

# KYC / AML Dokumente

## Übersicht

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### Ihr direkter Kontakt

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# ANTI-MONEY LAUNDERING QUESTIONNAIRE

<b>Financial Institution Name: Bayerische Landesbank - BayernLB</b>		
<b>Location: Munich, Germany</b>		
<b>I. General AML Policies, Practices and Procedures:</b>		
1. Is the AML compliance program approved by the FI's board or a senior committee?	Yes	
2. Does the FI have a legal and regulatory compliance program that includes a designated officer that is responsible for coordinating and overseeing the AML framework?	Yes	
3. Has the FI developed written policies documenting the processes that they have in place to prevent, detect and report suspicious transactions?	Yes	
4. In addition to inspections by the government supervisors/regulators, does the FI client have an internal audit function or other independent third party that assesses AML policies and practices on a regular basis?	Yes	
5. Does the FI have a policy prohibiting accounts/relationships with shell banks? (A shell bank is defined as a bank incorporated in a jurisdiction in which it has no physical presence and which is unaffiliated with a regulated financial group.)	Yes	
6. Does the FI have policies to reasonably ensure that they will not conduct transactions with or on behalf of shell banks through any of its accounts or products?	Yes	
7. Does the FI have policies covering relationships with Politically Exposed Persons (PEP's), their family and close associates?	Yes	
8. Does the FI have record retention procedures that comply with applicable law?	Yes	
9. Are the FI's AML policies and practices being applied to all branches and subsidiaries of the FI both in the home country and in locations outside of that jurisdiction?	Yes	
10. Does your bank offer "Payable Through Accounts" or any other accounts which can be used via nostro and vostro accounts? (Payable Through Accounts are a type of correspondent banking account which is subdivided by the foreign bank into sub-accounts, each in the name of one of the foreign bank's customers, thus giving foreign bank's customers direct access to the products of the first financial institution).		No
<b>II. Risk Assessment</b>		
11. Does the FI have a risk-based assessment of its customer base and their transactions?	Yes	

12. Does the FI determine the appropriate level of enhanced due diligence necessary for those categories of customers and transactions that the FI has reason to believe pose a heightened risk of illicit activities at or through the FI?	Yes	
<b>III. Know Your Customer, Due Diligence and Enhanced Due Diligence</b>		
13. Has the FI implemented processes for the identification of those customers on whose behalf it maintains or operates accounts or conducts transactions?	Yes	
14. Does the FI have a requirement to collect information regarding its customers' business activities?	Yes	
15. Does the FI assess its FI customers' AML policies or practices?	Yes	
16. Does the FI have a process to review and, where appropriate, update customer information relating to high risk client information?	Yes	
17. Does the FI have procedures to establish a record for each new customer noting their respective identification documents and 'Know Your Customer' information?	Yes	
18. Does the FI complete a risk-based assessment to understand the normal and expected transactions of its customers?	Yes	
<b>IV. Reportable Transactions and Prevention and Detection of Transactions with Illegally Obtained Funds</b>		
19. Does the FI have policies or practices for the identification and reporting of transactions that are required to be reported to the authorities?	Yes	
20. Where cash transaction reporting is mandatory, does the FI have procedures to identify transactions structured to avoid such obligations?	Yes	
21. Does the FI screen transactions for customers or transactions the FI deems to be of significantly high risk (which may include persons, entities or countries that are contained on lists issued by government/international bodies) that special attention to such customers or transactions is necessary prior to completing any such transactions?	Yes	
22. Does the FI screen customers and transactions against lists of persons, entities or countries issued by government/competent authorities?	Yes	
23. Does the FI have policies to reasonably ensure that they will not conduct transactions with or on behalf of shell banks through any of its accounts or products? (A shell bank is defined as a bank incorporated in a jurisdiction in which it has no physical presence and which is unaffiliated with a regulated financial group).	Yes	
24. Does the FI have policies to reasonably ensure that it only operates with correspondent banks that possess licenses to operate in their countries of origin?	Yes	

25. Does the FI adhere to the Wolfsberg Transparency Principles and the appropriate usage of the SWIFT MT 202/202COV and MT 205/205COV message formats? <sup>1</sup>	Yes	
<b>V. Transaction Monitoring</b>		
26. Does the FI have a monitoring program for unusual and potentially suspicious activity that covers funds transfers and monetary instruments such as travelers checks, money orders, etc?	Yes	
<b>VI. AML Training</b>		
27. Does the FI provide AML training to relevant employees that includes: Identification and reporting of transactions that must be reported to government authorities. Examples of different forms of money laundering involving the FI's products and services. Internal policies to prevent money laundering.	Yes	
28. Does the FI retain records of its training sessions including attendance records and relevant training materials used?	Yes	
29. Does the FI communicate new AML related laws or changes to existing AML related policies or practices to relevant employees?	Yes	

<b>Name:</b> Franz Dohnal
<b>Title:</b> Chief Compliance Officer
<b>Signature:</b>
<b>Date:</b> 15 <sup>th</sup> January 2018

<sup>1</sup> The four payment message standards to be observed are: i) FIs should not omit, delete, or alter information in payment messages or orders for the purpose of avoiding detection of that information by any other FI in the payment process; ii) FIs should not use any particular payment message for the purpose of avoiding detection of information by any other FI in the payment process; iii) Subject to applicable laws, FIs should cooperate as fully as practicable with other FIs in the payment process when requesting to provide information about the parties involved; and (iv) FIs should strongly encourage their correspondent banks to observe these principles.

# CONFIRMATION ON THE ANTI MONEY LAUNDERING POLICY

## AND KYC PROCEDURES OF BAYERNLB

Dear Madam, Dear Sir,

Please be advised that BayernLB Group (including all branches and subsidiaries) has a written anti money laundering policy, practices and procedures in place to comply with the German and international requirements as the German Anti Money Laundering Act, the 40 FATF recommendations and customer due diligence procedures from the Basle Committee. Our regulator is the Federal Banking Supervisory Office (Bundesanstalt fuer Finanzdienstleistungsaufsicht – [www.bafin.de](http://www.bafin.de)) of Germany and the European Central Bank ([www.ecb.eu](http://www.ecb.eu)).

We also comply with all regulations required under the USA Patriot Act. Please consult BayernLB's websites for further information (including all requested data and ownership) [www.bayernlb.com](http://www.bayernlb.com).

Additional documentation and information as the Wolfsberg AML Questionnaire and other statements on our AML Policy can be obtained at the Bankers Almanac due diligence repository.

Under the German Anti Money Laundering Act and Tax regulations we are prohibited from account openings for not identified entities or persons. Therefore any transaction can also be tracked and identified. Under the KYC procedures we are obliged to ask the customer of the origin of her/his funds if there is any suspicion on the transaction and/or the economic background.

Our annual internal or external audit reports or other statements will not be available for third parties or banks due to German legislation.

CONFIRMATION ON THE ANTI MONEY LAUNDERING  
POLICY AND KYC PROCEDURES OF BAYERNLB

Please do not hesitate to contact us, if you need further information.

Yours sincerely,

Franz Dohnal

Chief Compliance Officer

Contact Address:

Bayerische Landesbank – BayernLB

Group Compliance - 1900

Franz Dohnal

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Germany

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Date: 15<sup>th</sup> January 2018

# BAYERISCHE LANDESBANK GLOBAL CERTIFICATION

## REGARDING CORRESPONDENT ACCOUNTS FOR BAYERISCHE LANDESBANK

*The information contained in this Certification is sought pursuant to Sections 5318(j)*

and 5318(k) of Title 31 of the United States Code, as added by sections 313 and 319(b) of the USA PATRIOT Act of 2001 (Public Law 107-56).

This Certification should be completed by any **foreign bank** that maintains a **correspondent account** with any U.S. bank or U.S. broker-dealer in securities (a **covered financial institution** as defined in 31 C.F.R. 1010.605(e)). An entity that is not a foreign bank is not required to complete this Certification.

A **foreign bank** is a bank organized under foreign law and located outside of the United States (see definition at 31 C.F.R. 1010.100(u)). A **bank** includes offices, branches, and agencies of commercial banks or trust companies, private banks, national banks, thrift institutions, credit unions, and other organizations chartered under banking laws and supervised by banking supervisors of any state (see definition at 31 C.F.R. 1010.100(d)).<sup>1</sup>

A **Correspondent Account** for a foreign bank is any account to receive deposits from, make payments or other disbursements on behalf of a foreign bank, or handle other financial transactions related to the foreign bank.

*Special instruction for foreign branches of U.S. banks:* A branch or office of a U.S. bank outside the United States is a foreign bank. Such a branch or office is not required to complete this Certification with respect to Correspondent Accounts with U.S. branches and offices of the same U.S. bank.

*Special instruction for covering multiple branches on a single Certification:* A foreign bank may complete one Certification for its branches and offices outside the United States. The Certification must list all of the branches and offices that are covered and must include the information required in Part C for **each** branch or office that maintains a Correspondent Account with a Covered Financial Institution. Use attachment sheets as necessary.

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<sup>1</sup> A “foreign bank” does not include any foreign central bank or monetary authority that functions as a central bank, or any international financial institution or regional development bank formed by treaty or international agreement.

REGARDING CORRESPONDENT ACCOUNTS FOR BAYERISCHE LANDESBANK

A. The undersigned financial institution, Bayerische Landesbank and its branches as listed in Appendix I, hereby certifies as follows

B. Correspondent Accounts Covered by this Certification

This Certification applies to all accounts established for Bayerische Landesbank by Covered Financial Institutions.

C. Physical Presence/Regulated Affiliate Status

Bayerische Landesbank maintains a **physical presence** in any country. That means:

Bayerische Landesbank has a place of business at the following street address:

Brienner Strasse 18, 80333 Munich, where Bayerische Landesbank employs one or more individuals on a full-time basis and maintains operating records related to its banking activities.

- The above addresses are in Germany, where Foreign Bank is authorized to conduct banking activities.
- Bayerische Landesbank is subject to inspection by BAFIN (Bundesanstalt fuer Finanzdienstleistungsaufsicht), the banking authority that licensed Bayerische Landesbank to conduct banking activities and the European Central Bank, which is the central bank for the euro and administers monetary policy of the Eurozone.

D. Indirect Use of Correspondent Accounts

No Correspondent Account maintained by a Covered Financial Institution may be used to indirectly provide banking services to certain foreign banks. Bayerische Landesbank hereby certifies that it does not use any Correspondent Account with a Covered Financial Institution to indirectly provide banking services to any foreign bank that does not maintain a physical presence in any country and that is not a regulated affiliate.

E. Ownership Information

**Form FR Y-7 is on file.** Bayerische Landesbank has filed with the Federal Reserve Board a current Form FR Y-7 and has disclosed its ownership information on Item 4 of Form FR Y-7.



REGARDING CORRESPONDENT ACCOUNTS FOR BAYERISCHE LANDESBANK

F. Process Agent

The following individual or entity: Lorraine Briganti, Bayerische Landesbank New York Branch is a resident of the United States at the following street address:

560 Lexington Avenue, New York, N.Y. 10022, 22nd Floor, and is authorized to accept service of legal process on behalf of Bayerische Landesbank from the Secretary of the Treasury or

the Attorney General of the United States pursuant to Section 5318(k) of title 31, United States Code.

G. General

Bayerische Landesbank hereby agrees to notify in writing each Covered Financial Institution at which it maintains any Correspondent Account of any change in facts or circumstances reported in this Certification. Notification shall be given within 30 calendar days of such change.

Bayerische Landesbank understands that each Covered Financial Institution at which it maintains a Correspondent Account may provide a copy of this Certification to the Secretary of the Treasury and the Attorney General of the United States. Bayerische Landesbank further understands that the statements contained in this Certification may be transmitted to one or more departments or agencies of the United States of America for the purpose of fulfilling such departments' and agencies' governmental functions.

**I, Franz Dohnal, certify that I have read and understood this Certification, that the statements made in this Certification are complete and correct, and that I am authorized to execute this Certification on behalf of Bayerische Landesbank (BayernLB).**

**Franz Dohnal**

Chief Compliance Officer  
Bayerische Landesbank

Executed on this 15<sup>th</sup> January 2018

## Appendix I

Name	Address
<b>Foreign Branches</b>	
<b>Bayerische Landesbank Milan Branch</b>	Bayerische Landesbank Niederlassung Mailand Via della Moscova, 3 I- 20121 Milano  Local authority: Bank of Italy (Ufficio Italiano dei cambi)
<b>Bayerische Landesbank London Branch</b>	Bayerische Landesbank Moor House 120 London Wall London EC2Y 5ET  Local authority: Financial Services Authority (FSA)
<b>Bayerische Landesbank New York Branch</b>	Bayerische Landesbank Niederlassung New York 560 Lexington Avenue New York, N.Y. 10022 22nd Floor  Local authority: OCC (Comptroller of the Currency)
<b>Bayerische Landesbank Paris Branch</b>	Bayerische Landesbank 203,rue du Faubourg Saint-Honoré F-75380 Paris Cedex 08  Local authorities: TRACFIN (Ministry of Finance), Commission Bancaire

Name	Address
<b>Domestic locations</b>	
<b>Bayerische Landesbank Munich (Headoffice)</b>	Bayerische Landesbank Brienner Strasse 18 80333 Munich  Local Authority: BAFIN (Bundesanstalt fuer Finanzdienstleistungsaufsicht)
<b>Domestic branches</b>	
<b>Nuremberg Branch</b>	Lorenzer Platz 27 90402 Nürnberg
<b>Domestic offices</b>	
<b>Office Düsseldorf</b>	Cecilien-Palais Cecilienallee 10 40474 Düsseldorf
<b>Office Berlin</b>	Kronenstraße 11 10117 Berlin
<b>Office Frankfurt</b>	Mainzer Landstraße 51 60329 Frankfurt
<b>Office Hamburg</b>	Große Bäckerstraße 13 20095 Hamburg
<b>Office Stuttgart</b>	Tübinger Straße 43 70178 Stuttgart