



Banc Ceannais na hÉireann  
Central Bank of Ireland

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Eurosystem

**Instruction Manual and Guidance Note  
for entities seeking to register as a  
Virtual Asset Service Provider under  
section 106G of the Criminal Justice  
(Money Laundering and Terrorist  
Financing) Acts 2010 to 2021**

April 2021

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# Introduction

**This Instruction Manual and Guidance Note should be read before completing a VASP AML/CFT Registration Form for registration as a Virtual Asset Service Provider (“VASP”).**

This document provides guidance to Applicant Firms in relation to the requirements of the Central Bank of Ireland (“Central Bank”) when completing the VASP AML/CFT Registration Form for registration as a VASP under the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010 to 2021 (the “CJA 2010 to 2021”). **It does not constitute legal advice nor does it seek to interpret relevant legislation.** The Applicant Firm should seek independent legal advice, if the Applicant Firm is in any doubt as to whether VASP registration is required.

In order for the Central Bank to consider an application for registration, a VASP AML/CFT Registration Form must be submitted to the Central Bank. **It is an offence under section 106E (2) of the CJA 2010 to 2021 for a person to carry on the activity of a VASP without registering with the Central Bank, in accordance with section 106E (1) of the CJA 2010 to 2021.** In order for the Central Bank to consider and accept an application for registration from a VASP, the Applicant Firm must fully complete the VASP AML/CFT Registration Form and submit all required registration documentation. In completing and submitting the required registration information, Applicant Firms must satisfy the Central Bank that they are fully compliant with all relevant regulatory requirements under the CJA 2010 to 2021.

In order to submit a VASP AML/CFT Registration Form the Applicant Firm must first complete and submit a Pre-Registration Form. The Applicant Firm is required to send the completed Pre-Registration Form to [VASP@centralbank.ie](mailto:VASP@centralbank.ie). Following receipt of the Pre-Registration Form, the Central Bank will issue the Applicant Firm with a Central Bank Institution Number, and details on how to submit a VASP AML/CFT Registration Form for registration. This information will enable the Applicant Firm to access the Central Bank’s Online Reporting System (“ONR”) for the purposes of submitting a VASP AML/CFT Registration Form. Please note that a VASP AML/CFT Registration Form will not be accepted by the Central Bank via email, as all VASP AML/CFT Registration Forms must be submitted by Applicant Firms through the Central Bank’s ONR.

The Central Bank offers the facility of an **optional pre-application meeting** to Applicant Firms, in order to answer specific questions about any aspect of the registration process and the completion of the VASP AML/CFT Registration Form. It is recommended that Applicant Firms avail of this meeting prior to the submission of their VASP registration documentation. Please note that Applicant Firms who wish to avail of this meeting should have sufficiently prepared their registration material before requesting such a meeting, and should have specific questions prepared in advance, so that the meeting can be as productive as possible. Information in respect of the Central Bank’s VASP registration process, including all registration documentation, is contained on the Central Bank website. If an Applicant Firm wishes to avail of a pre-application meeting, the Applicant Firm should contact the Central Bank on [VASP@centralbank.ie](mailto:VASP@centralbank.ie)

# VASP AML/CFT Registration

The law in Ireland on anti-money laundering and the countering of the financing of terrorism (AML/CFT) is governed by the CJA 2010 to 2021.

The Central Bank is the competent authority in Ireland for the monitoring and supervision of VASPs' compliance with their AML/CFT obligations under Part 4 of the CJA 2010 to 2021. The Central Bank is empowered to take measures that are reasonably necessary to ensure that VASPs comply with the provisions of the CJA 2010 to 2021.

## When does the obligation to register arise?

In advance of making an application for registration, each Applicant Firm must assess whether its proposed activities require registration.

If a firm is established in Ireland and performs any of the following VASP activities for or on behalf of another natural or legal person, then it will need to register with the Central Bank as a VASP prior to commencing its virtual asset services<sup>1</sup>:

- i. Exchange between virtual assets and fiat currencies;
- ii. Exchange between one or more forms of virtual assets;
- iii. Transfer of virtual assets, that is to say, conduct a transaction on behalf of another person that moves a virtual asset from one virtual asset address or account to another;
- iv. Custodian wallet provider;
- v. Participation in, and provision of, financial services related to an issuer's offer or sale of a virtual asset or both.

**In advance of submitting an application for registration, an Applicant Firm should satisfy itself that:**

1. Its proposed activities require registration as a VASP under the CJA 2010 to 2021;
2. It has an AML/CFT framework in place that enables it to comply with its AML/CFT obligations under the CJA 2010 to 2021;
3. It has read this Instruction Manual and Guidance Note, and has taken the information provided therein into consideration when completing the application for registration.

**The onus is on the firm to ensure that it is satisfied that it is conducting a VASP activity.**

The Central Bank may request a legal opinion from the Applicant Firm, as part of the VASP registration process where the firm has failed to demonstrate that its proposed activities meet the definition of a VASP under section 24 (1) of the CJA 2010 to 2021 or where the Applicant Firm

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<sup>1</sup> Section 106F of the CJA 2010 to 2021, sets out the transitional provisions for existing virtual asset service providers who were carrying on business as a VASP, immediately before the legislation came into force.

has failed to demonstrate that the virtual assets related to its VASP activities meet the definition of a virtual asset under section 24 (1) of the CJA 2010 to 2021.

It is the responsibility of any Applicant Firm to satisfy itself that the activities it is undertaking, or plans to undertake, do not require any additional authorisations, registrations or licenses from the Central Bank in order to conduct these activities. VASPs must consider the regulatory obligations that they may need to comply with, and/or in respect of any other authorisations that may be required. It is important to note that a registration as a VASP is a registration for AML/CFT purposes only.

The obligation to register applies irrespective of whether the firm is already licenced, authorised or otherwise registered with the Central Bank under legislation other than Chapter 9A, Part 4 of the CJA 2010 to 2021.

## Criteria for Assessing Applicant Firms

Section 106E (1) of the CJA 2010 to 2021 requires VASPs to register with the Central Bank. The VASP AML/CFT Registration Form, located on the Central Bank website, is required to be completed by Applicant Firms to meet the registration requirements set out in section 106G of the CJA 2010 to 2021.

This instruction manual and guidance note should be read in conjunction with:

- The VASP AML/CFT Registration Form;
- The CJA 2010 to 2021;
- The Fitness and Probity Standards (issued by the Central Bank under Section 50 of the Central Bank Reform Act 2010)<sup>2</sup>;
- The Central Bank's Guidance on Fitness and Probity Standards 2018<sup>3</sup>;
- The Central Bank's 'Anti Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector' dated September 2019<sup>4</sup>;
- Guidance issued by the Financial Action Task Force (FATF)<sup>5</sup>;
- Guidance issued by the European Supervisory Authorities (ESAs)<sup>6</sup>.

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<sup>2</sup> <https://www.centralbank.ie/docs/default-source/Regulation/how-we-regulate/fitness-probity/regulated-financial-service-providers/regulated-financial-service-providers/fitness-and-probity-standards.pdf>

<sup>3</sup> <https://www.centralbank.ie/docs/default-source/Regulation/how-we-regulate/authorisation/fitness-probity/guidance-on-fitness-and-probity-standards.pdf>

<sup>4</sup> <https://www.centralbank.ie/docs/default-source/regulation/how-we-regulate/anti-money-laundering-and-countering-the-financing-of-terrorism/guidance/anti-money-laundering-and-countering-the-financing-of-terrorism-guidelines-for-the-financial-sector.pdf?sfvrsn=4>

<sup>5</sup> [https://www.fatf-gafi.org/publications/virtualassets/documents/virtual-assets.html?hf=10&b=0&s=desc\(fatf\\_releasedate\)](https://www.fatf-gafi.org/publications/virtualassets/documents/virtual-assets.html?hf=10&b=0&s=desc(fatf_releasedate))

<sup>6</sup> <https://www.eba.europa.eu/regulation-and-policy/anti-money-laundering-and-countering-financing-terrorism>

The following areas are assessed by the Central Bank in considering an application for registration by a VASP:

- The firm's details, including the firm's proposed VASP activities, business model, structure and regulatory history.
- The firm's shareholdings and senior management, including direct and indirect shareholders, partnerships, and management.
- The Fitness and Probity of the beneficial owners / controllers of the firm, the firm's principal officers, and the persons holding certain other management functions of the firm.
- The firm's AML/CFT governance, including the firm's risk assessment, policies and procedures, AML/CFT manual, AML/CFT training and report management information.
- The firm's ML/TF risk profile, including the firm's customer exposure, financial sanctions and PEPs screening, geography/country, distribution channels, and agents and branches.
- The firm's risk based approach, including the firm's assurance testing, third party reliance, and outsourcing activities.

The requirements in relation to each of the areas outlined above are set out in the VASP AML/CFT Registration Form. **Registration as a VASP will only be granted to a VASP operating an establishment in the State and only in circumstances where the Central Bank is satisfied that the Applicant Firm is in a position to comply with its obligations under the CJA 2010 to 2021.**

## Completing an Application for Registration

To obtain a VASP registration, a VASP AML/CFT Registration Form must be submitted to the Central Bank. **The application must satisfy the Central Bank that the Applicant Firm is in a position to comply with its obligations under the CJA 2010 to 2021.**

The following documentation must be fully completed and submitted in order to apply for VASP registration:

1. The VASP AML/CFT Registration Form (including the specific information/documentation requirements set out therein);
2. Beneficial Owner Application Form(s), as appropriate, including:
  - Application for each Legal Person or Other Entity Type who is a beneficial owner in an Applicant Firm
  - Application for each Natural Person who is a beneficial owner in an Applicant Firm
3. Once an application is submitted, the Applicant Firm will also need to ensure that all relevant individuals proposed to hold a Pre-Approval Controlled Function role (e.g. PCF 15: Head of Compliance with responsibility for AML/CFT Legislation) complete **Fitness and Probity Individual Questionnaires** – further information is available [here](#). Individual Questionnaires must be submitted electronically via the Central Bank's Online Reporting System by all relevant individuals.

The Fitness and Probity Regime was introduced by the Central Bank under the Central Bank Reform Act 2010 (the 2010 Act). This Regime is critical to the protection of the public interest and to ensuring there is public trust and confidence in the financial system. The core function of the

Fitness and Probity Regime is to ensure that individuals in key and customer facing positions - referred to in the legislation as Controlled Functions (CFs) and Pre-Approval Controlled Functions (PCFs) - within a Regulated Financial Service Provider (Regulated Firm) are competent and capable, honest, ethical and of integrity and also financially sound. The Central Bank's vision for the Fitness and Probity Regime is that Regulated Firms and individuals who work in these firms are committed to high standards of competence, integrity and honesty, and are held to account when they fall below these standards.

**The Central Bank will not process applications for registration until the VASP AML/CFT Registration Form has been completed, and all the required accompanying information and documentation has been received via the Online Reporting System ("ONR").** It is the Applicant Firm's responsibility to ensure that all required information and documentation is included with the application.

**Applicant Firms will gain access to the ONR following the submission of the VASP Pre-Registration Form, which is located on the Central Bank website.** The completed VASP Pre-Registration Form must be sent to [VASP@centralbank.ie](mailto:VASP@centralbank.ie). The Central Bank will issue the Applicant Firm, via email, with its Central Bank Institution Number, and details on how to access and submit a VASP AML/CFT Registration Form via ONR. The completed VASP AML/CFT Registration Form and all relevant supporting information and documentation can then be submitted via the Online Reporting System.

An automatically generated email will be issued to the Applicant Firm, via the ONR system, to advise that its application has been received.

The Central Bank will undertake a preliminary review of applications submitted to ensure all required information and documentation has been provided. Where the required information or documentation have not been provided, the Applicant Firm will be informed that the application will not be progressed until the outstanding information and documentation has been provided. Instances where this may occur include where:

1. Any of the specific documentation and other information requested in the VASP AML/CFT Registration Form has not been provided or fully completed;
2. Any of the documentation and information provided is, in the opinion of the Central Bank, materially deficient.

**It should be noted that submitting the information requested in the VASP AML/CFT Registration Form does not mean that an application is 'complete'.** The Central Bank may need to ask additional questions or seek further information and/or documentation to clarify the information provided by an Applicant Firm in the VASP AML/CFT Registration Form. It is only when all additional information and/or documentation requested has been provided that the Central Bank will be in a position to determine whether an application is complete.

**The information provided in the VASP AML/CFT Registration Form should be true, complete, accurate and up to date.** The level of detail should be proportionate to the Applicant Firm's size and internal organisation, and to the nature, scope, complexity and riskiness of the particular service(s) the Applicant Firm intends to provide.

Where the Applicant Firm wishes to change the information provided in its VASP AML/CFT Registration Form, the Applicant Firm should, without undue delay, inform the Central Bank in writing accordingly. However, there should be no significant changes made to the Applicant Firm's application during the course of the registration process. Where such significant changes are made, a new application for registration will be required.

All reasonable steps must be taken by an Applicant Firm to ensure that the information provided to the Central Bank in its application for registration is accurate and complete. **Applicant Firms should note that the Central Bank may refuse an application for registration, under section 106H of the CJA 2010 to 2021, which sets out the circumstances by which the Central Bank may refuse an applicant for registration.**

If you have any queries in relation to the VASP AML/CFT Registration Form and/or the registration process, please send them to: [VASP@centralbank.ie](mailto:VASP@centralbank.ie)

## Registered VASPs

The Central Bank registers VASPs on the basis of its assessment of the information and documents submitted by the Applicant Firm during the registration process, including the Applicant Firm's VASP AML/CFT Registration Form. Applicant Firms will only be granted a VASP registration for the VASP activities (e.g. custodian wallet provider) it has specified in its VASP AML/CFT Registration Form. Registered firms will be expected to operate in such a manner for a period of at least one-year post registration. Where a registered firm seeks to engage in additional VASP activities that deviate from the VASP activities set out in the firm's VASP AML/CFT registration, a further application will be required in respect of any such additional VASP activities.

## Data Protection

The Central Bank will process personal data provided by you in order to fulfil its statutory functions or to fulfil its business operations. Any personal data provided will be processed in accordance with the requirements of data protection legislation. Should you have any queries concerning the processing of personal data by the Central Bank, these can be submitted to [dataprotection@centralbank.ie](mailto:dataprotection@centralbank.ie).

A copy of the Central Bank's Data Protection Notice is available [here](#).



# Instructions and Guidance on Completing the VASP AML/CFT Registration Form

This section provides instructions and guidance to Applicant Firms in how to complete the VASP AML/CFT Registration Form. Please note that the referencing sequence mirrors that of the VASP AML/CFT Registration Form. As many of the questions set out in the VASP AML/CFT Registration Form are quite specific with regard to the information/documentation that is required, only the sections (or sub-sections) where further guidance is deemed appropriate are included below.

The firm must complete **all** sections of the VASP AML/CFT Registration Form. Where a drop down box is available, the selection should be made using the available options.

The firm **MUST NOT** 'Copy and Paste' data into any cells contained within the VASP AML/CFT Registration Form. Information should only be entered in the format specified.

Completion Notes		
Section 1. Applicant Firm Details		
Reference		Notes
1.1	Applicant Firm Name	The firm's legal name must mirror the Applicant Firm's constitutional documentation and the name registered with the Companies Registration Office at the date of submission of the VASP AML/CFT Registration Form.
1.2 (iii)	Contact Details	<p>In determining the Applicant Firm's MLRO or the person holding equivalent function within the firm, the Applicant Firm should ensure that the person appointed:</p> <ul style="list-style-type: none"> <li>- <i>Has sufficient and appropriate AML/CFT knowledge and expertise;</i></li> <li>- <i>Has the autonomy, authority and influence within the Firm to allow them to discharge their duties effectively;</i></li> <li>- <i>Is capable of providing effective challenge within the Firm on AML/CFT matters when necessary;</i></li> <li>- <i>Has the capabilities, capacity and experience to oversee the identification and assessment of suspicious transactions and to report/liaise with the relevant authorities where necessary in relation to such transactions;</i></li> <li>- <i>Keeps up to date with current and emerging ML/TF trends and issues in the industry and understands how such issues may impact the Firm;</i></li> <li>- <i>Has access to adequate resources and information to allow them to discharge their duties effectively; and</i></li> <li>- <i>Is readily accessible to staff on AML/CFT matters.</i></li> </ul>
1.3	Applicant Firm Details	The trading name is the name the Applicant Firm has registered for use for the branding of its services, promotions, advertising etc.

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		<p>An Applicant Firm seeking registration as a VASP must be acting in the State. In general, the Central Bank interprets “acting in the State” to mean a corporate body constituted under Irish law, or a branch, or agent, or a sole trader, which is operating its virtual asset services from an establishment, or via a physical presence, in Ireland. There are a number of company types provided for under Irish law, e.g. a private company limited by shares, a designated activity company etc. Further information is available in the Companies Act 2014. For the avoidance of doubt, the Central Bank also interprets “acting in the State” to include an operator of a virtual asset ATM located in Ireland; and a branch of a firm located in a different jurisdiction, where that branch is providing services in relation to virtual assets. Whether or not an Applicant Firm is acting in the State will be assessed on a case by case basis.</p> <p>In line with the principle of territoriality enshrined in the EU AML Directives and section 25 of the CJA2010, the Central Bank will expect to see a physical presence located in Ireland and for there to be at least one employee in a senior management role located physically in Ireland, to act as the contact person for engagement with the Central Bank. The onus of meeting the statutory requirements and satisfying the Central Bank that the Applicant Firm is being operated from Ireland (not abroad) lies with the Applicant Firm.</p>
1.5	Professional Advisor Details	Where relevant, the name and address of the entity that has provided the Applicant Firm with professional advice in relation to its VASP activities.
1.7	Applicant Firm Structure	<p>The definition of a ‘group’ is set out in section 24 of the CJA 2010 to 2021: <i>‘group’ means a group of undertakings which consists of a parent undertaking, its subsidiaries, and the entities in which the parent undertaking or its subsidiaries hold a participation, as well as undertakings linked to each other by a relationship within the meaning of Article 22 of Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC;</i></p> <p>The Applicant Firm must confirm whether or not it is a member of a group entity, and provide the relevant details as part of the registration submission.</p>
1.8	Proposed VASP activities	The VASP activities as set out in section 24(1) of the CJA 2010 to 2021. Please note that any registration that maybe granted, will only be in respect of the VASP activities listed in this section of the application form.
1.9 (i)	VASP Business Profile	The projected number of customers the Applicant Firm is projecting to provide VASP services for in year 1 and year 2.

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		Where an Applicant Firm is providing a number of VASP services to a single customer, this customer should be counted as one single customer in the VASP AML/CFT Registration Form.
1.9 (ii)		<p>The Applicant Firm’s projected turnover in Euro (€) in the Applicant Firm’s current financial year and the following two financial years. All financial figures should be reported in Euro thousands (€’000), for example €325,652 should be stated as 326. Any ‘€’ and ‘k’ symbols should be omitted when keying in this data and only digits should be input.</p> <p>Turnover as defined by section 275 of the Companies Act 2014:  <i>“turnover”, in relation to a company, means the amounts of revenue derived from the provision of goods and services falling within the company’s ordinary activities, after deduction of</i></p> <ul style="list-style-type: none"> <li>(a) trade discounts</li> <li>(b) value-added tax, and</li> <li>(c) any other taxes based on the amounts so derived,</li> </ul> <p><i>and, in the case of a company whose ordinary activities include the making or holding of investments, includes the gross revenue derived from such activities.</i></p>
1.9 (iii)		<p>The projected number of VASP related transactions in the current financial year and the following two financial years.</p> <p>A transaction, for the purposes of the VASP AML/CFT Registration Form, relates to a transaction involving a virtual asset, as part of the Applicant Firm’s VASP activities.</p>
1.9 (iv)		The projected collective value of all transactions originating from the Applicant Firm’s VASP activities in the current financial year and the following 2 financial years.
1.9 (v)		The projected collective value of all virtual assets held on behalf of customers in custody by the Applicant Firm in the current financial year and the following 2 financial years.
1.9 (vi)		The projected number of staff directly employed by the Applicant Firm as part of its VASP business.
Section 2. Ownership & Management		
2.1 & 2.2	Direct Beneficial Ownership: Shareholders / Partners & Indirect	As set out in section 24 of the CJA 2010 to 2021 “a <i>“beneficial owner”</i> has the meaning assigned to it by sections 26 to 30”. The Applicant Firm should familiarise itself with sections 26 to 30 of the CJA 2010 to 2021 prior to the completion of this section.

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	<p>Beneficial Ownership: Shareholders / Partners</p>	<p>Applicant Firms are required to submit to the Central Bank beneficial ownership information in respect of each direct and indirect beneficial owner of the Applicant Firm. This information must accompany the Applicant Firm’s VASP AML/CFT Registration Form submission. The form required in respect of each beneficial owner depends on whether the beneficial owner is a natural or legal person.</p> <p>For all beneficial owners, the Applicant Firm must ensure that one of the following Beneficial Ownership Forms is completed and provided with the Applicant Firms VASP AML/CFT Registration Form submission:</p> <ul style="list-style-type: none"> <li>- Application for each Legal Person or Other Entity Type who is a beneficial owner in an Applicant VASP</li> <li>- Application for each Natural Person who is a beneficial owner in an Applicant VASP</li> </ul>
<p>2.3</p>	<p>Principal Officers</p>	<p>Section 106A of the CJA 2010 to 2021 set out the definition of a principal officer to mean “(a) in relation to a body corporate, any person who is a director, manager, secretary or other similar officer of the body corporate or any person purporting to act in such a capacity, or (b) in relation to a partnership— (i) any person who is a partner in, or a manager or other similar officer of, the partnership or any person purporting to act in such a capacity, and (ii) in a case where a partner of the partnership is a body corporate, any person who is a director, manager, secretary or other similar officer of such a partner or any person purporting to act in such a capacity;”</p> <p>An Applicant Firm will be provided with log-in details for the Central Bank’s Online Reporting System, after the Applicant Firm submits a VASP Pre-Registration Form. This will enable them to submit Individual Questionnaires in respect of each Pre-Approval Controlled Function role holder.</p> <p>Pre-Approval Controlled Functions means those functions set out in Schedule 2 of the Central Bank Reform Act 2010 (as amended).</p> <p>Applicant Firms should note that, under Section 21 of the Central Bank Reform Act 2010 (as amended), a regulated financial services provider should not permit a person to perform a Controlled Function unless it is satisfied on reasonable grounds that the person complies with any standard of fitness and probity issued pursuant to Section 50 of the same Act. The Guidance on Fitness and Probity Standards provides further information.</p> <p>Section 106B of the CJA 2010 to 2021 sets out information in relation to a Fit and Proper person.</p>

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		Applicant Firms are also advised to review the Central Bank’s Guidance on Fitness and Probity Standards 2018 <sup>7</sup> .
Section 3. AML/CFT/FS Governance		
3.1	Risk Assessment	<p>Section 30A of the CJA 2010 to 2021 requires firms to conduct a Business Risk Assessment.</p> <p>A business risk assessment should consist of two distinct but related steps:</p> <ul style="list-style-type: none"> <li>- Identifying ML and TF risks relevant to a firm’s business; and</li> <li>- Assessing the identified ML and TF risks in order to understand how to mitigate those risks.</li> </ul> <p>Section 4.2, ‘Business Risk Assessment’, of the Central Bank’s Anti-Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector dated September 2019, provides guidance in relation to risk assessments. This guidance should be considered by the Applicant Firm when considering whether its risk assessment is complete and whether all risk assessment activities have been documented in the applicant firm’s risk assessment.</p>
3.1 (iv)		In completing this section of the form, an Applicant Firm should select the options in the drop down menu that they believe are equivalent to their own risk ratings.
3.2	Policies and Procedures	Section 54 of the CJA 2010 to 2021 sets out the obligations of firms in respect of the adoption of policies and procedures and training, the areas to be covered and the responsibilities of Senior Management in order to prevent and detect the commission of money laundering and terrorist financing.
3.3	AML/CFT/FS Training with Respect to VASP Activities	<p>Firms should provide appropriate and sufficient training, which is tailored to the nature, scale and complexity of the firm and which is proportionate to the level of ML/TF risk faced by the firm.</p> <p>Section 54(6) of the CJA 2010 to 2021 requires that “<i>a designated person shall ensure that persons involved in the conduct of the designated person’s business are</i> –</p> <p style="padding-left: 40px;"><i>( a ) instructed on the law relating to money laundering and terrorist financing, and</i></p> <p style="padding-left: 40px;"><i>( b ) provided with ongoing training on identifying a transaction or other activity that may be related to money laundering or terrorist financing, and on how to proceed once such a transaction or activity is identified.”</i></p>

<sup>7</sup> <https://www.centralbank.ie/docs/default-source/regulation/how-we-regulate/anti-money-laundering-and-countering-the-financing-of-terrorism/guidance/anti-money-laundering-and-countering-the-financing-of-terrorism-guidelines-for-the-financial-sector.pdf?sfvrsn=4>

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		Further guidance on training is provided in section 8 of the Central Bank’s ‘Anti-Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector’ dated September 2019.
3.4	Report Management Information	<p>Firms should ensure that there is effective reporting and escalation on AML/CFT matters by the MLRO to Senior Management. Such reporting should include the production of a report on the firm’s AML/CFT activities and the report should, inter alia;</p> <ul style="list-style-type: none"> <li>- Be produced, or reviewed and agreed, by the MLRO at least on an annual basis;</li> <li>- Be presented by the MLRO to Senior Management in a timely manner;</li> <li>- Be proportionate to the nature, scale and complexities of the firm’s activities;</li> <li>- Provide comment upon the effectiveness of the firm’s AML/CFT systems and controls; and</li> <li>- Include recommendations, as appropriate, for improvement in the management of the firm’s ML/TF risk.</li> </ul>
Section 4. Firm ML/TF Risk Profile		
4.1	VASP Services	These VASP services should be risk rated by the firm as part of the firm’s risk assessment process, from Low risk to Ultra High risk services. A risk assessment should assist the firm in determining which of their services have a higher exposure to ML/TF risks and which areas they should prioritise to combat ML/TF.
4.2 (i)	Customer Exposure	<p>In determining whether customers are Ultra High, High, Medium High, Medium Low or Low, as part of the firm’s risk assessment, the firm should consider the risk related to:</p> <ul style="list-style-type: none"> <li>- The customer’s and the customer’s beneficial owner’s business or professional activity;</li> <li>- The customer’s and the customer’s beneficial owner’s reputation, insofar as it informs the Firm about the customer’s or beneficial owner’s financial crime risk; and</li> <li>- The customer’s and the customer’s beneficial owner’s nature and behaviour.</li> </ul> <p>Further guidance on Customer Risk is provided in section 4.4 of the Central Bank’s ‘Anti-Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector’ dated September 2019.</p> <p>In determining whether a customer is a PEP, Section 37 of the CJA 2010 to 2021 provides for a definition of a PEP and a firm should assess the requirements set out in this section. The 2018 amendments to the CJA 2010 to 2021 broadened the application of the PEP regime to include all PEPs,</p>

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		irrespective of residency, including PEPs from Ireland. Individuals who have or have had, a high political profile, or hold or have held, public office, can pose a higher money laundering risk to firms as their position may make them vulnerable to corruption. This risk, and therefore Enhanced Due Diligence requirements for PEPs, also extends to members of their immediate families and to known close associates.
4.2 (ii)		The 'customer types' are the customer types determined by the firm.
4.3	Financial Sanctions and PEPs Screening	<p>Firms should have effective screening systems appropriate to the nature, size and risk of their business. Screening new and existing customers and payments against the relevant and up to date EU and UN lists helps ensure that firms will not breach international financial sanctions regulations. Customer screening should take place at the time of customer take-on and at regular intervals thereafter.</p> <p>Section 10 of the of the Central Bank's 'Anti-Money Laundering and Countering the Financing of Terrorism Guidelines for the Financial Sector' dated September 2019 provides further guidance in relation to Financial Sanctions Screening.</p>
	PEPs	<p>Firms should put appropriate policies and procedures in place to determine:</p> <ul style="list-style-type: none"> <li>- If a customer or beneficial owner is a PEP at on boarding; or</li> <li>- If a customer becomes a PEP during the course of the business relationship with the firm.</li> </ul> <p>Firms should note that new and existing customers may not initially meet the definition of a PEP, but may subsequently become one during the course of a business relationship with the firm. On this basis, firms should undertake regular and on-going screening of their customer base and the customers' beneficial owners (where relevant), to ensure that they have identified all PEPs. The frequency of PEP screening should be determined by firms commensurate with their Business Risk Assessment.</p>
4.6	Agents & Branches	<p>Firms should ensure that all agents and employees in branches are aware of the risks of money laundering and terrorist financing relevant to the business, the applicable legislation and their obligations and responsibilities under the legislation.</p> <p>In addressing the above matters in the firm's submission documentation, the firm should consider the requirements set out in section 57 of the CJA 2010 to 2021.</p>

Completion Notes		
Section 5. Risk Based Approach		
5.1	Assurance Testing in relation to VASP Activities	<p>All policies and procedures should be subject to regular review and testing. Firms should have a clearly defined process in place for the formal review, at least annually, of the policies and procedures at appropriate levels, with approval where changes are material.</p> <p>Firms should perform regular assurance testing of its overall AML/CFT framework including its policies, procedures, controls and documentation, to ensure the adequacy and effectiveness of the policies, procedures, controls and of the underlying documents obtained. This testing should provide senior management with the assurance they require that policies, procedures and controls are appropriate, implemented and adhered to by all staff.</p>
Declarations		
	<p>The declarations must be signed by a principal officer of the Applicant Firm on behalf of the firm. The appropriate person(s) depends on the firm's type:</p>	
	A sole trader	The sole trader
	A company with one Director	The director
	A company with more than one director	Two directors
	A partnership	Two partners
	A limited liability partnership	Two members
	A limited partnership	The general partner of partners
	An incorporated association ( other than a limited partnership)	One person authorised to sign on behalf of all other members (this must be supported by a resolution of the committee of management or equivalent. Such resolution should be made available to the Central Bank upon request )
END		



T: +353 (0)1 224 6000  
E: [xxx@centralbank.ie](mailto:xxx@centralbank.ie)  
[www.centralbank.ie](http://www.centralbank.ie)



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