



Getting started as a Subject Person

A Short Guide



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Introduction

The Financial Intelligence Analysis Unit (FIAU) is the local regulator responsible for the prevention of money laundering (ML) and funding of terrorism (FT). Its functions cover six main areas, these being:

Intelligence Analysis

Malta's Financial Intelligence Unit (FIU) responsible for collecting, processing and analysing information obtained from domestic and international sources.

AML/CFT¹ Supervision

Malta's sole AML/CFT supervisor responsible for monitoring compliance with AML/CFT obligations.

Enforcement

Taking appropriate measures for AML/CFT compliance failures.

Cash Restriction

Monitoring and enforcing Malta's Cash Restriction Policy.

Centralised Bank Account Register (CBAR)

Administering and managing Malta's CBAR.

Guidance & Outreach

Providing guidance, organising outreach initiatives and collaborating with stakeholders through public private partnerships.

The [Prevention of Money Laundering and Funding of Terrorism Regulations](#) (PMLFTR) identify activities that are subject to specific obligations due to their risk of being abused for ML or FT. In the PMLFTR, these activities are termed "relevant activity" and "relevant financial business", while the person, legal or natural, carrying out the activity in question is termed a "subject person".

The obligations that subject persons must adhere to stem from the [Prevention of Money Laundering Act \(PMLA\)](#),

the PMLFTR, the [FIAU Implementing Procedures \(IPs\)](#), including applicable sectorial IPs, and other guidance issued by the FIAU from time to time.

This short guide aims to inform individuals and entities of the necessary steps to establish contact with the FIAU at the point in time they become subject persons. It is intended to be read in conjunction with the more detailed, and where applicable, binding resources available on the FIAU's website and referred to in this document.

¹ Anti-money laundering/combating the funding of terrorism

The Money Laundering Reporting Officer (MLRO)



Before commencing a relevant activity or relevant financial business, a subject person is required to appoint one of its officers as the MLRO². The MLRO holds a key function within the subject person's AML/CFT framework as they are responsible for reporting knowledge or suspicion of ML/FT to the FIAU. The MLRO therefore acts as the subject person's main point of contact with the FIAU.

It is crucial for subject persons to appoint an individual who is duly qualified and meets all the requirements and conditions specified at law and in the IPs - Part I³, including those relating to seniority, knowledge and autonomy.

The day-to-day monitoring function is another important role within a subject person's AML/CFT framework. This function ensures that the day-to-day application of the subject person's control framework is in line with AML/CFT obligations. Depending on the nature and size of the subject person's activities, this function may either be vested with the MLRO or with another officer at management level⁴.

Subject persons may also appoint one or more designated employees to assist and, whenever necessary, temporarily replace the MLRO when absent. The main purpose of a designated employee is to deputise for the MLRO.

² Regulation 15(1) of the PMLFTR

³ Section 5.1 of the IPs Part I

⁴ Regulation 5(5)(c) of the PMLFTR and Section 5.3 of the IPs – Part I

In the case of persons requiring a license by the Malta Financial Services Authority (MFSA) or the Malta Gaming Authority (MGA), the MLRO appointed by the subject person requires the approval of the respective authority.

For more guidance on the role of the MLRO, subject persons should consult the following documents:

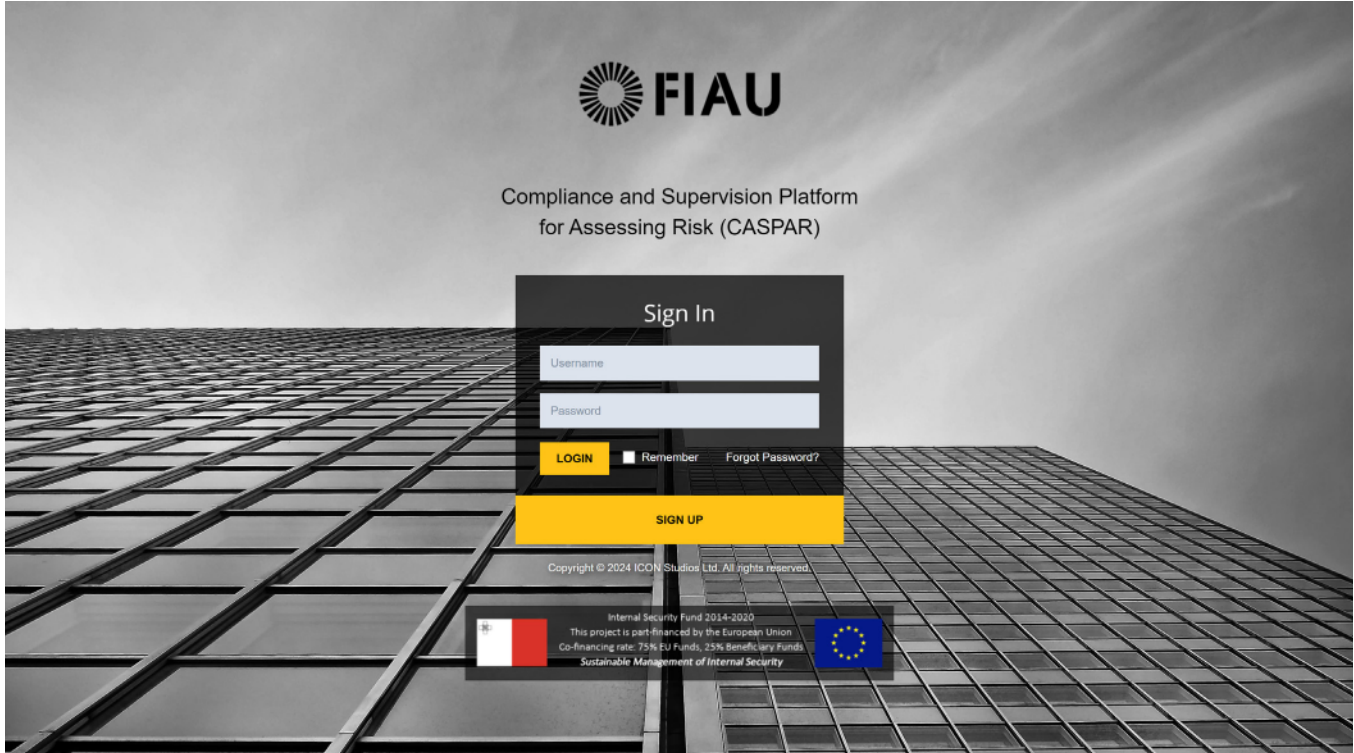
- The [FIAU Guidance Note on Common issues related to the Money Laundering Reporting Officer](#)

- The [MFSA Guidance for Money Laundering Reporting Officers in the Financial Services Sector](#).

The upcoming sections outline the functionalities of the platforms used by the FIAU to carry out its functions and to maintain contact with subject persons. They also intend to guide new subject persons towards the resources that they need to refer to when they register and make use of these platforms.



Compliance and Supervision Platform for Assessing Risk (CASPAR)



CASPAR is a multifunctional system that enables the FIAU to gather information from multiple sources for risk assessment purposes. From a subject person's point of view, CASPAR is primarily used for:

- The creation of a subject person record.
- The notification of the appointment or replacement of the MLRO (including when the MLRO is pending approval by the MFSA or the MGA).
- The compilation and update of the Subject Person Profile.
- The notification of the appointment or replacement of the designated employee.
- The compilation and submission of the annual Risk Evaluation Questionnaire (REQ), including the settlement of the applicable submission fee⁵.

The information provided on CASPAR is an essential component of the FIAU's risk assessment and

supervisory framework. It is therefore important for each subject person to provide timely information that is complete, accurate and up to date.

The CASPAR portal may be accessed [here](#). For detailed guidance on the above, subject persons should refer to the following resources:

- Section 5.1.3 of the IPs – Part I, which details the steps to be taken for the appointment and resignation of the MLRO.
- The [REQ, Subject Persons' Profile and CASPAR section](#) on the FIAU's website. This section includes valuable guidance on the REQ process, the completion of the subject person profile module and a user guide for the registration and use of the CASPAR platform.

For assistance on matters concerning CASPAR, subject persons can contact the FIAU on caspar@fiaumalta.org.

⁵ The REQ requests information and data on the subject person's business, activities, policies and procedures that are used by the FIAU to understand the ML/FT risks and mitigating measures applied across all relevant sectors.

goAML



goAML is a software solution designed by the United Nations Office on Drugs and Crime (UNODC) to assist Financial Intelligence Units (FIUs) in the carrying out of their analytical function. It is a tool that is increasingly used by FIUs worldwide, including the FIAU. The FIAU uses goAML as its reporting system, allowing it to:

- Receive reports on suspicious activities or transactions by reporting entities, including subject persons.
- Request information from reporting entities and subject persons.

Subject persons must access the goAML platform to comply with their reporting obligations outlined above and to reply to requests for information within the applicable timeframes at law⁶. Access to the platform is granted after successful completion of the registration process. The goAML registration portal may be accessed [here](#).

For detailed guidance on the above, subject persons should consult with the following resources:

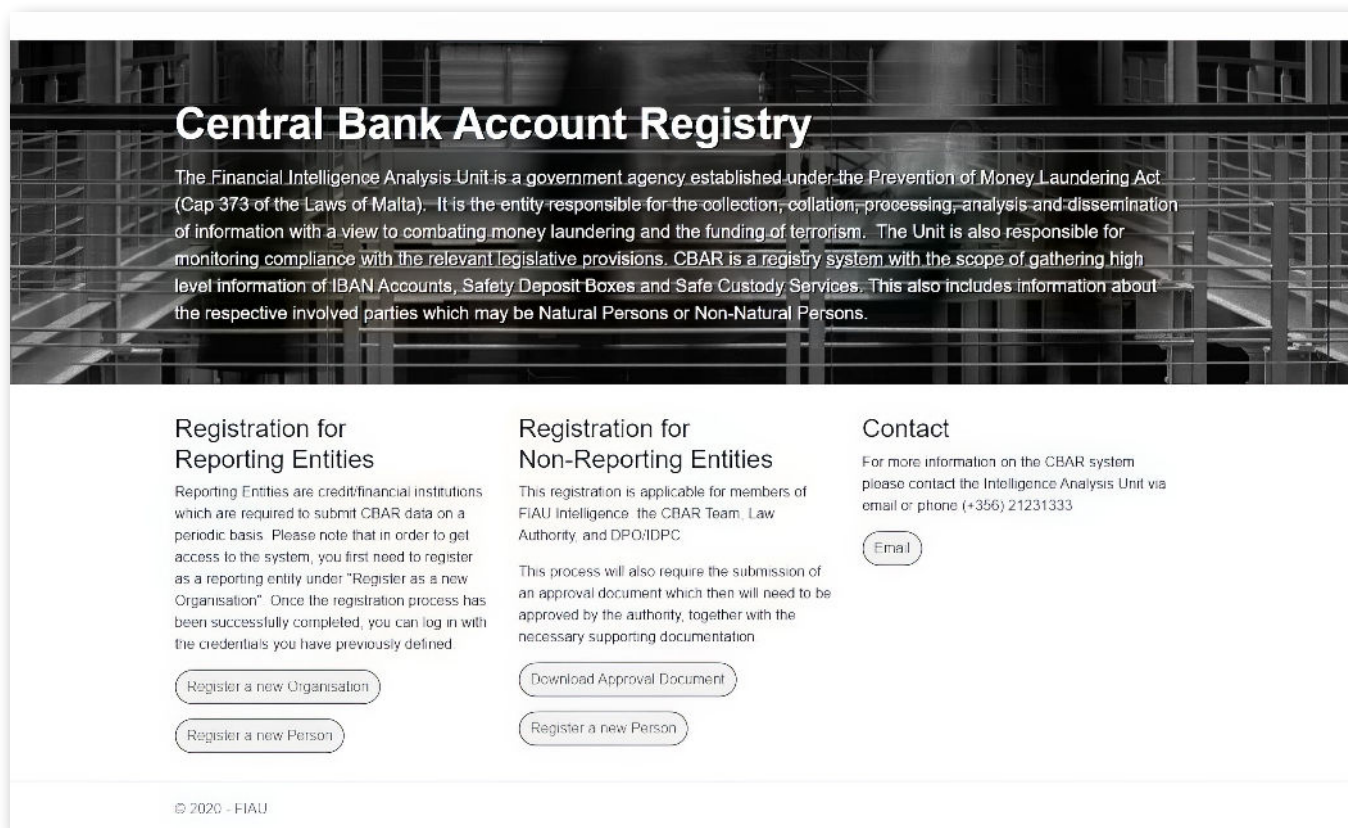
- The [goAML section](#) and the [reporting section](#) on the FIAU's website, which include guidance on the goAML registration process and on reporting a suspicious activity or transaction.
- The [FAQ document](#) on requests for information sent by the FIAU to subject persons through goAML.

Subject persons can also report known or suspected breaches of the Use of Cash (Restriction) Regulations through the goAML platform. Further information on the Use of Cash (Restriction) Regulations and the Suspicion of Cash Restriction Breach Report (SCRBR) may be found [here](#).

For assistance on matters concerning goAML, subject persons can contact the FIAU on goamlsupport@fiaumalta.org.

6 Regulation 15(3) and 15(8) of the PMLFTR

Centralised Bank Account Register (CBAR)



CBAR is a registry system administered by the FIAU in line with the Centralised Bank Account Register Regulations and EU requirements.

The scope of CBAR is to collect information on IBAN accounts, safe deposit boxes and safe custody services provided by credit and financial institutions within the Maltese territory, including information about the respective involved parties.

The information available on CBAR is accessible to various competent authorities in Malta and serves to increase the timely access to basic financial information while reducing the number of requests authorities send to banks and financial institutions.

An institution that is taking active steps to eventually start offering any of the above-mentioned services must pursue the following steps before on-boarding its first customer:

- i. Develop a mechanism to extract and transform its data in line with the latest CBAR schema and subject to the applicable validation rules.
- ii. Complete the registration process on CBAR.
- iii. Test its reporting mechanism with dummy data on the CBAR platform.

The CBAR registration portal may be accessed [here](#) while further information on CBAR may be found [here](#).

For assistance on matters concerning CBAR, subject persons can contact the FIAU on cbar@fiaumalta.org.

Concluding remarks

This non-binding document is for guidance purposes only and is not intended to provide an exhaustive explanation of one's obligations. For more detail, subject persons should consult the applicable legislation, FIAU Implementing Procedures and FIAU guidance.

In case of queries or difficulties, prospective and current subject persons are encouraged to reach out to the FIAU

for guidance. For queries on the interpretation of their AML/CFT obligations, subject persons can reach out to the FIAU on queries@fiaumalta.org.

To stay up to date on latest developments, subject persons can subscribe to the FIAU's newsletter through the website and follow our LinkedIn and Facebook pages.

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