

NATIONAL GAZETTE

MINISTERIAL DECREE WITH GENERAL EFFECT of May 21, 2010, containing the establishment of indicators, as referred to in article 10 of the Unusual Transactions National Ordinance¹ (Decree indicators unusual transactions)

THE MINISTER OF FINANCE AND THE MINISTER OF JUSTICE;

Upon considering:

that it is desirable to establish the indicators on the basis of which it is assessed whether a transaction must be considered an unusual transaction in the meaning of the Unusual Transactions National Ordinance;

After consulting with:

the Monitoring Commission, referred to in article 16 of the Unusual Transactions National Ordinance and the Unusual Transactions Reporting Office;

In view of:

article 10 of the Unusual Transactions National Ordinance;

HAVE DECIDED:

Article 1

In this Decree, “National Ordinance” shall be understood to mean: the Unusual Transactions National Ordinance.

Article 2

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 1°, 2°, 3°, 4°, 7° and 8°, of the National Ordinance, the indicators shall be established as incorporated in annex A to this Decree.

¹ N.G. 1996, no. 21, as amended by National Ordinance of October 26, 2009 (N.G. 2009, no. 65)

Article 3

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 1^o, 2^o, 3^o, 4^o, 7^o and 8^o, of the National Ordinance, that have been or are executed by or with the Bank of the Netherlands Antilles, the indicators shall be established as incorporated in annex B to this Decree.

Article 4

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 5^o and 6^o of the National Ordinance, the indicators shall be established as incorporated in annex C to this Decree.

Article 5

With regard to the transactions in connection with purchasing a service, as referred to in article 1, section a., under 9^o of the National Ordinance, the indicators shall be established as incorporated in annex D to this Decree.

Article 6

With regard to the transactions in connection with purchasing a service, as referred to in article 1, section a., under 10^o of the National Ordinance, the indicators shall be established as incorporated in annex E to this Decree.

Article 7

With regard to the transactions in connection with purchasing a service, as referred to in article 1, section a., under 11^o of the National Ordinance, the indicators shall be established as incorporated in annex F to this Decree.

Article 8

With regard to the transactions in connection with purchasing a service, as referred to in article 1, section a., under 14^o of the National Ordinance, the indicators shall be established as incorporated in annex G to this Decree.

Article 9

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 1^o, 2^o, 3^o, 4^o, 7^o and 8^o, of the National Ordinance, by or with investment institutions, the indicators shall be established as incorporated in annex H to this Decree.

Article 10

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 1^o, 2^o, 3^o, 4^o, 7^o and 8^o, of the National Ordinance, by or with administrators and investment institutions, the indicators shall be established as incorporated in annex I to this Decree.

Article 11

With regard to the transactions in connection with purchasing a service, as referred to in article 1, section a., under 13^o of the National Ordinance, the indicators shall be established as incorporated in annex J to this Decree.

Article 12

With regard to the transactions in connection with purchasing one or more of the services, as referred to in article 1, section a., under 12^o and 15^o of the National Ordinance, the indicators shall be established as incorporated in annex K to this Decree.

Article 13

1. The indicators, referred to in article 4, are not applicable in cases in which, for the settlement of commitments regarding pensions by the employer to employees employed by his enterprise:
 - a. insurance agreements have been concluded by the employer with an insurer that possesses the required license, pursuant to article 9, paragraph one, of the Insurance Industry Supervision National Ordinance;
 - b. agreements, referred to in section a., concluded by the employees themselves, fully or partially enabled to that end by the employer.
2. For the application of the provision in paragraph one, the same meanings are attached to the concepts of pension, employee, employer and enterprise as the corresponding concepts, stated in article 1, paragraphs one and two, of the Company Pension Funds National Ordinance.

Article 14

The indicators, referred to in article 4, are furthermore not applicable with regard to taking out insurance contracts, as referred to in article 9 of the Company Pension Funds National Ordinance.

Article 15

1. This Decree becomes effective as of the day after that of the date of issue of the National Gazette, in which this Ministerial Decree is placed.
2. This Decree shall be placed with the explanation and annexes in the National Gazette.

Article 16

This Decree shall be quoted as: Indicators Unusual Transactions Decree.

The Minister of Finance,
E.T.M. DE LANNOOY

The Minister of Justice,
M.M. JACOBA

Issued on June 4, 2010
The Minister of General Affairs and
Foreign Relations,
E.S. DE JONGH-ELHAGE

Explanation to the Indicators Unusual Transactions Decree

General

It was opted to incorporate all the indicators in annexes of one fully revised ministerial decree.

In connection with the introduction of the new services that have to be stated in conformity with the Unusual Transactions National Ordinance (hereafter: UTNO), it is necessary to introduce indicators for the reporting groups of these services.

The opportunity has also been used to investigate the existing indicators for the institutions and persons already falling under the scope of application of the UTNO and to bring about some changes that are considered necessary.

The Commission concerning Money Laundering (CCML) has consulted the sectors and agencies in question. Furthermore, practical situations, known to the Commission Members, have led to some proposals for amendments to the existing indicators.

A general change in the existing indicators concerns the amounts: they are now “over f. ..” “or more than f. ...”. In these revised annexes, the amounts are as follows: “of NAF ... and higher”. In this manner, it is established that from these amounts the reportings have to take place, which already takes place.

Explanation per article

Articles 2 and 3: Annexes A and B (*credit institutions and the Central Bank of the Netherlands Antilles*)

The existing indicators for credit institutions and the Central Bank of the Netherlands Antilles have remained practically the same.

Under G: giro-based transactions, of Annex B, under j. has lapsed, because the international transaction instructions must always contain the name of the beneficiary.

The credit institutions have the obligation to identify their clients and the Ultimate Beneficial Owners hereof in conformity with the Identification Service Providers National Ordinance and also the Provisions and Guidelines on the Detection and Deterrence of Money Laundering and Terrorist Financing of the Bank of the Netherlands Antilles (BNA). In international wire transfer messages, all relevant identification data of clients must be incorporated. Furthermore, the credit institutions must see to it that the information regarding clients' data is and remains available.

Natural persons or legal persons that make transfers from abroad are not necessarily clients of the bank where a beneficiary of a foreign transfer holds his account. The beneficiary is in this matter the client of the credit institution and, therefore, he must be fully identified in conformity with said National Ordinance and regulations and guidelines of the BNA. If the senders are not clients of the bank, this will mean that the local bank does not have identification data concerning these persons (senders) available and does not need to have such either. The sender must be identified, though, in the

country of origin, in conformity with the legislation of the country of establishment of the bank and in conformity with international obligations or guideline to that end, and the bank must possess these data. The credit institutions here must, however, be prepared for the fact that a transaction from abroad could be unusual and as such must be reported.

Article 4: Annex C (*insurers and insurance brokers*)

In this annex for insurers and insurance brokers, indicators for nonlife insurers have also been incorporated.

Article 5: Annex D (*credit card companies and credit institutions*)

With these indicators, it has been explicitly stated that credit institutions, too, insofar as they perform these transactions, fall under this. Banks now report credit card transactions while making use of the codes for banks, and these transactions must be reported using the code for credit card companies.

Article 6: Annex E (*monetary transaction offices*)

The indicators have remained practically the same.

Article 7: Annex F (*games of hazard*)

The reporting attitude, referred to under 1, under D, of annex F, of the objective indicators has been decreased from NAF. 20,000.00 to NAF. 5,000.00. From information acquired, it appears that most casino visitors are islanders who play with rather small amounts in the casinos.

Now, indicators have also been introduced specifically for providers of internet gambling and lottery vendors. These indicators are self-evident.

Article 8: Annex G (*providers of management services*)

In practice, it has turned out, in view of the objectives of the UTNO, to be necessary to extend the subjective indicators by indicators that are related to checks, traveler's checks or similar instruments of payment and also giro-based transactions.

Indicator I, under B. Cash transactions

This indicator is now interpreted in various manners. For the sake of clarity, it should be remarked that by this indicator is meant all cash transactions of NAF. 10,000.00 and more (or the equivalent hereof in another currency), irrespective of where they take place and for what purpose the transactions are performed. Thus, a cash payment by the client of the account of the provider of management services falls under this. But also cash transactions that take place on an account, held outside the Netherlands Antilles, must be mandatorily reported on the basis of this indicator. As this is an objective indicator, it must be reported at all times.

Indicator II, under C. Giro-based transactions, letter h.

A third-party account is a bank account for funds that are due to third parties. The third-party account that is preferably stated in the name of a separate foundation, is used by the trust office to receive funds and make payments on behalf of client companies, notably if

they do not hold a bank account. Every deposit on the third-party account gives the ultimate beneficiary the right to a share in the total balance of the third-party account.

An escrow account is a bank account, held by a designated third party, on which funds are deposited in the framework of a security deposit, in which case payment can only take place at the moment that certain conditions have been met. Escrow accounts are used in (international) commerce in the event of, for example, sizable transactions or when handling indemnifications in collective legal proceedings (the so-called class actions).

If a transaction is carried out via a third-party account or an escrow account, it can result in it not being visible at the original bank or principal what the eventual destination of the funds is, whereas it is not visible to the ultimate beneficiary or the bank (of the beneficiary) who the original sender (or bank) of the funds was. Therefore, the use of a third-party or escrow account, under circumstances, entails an increased risk of money laundering.

Article 9: Annex: H (*investment institutions*)

Now, the indicators for credit institutions are also used for investment institutions. However, these do not contain all the (unusual) transactions that are executed by an investment institution. It has, therefore, turned out to be advisable to introduce separate indicators for the investment institutions.

Indicator I, under B. Cash transactions:

All (intended) cash transactions for the purchase in an investment institution must be reported.

By this indicator, all cash transactions are meant, irrespective of the amount, irrespective of the place where this takes place and for what purpose the transaction is performed. Thus, also included in this is a cash payment from the account of the investment institution by third parties or the payment of an account by the investment institution or a cash deposit by or payment to the investor in the investment institution. Also cash transactions that take place on an account of the investment institution, held outside the Netherlands Antilles, must be mandatorily reported on the basis of this indicator. As this is an objective indicator, all transactions that fall under this indicator must be reported at all times. The opinion of the investment institution is not relevant in that case.

Article 10: Annex I (*administrators investment institutions*)

It has also turned out to be advisable to introduce separate indicators for the administrators of investment institutions.

Indicator I, under B, Cash transactions:

By this indicator, all cash transactions of NAF. 10,000.00 and more or the equivalent in another currency are meant, irrespective of where this takes place and for what purpose the transaction is performed. Thus, included in this is also a cash payment from the account of the administrator by the investment institution, being the client of the administrator or another third party, but also cash payments of NAF. 10,000.00 or more by the administrator. Furthermore, also included is a cash deposit by or payment in cash to the investor in the investment institution, being the client of the administrator. Also cash transactions of NAF. 10,000.00 and more that take place on an account held outside

the Netherlands Antilles by an investment institution, being a client of the administrator, must be mandatorily reported on the basis of this indicator.

Article 11: Annex J (*dealers in vehicles, precious stones, precious metals, ornaments and jewels*)

In this annex, the indicators are introduced for the new reporting groups, being the dealers in vehicles, precious stones, precious metals, ornaments and jewels. In order to determine the marginal amount (NAF. 20,000.00) of the objective indicator, the Unusual Transactions Reporting Office consulted the sector.

Article 12: Annex K (*the independent professionals*)

In this annex, the indicators are introduced for the new reporting groups, being the professional groups. Here, too, the Reporting Office consulted the professional associations involved in order to determine the marginal amount (NAF. 20,000.00).

The Minister of Finance,
E.T.M. DE LANNOOY

The Minister of Justice,
M.M. JACOBA

Annexes pertaining to MINISTERIAL DECREE WITH GENERAL EFFECT of May 21, 2010, containing the establishment of indicators, referred to in article 10 of the Unusual Transactions National Ordinance (Decision indicators unusual transactions)

For all the indicators in these annexes, the following shall apply:

- mandatory reporting of transactions or intended transactions;
- applicable to all said amounts is: NAF or the equivalent thereof in foreign currency.

Annex A: Indicators services, as referred to in article 1, section a., under 1°, 2°, 3°, 4°, 7° and 8° (service providers: credit institutions and others (*))

credit institutions and others

I. MANDATORY REPORTING (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office:

B. Cash transactions:

1. Transactions of NAF 250,000.00 and higher;
2. Transactions of NAF. 20,000.00 and higher in which case exchange takes place in larger denominations;
3. Transactions of NAF. 20,000.00 and higher in which exchange takes place in another currency;
4. Transactions of NAF. 20,000.00 and higher regarding purchasing or cashing by client of checks, traveler's checks or similar instruments of payment;
5. Transactions of NAF. 20,000.00 and higher in which securities are involved;
6. Transactions of NAF. 20,000.00 and higher that comply with two or more of the following indicators:
 - a. uncounted;
 - b. in foreign currency;
 - c. not deposited on own account;
 - d. transfer to foreign account.

C. Giro-based transactions

Transactions by non-accountholders of NAF. 20,000.00 and higher intended for foreign countries.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions:

Transactions in which case there is reason to assume that they could be in connection with money laundering or the financing of terrorism.

B. New accounts:

1. Accounts in which case two or more of the following indicators have been complied with:
 - a. non-residents;
 - b. identification problems;
 - c. unusual condition offer;
 - d. conspicuous number of accounts.

C. Transactions in which loans are involved:

Transactions of NAF. 250,000.00 and higher concerning an issued or intended loan that comply with two or more of the following indicators:

- a. no explicable objective or no visible relation with (business) operations;
- b. securities that are held by the credit institution or by third parties, the origin of which cannot be verified or that do not correspond with (business) operations of the client;
- c. security deposits by third parties that do not have any visible relation with the client;
- d. use does not correspond with the objective of the loan granted;
- e. unexpected and inexplicable redemption of a (problem) loan;
- f. incoming flow consists of many small amounts from unknown third parties or without an indication of the principal.

D. Transactions in which case checks, traveler's checks or similar instruments of payment are involved:

Transactions of NAF. 100,000.00 and higher, including the purchase or cashing by client of checks, traveler's checks or similar instruments of payment that comply with two or more of the following indicators:

- a. from or to foreign countries;
- b. no explicable objective or no visible relation with (business) operations;
- c. transaction atypical of client;
- d. incoming flow consists of many small amounts and outgoing flow of large amounts, or vice versa;

- e. endorsed in client's name;
- f. conspicuous number of accounts;
- g. client acts as a straw man;
- h. conspicuous turnover or conspicuous changes in the account balance;
- i. unusual condition offer.

E. Transactions in which securities are involved:

Transactions with securities of NAF. 20,000.00 and higher including the physical surrender or delivery of securities that comply with two or more of the following indicators:

- a. from or to foreign countries;
- b. identification problems;
- c. unusual condition offer;
- d. transaction atypical of client;
- e. client acts as a straw man;
- f. client is nervous for no demonstrable reason;
- g. client is accompanied and monitored;
- h. no explainable objective or no visible relation with (business operations);
- i. client has not been to office earlier;
- j. incoming flow consists of many small amounts and outgoing flow of large amounts or vice versa.

F. Cash transactions:

1. Preference of the client for transactions under the marginal amount in which case the reason is to assume that he wants to avoid reporting;
2. Transactions of NAF. 20,000.00 and higher that comply with two or more of the following indicators:
 - a. identification problems;
 - b. unusual condition offer;
 - c. transaction atypical of client;
 - d. small denominations;
 - e. unusual packing;
 - f. frequent deposits by non-account holder;
 - g. client is nervous for no demonstrable reason;
 - h. client is accompanied and monitored;
 - i. client acts as a straw man;
 - j. no explainable objective or no visible relation with (business operations);
 - k. conspicuous turnover or conspicuous changes in the account balance;
 - l. incoming flow consists of many small amounts and outgoing flow of large amounts or vice versa.

- m. client delivers uncounted funds without these being related to the (business) operations;
 - n. amount is not deposited by client on his own account or the account of the employer;
 - o. amount is deposited in favor of an account at a bank abroad.
3. Transactions of NAF. 5,000.00 and higher in which case funds are made available at a financial institution in or outside the Netherlands Antilles for a non-accountholder that comply with two or more of the following indicators:
- a. no explainable objective or no visible relation with (business) operations;
 - b. identification problems;
 - c. transaction atypical of client;
 - d. client is nervous for no demonstrable reason;
 - e. client is accompanied and monitored;
 - f. client acts as a straw man.

G. Giro-based transactions

1. Transactions of NAF. 1,000,000.00 and higher that comply with two or more of the following indicators:
- a. from or to foreign countries;
 - b. identification problems;
 - c. conspicuous number of accounts;
 - d. no explainable objective or no visible relation with (business) operations;
 - e. transaction atypical of client;
 - f. unusual condition offer;
 - g. conspicuous turnover or conspicuous changes in the account balance;
 - h. incoming flow consists of many small amounts and outgoing flow of large amounts or vice versa.
 - i. not on client's own account.
2. Preference of the client for transactions below the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

* Anyone with a license or dispensation, based on the Banking and Credit System Supervision National Ordinance 1994, is included here.

Annex B: Services that are performed by the Bank of the Netherlands Antilles (indicators services, as referred to in article 1, section a., under 1^o, 2^o, 3^o, 4^o, 7^o and 8^o (service provider: the Bank of the Netherlands Antilles)

I. REPORTING MANDATORY:

Transactions that are reported to the police and the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATION IS APPLICABLE:

A. Probable money laundering transactions or the financing of terrorism;

Transactions in which case there is reason to assume that they could be related to money laundering or the financing of terrorism.

B. Transactions with securities or in which cash money is involved and in which case two or more of the following indicators are complied with:

- a. identification problems;
- b. unusual condition offer;
- c. transaction atypical of client;
- d. client acts as a straw man;
- e. client is nervous without any demonstrable reason;
- f. client is accompanied and monitored;
- g. no explainable objective or no visible relation with (business) operations;
- h. client has not been at office earlier.

**Annex C: Indicators services, as referred to in article 1, section a., under 5°, 6°
(service providers: insurers and insurance brokers)**

a. Taking out an individual life insurance policy

I. REPORTING MANDATORY (objective indicators):

1. A(n) (application for a) life insurance that is reported in connection with money laundering or with the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office;
2. The first premium or the single premium is paid cash and is NAF. 100,000.00 and higher.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

1. (Application for) a life insurance in which case there is reason to assume that this can be related to money laundering or the financing of terrorism;
2. Life insurances of which the first premium payment or the single premium is NAF. 25,000.00 and higher and which comply with three or more of the following indicators:
 - a. the policyholder has his residence outside the Netherlands Antilles;
 - b. the policyholder does not state a fixed residence (of his own);
 - c. the first premium payment or the single premium deposit takes place from an account at a bank outside the Netherlands Antilles;
 - d. the term of the insurance is 3 years or less, unless it is a capital sum insurance for covering pension claims of which the settlement has been established in a pension letter in which it is clearly described that the settlement ensues from an employment relationship;
 - e. the premium/single premium payment is more than NAF. 250,000.00;
 - f. the policyholder has already taken out three or more single premium policies against cash payment at your company or, in the case of intermediaries, through your mediation, in the current calendar year;
 - g. payment in small denominations, with uncounted funds, in unusual packing, in foreign currency, with money orders, checks or other negotiable instruments;
 - h. there are problems with the identification;
 - i. the insurance deviates strongly from what was or may be expected from this policyholder, having taken all circumstances into account (considering income, profession, insurances taken out earlier), in other words, the insurance is unusual for the policyholder;
 - j. the policyholder accepts very unfavorable conditions which are not linked to health or age;
 - k. a(n) (realistically) insured interest cannot be explained.

b. Settling an individual life insurance policy

I. REPORTING MANDATORY (objective indicators):

1. A payment from a life insurance which, in connection with money laundering or the financing of terrorism, is reported to the police or the judicial authorities, must also be reported to Reporting Office;
2. A payment of NAF.100,000.00 and higher on an account at a bank outside the Netherlands Antilles within 5 years after taking out an insurance;
3. A payment of NAF. 100,000.00 and higher in connection with the insurance that is transferred within 2 years before the expiration date, the loan or the commutation, or of which the beneficial entitlement is changed within that period (this indicator is not applicable to a transfer to or the beneficial entitlement change in favor of a child or grandchild);
4. A cash payment of NAF. 50,000.00 and higher.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

There is reason to assume that the insurance concerned is related to money laundering or to the financing of terrorism.

c. taking out a nonlife insurance policy

I. REPORTING MANDATORY (objective indicators):

1. A(n) (application for a) nonlife insurance that is reported in connection with money laundering or with the financing of terrorism to the police or the judicial authorities, must also be reported to the Reporting Office;
2. The premium is NAF. 5,000.00 and higher and is paid cash.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

1. (Application for) an insurance in which case there is reason to assume that the funds with which the premiums are paid originate from a crime;
2. Insurances for which the (first) premium payment is NAF. 5,000.00 or more and that comply with three or more of the following indicators:
 - a. the policyholder has his residence outside the Netherlands Antilles;
 - b. the policyholder does not state a fixed residence (of his own);
 - c. the premium payment takes place from an account at a bank outside the Netherlands Antilles;

- d. payment in small denominations, with uncounted money, in unusual packing, in foreign currency, with money orders, checks or other negotiable instruments;
- e. there are problems with the identification.

Annex D: Indicators services, as referred to in article 1, section a., under 9^o, (credit card transactions) (service providers: i.a. credit card companies and credit institutions)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism must also be reported to the Reporting Office.

B. Deposit by client:

Cash deposit by the client in the Netherlands Antilles in favor of a credit card account of NAF. 5,000.00 and higher.

C. Use of credit cards:

Using the credit card in connection with transactions of NAF. 20,000.00 and higher in or from the Netherlands Antilles.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions or the financing of terrorism:

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.

B. Dodging the marginal amount:

Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

Annex E: Indicators services, as referred to in article 1, section a., under 10°, (money transfer transactions) (service providers: money transfer offices)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism must also be reported to the Reporting Office.

B. Cash transactions:

Transactions of NAF. 5,000.00 and higher in which case the funds are made available in the form of circulating currency, in checks or by means of a credit or debit card, or are made payable in the form of circulating currency, in checks or by deposit on an account.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions or the financing of terrorism:

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.

B. Dodging marginal amount:

Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

Annex F: Indicators services, as referred to in article 1, section a., under 11^o, (games of hazard transactions: these are the transactions whether or not in connection with foreign games of hazard, including, for example, lotteries) (service providers: casinos, providers of internet gambling, lottery vendors)

a. transactions casinos

I. REPORTING MANDATORY (objective indicators):

- A. *Transactions that are reported to the police or the judicial authorities:*
Transactions that are reported in connection with money laundering or the financing of terrorism must also be reported to the Reporting Office.
- B. *Deposit:*
Taking on deposit: coins, banknotes and other equivalents/values of NAF. 20,000.00 and higher.
- C. *Giro-based transactions:*
Transactions of NAF. 20,000.00 and higher.
- D. *Selling tokens, whether or not virtual:*
 - 1. Selling tokens with an equivalent of NAF. 5,000.00 and higher to a client against submission of foreign coins or banknotes.
 - 2. Selling tokens with an equivalent of NAF. 5,000.00 and higher to a client against submission of one or more checks.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

- A. *Probable money laundering transactions or the financing of terrorism:*
Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.
- B. *Dodging marginal amount:*
Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

b. transactions providers of internet gambling

I. REPORTING MANDATORY (objective indicators):

- A. *Transactions that are reported to the police or the judicial authorities:*
Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

- B. *Giro-based transactions:*
Transactions of NAF. 5,000.00 and higher.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

- A. *Probable money laundering transactions or the financing of terrorism:*
Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.
- B. *Dodging marginal amount:*
Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

c. lottery vendors

I. REPORTING MANDATORY (objective indicators):

- A. *Transactions that are reported to the police or the judicial authorities:*
Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.
- B. *Giro-based transactions:*
Transactions of NAF. 5,000.00 and higher.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

- A. *Probable money laundering transactions or the financing of terrorism:*
Transactions in which case there is reason to assume that they could be related to money laundering or to the financing of terrorism.
- B. *Dodging the marginal amount:*
Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.

Annex G: Indicators services, as referred to in article 1, section a., under 14°, (providers of management services)

I. REPORTING MANDATORY (objective indicators):

A. *Transactions that are reported to the police or the judicial authorities*

:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

B. *Cash transactions:*

All cash transactions that exceed the amount of NAF. 10,000.00 and higher or the equivalent thereof in foreign currency in which case the provider of management services is directly or indirectly involved.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. *Probable money laundering transactions or the financing of terrorism:*

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorist activities or other criminal activities.

B. *Transactions in which checks, traveler's checks or similar instruments of payment are involved:*

Transactions by a client of NAF. 100,000.00 and higher, including the purchasing or cashing of checks, traveler's checks or similar instruments of payment (hereafter 'checks') which comply with two or more of the following indicators:

- a. no explainable objective or no visible relation with (business) operations;
- b. transaction atypical of client;
- c. incoming flow consists of many small amounts and outgoing check(s) with large amounts, or vice versa, which flow does not fit within the profile of the client;
- d. endorsed in client's name;
- e. conspicuous number of accounts;
- f. conspicuous turnover or conspicuous changes in the account balance which cannot be reasonably explained, considering the activities of the client;
- g. unusual condition offer.

C. *Giro-based transactions:*

Transactions of NAF. 1,000,000.00 and higher that comply with two or more of the following indicators:

- a) identification problems;
- b) conspicuous number of accounts;
- c) no explainable objective or no visible relation with the profile of the client;
- d) transaction atypical of client;
- e) unusual condition offer;
- f) conspicuous turnover or conspicuous changes in the account balance which cannot be reasonably explained, considering the activities of the client;
- g) incoming flow consists of many small amounts and outgoing flow of large amounts, or vice versa, which flow does not fit within the activities of the client;
- h) in the transaction, a security deposit or third-party account is used;
- i) incoming transaction without any statement of the principal or under a code name;
- j) the basis of the transaction is not documented or the transaction lacks a valid legal title;
- k) the transaction runs via the client's bank account, but is at the expense and risk of a third party ("fiduciary" use of the account).

D. Dodging the marginal amount:

Preference of the client for transactions under the marginal order amount in which case there is reason to assume that he wants to avoid reporting in doing so.

Annex H: Indicators services, as referred to in article 1, section a., under 1^o, 2^o, 3^o, 4^o, 7^o and 8^o (service providers: investment institutions)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

B. Cash transactions:

All cash transactions that exceed the amount of NAF. 10,000.00 and higher or the equivalent thereof in foreign currency in which case the provider of management services is directly or indirectly involved.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. *Probable money laundering transactions:*

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.

B. *Transactions in which checks, traveler's checks or similar instruments of payment are involved:*

Transactions by a client of NAF. 100,000.00 and higher, including offering or applying for or cashing checks, traveler's checks or similar instruments of payment (hereafter 'checks') which comply with two or more of the following indicators:

- a) transaction atypical of investor;
- b) investor asks for a check in the name of a third party in the event of total or partial sale of his investment in the investment institution;
- c) checks endorsed to the investor for the payment of the purchase of an investment in the investment institution by the investor;
- d) identification problems;
- e) unusual pattern of purchase(s) and sale(s) by the investor of investments in the investment institution;
- f) unusual condition offer.

C. *Giro-based transactions of NAF. 5,000,000.00 and higher that comply with two or more of the following indicators:*

- a) identification problems;
- b) unusual pattern of purchase(s) and sale(s) by investor of investments in the investment institution;
- c) transactions atypical of investor;
- d) unusual condition offer;
- e) payment of an investment in the investment institution takes place by means of several successive payments instead of one payment;
- f) payment of the proceeds of complete or partial sale of an investment has to take place in several successive transactions at the request of the investor;
- g) proceeds of the investment in the event of complete or partial sale are not transferred to the investor's own account;
- h) transfer of the proceeds of the complete or partial sale of the investment in the investment institution without stating the beneficiary or under a code name;
- i) transfer to the investment institution for the payment of the investment without stating the principal, or under a code name.

D. *Preference of the client for transactions under the marginal amount in which case there is reason to assume that he wants to avoid reporting in doing so.*

Annex I: Indicators services, as referred to in article 1, section a., under 1°, 2°, 3°, 4°, 7° and 8° (service providers: administrators investment institutions)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorist activities to the police or the judicial authorities must also be reported to the Reporting Office.

B. Cash transactions:

All cash transactions that exceed the amount of NAF. 10,000.00 and higher or the equivalent thereof in foreign currency in which case the provider of management services is directly or indirectly involved.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions or the financing of terrorism:

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorist activities or other criminal activities.

B. Dodging the marginal amount:

Preference of the investment institution or investor for transactions under the marginal amount in which case there is reason to assume that it/he wants to avoid reporting in doing so.

C. Transactions in which checks, traveler's checks or similar instruments of payment are involved:

Transactions by the client of NAF. 100,000.00 and higher, including offering or applying for or cashing checks, traveler's checks or similar instruments of payment (hereafter 'checks') which comply with two or more of the following indicators:

- a. no explainable legal objective or no visible relation with (business) operations;
- b. transactions atypical of the investment institution;
- c. transactions atypical of the investor;
- d. checks endorsed to the investment institution;

- e. checks endorsed to the investor for the payment of the sale of an investment in the investment institution by the investor;
- f. identification problems;
- g. investor asks for a check in the name of a third party in the event of a complete or partial sale of his investment in the investment institution;
- h. unusual pattern of purchase(s) and sale(s) by the investor of investments in the investment institution;
- i. unusual number of accounts;
- j. unusual condition offer.

D. Giro-based transactions:

- 1. Transactions of NAF. 10,000,000.00 and higher that comply with two or more of the following indicators:
 - a. identification problems;
 - b. unusual pattern of purchase(s) and sale(s) by the investor of investments in the investment institution;
 - c. transaction atypical of investor;
 - d. transaction atypical of investment institution;
 - e. unusual condition offer;
 - f. payment of an investment in the investment institution takes place by means of several successive payments instead of one payment;
 - g. payment of the proceeds of complete or partial sale of an investment has to take place in several successive transactions, whether or not to the same beneficiary, at the request of the investor;
 - h. proceeds of the investment in the event of a complete or partial sale are not transferred to the investor's own account;
 - i. transfer of the proceeds of the complete or partial sale of the investment in the investment institution without stating the beneficiary, or under a code name;
 - j. transfer to the investment institution for the payment of the investment without stating the principal, or under a code name.

Annex J: Indicators services, as referred to in article 1, section a., under 13^o (service providers: dealers in vehicles, precious stones, precious metals, ornaments and jewels)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

B. Cash transactions:

Transactions in which vehicles, precious stones, precious metals, ornaments, jewels are sold against complete or partial cash payment and in which case the amount to be paid cash is NAF. 20,000.00 or more.

. II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions or the financing of terrorism:

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.

Annex K: Indicators services, as referred to in article 1, section a., under 12° and 15° (service providers: independent professionals, namely the independent legal advisers, lawyers, (junior civil-law notaries, tax consultants, accountants and real estate brokers)

I. REPORTING MANDATORY (objective indicators):

A. Transactions that are reported to the police or the judicial authorities:

Transactions that are reported in connection with money laundering or the financing of terrorism to the police or the judicial authorities must also be reported to the Reporting Office.

B. Cash transactions:

Transactions in which NAF. 20,000.00 or more is paid to or through the mediation of independent professionals in cash, with bearer checks or similar instruments of payment.

II. REPORTING MANDATORY, IF THE PERSON WHO IS OBLIGED TO REPORT CONSIDERS THAT THE FOLLOWING SITUATIONS ARE APPLICABLE (subjective indicators):

A. Probable money laundering transactions or the financing of terrorism:

Transactions in which there is reason to assume that they could be related to money laundering or to the financing of terrorism.