

Application for membership

Ladies, Gentlemen

Thank you for your interest in joining PolyReg Self-regulating Association. PolyReg is a government approved self regulating organisation providing the necessary monitoring in connection with Swiss anti money laundering legislation for its members.

We are perfectly aware that the completion of the application form together with all necessary enclosures requires a considerable effort. This is due to the requirements of Swiss legislation. Please observe all comments on the form carefully and in case of doubt do not hesitate to contact us for assistance or clarification.

No activities as a financial intermediary may be initiated within Switzerland unless adherence to one of the self regulating organisations has been obtained or the activity has been approved by the Swiss Monitoring Agency.

Dr. Thomas Spahni, President PolyReg

Deliver or send to:

PolyReg
Allg. Selbstregulierungs-Verein
Florastrasse 44
8008 Zürich

Our phone number: **043 - 488 52 80**

Information about the applicant

Individuals without a registered firm should enter their first names and surnames in the box labelled „Firm“, with the initials of middle names if applicable and their usual job title.

„Legal designation“ – one of the following designations according to Swiss law is to be entered, or, in the case of foreign firms, the legal designation of that country together with a description of the authoritative foreign law.

- retailer
- partnership
- society
- foundation
- general partnership
- limited partnership
- joint-stock company (AG)
- limited joint-stock company
- limited liability company (GmbH)

The company headquarters in Switzerland should be entered. If the company headquarters are located abroad, these should be entered together with the main Swiss branch.

All branches, both in Switzerland and abroad, as well as all places of business activity in Switzerland are to be entered. If there are a large number of branches, the reference number in the firm's entry in the register of companies will suffice, as long as this entry contains all the branches.

Firm:	
Legal designation:	
Company headquarters:	
Branches / places of business activity:	
Telephone numbers:	
Fax numbers:	
E-mail address:	

Enclosures:

Copies of statutes; references; extract from register of business activity. All applicants with an entry in the register of companies, or who are obliged to be entered in it (as is the case with general partnerships and all the above types of company listed thereafter) must enclose a current entry from the register of companies. In the case activities requiring government approval a copy of this approval must be enclosed.

Complete information on the business

Applicants without legally defined business goals should give a short description of their fields of activity.

If, in the course of the firm's activity as a financial intermediary, mass contracts with pre-determined terms and conditions or model contracts are used, copies of these terms and conditions / contracts are to be enclosed.

Date of foundation of the firm:	
Date of application for financial intermediary status:	
Description of business goals; information from the register of companies or the statutes:	
Model contracts?	
Business address (if not the same as the company headquarters):	
Membership of professional organisations:	
Homepage:	

Enclosures:

Terms and conditions of trade / contracts (if available).

In the event that you need to enter more than one person's details, you may copy this page. Please consecutively mark each respective page by circling the relevant letter A–G:

A B C D E F G

Contact person

Please enter here the person who will be responsible for communication between the financial intermediary and PolyReg. This person must have the authority to represent the firm in all matters regarding PolyReg. Depending on the size of the business, a substitute may be named on a second sheet.

The contact person must be contactable via telephone or mobile telephone. The person's home address should be given as well as the work address, if this is different from the company headquarters.

Surname:	
First name:	
Date of birth:	
Place of origin / nationality:	
Private address:	
Work address:	
Work telephone number (direct line):	
Mobile telephone number (NA-TEL):	
Home telephone / fax number:	
E-mail Address:	

Enclosures:

Each contact person must enclose a personal statement (see page 16 of the form), proof of residence from the local authority and their current extract from the criminal register.

In the event that you need to enter more than one person's details, you may copy this page. Please consecutively mark each respective page by circling the relevant letter A–G:

A B C D E F G

Information about the positioning of the company

Business connections play an important role in the implementation of the Money-Laundering Law. PolyReg must ensure the impartiality of arbitration tribunals and control bodies. Naturally the information you give here will be treated as strictly confidential.

Only the names of shareholders with a stake of 20 % of the capital or 20 % of the voting holding need be entered. If the shareholding proportions are not known, simply enter („*stake unknown*“).

Shareholdings (shareholders/partners)

shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	
shareholders/partners	

Information about the positioning of the company (continued)

Business activity:

Please enter a short, precise description of the firm's field of activity under the appropriate headings, or, if necessary, the proportion of the firm's total activity this activity represents. You may need to add more categories.

Administration of banked investments	
Investment consultancy	
Securities trading	
Commodities trading	
Management and liquidation of trusteeships	
Property trusteeship and / or liquidation	
Sale of government bonds	
Sale of insurance products	
Currency exchange	
Credit transactions and leasing	
Other	

In the event that you need to enter more than one person's details, you may copy this page. Please consecutively mark each respective page by circling the relevant letter A–G:

A B C D E F G

Information about the positioning of the company (continued)

Information about your capital holding ($\geq 10\%$) or personal involvement of your firm in / with other enterprises (sister companies or enterprises to which you have a personal or economic tie) or through other enterprises (mother companies).

Involvement in other enterprises:

Type of involvement:	
Name of related enterprise:	
Type of involvement:	
Name of related enterprise:	
Type of involvement:	
Name of related enterprise:	
Type of involvement:	
Name of related enterprise:	

In the event that you need to enter more than one person's details, you may copy this page. Please number each respective page consecutively:

Nr.

Information about the internal organisation of the firm

Enter below the personal details of the people who are responsible for running the firm from a legal standpoint, as the management or the managing board, as the executive, as owners of the firm or as partners. Swiss citizens should enter their place of origin, foreigners their country of birth and nationality.

Board of directors, executive and management:

Position in organisation:	
Signatory powers:	
Title, first name(s) and surname:	
Date of birth:	
Place of origin/ nationality:	
Home address:	
Home telephone/ fax number:	
E-mail:	

Enclosures:

A current organigramme of the firm and, for each member of the management, a certified copy of their passport or identity card, proof of residence, curriculum vitae (especially one detailing training and professional career), a copy of their diploma / degree certificate relevant to their career, a personal statement (see p. 16) as well as their current extract from the criminal register should be enclosed. The form for obtaining the extract from the criminal register is included in this application document.

In the event that you need to enter more than one person's details, you may copy this page. Please consecutively mark each respective page by circling the relevant letter A–G:

A B C D E F G

Auditor(s)

If the applicant's business undergoes statutory or official auditing the auditor's details must be entered below.

If a legally qualified person is the auditor, it is sufficient to give the name of the firm and the firm's address as an enclosure of the extract from the register of companies concerning the auditing firm. Otherwise the personal details of the auditor(s) must be entered below.

Firm:	
Address:	
Date of birth:	
Place of origin / nationality:	
Firm's address / Address:	
Telephone number:	
Fax number:	

Enclosure:

Extract from register of companies regarding auditing firm.

In the event that you need to enter more than one person's details, you may copy this page. Please number each respective page consecutively:

Nr.

Employees and agents:

Firstly the statistical data: please give the number of employees in the customer relations and administration departments, in as far as these employees carry out, on your firm's behalf, functions connected with the provision of financial services (by this we mean functions connected with the provision of financial services as defined by Art. 2 Paragraph 3 MLL governing financial intermediaries). Also please give the number of outsourced workers in agencies or contracted workers who either wholly or to a large extent are engaged on behalf of your business, as long as they themselves are not in charge of a financial intermediary. If one employee fulfils several functions he/she is to be counted in the department which is his/her predominant function.

Customer relations:	
Administration:	
Outsourced:	

Personal details of all employees included in the above totals should be entered below:

Title, first name(s) and surname:	
Date of birth:	
Authorisation or signatory powers and professional qualification:	
Nationality:	
Home address (street and house number, postcode and town):	

Enclosure: If there is a very large number of employees a separate list of their personal details can be enclosed on paper or on floppy disk as a table in Excel.

In-house implementation of the Money-Laundering Law and registration regulations

Financial intermediaries are obliged to clearly define in-house the actions necessary to satisfy the criteria laid down in the Money-Laundering Law. The same person may, depending on the size and organisation of the firm, carry out several tasks.

Person responsible for freezing assets and notification (Arts. 9 and 10 MML)

Title, surname and first name:	
Date of birth:	
Place of origin/nationality:	
Address:	
Tel. / Fax (home):	

Deputy for the above

Title, surname and first name:	
Date of birth:	
Place of origin/nationality:	
Address:	
Tel. / Fax (home):	

Person responsible for management and inspection of client files

Title, surname and first name:	
Date of birth:	
Place of origin/nationality:	
Address:	
Tel. / Fax (home):	

Training Officer

Title, surname and first name:	
Date of birth:	
Place of origin/nationality:	
Address:	
Tel. / Fax (home):	

Enclosure:

Extract from criminal register, proof of residence and personal statement for all the people named in this section (i.e. on pages 11 & 12), as long as they are not already named as contact person, director or manager.

In-house implementation of the Money-Laundering Law and registration regulations (continued)

In-house regulations

Each financial intermediary must set up its own appropriate in-house regulations, especially to regulate:

- who is responsible for instruction, training and supervising the workforce;
- who has the authority to enter into business relationship with new customers;
- who is responsible for fulfilling the following obligations: identification of the parties in a contract, establishment of the financially entitled party, renewed identification or establishment of the financially entitled party, special duty to clarify, duty to document;
- what the internal procedure is concerning new terms and conditions of trading;
- who is responsible for the examination of suspected laundered monies;
- who freezes these investments and institutes procedures according to Article 9 of the MLL;
- who in such cases is responsible for further contact with the client;
- how files about client relationships are to be compiled, archived and indexed;
- how the MLL central register is to guide all the customer relationships which are relevant to the MLL;

Enclosure:

Written draft, in-house regulations and rules which comply with the MLL.

In-house training

In accordance with § 39 paragraph 4 of the association's statutes the executive may officially recognise the in-house training of a financial intermediary and exempt it from the association's own training courses. If you would like to take advantage of this opportunity, an in-house training officer must be designated and the training programme enclosed. The latter should provide information about:

- which employees will take part in the training;
- type of training provided and the available infrastructure;
- frequency and duration of the courses;
- instructors;
- content of the courses.

Yes, we want to train our employees in-house.

Enclosure: Training programme.

MLL monitoring through members' own auditors

PolyReg may allow a member, in accordance with § 34 of the statutes, to carry out MLL monitoring through its own auditors. In this case proof must be furnished that the auditors are fully conversant with the concerns dealt with in the MLL and that they can fulfil the obligations contained therein according to § 33 paragraph 2 of the statutes. The auditors are also obliged to make a declaration committing them to carry out inspections on behalf of PolyReg on the member's expense and to provide PolyReg with a report on the results of this inspection.

Yes, we would like to be inspected by our own auditors.

Enclosure: Documentation of the auditors' qualifications and their statement of acceptance.

Previous membership

No, we have never been a member of a self-regulating organisation.

Yes, we were previously a member of the following SRO:

Previous SRO:	
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We were expelled from our previous SRO as a financial intermediary.

We have never been expelled from a SRO as a financial intermediary.

(An)other SRO(s) has/have rejected our application for membership:

SRO which rejected you:	
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Authorisations and duty of information

Irrespective of whether or not the relevant authorisations are covered by the signatory powers, until further written notice the following is authorised:

Contact person:	
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Officials responsible for:

Freezing investments and notification:	
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Deputy for the above:	
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Management and monitoring of client files:	
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Training:	
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The named contact person is authorised to inform PolyReg immediately of any changes to the information contained herein as well as furnishing the PolyReg internal bodies (executive/executive delegation, manager, monitoring department, tribunal), the competent authorities of the federal government and the canton with all necessary information. Furthermore he/she is legally authorised to receive on our behalf all communications and deliveries from PolyReg and the competent authorities.

The person responsible for freezing investments and notification and their deputy are authorised to take in our stead the obligations with regard to notifying the notification department for money-laundering, as well as the duty to freeze investments and to pass on the relevant information to the authorities. This authorisation does not allow any instrumental action to be taken with regard to the firm's investments or those of its customers, except in the case of the freezing of investments.

All named persons are, in order to fulfil their duties, granted free and unrestricted access to files, electronically stored data, safes, lockers and rooms including those of an appointed third party. The named persons validate their acceptance of this function in signing this form.

Place & date:

Signature on behalf of the financial intermediary:

Place & date:

Signatures of the people named in this form (company officers):

In the event that you need to enter more than one person's details, you may copy this page. Please number each respective page consecutively:

Nr.

Personal Statement:

Each financial intermediary, partner, member of the board, executive or management as well as the various company officers (contact person, training officer, person responsible for freezing investments and notifications, officer in charge of client files) must sign the following personal statement or, if the statement cannot be signed, must enter the details below. The financial intermediary should also obtain relevant statements from the remaining staff, which, however are not to be submitted.

I,

First name, surname:	
Date of birth:	

in my capacity as owner, partner, member of the board or the management/wider management team of the financial intermediary,

Firm:	
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state herewith that I am not presently the subject of any criminal proceedings or proceedings concerning the authorities which has a direct bearing on my professional activities.

Place & date:

Signature:

I cannot submit the above statement for the following reasons:

Reason for the proceedings:	
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Application to the monitoring agency

Financial intermediaries who have missed the legal notification deadline of 31st March 2000, become subject to monitoring, accordance with Art. 42 paragraph 3 of the interim regulations of the MLL.

Art. 42

Two years after the implementation of this law, financial intermediaries, unless they are members of a self-regulating organisation, will be subject to the direct monitoring of the monitoring agency, in accordance with Art. 2 paragraph 3, and will have to apply for approval, in accordance with Art. 14.

In the case where you did not make the above mentioned notification of activity as a newly active financial intermediary, we take it as read in this notification that you have already made the legally required application to the monitoring agency and can provide proof of this submission in the form of copies and proof of posting (e.g. registered post receipt).

Thus an application for membership in PolyReg can only be submitted in conjunction with an application for approval in accordance with Art. 14. After a successful application to join the self-regulating association you will then be free to withdraw your application to the monitoring agency.

Enclosures (in the case of a delayed notification): copy of the application submitted to the monitoring agency for approval of business activity and proof of receipt by the monitoring agency.

General statement

I/We state hereby with my/our signature(s) and the submission of the attached documentation that:

- *we have received the 11 June 2004 / 10 November 2004 editions of the PolyReg statutes and regulations and have read and understood its contents;*
- *we agree to carry out our business activity according to the articles of purpose in the statutes and to respect and apply the statutes and regulations of the SRO PolyReg as laid down in the currently valid edition;*
- *we commit ourselves to the payment of the application fee and the yearly subscription fee demanded by the executive in accordance with the regulations;*
- *we recognise §§ 35 onwards as well as § 45 of the statutes, which provide for an arbitration tribunal and system of penalties, and we submit ourselves to the arbitration tribunal and system of penalties;*
- *we confirm the completeness and truthfulness of the information on the application form;*
- *we commit ourselves to informing PolyReg without delay of any changes to the aforesaid information;*
- *we confirm that we have ascertained to the best of our ability that all persons involved directly in the management and board of our firm together with those staff who fulfil MLL functions in the field of financial services provision, enjoy a good reputation, are not presently the subject of criminal or other proceedings concerning the authorities in connection with their professional activities and can guarantee they will carry out impeccable business;*
- *furthermore, we confirm that we have ascertained to the best of our ability through application of our in-house regulations and through the method of organisation of the firm that all obligations contained in them arising from the money-laundering law will comply with PolyReg's statutes and regulations.*

Based on the sum of the above documentation, I/we request the executive of the self-regulating association, PolyReg, to accept our application for membership in accordance with Art. 24 MLL with legal force.

Place & date

Signature(s) on behalf of the firm

List of Enclosures:

This list may be used as a checklist for all required enclosures. It may be further used as your actual list of enclosures giving the number of documents for each category and striking out irrelevant items.

- Statutes, dated ...
- References
- Extract from the register of business activity, dated ...
- Entry from the register of companies, dated ... (original copy required!)
- Government approval of firm's activity, dated ...
- General conditions of trade
- Model contracts used
- Personal statement (page 16 of the form)
- Extract from the criminal register (original copy required!)
- Certified copy of passport or identity card (original certification required)
- Proof of residence
- Curriculum vitae (principal, members of the board, officers)
- Diploma / degree certificate
- List of shareholders / partners
- List of involvement in other enterprises
- Organigramme of the firm
- Extract from the register of companies regarding the auditing firm
- List of floppy disk with personal details of employees (cf. page 10)
- In-house regulations regarding implementation of the MLL regulations
- Training programme (cf. page 14)
- Documentation of the auditor's qualifications.
- Auditor's declaration of acceptance
- Declaration regarding authorisations and duty of information