



Rules of Procedure for fedpol/MROS

Introduction

Pursuant to Article 23 paragraph 1 AMLA¹, the Federal Office of Police fedpol manages the Money Laundering Reporting Office Switzerland (MROS). MROS is the Financial Intelligence Unit (FIU) in Switzerland.

In accordance with FATF Recommendation 29, the Interpretative Notes² and the Egmont Principles³, national FIUs must be independent in their core operational processes and decide independently in their case analyses whether and what they transmit to law enforcement agencies and other national and international authorities. The protection of sources must also be guaranteed at all times. The question of MROS's organisational subordination and operational independence is therefore relevant.

These Rules of Procedure implement and supplement the provisions of AMLA, setting out the framework for the organisation, tasks and responsibilities of MROS. The following provisions therefore clarify the term "manage" used in Article 23 paragraph 1 AMLA, define what is meant by the operational independence of MROS and set out the separation of responsibilities in this regard.

1. Organisational integration of MROS into fedpol

- 1.1. MROS is affiliated to fedpol pursuant to Article 23 paragraph 1 AMLA and is organisationally a division within the Crime Prevention and Legal Affairs Directorate (CPL).
- 1.2. The MROS division is hierarchically subordinate to the head of the CPL. The head of MROS reports to the head of the CPL.

¹ Federal Act of October on Combating Money Laundering and the Financing of Terrorism (Anti-Money Laundering Act, AMLA), SR 955.0

² [The FATF Recommendations, International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation](#)

³ [Understanding FIU Operational Independence and Autonomy](#)

- 1.3. The head of MROS is responsible for the management, control and supervision of MROS operations. The head of MROS shall decide on and is responsible for operational business without being bound by instructions but subject to compliance with the statutory requirements and international obligations.
- 1.4. As a federal body and part of fedpol, MROS is subject to all the organisational, personnel and administrative regulations and directives of the Federal Administration in general, the Federal Department of Justice and Police (FDJP) and fedpol.

2. Operational tasks of MROS

- 2.1. The tasks of MROS are derived from the AMLA and are specified in the MROS Ordinance.⁴
- 2.2. As the central reporting office, MROS receives suspicious activity reports (SARs) relating to money laundering and their predicate offences, organised crime and terrorist financing:
 - 2.2.1. It shall examine and analyse the reports received and obtain additional information as necessary.
 - 2.2.2. It must notify the responsible prosecution authority immediately if it has reasonable grounds to suspect that
 - (a) an offence as defined in Article 260^{ter}, 305^{bis} or 305^{ter} paragraph 1 SCC⁵ has been committed;
 - (b) assets are the proceeds of a felony or an aggravated tax misdemeanour under Article 305^{bis} number 1^{bis} SCC;
 - (c) assets are subject to the power of disposal of a criminal or terrorist organisation; or
 - (d) assets serve the financing of terrorism (Art. 260^{quinquies} para. 1 SCC).
 - 2.2.3. It shall evaluate the reports and data and compile anonymised statistics for this purpose, which allow it to carry out operational and strategic analyses.
- 2.3. MROS shall maintain its own data processing system for the field of money laundering.
- 2.4. MROS shall provide administrative assistance in accordance with the provisions of Articles 29–32 AMLA and exercise the necessary rights and duties vis-à-vis national and international (partner) authorities. It shall exchange information at a national and international level on money laundering, its predicate offences, organised crime and terrorist financing.
- 2.5. MROS shall accept information from persons and institutions in accordance with Article 7 of the Federal Act on the Freezing and the Restitution of Illicit Assets held by Foreign Politically Exposed Persons (FIAA; SR 196.1).

⁴ Ordinance on the Money Laundering Reporting Office Switzerland (SR 955.23)

⁵ Swiss Criminal Code (SCC; SR 311.0).

2.6. MROS is a member of the Egmont Group and exercises the associated rights and obligations.

(a) MROS shall participate in the required meetings, working groups and expert panels:

- Plenary meetings,
- Head of FIU Meetings,
- Regional Group Meetings,
- Working Groups

(b) MROS shall maintain active relations with the other FIUs.

(c) MROS shall conclude MoUs with other FIUs where necessary.

2.7. MROS is the specialised unit within fedpol and the Federal Administration for combating money laundering and terrorist financing. In this capacity

2.7.1. it shall raise awareness among financial intermediaries of the problems associated with money laundering, its predicate offences, organised crime and the financing of terrorism.

2.7.2. it shall support other divisions of fedpol, the Federal Administration and the federal and cantonal law enforcement agencies with its expertise, in particular by contributing to the legislative process;

2.7.3. it shall publish an anonymised annual statistical report on developments in combating money laundering, its predicate offences, organised crime and terrorist financing in Switzerland;

2.7.4. it shall participate in the required national and international technical and working groups, expert panels, conferences and partnerships and actively promote the exchange of information;

2.7.5. it shall provide training and continuing professional education;

2.7.6. it shall share and publish its findings from the strategic analysis with other authorities, the financial sector and third parties.

3. Operational independence of MROS

3.1. MROS is not bound by instructions with regard to the operational tasks and activities in accordance with section 2 above, i.e. it decides autonomously on how to carry out and prioritise the operational tasks. In particular, MROS shall decide independently

3.1.1. about the reporting system and all related process steps such as:

- (a) receiving SARs
- (b) triaging SARs by prioritising them on the basis of a risk matrix

- (c) performing analyses by means of database queries, open source intelligence, obtaining additional information from the reporting financial intermediary and other FIs potentially involved, providing national and international administrative assistance
- (d) producing reports (dossiers) on one or more SARs and additional information for forwarding to the prosecution authorities and other national and international authorities
- (e) filing and storing cases not actively pursued
- (f) sending requests and spontaneous information to foreign FIUs.

3.1.2. on the use of the human resources made available to it.

3.1.3. which thematic priorities it sets (triage, prioritisation, etc.).

- 3.2. The conduct of MROS's activities must be guided by the MROS strategy and the FDJP's strategy for combating crime.
- 3.3. The head of MROS shall inform the superior authorities (head of CPL and Director) about important operations, in compliance with the FATF guidelines and the Egmont Principles.
- 3.4. fedpol shall provide the necessary resources (finances, personnel, premises, IT, etc.) for the tasks to be fulfilled by MROS, while complying with the organisational and budgetary requirements of the Federal Administration.
- 3.5. MROS shall define the job profiles required to carry out its tasks and recruit its staff independently with the assistance of fedpol's HR department and in compliance with the provisions of the Federal Personnel Act and other personnel law legislation and directives.
- 3.6. fedpol shall ensure the protection of information. Information provided to MROS in accordance with paragraph 2 above may not be made accessible to fedpol without MROS's consent. In accordance with Article 1 paragraph 2 letter e of the MROS Ordinance, MROS shall operate its "own information system", access to which is restricted to MROS employees and persons entrusted with the administration of the system under Article 20 of the Ordinance.
- 3.7. MROS shall decide independently on the required business trips (attendance at Egmont meetings, visits to other FIUs, conferences, etc.), whereby the principle of proportionality and the relevant administrative law requirements must be observed.

4. Verification of operational independence

- 4.1. The Financial Inspectorate (internal auditing body) of the Federal Department of Justice and Police (FISP)⁶ shall periodically verify the independence of MROS and prepare a short report thereon. It may make recommendations.
- 4.2. If there are disagreements between MROS and fedpol regarding the operational independence of MROS, the head of MROS and the Director of fedpol shall settle the matter in bilateral talks. If no agreement can be reached, the different positions

⁶ The FISP is the FDJP's internal auditing body and the administrative units subordinate to the FDJP as specified in Article 11 of the Federal Audit Office Act (FAOA, SR 614.0).

shall be communicated to the FISP in writing. The FISP shall examine the facts of the case and submit its assessment to the Director of fedpol, making recommendations if necessary.


5. Entry into force

These Regulations come into force on November 1, 2022.

Federal Office of Police fedpol

The Director

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