

Ministry of Commerce and Industry

Circular No. (4) of 2022

On the Responsibilities and Tasks of the Senior Management of Regulated Entities

Messrs. Auditors, Dealers in Precious Metals or Precious Stones and Trust and Company Service Providers,

Greetings,

Pursuant to Law No. (20) of 2019 on Combating Money Laundering and Terrorism Financing, as amended by Decree Law No. (19) of 2021;

Article (6) of the Implementing Regulations of Law No. (20) of 2019 on Combatting Money Laundering and Terrorism Financing promulgated by the Council of Ministers' Decision No. (41) of 2019, as amended by Council of Ministers' Decision No. (41) of 2021;

Articles (15) and (16) of the Decision of the Minister of Commerce and Industry No. (48) of 2020 Promulgating the AML/CFT Compliance Rules for Auditors, Dealers in Precious Metals or Precious Stones, Trust and Company Service Providers (hereinafter referred to as the "Rules");

Article (2) of the Decision of the Minister of Commerce and Industry No. (95) of 2019 establishing an Anti-Money Laundering and Terrorism Financing Section under Companies Affairs Department; and

Circular No. (7) of 2020 on the Implementation of the AML/CFT Compliance Rules for Auditors, Dealers in Precious Metals or Precious Stones, Trust and Company Service Providers;

The Anti-Money Laundering and Terrorism Financing Section (AML/CFT Section) issued the following Circular:

This circular aims at clarifying the responsibilities and tasks of the Senior Management within the regulated entities subject to the MOCI supervision and monitoring, being auditors, dealers in precious metals or precious stones and trust and company service providers.

The Senior Management within a regulated entity refers to a natural person or administrative body at the entity that has the authority to make decisions related to the operation, supervision and monitoring of the entity.

In general, the Senior Management must ensure that the regulated entity's policies, procedures, systems and controls are adequate, appropriate and in line with the requirements of the Law, its Implementing Regulations and the Rules.

The Senior Management of a regulated entity must ensure, in particular, that:

1. The regulated entity develops, documents and implements effective AML/CFT policies in accordance with the Law, its Implementing Regulations and these Rules.
2. The regulated entity develops adequate screening procedures to ensure compliance with high standards when appointing or employing officers or employees.
3. The regulated entity designs and implements an ongoing AML/CFT training programme for its officers and employees.
4. Independent review and testing are conducted to ensure compliance with the applicable policies at the regulated entity, including an assessment and review of the policies pursuant to the provisions stipulated in Article (8) of these Rules.
5. Regular and timely information is made available about the management of the regulated entity's ML/TF risks.
6. The regulated entity's ML/TF risk management policies and methodology are appropriately established and documented, including their implementation by the regulated entity.
7. Instructions, circulars or guidance issued by the Ministry and any relevant procedures are taken into account.
8. A compliance officer is appointed and entrusted with the necessary powers and authority, to perform his role in an effective, objective and independent manner.
9. An AML/CFT compliance culture is promoted within the regulated entity.
10. Necessary measures are taken to ensure that ML/TF risks are taken into account in the day-to-day operations of the regulated entity, including, in particular, in relation to the development of new products, the taking on of new customers, or changes in the business profile of the regulated entity.
11. Reasonable measures have been taken to ensure that the reports required to be submitted to the Section are accurate, complete and submitted promptly.

The Senior Management must in particular:

1. Approve the regulated entity's policies, procedures, systems and controls.
2. Take, on a regular basis and in a timely manner, reasonable measures to address deficiencies identified by the compliance officer, in the reports it receives periodically or upon its request, including the adoption of an action plan to remedy the deficiencies, to enable it to discharge its responsibilities in accordance with the AML/CFT requirements of the Law, its Implementing Regulations and the Rules.

Kindly visit the webpage of the AML/CFT Section on the following link:

[Anti-Money Laundering and Terrorism Financing Section – Ministry of Commerce and Industry - https://www.moci.gov.qa](https://www.moci.gov.qa) to access the Guidance and useful links that will assist you in performing your general and specific responsibilities and tasks stipulated in this Circular.

To ensure implementation of your obligations referred to above, you may also contact the AML/CFT Section via the following email address: control.aml@moci.gov.qa or through directly contacting the staff of the Section under the Companies Affairs Department at the MOCI, at the following address: The Ministry of Commerce and Industry, Second Floor, Lusail City, Qatar.

In the event of failure to comply with these requirements, the regulated entity will be subject to administrative and financial penalties pursuant to Article (44) of Law No. (20) of 2019 on Combatting Money Laundering and Terrorism Financing, in addition to the sanctions stipulated in the said Law.

Kind Regards,

Salem Bin Salem Al Mannai
Director of the Companies Affairs Department

Copy to:

- NAMLC Secretary
- H.E. Assistant Deputy of Commerce Affairs

Issued on 30/03/2022