

PANAMA'S SUPERINTENDENCE OF BANKS MODIFIES AGREEMENT THAT REGULATES THE PREVENTION OF MISUSE OF BANK AND FIDUCIARY SERVICES

By María Cristina Fábrega de Duque

On November 27th, 2018, Panama's Superintendence of Banks issued Agreement 13-2018, by means of which Agreement 10-2015 is modified, which regulates the prevention of the improper use of banking and fiduciary services. The modification is meant to adapt Agreement 10-2015 in order to include regulations contained in the 40 FATF Recommendations and to extend simplified due diligences in applicable cases.

Banks and fiduciary companies must prepare a client profile, for both, natural persons and legal entities, requesting the minimum information established in the banking Agreement 13-2018. Additionally, if the client is an intermediary of a final beneficiary or usufructuary, the bank or fiduciary company must perform the due diligence on the final beneficiary.

Banks and fiduciary companies must obtain and understand the information related to the purpose of the commercial relationship, evaluate the financial and transactional profile of the client and measure the risk of the products or services offered, record all the steps taken to identify the final beneficiary, and comply with internal control policies and international parameters to identify foreign clients.

Consequently, banks and fiduciary entities must receive the documentation required in the banking agreement to create customer profiles, and it must be consolidated in a single physical or digital file.

For more information, do not hesitate to contact us.

María Cristina Fábrega de Duque
Associate
María.Fabrega@ariaslaw.com

