

# ANTI- MONEY LAUNDERING NOTICE

Pursuant to the Anti-Money Laundering Law – AMLL (Legislative Decree no. 231 on November 21st, 2007 and subsequent amendments) when Notaries are performing, on behalf of their clients, any financial or real estate transaction, they must comply the obligations of appropriate control of their clients, such as:

## A. Identification and control of identity

All clients and everyone assisting them, either during preliminary activity, and at the closing, will be identified (brokers, professionals, counsels, relatives, friends, etc) through the exhibition (or the delivery of a scanned copy) of an identity document (I.D., Passport or Driving License, etc).

Documents must be validly issued and not expired.

As to legal representative of companies or other entities are concerned, the actual power to bind the company or entity will be always ascertained.

## B. Identification and control of identity of the beneficial owner

The «beneficial owner» is that (or those) individual on behalf of which the professional service or an activity is performed, or else, in case of companies or entities, the individual that, at last, has the ownership or can exercise the control of it, either directly or indirectly, through the possession of 25% or more of the share capital or of the votes in the General Meeting, even by means of bearer securities, or else being its beneficiaries.

Pursuant to Article 21 of AMLL “For the purpose of identifying the «beneficial owner», clients have to provide in writing, under their responsibility, all the updated information of which they are aware.”

For this purpose, each client must fill in a form provided by the Notary’s Office.

Section 55, paragraph 2° of AMLL sets forth the following criminal sanction: “Unless this implies a heavier criminal offence, whoever performing any operation, omits to disclose the name of the individual on behalf of which he/she is performing such operation or provides false personal details, will be punished with conviction from six months to one year and with a fine from 500 to 5,000 Euro”.

## C. Information on the purpose and nature of the professional service

Pursuant to Section 21 of AMLL “Clients have to disclose, under their responsibility, all the updated information to allow who is in charge to apply the provisions of this decree to comply the obligations of appropriate control of clients”, and then any information on the actual purpose and the nature of the required professional service.

It is provided a sanction under Section 55, paragraph 3°, AMLL that provides: “Unless this implies a heavier criminal offence, whoever performs any operation and does not disclose information about the purpose and character of the operation which is the subject of the business relationship or the professional service, or discloses false information, will be punished with conviction from six months to three years and with a fine from 5,000 to 50,000 Euro”.

For this purpose the client will have to disclose all the means of payment and provide the Notary’s Office any appropriate information with the goal of re-tracing and prove his/her capital, patrimonial and income adequacy with respect to the subject operation, particularly disclosing the source of the funds (deriving from bank loans, from third parties as a gift or as a loan, etc..)

## D. POLITICALLY EXPOSED PERSONS (PEPs)

Clients have to disclose if they themselves are or have relationship with “politically exposed persons” (PEPs) meaning “who are or have been entrusted with prominent public functions (either in Italy or abroad), or their immediate family members, a partner, or persons known to be close associates”.

Individuals who are or have been entrusted with prominent public functions include the following:

- i. heads of state, heads of government, ministers and deputy or assistant ministers;
- ii. members of parliaments;
- iii. members of supreme courts, of constitutional courts or of other high-level judicial bodies whose decisions are not generally subject to further appeal, other than in exceptional circumstances;
- iv. members of courts of auditors or of the boards of central banks;
- v. ambassadors, chargés d'affaires and high-ranking officers in the armed forces;
- vi. members of the administrative, management or supervisory bodies of state-owned enterprises;

(b) the categories set out in paragraphs (i) to (vi) do not include middle-ranking or more junior officials;

2. Immediate family members include the following—

- i. a spouse;
- ii. a partner;
- iii. children and their spouses or partners; and
- iv. parents;

3. persons known to be close associates include the following:

- i. any individual who is known to have joint beneficial ownership of a legal entity or legal arrangement, or any other close business relations, with a PEPs
- ii. any individual who has sole beneficial ownership of a legal entity or legal arrangement which is known to have been set up for the benefit of a PEPs

4. “Partner” means a person who is considered by his national law as equivalent to a spouse.

5. Without prejudice for the application of stronger obligations of control of clients, when a person has ceased to be entrusted with prominent public functions since at least one year, he can be no more considered as a PEPs.