



Procedure for termination notification of a business relationship pursuant to art. 9b AMLA – entering a report CANCL/CANCT

MROS/15.09.2022

As of January 1, 2023, these instructions will be integrated within the goAML-Manual as an eleventh chapter

As of January 1, 2023, financial intermediaries are allowed, under certain conditions, to terminate a business relationship that has previously been the subject of a suspicious activity report – regardless of whether the report was made on the basis of art. 9 para. 1 lit. a AMLA or Art. 305^{ter} para. 2 of the Swiss Criminal Code (SCC) – upon expiry of 40 working days following the date of receipt noted on the acknowledgement receipt of the suspicious activity report (new art. 9b AMLA).

However, financial intermediaries must inform MROS without delay if they terminate a business relationship previously reported to the Money Laundering Reporting Office Switzerland (MROS). This provision does not apply to business relationships indicated in reports whose information has already been transmitted to a law enforcement authority.

The content of such termination notices of a business relationship is determined in art. 3 para. 1^{bis} of the Ordinance on the Money Laundering Reporting Office (MROSO).

If it is reported electronically, this termination notice of a business relationship must be made by means of a new report type (CANCL/CANCT), which contains the information about the terminated business relationship in a structured manner (reference of the report, accounts concerned, date of termination, etc.).

Entering of a CANCL/CANCT report following the termination of a business relationship pursuant to art. 9b AMLA

For this purpose, the CANCL (without transaction) or CANCT (with transaction) reporting type should be selected. It should be mentioned that it is optional to document the withdrawal of significant assets in the context of the termination of the business relationship (art. 3 para. 1^{bis} MROSO) by means of transactions (CANCT report). The terminated business relationship can also be reported to MROS by means of a CANCL report (analogous to the SAR report) or, if necessary, by means of a CANCT report and a multiparty dummy transaction.

Any withdrawal of significant assets in the context of the termination of the business relationship must be documented for both CANCT and CANCL reports by means of account statements attached to the report. However, it is possible that no such withdrawal of significant assets takes place (e.g. if there were already no assets left in the business relationship at the time of the suspicious activity report). In this case, it can also not be documented.



Select a report type to continue

▼ Create Report

- AIF
- AIFT
- CANCL- Termination BR acc. art. 9b AMLA
- CANCT - Termination BR acc. art. 9b AMLA
- No
- Yes

transactions,
onal information
ect "AIF" (if no
ctions are going
mination of
Information –
ming Request for
Information – Domestic) or ISD (Incoming Spontaneous Information -
Domestic).

In the main entry screen of the report, the marked mandatory fields must be filled in accordingly. It is particularly important that the reference number of the related previous report in which the terminated business relationship have been reported as suspect to MROS (e.g. STR-00021x) is always entered in the "Ref. nr. MROS" field. Only the reference number itself must be entered without any additional text such as "MROS Ref".

The termination of several business relationships may be reported at the same time in one termination notice, but only if they were originally reported under the same suspicious activity report.

CANCL- Termination BR acc. art. 9b AMLA

Local Currency Code: CHF Reporting Entity: Mein Sparschwein AG Reporting Entity: 163 Report ID: 9633-0-0

Reporting Entity Branch: Reporting Entity Reference: TERMINATION-001 Report Date: 9/9/2022 Ref. No. MROS: STR-00021x

Description of facts: Termination of a business relationship pursuant to art. 9b AMLA

Reason for suspicion / what steps have been taken?: Termination of a business relationship pursuant to art. 9b AMLA

Address of reporting entity

Type: Business Address: Stallstrasse 1 City: Schweinfurt Zip: Country: GERMANY

In the submenu "Attachments", the mandatory documents pursuant to art. 3 Para. 1^{bis} MROSO such as balancing documents (confirmation of termination including date of termination) and account statements must be uploaded in the CANCL/CANCT report to document any withdrawal of significant assets as part of the termination of the business relationship.



The screenshot shows the 'Attachments' section of a report. The table below is a representation of the data shown:

| File Name | File Size | Actions |
|--|-----------|---------------------|
| Termination BR - confirmation of termination | 62632 | [Delete] [Download] |
| Termination BR - account statements | 142863 | [Delete] [Download] |

For the indicators, the codes **0024M**, **1207V**, **2103G** and **3023B** must be selected in the submenu "Report type / Suspected predicate offense / factor(s) arousing suspicion / type of attachments".

The screenshot shows the selection of indicators in the submenu. The table below represents the data shown in the interface:

| Code | Report type / suspected predicate offense(s) / factor(s) arousing suspicion / type of attachments |
|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 0024M Art. 9b GwG |
| <input checked="" type="checkbox"/> | 1207V Art. 9b GwG |
| <input checked="" type="checkbox"/> | 2103G Art. 9b GwG |
| <input checked="" type="checkbox"/> | 3023B Saldierungsnachweis infolge Abbruch einer Geschäftsbeziehung gemäss Art. 9b GwG |

In the last submenu "Activity" (CANCL) or "Transaction" (CANCT) the balanced accounts must be entered. If a CANCT report is generated, any withdrawal of significant assets must be documented as part of the balancing of the accounts by means of corresponding BiParty transactions.

The following mandatory fields must be completed in the "Account" section for both CANCL and CANCT reports:

- Account or IBAN nr.;
- Institution name;
- Canton of business relationship;
- BIC;
- Status of the account ("closed");
- Account currency;
- IBAN;
- Balance date;
- Additional comments.

How such an account entry is made can be found in chapter 9.4.2.5 of the goAML Web – manual. In addition, the text "Termination BR pursuant to art. 9b AMLA" must be added to the comment field of the account as shown below.



Additional mandatory information for a CANCT report:

- The balanced accounts must be entered with all details (contracting party, beneficial owners, authorized signatories, etc.);
- The accounts of any counterparties to transactions must be entered (institution name, BIC, account number and/or IBAN, account holder (if any));
- Additional information (e.g. reason for payment according to payment order in a transaction or information on the counterparty).

The screenshot shows the MROS web portal interface for entering a CANCT report. The main form is titled 'Account' and contains several fields:

- Account Category:** A dropdown menu.
- Account / BAN - Number:** Text input field containing '123456'.
- BIC:** Text input field containing 'TEBACHXX'.
- City of relationship / other comments:** Text input field containing 'Zurich'.
- Account Type:** A dropdown menu.
- Status Code:** Text input field containing 'Closed'.
- Account currency:** Text input field containing 'Swiss Franc'.
- Institution Name:** Text input field containing 'Test Bank Inc.'.
- Additional comments:** Text input field containing 'Termination BR pursuant to art. 9b AMLA'.

The interface also shows a navigation menu at the top with options like 'NEW REPORTS', 'DRAFTED REPORTS', 'SUBMITTED REPORTS', 'MESSAGE BOARD (2)', 'MY GOALS', 'STATISTICS', 'ADMIN', and 'HELP'. The user is logged in as '(Taiko) Mein Sparschwein AG'.

Note: All accounts affected by the termination of the business relationship, which were previously reported to MROS in the corresponding suspicious activity report, must be entered resp. contained in structured form in the respective XML file.

It is also important to note that MROS does NOT send acknowledgement receipts to the reporting financial intermediaries after receiving CANCL/CANCT reports on the termination of a business relationship. As soon as the respective report is in the "Processed" status under the "Submitted reports" tab in the web portal, it is considered to have been transmitted resp. received by MROS.

MROS reserves the right to reject incorrectly or incompletely recorded CANCL/CANCT reports for revision by the financial intermediary.