into the AML/ATF GN. The Authority agrees to remove from the GN and recommend that the legislation be amended to include the three-pronged test. Once the legislative change has been made, the AML/ATF GN will be updated.
General	Although the Bermuda consent regime in Section 43, 44, and 45 of POCA has undergone significant changes, providing strict timelines on the provision of consent by the FIA, there is no mention of this regime change in the guidance notes and we believe it would be helpful if this were to be covered, especially in Section 9.4. It would also be helpful if comments were made on why the consent provision of ATFA was not amended to be consistent with POCA as well.	The Authority agrees with this point and will insert text in the AML/ATF GN.
General	With regard to S17A of POCR and the independent audit function, can you please provide guidance on who would be a “qualified independent third party or internal persons.” Is it expected that the third party or internal persons would have AML/ATF experience, or relevant AML/ATF qualifications, to perform the independent audit role? Please provide guidance on your expectations.	The Authority will not clarify what is deemed “qualified” other than the person is fit and proper for the role. Paragraph 1.72-1.73 requires the Regulated Financial Institution (RFI) to screen employees & third parties (which would include the person appointed to perform audit) to ensure they are competent for the role. Given the varying complexities and risk profiles of RFIs, the RFI needs to

		determine and ensure that the person appointed can competently perform the role/activity.
General	For reliance, will the BMA be providing any guidance on what "without delay" means. Is that as soon as reasonably practicable (which is consistent with the Companies Act approach) or immediately for example? Why can't an RFI place reliance/outsource the ongoing monitoring function?	The concept of "without delay" appears in FATF Recommendation 17 with respect getting Customer Due Diligence (CDD) documentation from third parties. It also states that the RFI must immediately obtain the necessary information. Regulation 15(7A) refers to "without delay" where the RFI relies on a third party or outsourced arrangement from outside Bermuda and access to records is impeded by confidentiality or data protection restrictions. The Authority expects RFIs to ensure that they are able to receive CDD documentation as soon as possible/as soon as reasonably practicable and that there are no hindrances to receiving same. RFIs can outsource or use third party service providers for ongoing monitoring, however, the RFI retains the responsibility of ensuring that the function is effectively executed. The AML/ATF GN provides guidance to the RFI when considering to outsource a function or utilise a third party service provider.
Preface 1-8	Company [name redacted] appreciates the opportunity to provide comments on the Guidance Notes. We recognise the importance of compliance with the revised 40 recommendations that were published in 2012 by the Financial Action Task Force ("FATF") and support the global fight against money laundering ("ML") and terrorist financing ("TF") and other financial crime. We look forward to the responses from the Bermuda Monetary Authority on our comments.	Noted
Preface 11	We would request guidance or clarification for the treatment of suspicions involving Tax Evasion in a third party jurisdiction and whether this falls under the guidance provided.	Tax evasion and suspicions surrounding tax evasion is not covered in the AML/ATF GN.
Preface 26	The sentence comes under the heading "What is Terrorist Financing". The reference to ML is a typo and should instead refer to TF. C/f Section 16 on page 6.	Noted.
Chapter 1	Here and elsewhere within the Guidance Notes, reference is made to "correspondent banking" relationships. For the avoidance of doubt over who is servicing whom, we suggest referencing as	The Authority will amend the text using the suggested wording.

1.14	"provision of correspondent banking" to reflect our interpretation that the intent is to refer to customers of RFIs which are themselves Banks and are using the RFI to provide correspondent banking services to them.	
1.19	We fully support the sentiment expressed here, but would note our concerns about the lack of "Safe Harbour" provisions within the Legislative framework in the context of the desire to "share data across the AML/ATF community to reduce harm". We would request explicit guidance to indicate what "data" may be shared in what circumstances to avoid potential conflicts with "tipping off ' provisions and guidance.	The Authority will share anonymised data and is cognisant of the tipping –off provisions. The Authority will not share data that may lead to tipping –off. Examples of data shared can be reports on surveys conducted.
1.20-1.21	The Guidance Notes require the Compliance Officer to be appointed to a senior management position. As defined under paragraph 1.20 this is either a Director or Senior Executive level. Whilst larger, more complex banks may warrant scope and affordability of this at an executive level position, this additional executive post will prove extremely onerous to the smaller, less complex banks. We request this be amended to conform with the regulation 18A(l) which stipulates this appointment be 'at managerial level'. To ensure unimpeded access between Executive, Board and the Compliance Officer the sub- Committee recommends this be particularly reflected in Guidance Notes.	We agree with the comment and will amend the AML/ATF GN to state that the compliance officer be appointed at the managerial level who reports to senior management and remove all references that the compliance officer be from senior management.
1.29-1.35	Please provide clarification whether the required AML policy statement must be submitted to the BMA for approval.	The policy statement does not need to be submitted to the Authority for approval.
1.38	We would appreciate guidance on what would constitute appropriate qualifications for a member of the RFI's staff to demonstrate they are "qualified" to fulfil the Reporting Officer role.	The Authority will not clarify what is deemed "qualified" other than the person is fit and proper for the role. Paragraph 1.72-1.73 requires the RFI to screen employees & third parties to ensure they are competent for the role. Given the varying complexities and risk profiles of RFIs, the RFI needs to determine and ensure that the person appointed can competently perform the role/activity.
1.50.1.51	It is unclear if the compliance report under paragraph 1.50 is to be an exception or standard report per paragraph 1.51, i.e. do the periodic reports constitute satisfaction of the 'at least once a year' stipulation?	The exception report should form part of the standard report. This periodic report, as stated in Paragraph 1.50, should be done minimally once per year, however it can be more frequently as determined by the RFI.
1.50-1.53	Company [name redacted] is concerned with the breadth of the yearly periodic report, both in what the report must encompass and the frequency of the report.	The Authority expects senior management to be advised of the items in Paragraph 1.51, and minimally at least once per year.
1.57-1.58, 1.64-1.65	Paragraph 5.140 acknowledges that foreign branches and majority owned subsidiaries of the group apply AML/ATF measures that are consistent with the group's home country AML/ATF requirements. This is typically achieved by adopting a Group AML/ATF Programme based on the	Where Bermuda is the host jurisdiction and the parent company's home jurisdiction is AML/ATF complaint and is on par with or exceeds Bermuda standards – the Authority may

	home country AML/ATF requirements. Paragraphs 1.57, 1.58, 1.64 and 1.65 provide guidance on Bermuda entities with branches, subsidiaries and representative offices operating outside of Bermuda ("Overseas Operations"). However, the position is unclear in respect of Overseas Operations of Bermuda Regulated Financial Institution ("RFI") that is part of a financial group and has a parent company which is incorporated in and regulated as a financial institution in another FATF member jurisdiction (the "Home Jurisdiction"). Such a financial group would typically operate in multiple jurisdictions through its branches and majority owned subsidiaries, some of which may be Overseas Operations of a Bermuda RFI while others may be branches and majority owned subsidiaries of entities incorporated in the Home Jurisdiction or other jurisdictions. In such cases, to ensure consistency between various overseas operations of the financial group, we suggest the Guidance Notes clarify that the AML/ATF requirements applicable to the Overseas Operations be the ones which are the most rigorous of the Home Jurisdiction, or the jurisdiction where the Overseas Operation is conducting business, provided that the Home Jurisdiction's AML/AFT requirements are equivalent in material aspects to the Bermuda AML/ATF requirements. This would enable a consistent approach to be adopted across all overseas operations of the financial group, whether branches and majority owned subsidiaries of Bermuda RFIs or otherwise.	consider allowing the Bermuda RFI to use the parent's AML/ATF programme as long as the programme complies with the home jurisdiction's standards and requirements. The Bermuda RFI has to demonstrate that this is the case before using same. The AML/ATF GN already provides guidance on this area. The financial group will need to seek clarification from other host regulators for their other overseas operations.
1.75	The frequency of audit causes us some concern, as we currently adopt an HBSC Group risk- based approach for determining such frequency for a formal Internal Audit. We would therefore request amending "at least once a year" to '"at least once a year or at such frequency as agreed with the Authority".	The Authority expects the RFI to conduct its internal audit at least once per year. The RFI may determine, based on the nature and complexity of its business operations that an audit of its AML/ATF programme should be done more frequently. Paragraph 1.75 already states this.
1.75-1.79	During Company [name redacted]'s recent meeting with the BMA, it was noted that our agent's annual review did not meet the BMA's standard for independence. Company [name redacted] agreed and had also cited our local representative for this shortcoming. However, in this section the proposed language suggests that an internal audit function can perform the independent review. This runs contrary to our understanding from our meeting with the BMA. Please clarify the difference between audit/internal review and independent review.	BMA's approach to internal audit is captured in Paragraphs 1.75-1.79. The internal audit of the RFI's AML/ATF programme should be done separately (independent) and not be subsumed with the general audit of the RFI's operations.
1.76	It appears based on the above wording that the compliance department can complete an independent audit of AML/ATF compliance, which appears to create self-review threat. We suggest removing the option for compliance to perform independent testing of AML/ATF compliance, or make it clear that if compliance performs the independent audit, they need to clearly demonstrate how that self-review threat has been avoided.	The compliance department assesses the RFI's operational compliance with its AML/ATF policies and procedures, as well as ensuring the RFI complies with the Bermuda AML/ATF regime. The independent audit, as stated here, refers to doing the AML/ATF audit assessment separately

		from the general audit of the RFI's operations. If a RFI believes that self-review threat may affect its ability to effectively perform this work, the RFI can implement measures to mitigate this risk.
1.76	We note the audit may be undertaken by the "compliance and internal auditing departments". We would suggest this be re-worded to be "compliance and/or internal auditing departments".	Agreed.
1.77	We would appreciate engagement to discuss whether all the requirements listed in this section need to be fulfilled in a single audit review or whether they can be conducted as multiple smaller reviews during the course of a given year. The background to this is om overall risk management framework, which adopts "second line of defence" testing undertaken by Compliance on an ongoing risk-based priority as well as "third line of defence" testing which are formal internal audits, scheduled as noted above.	The audit review can be staggered into smaller reviews; however, all the topics/areas should be completed in a given year.
Chapter 2 General	Paragraph 2.4 states that RFIs may decide not to utilize portions of the chapter which do not appear to address risks associated with their business. However, other language in this chapter appears to be quite specific, including the formulas stated in Paragraph 2.30. It would be helpful to understand what, if anything, the BMA considers to be an essential component of a minimally acceptable risk-based program for Bermuda under the new Guidance Notes.	The RFI should apply the AML/ATF GN based on the assessment of its risks. A risk-based approach suggests that the presence or absence of a risk will affect how the RFI employs aspects of this Guidance Note in its operations. The formula in Paragraph 2.30 is an example of a methodology used to assess risk. RFIs may have similar/appropriate methods to assess risks. Given the varying complexities and risk profiles of RFIs, the Authority will not determine what is a minimally acceptable risk-based programme for Bermuda. The AML/ATF GN provides guidance on the areas RFIs should consider in structuring their AML/ATF programme. As per Paragraphs 2.2-2.3, RFIs must structure their programme using a risk-based approach.
2.9-2.84	The Guidance Notes are proposing to introduce risk management precepts of Inherent and Residual Risks upon the AML/ATF remit. This is a fundamental approach to risk management and clearly has a bearing upon AML/ATF. However, it is unclear from the Guidance Notes the exact intention for the new approach and expectations from the regulated institutions. One key query is whether this proposed assessment to be applied at the portfolio or Customer level. In either scenario, it would be helpful if more prescriptive guidance is given as to how this is to be applied. The proposals presented by the Guidance Notes appear to materially redefine the AML/ATF risk-assessment approach presently adopted by all of the XXXX. Also, in the case of those institutions directed by overseas headquarters, such a change to the Bermuda process will have material consequences	The Authority suggests that the risk assessment be applied at the customer level. Looking at each customer's account, (by account type) without looking at the customer as a whole, can be risky. The Authority will engage further with stakeholders on this point. **UPDATE: The AML/ATF GN takes effect once the final document is published, however, the Authority will work with stakeholders during the on-site process and any**

	with respect to the global entity position. Before embarking on substantial changes, we would prefer to have a clear understanding of the intentions.	**follow-up reviews that may take place. As previously indicated, the Authority will be holding stakeholder meetings in due course in order to hold further discussions.**
2.10 inter alia	It is not clear whether the proposed new assessment incorporating inherent and residual risk measurements are directed at the portfolio or customer account level. Presently all Bermuda [name redacted] maintain the standard risk ratings of High/Medium/low at the customer account level. If expected at the customer level, this presents significant resource challenges as the proposed Guidance suggests a much more granular approach must be adopted and thereby applied to every customer account. However, if the intention is to apply this at the portfolio level, we would appreciate further clarification on the intended methodology and specific definition on exactly what the Authority is setting as the [name redacted]'s expected output. The proposed changes in the Guidance Notes are viewed as a material change to current methodologies and shall incur significant costs not to mention an inordinate amount of time to bring to compliance. The Guidance Notes have not provided any specific timelines for implementation. Absence of such will trigger immediate breaches at the time the final Guidance Notes are instituted.	See earlier comment. The Authority will engage further with stakeholders on this point. The AML/ATF GN provides more detailed guidance that captures what has been communicated in the past to stakeholders as well as the AML/ATF legislation, which came into effect on January 1, 2016. The AML/ATF GN will come into immediate effect when posted, however, the Authority will continue to work with stakeholders on regulatory compliance with Bermuda's AML/ATF requirements. **UPDATE: See earlier comment.**
2.48	Typo	Noted
2.48	We have concerns with the limited formal guidance provided on international geographic risk standards. It is presently left to each Bermuda institution to define high-risk jurisdictions imposing substantial subjectivity. The [name redacted] sector would welcome from the local authorities a definitive listing of deemed high-risk jurisdictions such that a single standard can be followed.	The Authority has referred this to Bermuda's National Anti-Money Laundering Committee (NAMLC) and we will issue a response on this in due course. **UPDATE: The FATF issues public statements on jurisdictions that pose higher risks to the financial systems and/or on AML/ATF risks. The FATF also requires countries (and by extension, the RFIs) to apply countermeasures independently of any call by the FATF, hence requiring RFIs to undertake due diligence of locations where business is transacted. We draw your attention to Regulation 11(1) of the Regulations that require RFIs to conduct their own assessments of risk given the nature of their business operations.**
2.58	The proposed matrix proposes a substantially more complex AML/ATF risk rating structure than [name redacted] has presently defined. The implication of the Guidance Notes suggests implementation shall be concurrent with the final approval of the Guidance Notes. This is not	The risk methodology is an example that a RFI can employ to assess and determine the importance of each risk. RFIs may employ similar methods to assess risks and determine its risk

	practical. We request that a realistic transitional timeline be provided for implementing the new standards and more prescriptive guidance be issued to ensure consistency.	appetite (acceptable and unacceptable risks). Regarding implementation of the AML/ATF GN, please see response to Paragraph 2.10
2.71	See comments provided on paragraph 2.10	See response provided to Paragraph 2.58
Chapter 3 General	Guidance on which customer due diligence requirements should apply to one-off transactions or account-based relationships would be appreciated. For money services businesses, it is often a challenge to determine which CDD requirements are appropriate for the type of relationship an MSB has with its consumers. For instance, in Paragraph 3.11 the threshold for CDD of $15,000 for an occasional transaction appears to be quite high.	Money Service Businesses (MSBs) are regarded as higher risk by the FATF. The Authority will be issuing sectoral Guidance Notes for MSBs in due course.
3.15	Exceptions where essential to avoid interrupting normal business (section 3.15 to 3.20) – why are CSPs carved out? As you know, what we and the jurisdiction constantly use as a marketing tool, is speed to market. Save for complex structures which various layers of beneficial ownerships, a lot of times, entities can be formed in 24 – 48 hours. The rationale articulated in section 3.17 is flawed given that background. We have to be able, in prescribed circumstances where on a risk based approach the business has determined that there is little risk of ML or TF, to on-board a structure, verifying the identity of the customer at a time other than prior to establishing the business relationship. Given the speed to market, and in some cases the simplicity of the structure, we have situations where we will have the odd piece of verification outstanding and the entity has already been established (so after the business relationship has been established). It's all done on a risk based approach of course, with time periods that are set and chased.	The Authority recognises that there are company structures whose simplicity may warrant speedy formation and the CDD may not be completed within that timeframe. The Authority will amend paragraph 3.17 to remove the word "company", however, RFIs and Corporate Services Providers (CSPs) must ascertain that such company formations have been assessed as low risk for AML/ATF in order for the exemption to be applicable (refer to Paragraphs 3.15 and 318-3.20).
3.17	On occasion T/CSPs are asked to incorporate on a time-sensitive basis, for e.g. in connection with a larger deal/transaction/restructuring, and could theoretically do so within 24 hours. It isn't accurate to assume that waiting for CDD would be any (or much) less interruptive for legal entity set up than it would for FI services. We therefore feel that the exceptions outlined in 3.15 on page 46 should also be potentially available to T/CSPs.	The Authority is currently reviewing this comment and will provide a follow-up response in due course. **UPDATE: The Authority has taken the position that the exemption will not apply to trusts.**
3.21	Bullet point 2 is viewed as contradictory to Regulation 6(3)(a). If there is suspicion an institution has an obligation to report this. In performing any re-verification this could contravene the aforementioned Regulation which stipulates "A relevant person shall not perform customer due diligence measures where doing so may result in disclosure (tipping off) to any other person (a) information; or (b) any other matter." Our translation of the Regulation provides that upon identification of a suspicious situation, no further COD is to be conducted on the respective party. We would request review and revision of the Guidance Note in this context. In addition, concerns have been noted with the interpretation of "up-to-date". These concerns have been ongoing since the 2010 Guidance Notes and we wish to ensure under the new Guidance Notes the term is clarified. The historical and arduous interpretation applied in practice by the	Re-verification does not necessarily lead to tipping-off. An RFI can re-verify using other sources rather than going to the customer. If there is a possibility that re-verification can lead to tipping off, then the RFI should not do it. FATF Interpretive Note to Recommendation 10 states that documents, data or information collected under the CDD process is to be kept up-to-date and relevant…especially for higher risk categories of customers. The Authority has discussed this with stakeholders in the past, however, we are reviewing this comment and will issue a follow-up response

	Authority has insisted that "up-to-date" requires that every customer file must maintain current, unexpired identification and that whenever a customer account review is performed, obtaining updated verification (e.g. proof of address even where customer has not moved) is necessary- the Authority will be mindful that this has been the topic of frequent challenges of AML/ATF On-sites. We believe this interpretation if far too arduous and presents a significant competitive disadvantage to other comparable jurisdictions. The nature of COD as prescribed by the Regulations is to perform a risk-based assessment and obtain appropriate current documentation at the time of on boarding. Periodic risk based reviews are then to occur throughout the life of the account. At no point do the Regulations specify that all customer COD documentation must be made current. Indeed under the new Guidance Notes it is stipulated for records to be "up-to-date, adequate, and relevant to the business relationship or transaction." We view this as mandating a risk-based approach determined by the circumstances and nature of the account at the time. We would appreciate the Authority's confirmation of our interpretation and, if possible, clarifying this in the Guidance Notes.	in due course. **UPDATE: Further to the Authority's advice above, ensuring that records are up-to-date can be performed together with the other reviews RFIs perform on their documentation. Paragraph 3.21 mentions trigger events that may prompt a review of such documentation and/or the need to re-verify. Ultimately, the information must be current and relevant.**
3.21	Does re-verify = obtain new information and documentation? The implication is that an RFI should obtain new verification documentation without consideration as to whether the previously obtained information and documentation remain current – or whether the risk level has changed.	Re-verification does not necessarily mean new documentation. The RFI must be satisfied that the information or documentation it has on the customer remains relevant and current.
3.30	We would request that consideration be made of applying a risk-based approach to any remediation efforts with timeframes commensurate with the size of any remediation effort.	Agreed
3.31	Typo? Should it read "Verification of identity **OF** any beneficial owners…"?	Agreed
3.31-3.35	We would appreciate guidance on the particular timelines imposed for terminating business relationships. In addition, is the termination requirement intended for only new client on-boarding going forward, or is to apply to pre-existing client relationships? If the intention is for this to apply to pre- existing clients, forced termination of those not conforming to COD requirements may have an undesired consequence of expelling a significant number of local retail clients from the sector altogether. We do not believe the Guidance Note sufficiently contemplates the full implications of "unbanking" a potentially large number of existing clients, especially local retail, that do not conform within defined timelines.	Termination can cover both new and existing clients. The Authority is sympathetic to the issue raised here and is discussing this matter and will issue a follow-up response in due course.
4.9	The current text reads "…occasional transaction means a transaction carried out outside of a business relationship, amounting to $15,000 or more, whether the transaction is carried out in a single operation or several operations that appear linked." As stated in the comment immediately	Noted

	above, in the context of money transfers a $15,000 threshold for “occasional” transactions appear to be high.	
4.10	We would request that the noted period of3 months or determining whether occasional transactions are linked be reviewed. As a matter of practicality, we would propose a period of no more than one month.	The three-month period is intended to catch structuring. The current wording will remain.
4.17	The Guidance Notes mention that documents “issued by organizations” are acceptable as evidence of identity. Could you please provide examples of an acceptable organization? An overall clarification of documents which can be collected for identification purposes, particularly for one-off transactions, would be helpful.	The Authority will not provide examples of acceptable organisations. Documents issued by organisations cannot, by themselves, be used to satisfy CDD. They can be used in conjunction with higher tier documents and are useful in verification process.
4.23	This could prove onerous and an added inconvenience to the customer. Would an uncertified translation by an independent third party suffice? If an employee of the RFI is able to translate, may they do so without the need to certify? Additionally, as the length of verification documents vary, would it suffice to obtain translation of relevant portions only? For e.g., can an employee translate only the relevant section of a trust deed rather than the entirety of that document where we only need information specifying the relevant parties?	The Authority agrees that providing a certified translation of a document can be onerous, therefore, we will amend the text to state that the “RFI should obtain an English translation of the document.” The Authority expects that the RFI must be satisfied that the translated document is a fair and true representation of the original document (refer to Paragraph 4.74).
4.26	Please clarify whether it is indeed the intention, as stated, that if an RFI verifies identity using a government issue passport (which contains, inter alia, date of birth), then it would not be necessary to verify the principle residential address (note - “principle” should refer to “principal”). This statement needs clarification since it seems to conflict with section 4.77 on page 65 which indicates that verification of individuals can be confirmed with copy of ID and Proof of Address. Also, the alternative form of documentary verification in section 4.26 specifically requires certain ID to be accompanied by additional documents which provide both “the Principle residential address and date of birth”.	Agree to change “principle” to “principal”. The Authority agrees with the comments made and will change Paragraph 4.77 to add “Register of Shareholders” and include verification documents as stated in Paragraphs 4.26-4.27.
4.27	General guidance on electronic/online address proof would be helpful. However, we feel that all online address proof e.g. Utility bills, should be acceptable given the global move toward paperless bills and statements.	The Authority is currently reviewing this and will issue a follow-up response in due course. **UPDATE: As noted in Paragraphs 4.30-4.41 of the AML/ATF GN, the Authority may accept online/electronic documents; however, these documents are corroboratory in nature and/or should be verified.**
4.27	For money transfers, the use of a utility bill as an identification document is not standard practice as there is limited confidence that the bill accurately reflects identity.	This should be used in conjunction with other documents in the higher tier.

4.29	For money transfers and in general, we would observe that the acceptance of a visit to the customer's principle address as proper evidence of identity leaves open the possibility for integrity issues and the lack of an ability to verify this in an independent audit.	Where a RFI chooses to exercise this option, it must ensure that integrity issues/risks are dealt with. If the RFI determines that the risks cannot be addressed, then it should not exercise this option.
4.62	We questioned the need to include all signatories as a minimum, because signatories often have no control or power, they simply sign. Persons that have power or control are treated as controlling persons. We also question the need for all directors and other persons exercising control over the management to be verified, including customers due to the products purchased or nature of their business relationships being assessed as low risk. We suggest requiring information to be collected on all of the above, but allowing entities to verify these targets on a risk based approach. Please provide further guidance on what is the minimum "verify" component in the above on boarding situations. Is it the same as if they were being on boarded as an individual customer, or different? Identification and verification of legal persons – section 4.62. I don't follow why signatories are included in the requirement for identification and verification. Signatories often have no control or power, they simply sign. Persons that have power or control or management responsibility will already be caught as controlling persons in any event, so I don't follow what the addition of signatories is designed to catch or what value that adds.	**UPDATE:** The Authority will amend Paragraph 4.62 and revise the list in the last bullet point and use the term "~~controllers~~ **persons exercising control** " as defined under POCA Regulations. We will remove the term "signatories". Please refer to Paragraphs 4.66 -4.68 regarding verification of identity of legal persons and other customers who are not private individuals.
4.63	Presumably the reference to "private persons associated with the customer" refers to persons such as directors, trustees, etc. However, that term is too broad to be precise or for RFIs to understand its scope and should be clarified in this context.	**UPDATE:** The Authority will delete the word "signatories" and use the term "~~controllers~~ **persons exercising control** "as defined under POCA Regulations. The Authority will provide clarity on the term "private persons associated with the customer" and will issue a follow-up response in due course. **UPDATE: The term "private persons associated with the customer" is intended to cover persons who are either beneficial owners (as stated in the paragraph) or persons exercising control. The Authority will clarify this intention in the Guidance Notes.**
4.76	It is not clear why the dual control thresholds are being instituted. We propose a blanket 10% threshold since it would seem much simpler to set this as a single standard.	The Authority appreciates the comment; however, the dual thresholds are intended to address standards affecting CSPs. Nevertheless, the Authority may consider simplifying the threshold level. We will clarify this in a follow-up response

		letter if we decide to move to one threshold level. **UPDATE: The Authority will retain the dual threshold. While the FATF states a general 25% threshold, the CSP regime requires a 10% threshold. This paragraph in the AML/ATF GN provides for that differentiation.**
4.76, 4.85, 4.87, 4.126 4.128 AND 4.76 4.77	GENERALLY: are we to base ownership interest on voting rights only or total assets? In some circumstances the GNs specify 'shares or voting rights'; in other parts, the GNs refer to "assets/property".	The Authority is currently reviewing this issue and will provide a follow-up response in due course. **UPDATE: Ownership can be based on either assets/property or voting rights/shares depending on the structure of the body corporate. Please refer to Regulation 3 of the Regulations on respective references regarding ownership and/or control.**
4.84-4.86	Are SDD entities exempt from these requirements? It isn't clear whether that's the case although we expect that it is and believe it should be.	Paragraph 4.95 provides further details on this issue.
4.85	I believe this is a typo and should reference **4.95** instead. 4.95 speaks to PLCs on appointed stock exchanges	Agreed
4.85, 4.95 & 4.96	I don't follow how section 4.85 and 4.95 and 4.96 fit together. I could be misreading it, but if a corporate is not subject to 4.96, that makes it a listed company, for which beneficial owner verification is waived.	This is a typographical error - change reference from 4.96 to 4.95
4.89	Again, the above appears to provide little ability to apply a risk based approach. It does not appear to allow entities to focus their efforts on the source of the high risk in the relationship, in particular the need to verify all signatories. Essentially the same comment as in my 2 above. In addition, why is this section prescriptive? On a risk based approach, this may not be, in the reasonable judgement of the RFI necessary. Also what is "higher risk" – is that anything save for what the RFI (or maybe the BMA?) considers low risk. We also need to remain competitive, and quite predictably in European based transactions, there will be many signatories, for example, that have no power save to sign. Surely we can't be interested in them.	Delete the term "signatories". Change term from "higher" to "high". The assessment has to be a risk-based assessment.
4.90	This could prove to be onerous for RFIs who will no doubt have to carry out searches at overseas registrars to confirm/verify these matters. This might not be onerous in cases where information on the overseas register is searchable online but could be onerous if an online search is not possible (as is the case with the Bermuda Registrar of Companies).	Where information is not available online, the RFI can verify using other methods/sources of documentation.
4.90/4.92	These statements appear to be contradictory. Is the shareholder register something which should	The Authority agrees with the comment made and will

	be obtained in all cases as suggested in 4.90 or only as an optional, additional measure of verification, which must simply be reviewed per 4.92?	amend Paragraph 4.92 deleting any duplications from Paragraph 4.90.
4.91	I don't follow section 4.91 – "required" by who? The RFI, the BMA?	Required by the RFI.
4.94	The reference to CSPs being required to provide an up-to-date Register of Shareholders to the BMA or other relevant competent authority is surely erroneous and should be deleted.	The Authority will issue a follow-up response in due course. **UPDATE: Since the AML/ATF GN were issued for consultation, the beneficial ownership filing requirement was subject to recent agreements made with overseas authorities that may require changes to the scope, timing and how the information will be filed with the public authority in Bermuda. On that basis, the text will be removed from the AML/ATF GN and will be re-visited once discussions on the matter and finalised.**
4.95/4.96	It would be helpful if confirmation could be provided that any "appointed stock exchange" has disclosure obligations equivalent to those in Bermuda (see, for example, Regulation 10(3).	There is a list on the Registrar of Companies' website.
4.108	The guidance note states the "RFIs must obtain identification for all known beneficiaries..." to include "Those persons or that class of persons who can, from the terms of the trust deed or similar instrument, be identified as having a reasonable expectation to benefit from the trust or other legal arrangement". This is a significant departure from the historical guidance by the Authority that COD on beneficiaries or class of beneficiaries to a trust need not be conducted until prior to any distributions to such. In particular, the extent of the proposed guidance seems inconsistent with Regulation 6(1A)(b) which states "for a beneficiary that is designated by characteristics or by class, obtaining sufficient information concerning the beneficiary to satisfy the relevant person that it will be able to establish the identity of the beneficiary at the time of payout". We note particularly the application of this rule in the case of discretionary trusts; most particularly where named beneficiaries may be unaware of their potential entitlement. The sub-Committee would appreciate clarification on this point but is of the opinion that the status quo practice should continue. We would also seek the Authority's definition on "class of beneficiary" and how a relevant person is to conduct COD on a "class".	The Authority issued draft sectoral Guidance Notes on trusts for comment. We will amend the AML/ATF GN to state that the RFI must obtain and verify information on beneficiaries at the time of disbursement. We will provide clarity on the term "class of beneficiary" in our follow-up response. **UPDATE: Paragraph 4.108 refers to CDD on beneficiaries, whether individuals or class of persons. The intention here is to conduct CDD on members of that class. As noted in Regulation 6(1A), the CDD should be done at the time of payout or as Regulation 8(4) notes when the beneficiary exercises a right vested under the trust.**
4.117	Please explain the rationale as to why "at least four of the trustees..." must be verified whereas, in presumably similar circumstances, "at least two of the relevant corporate signatories or directors" (see section 4.88 on page 68) and "at least two of the relevant signatories or two partners" must be verified (see section 4.132 on page 76). This apparent discrepancy, on its face, does not seem justified.	The Authority will change the term to "at least two of the trustees".

4.148	Bullet point 5 requires "Identification information for all beneficiaries or classes of beneficiaries" in regards non-profit organisations. We would prefer the Guidance Note treatment of COO on beneficiaries for non-profit organisations to be consistent with those of Trust beneficiaries as per comments on paragraph 4.108 above. We would also seek the Authority's definition on "classes of beneficiary" and how a relevant person is to conduct COO on such.	The Authority will engage stakeholders on this issue and will provide a follow-up response in due course. **UPDATE: See comment on Paragraph 4.108**
5.3	Please confirm whether any national risk assessment has been carried out and, if so, whether such will be made available to RFIs.	The report of Bermuda's National Risk Assessment is currently under review by NAMLC.
5.18	Bullet point 2 references paragraph 1.148 - this is incorrect and it would seem the correct reference paragraph should be paragraph 5.148. Certain other paragraph cross references in the document appeared questionable albeit the sub-Committee has not performed a comprehensive cross check. Hopefully the final document will have validated all of these.	Noted.
5.18/5.25	**[Company name redacted]** 5.18**:** As an offshore international financial centre, a considerable percentage of our customer base falls into this category. We feel it would be appropriate if this seemingly absolute requirement could be tempered or applied on a risk basis rather than being absolute. Consider including the words "…, with limited exceptions…" in the introductory language so that it reads "In addition, EDD, with limited exceptions, must be applied…(for e.g. see Section 5.27 on page 87). As an alternative, consider amending risk level to medium in circumstances where customers have been introduced by known and reputable law firms? 5.25 Seems to imply that we can determine whether or not EDD is appropriate and if we determine it is not, we must document the rationale. However the last sentence, "…..in order to demonstrate that it has met its enhanced due diligence requirements" reads more like EDD must be carried out whether or not we think it necessary.	Paragraph 5.15 states EDD is applied once higher risk has been determined by the RFI Regarding Paragraph 5.25, we will delete the latter half of the last sentence "in order to demonstrate that it has met its enhanced due diligence requirements."
5.18	This is rather broad and industry would appreciate further guidance on how direct/strong a connection must be. The current wording seems to imply that EDD will be required no matter how tenuous or indirect the connection may be. This also applies to section 5.19.	The Authority will engage with stakeholders on this issue. **UPDATE: In this context of Paragraph 5.18, the term "connection" is intended to allow RFIs to determine the extent of that connection (regardless of the nature of the connection), to higher risk jurisdictions, affects the risk assessment of the business relationship or transaction.**
5.24	This carries the same concerns as comments regarding paragraph 3.21with respect to "tipping-off'.	See responses to Paragraph 3.21
5.26	We would appreciate a definition on "non-face-to-face" parameters to be provided in the Guidance Notes. Institutions have been and will continue to establish relationships with and through professional, regulated intermediaries which are commonly undertaken without any face-to- face interaction with the underlying, usually internationally located, client parties. The Guidance Notes suggest 'regulated' status should now be disregarded in the face of any non-face-to-face situations	This paragraph refers to communication via post, internet etc. RFIs must assess the risks when using these mediums and adopt appropriate measures if higher risks present themselves.

	and that now "specific and adequate measures" are to be imposed. Clarification on this would be appreciated for inclusion in the Guidance Notes.	Where a RFI uses intermediaries – the RFI must be satisfied that customer identification and verification are being done.
5.27	The reference to paragraph 5.14 seems incorrect.	Noted
5.28	It is unreasonable to expect RFIs to make this determination. It will certainly be far more efficient and effective if the BMA published a list of equivalent countries or jurisdictions which satisfy these criteria. Surely the BMA is in a better position to produce such a list which all RFIs refer to rather than have different RFIs maintaining and referring to different lists.	The Authority will not be providing a list. Similar to Bermuda, jurisdictions must be compliant with the FATF revised 40 recommendations. Jurisdictions' assessment reports are made available publicly, in due course.
5.54	Could you please provide guidance on the definition or examples of "anonymous transactions''.	Examples of anonymous transactions include payment stored credit cards. Anonymous transactions may be linked exceeding $15,000.
5.99	We consider the categories of "Close associates of PEPs" as far too prescriptive. In particular the first two bullet points are of concern. As worded, these suggest institutions are to incorporate formally into the COO obligatory inquiries as to existence of associates such as "mistresses"; and, if the customer is, say, a Member of Cabinet or a Labour Union Officer, then COD must be undertaken on the entire Cabinet and Labour Unions leadership. This is impractical and does not reflect the anticipated spirit. We recommend this category should be removed and the paragraph should adopt a more risk based approach in keeping with Regulation 11(7) which already provides reasonable parameters for assessing a close associate based on "information which is in {relevant persons} possession or is publicly known". In addition the Regulations Schedule provides definitions for close associates. We would recommend adding to the listing of "Family members of PEPs" the category of "Significant Other'' which would contemplate non-family unit members.	The Authority is reviewing the issue and will provide a follow-up response in due course. **UPDATE: The term "close associates" of Politically Exposed Persons (PEPs) is described in Paragraph 2(1)(e) of the Schedule of the Regulations.**
5.106	Under this paragraph, foreign PEPs are considered high-risk. Please clarify under the Guidance Notes whether domestic PEPs in the jurisdiction where the Overseas Operation is operating is considered a foreign PEP for the purposes of this paragraph (as it is foreign to the Bermuda RFI but not necessarily to the Overseas Operation).	The Authority will engage stakeholders on this point. **UPDATE: For the purposes of these Guidance Notes, a domestic PEP of another jurisdiction is considered a foreign PEP. Further, if a person is a regarded as a domestic PEP for an overseas operation, and that overseas operation conducts standard or simplified due diligence, once the person transacts with the Bermuda RFI, the Bermuda RFI must regard that person as a foreign PEP and conduct Enhanced Due Diligence (EDD).**
5.108	While indicative of a higher risk level, and a need for enhanced due diligence, the combination of high risk business + PEP in and of itself shouldn't necessarily warrant suspicion such that a SAR	Agree to delete last bullet point.

	should be considered.	
5.149	The guidance notes seem to be creating new and onerous rules for outsourcing beginning in Section 5.149. As written, the provisions would apply to all outsourcing, whether related to AML/ATF or not. However, the regulations limit any regulatory supervision of outsourcing to the following areas: AML/ATF systems, AML/ATF controls; and AML/ATF procedures. At a minimum, we believe the guidance notes should track the same language.	The outsourcing referred to here is specific to AML/ATF outsourcing.
5.150	Reference is made to "money laundering reporting officer or money laundering control officer": we would propose that this be changed to "Compliance Officer" per other references in the Guidance Notes.	Agreed
5.155	We would request guidance or clarification regarding the final bullet: ''ensure the RFI's ability to resume direct control over the outsourced activity in the event that a need arises". Para 5.158 speaks to the need for "contingency planning and a clearly defined strategy for exiting the outsourcing arrangement". In that context, could you please confirm that the expectation in para 5.155 would be satisfied through such contingency plans or exit strategy, as they would include reference of the circumstances and plan for resumption of direct control if the need arises.	"[W]hen the need arises" and "contingency planning" in Paragraph 5.158 refer to the same thing. So Paragraph 5.158 satisfies the need as stated in Paragraph 5.155.
5.175	Further in the outsourcing section, Section 5.175 attempts to impose a new provision for a Proposal Notice to be submitted to the BMA 45 days prior to any outsourcing agreement. We believe this provision to be unsupported by any act or Regulation and seems wholly unnecessary. Especially since the guidance does not create any parameters around this outsourcing and does not include a materiality provision. Although some jurisdictions, such as South Africa, Singapore and Hong Kong have provisions for approval of outsourcing by a regulator relating to certain licensed entities such as insurance companies, Bermuda has no such notification provisions. In addition, all other provisions reviewed have materiality provisions, which seems to be missing from the Bermuda guidance. We would recommend that the provision on outsourcing be removed and provided to stakeholders separately for further consultation.	The Authority agrees with the comment and will remove the requirement to pre-notify the Authority. We will revise Paragraphs. 5.175-5.178 removing the requirement to pre-notify for outsourcing.
6.7	Section 6.7 mentions that the primary sanctions applicable to Bermuda RFIs are those published by the UN and the EU. However, Section 6.17 sets out the process by which sanctions are actually applied in Bermuda, though the UK, and seems more consistent with previous guidance published by NAMLC. If an entity were to apply only UN and EU Sanctions they would miss UK specific sanctions, many of which can be found through a UK Treasury website[1]. One such specific reference would be to Parvaz KHAN who is listed as a UK only sanctions target and specifically listed on the NAMLC site[2]. If an entity were to follow Section 6.7 and only apply UN and EU sanctions, this individual would be missed.	RFIs need to be aware of UN/EU sanctions, however, we have a legal obligation to follow the UK sanctions. The UN/EU (or other jurisdiction's) sanctions are not enforceable in Bermuda.
6.9	We understand that the Bermuda sanctions regime requires absolute compliance and, as a result,	RFIs need to be aware of UN/EU sanctions, however, we

[1] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/501100/terrorism.pdf
[2] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/498222/TAFA_Renewal_Notice.pdf

	we want to be absolutely certain of the nature of the absolute prohibition. Guidance and confirmation is therefore sought that the Bermuda sanctions regime relates to sanctions which have been specifically extended to and are therefore in effect in, Bermuda. As a result, sanctions which may be in force in other countries, e.g. the US/US Office of Foreign Assets Control, do not extend to Bermuda and therefore would not be an absolute prohibition although, of course, at the very least, EDD measures on a risk-sensitive basis would be applied in such a situation. Please clarify/confirm.	have a legal obligation to follow the UK sanctions. The UN/EU (or other jurisdiction's) sanctions are not enforceable in Bermuda. If a RFI conducts business in a jurisdiction that imposes sanctions on other jurisdictions, the RFI should be aware of the requirements and whether it should consider doing business with that jurisdiction. We would suggest a risk assessment be conducted to determine the level of AML/ATF risk exposure and the appropriate measures be adopted, which can include EDD.
6.25	Presumably this doesn't apply where an RFI carries out permitted, non-sanctioned activities with a sanctioned entity however clarification would be appreciated. Please clarify.	It is acceptable if RFI carries out non-sanctioned activities with a sanctioned entity.
6.56	Per subsequent guidance regarding ongoing monitoring, which distinguishes between domestic and cross-border payments, we would request that this paragraph be updated to read "RFIs should screen the payment information associated with cross-border transfers of funds".	The Authority has determined that the text should remain as is.
6.75	We require clarification on what may be a gap in the sanctions reporting requirements as designated between the Governor and NAMLC. There have been occasions where a lag arises between the issue date of sanctions by HM Treasury applicable to Overseas territories (i.e. Bermuda} and the date on which that sanction is formally listed in the Schedule 1of the International Sanctions Regulations 2013. The Guidance Note does not define how reporting of any noted matches during such interim periods are to be reported. This needs to be clarified. Should the second underlined subsection reflect: "Where the sanction is not in effect in Bermuda"?	During the lag period, the sanctions may not apply (i.e. if the UK has not advised Bermuda that sanctions apply to Bermuda), however it is prudent to check NAMLC before proceeding.
8.6	Bermuda does not utilise CHAPS or SACS for domestic transfers.	Noted. The Authority will delete "but are not limited to", "made via SWIFT" and "via CHAPS and BACS".
8.30, 8.45 & 8.47	Is validation of identification and address only required for transactions in excess of $1,000 where the payer or payee is not an account holder? This would then apply for all money transfer transactions. As a company policy XXX's agents in Bermuda check ID for all transactions regardless of amount.	As per Paragraphs 8.30 and 8.45, validation of identification and address are only required.
8.33	The Guidance Note disallows payments where any information is "meaningless or otherwise incomplete". This is not something the current payment systems of the [name redacted] is capable of defining which has been the topic of prior communications with the Authority. As a means of mitigation the [name redacted] have established a post payment procedure which was submitted to the BMA in 2014.	While this is stated in the FATF recommendations, the Authority will engage with stakeholders to discuss this further. **UPDATE: The Authority acknowledged that some current payment systems may not capture missing information on wire transfers, on a real time basis. The post payment procedure, as noted, was accepted by the Authority, as**

		such, while the RFI should disallow transfer of funds based on meaningless or incomplete information, we will amend the Guidance Notes as follows: "In practice, some messaging systems will ~~not~~ allow a transfer to proceed…"
8.66 & 8.67	In its Money Services Business Regulations, the BMA uses the term "money services business" as set forth in the BMA Act. The function of a Payment Services Business, as described in Paragraph 5.31, appears specifically linked to banks but could have some overlap with MSB functions. The language in Paragraph 8.67 does suggest a link between PSPs and MSBs. We recommend specific treatment of MSBs and note that the term only appears once (Paragraph 7.14) in the Guidance Notes. Inclusion of MSBs would benefit, for example, Paragraphs 8.9 and 8.10 by helping to clarify that the implementation of FATF Special Recommendation VII applies to MSBs as well as PSPs. The same observation could be made for other paragraphs in Chapter 8. This could be accomplished by adding an annex on Sector Specific Notes for Money Transfers Businesses, as we note that many other sector-specific notes are still forthcoming.	The Authority will be issuing sectoral Guidance Notes on MSBs in due course.
9.10	The guidance notes mention a three pronged test for the filing of Suspicious Activity Reports (SAR) with the FIA, specifically belief/knowledge, suspicion and reasonable grounds to suspect, beginning in Section 6 of the guidance notes and throughout the rest of the guidance and is specifically defined in Section 9.10. This three pronged test is not applicable in Bermuda as Bermuda legislation only provides for a two pronged test of belief/knowledge or suspicion. We have attached the UK legislation, specifically Section 330 of their Proceeds of Crime Act 2001 and the corresponding Bermuda legislation, Section 46 of the Proceeds of Crime Act (POCA) for your review. Accordingly, as BMA guidance notes cannot amend POCA, the ATFA or the Regulations, we believe that all references to reasonable grounds for suspicion in relation to the filing of a SAR should be removed from the guidance. Further discussion on belief/knowledge and suspicion versus reasonable grounds can be found in Shah -v- HSBC Private Bank (UK) Limited [2012] EWHC 1283.	This three-pronged test is not in POCA, however as this is in FATF Recommendation 20, POCA needs to be amended and the three-pronged test be re-inserted into the AML/ATF GN. The Authority agrees to remove from the GN and recommend that the legislation be amended to include the three-pronged test. Once the legislative change has been made, the AML/ATF GN will be updated.
9.50 - 9.53	We submit that paragraphs 9.50 to 9.53 would only be applicable in respect of the Bermuda business of a Bermuda RFI and its Overseas Operations provided that the Overseas Operations are regulated and subject to AML/ATF reporting requirements locally. This is because the local laws and regulations of Overseas Operations would not usually provide for reporting of suspicious transactions to a foreign Financial Intelligence Unit.	The Authority has referred this comment to NAMLC. **UPDATE: Bermuda RFIs are required to file suspicious activity reports to the Financial Intelligence Agency (FIA). The Bermuda RFI must ensure that its overseas operations file suspicious activity reports with the local FIA of that jurisdiction.**
9.61	There are a number of places in the guidance notes, specifically 9.61 and 9.76 that mention consent provisions, but we believe that they are inconsistent in their reference to Sections of POCA and ATFA. For ease of reference, we believe that they should be consistent in their reference to Section	Agreed

	43, 44, and 45 of the POCA and Section 12 of the ATFA.	
9.76	There are a number of places in the guidance notes, specifically 9.61 and 9.76 that mention consent provisions, but we believe that they are inconsistent in their reference to Sections of POCA and ATFA. For ease of reference, we believe that they should be consistent in their reference to Section 43, 44, and 45 of the POCA and Section 12 of the ATFA.	Agreed
Annex	The Guidance Notes are general in nature, covering all sectors of RFIs. We look forward to Annex II which is expected to provide sector specific guidance for insurance business and suggest that a consultation also be conducted with the insurance industry before Annex II is finalised. In particular, we seek further guidance on Bermuda insurers which conduct reinsurance activities with affiliated ceding entities only. Given the relatively low AML risk, some requirements in our view such as paragraphs 1.36 to 1.49 (Compliance Officer and Reporting Officer), 1.50 to 1.53 (Periodic Reports), 1.54 to 1.56 (Internal Controls) and 1.75 (Independent Annual Audit) may be excessive and not proportionate to the regulation of the Bermuda RFI given the nature, scale and complexity of such an RFI under a risk-based approach (see Chapter 2).	**UPDATE: Noted – the sectoral Guidance Notes for Long-Term insurance business has been published for consultation and the Authority will be issuing a stakeholder response shortly.**
Annex V	We recommend the Governor be included in this listing given the regulatory role under the International Sanctions Regulations 2013.	The Minister of Justice will liaise with the Governor as and when required, hence it is not necessary to add the Governor to the list.