

## ANTI-MONEY LAUNDERING DISCLOSURE FOR THE FIRM'S CLIENTS

### **CUSTOMER DUE DILIGENCE OBLIGATIONS BY THE PERSONS REFERRED TO IN ARTICLE 3 LEGISLATIVE DECREE 231/07**

1. The persons referred to in Article 3 shall observe the obligations of customer due diligence in relation to the relationships and transactions inherent in the performance of the institutional or professional activity of the same and, in particular, in the following cases:

- (a) when they establish an ongoing relationship or upon the appointment for the performance of professional services;
- b) when they carry out occasional transactions, arranged by clients, involving the transmission or movement of means of payment of an amount equal to or exceeding 15,000 euros, regardless of whether they are carried out by a single transaction or by several transactions that appear to be connected to carry out a fractional transaction or that consists of a transfer of funds exceeding 1,000.00 euros
- c) when there is suspicion of money laundering or terrorist financing, regardless of any applicable exemption, exemption or threshold;
- d) when there are doubts about the veracity or adequacy of the data previously obtained for customer identification purposes.

2. Intermediaries, within the scope of their organizational autonomy, may identify classes of transactions and amounts that are not significant for the purpose of detecting transactions that appear split;

3. Customer due diligence requirements are also observed in cases where banks, electronic money institutions and Poste Italiane Spa act through or are otherwise a party to the transfer of cash or bearer securities, in euros or foreign currency, made for any reason between different parties, for a total amount of 15,000 euros or more.

4. The agents in financial activities referred to in Article 3, Paragraph 3 (c), shall comply with the customer due diligence requirements even for transactions of less than 15,000 euros.

### **CONTENT OF CUSTOMER COMPLIANCE VERIFICATION OBLIGATIONS - Article 18 of Legislative Decree No. 231/2007.**

1. Customer due diligence obligations consist of the following activities:

- (a) identifying the customer and verifying his/her identity on the basis of documents, data or information obtained from a reliable and independent source;
- (b) identifying the beneficial owner, if any, and verifying his or her identity;
- (c) obtain information on the purpose and intended nature of the continuing relationship or professional service;
- (d) conduct ongoing monitoring during the course of the continuing relationship or professional service

### **CUSTOMER OBLIGATIONS - Article 22 of Legislative Decree No. 231/2007.**

Clients/suppliers shall provide, under their own responsibility, all necessary and up-to-date information to enable the addressees of this decree to comply with customer due diligence

obligations. For the purpose of identifying the beneficial owner, customers shall provide in writing, under their own responsibility, all necessary and up-to-date information of which they are aware.

CRIMINAL SANCTIONS - Art. 55, para. 3 of Legislative Decree No. 231/2007.

"Unless the act constitutes a more serious crime, anyone who, being obliged under this decree to provide the data and information necessary for the purpose of customer due diligence, provides false data or untrue information, shall be punished by imprisonment from six months to three years and a fine from 10,000 euros to 30,000 euros."

POLITICALLY EXPOSED PERSONS - Art. 1 paragraph 2 (ad) to Legislative Decree No. 231/2007

Clients must declare whether they are or have relations with "politically exposed persons," and by such are meant natural persons who occupy or have ceased to occupy for less than one year important public offices, as well as their family members and those known to have close ties with the aforementioned persons, as listed below:

1) Individuals who hold or have held important public office are those who hold or have held the office of:

1.1 President of the Republic, Prime Minister, Minister, Deputy - Minister and Undersecretary, Regional President, Regional Councillor, Mayor of provincial capital or metropolitan city, Mayor of municipality with population not less than 15,000 as well as similar offices in foreign states;

1.2 deputy, senator, member of the European Parliament, regional councilor as well as similar offices in foreign states;

1.3 member of central governing bodies of political parties;

1.4 judge of the Constitutional Court, magistrate of the Court of Cassation or of the Court of Auditors, state counselor and other members of the Council of Administrative Justice for the Sicilian Region as well as similar offices in foreign states;

1.5 member of the governing bodies of central banks and independent authorities;

1.6 ambassador, chargé d'affaires or equivalent positions in foreign states, senior officer of the armed forces or similar positions in foreign states;

1.7 member of the organs of administration, management or control of companies controlled, even indirectly, by the Italian State or a foreign state or participated, predominantly or totally, by the Regions, provincial capitals and metropolitan cities and municipalities with a total population of not less than 15,000 inhabitants;

1.8 general director of ASL and hospital company, university hospital company and other entities of the national health service.

1.9 director, deputy director and member of the management body or person performing equivalent functions in international organizations;

2) are family members of politically exposed persons: the parents, spouse or person related in civil union or de facto cohabitation or similar institutions to the politically exposed person, children and their spouses as well as persons related to the children in civil union or de facto cohabitation or similar institutions;

3) are persons with whom the politically exposed person is known to have close ties:

3.1 natural persons related to the politically exposed person through joint beneficial ownership of legal entities or other close business relationship;

3.2 natural persons who only formally hold total control of an entity known to be incorporated, in fact, in the interest and for the benefit of a politically exposed person;

4) Without prejudice to the risk-dependent application of enhanced customer due diligence requirements, when a person has ceased to hold important public office for less than one year, the addressees of this decree are not required to consider that person as politically exposed.

**ACTUAL OWNER - Art.1, co 2 (ap), Legislative Decree No. 231/2007.** This is the natural person or persons, other than the client, in whose interest or interests, ultimately, the continuing relationship is established, the professional service is rendered or the transaction is performed.

Art.20 Dlgs. no.231/2007

1. The beneficial owner of clients other than natural persons coincides with the natural person or persons to whom, in the last resort, direct or indirect ownership of the entity or control thereof is attributable.

2. Where the customer is a corporation:

(a) an indication of direct ownership is the ownership of more than 25 percent of the client's capital held by a natural person;

(b) the ownership of a shareholding of more than **25 percent** of the client's capital, held through subsidiaries, trust companies or intermediaries, constitutes an indication of indirect ownership.

3. In cases where the examination of the ownership structure does not allow unambiguous identification of the natural person or persons to whom direct or indirect ownership of the institution is attributable, the beneficial owner shall coincide with the natural person or persons to whom control of the institution is ultimately attributable by virtue of:

(a) control of a majority of the votes exercisable at an ordinary meeting of shareholders;

(b) the control of sufficient votes to exercise a dominant influence in the ordinary shareholders' meeting;

(c) the existence of special contractual constraints that enable it to exercise a dominant influence.

4. Where the application of the criteria set forth in the preceding paragraphs does not allow for the unambiguous identification of one or more beneficial owners, the beneficial owner shall coincide with the natural person or persons holding powers of administration or management of the company.

5. In the event that the client is a private legal person, referred to in Presidential Decree No. 361 of February 10, 2000, the following are cumulatively identified as beneficial owners:

(a) the founders, when alive;

(b) the beneficiaries, when identified or readily identifiable;

(c) the holders of management and administrative functions.