



# THE REGULATORY 15/15

Podcast

April 2024



# Speakers

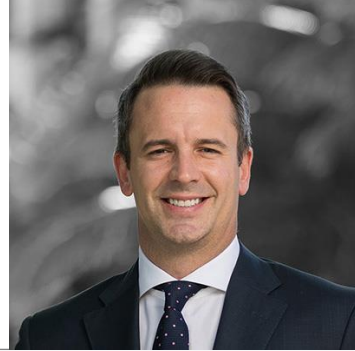


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- New CSV Technical Guidance on Beneficial Ownership Filings
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  - Guidance on Beneficial Ownership and Transparency of Legal Arrangements

# Introduction

# Introduction to the 15/15

- A 15-minute summary of the latest developments in the regulatory laws of the Cayman Islands released on the 15th day of every month
- A copy of the previous 15/15 released on 15 March can be accessed on our website: [Maples 15/15](#)
- Comments and suggestions to format of the 15/15 are always welcome – please email speakers directly

# Russia Sanctions – New Specific Licensing Ground (Divestment)

# Russia Sanctions – Divestment

## Russia (Sanctions) (Overseas Territories) (Amendment) Order 2024

- 14 March 2024 – new 'Divestment' specific licensing ground came into force
- Can apply for specific licence that, if granted, would enable entity to:
  - transfer funds / economic resources located in Russia which it owns, holds or controls to a DP or to the Russian Government, in order for the entity to divest itself of those funds / economic resources;
  - acquire from a DP or the Russian Government an interest held in that entity by the DP or the Russian Government, so long as:
    - the sole consideration for the acquisition is a transfer of funds from the entity to the DP or the Russian Government; and
    - such funds are credited to a frozen account in a jurisdiction where corresponding sanctions are in force; or
  - enable another person to do any of the above.
- See our industry update "*Russia Sanctions Update – New Divestment Licensing Ground*" for further information

# DITC Bulletin and Ongoing Enforcement



# DITC Bulletin

- In March 2024, the DITC published its latest Updates Bulletin. The topics covered are:
  - **CRS Missing Dates of Birth in CRS XMLs**
    - Approximately 10 percent of Cayman Islands Financial Institutions ("FIs") failed to report a date of birth ("DoB") for individual account holders and / or controlling persons for the 2022 reporting period
    - There is a statutory requirement for FIs to submit this DoB information and the failure to include may result in compliance and enforcement action against FIs
    - The DITC released an earlier explanatory note in 2021 <https://www.ditc.ky/wp-content/uploads/CRS-reporting-obligations-DoB.pdf>

# DITC Bulletin (Cont'd)

## 2023 CRS & FATCA Reporting Deadlines

The DITC Portal is open for 2023 CRS and FATCA XML uploads.

Reporting Obligation	Deadline
Registration (Notification)	30 April 2024
2023 CRS Reporting	31 July 2024
2023 CRS Filing Declaration (Nil return)	31 July 2024
2023 FATCA Reporting	31 July 2024
2023 CRS Compliance Form	16 September 2024*

*\*Additional day added as the 15 September 2024 falls on a Sunday.*

# DITC Ongoing Enforcement

- The DITC is actively monitoring CRS compliance and is carrying out enforcement action in respect of CRS breaches
- FIs should ensure:
  - all required filings are made by the applicable filing deadline
  - all required data fields are completed
  - to written CRS policies and procedures, in keeping with the statutory requirement to do so

# New CSV Guidance on Beneficial Ownership Filings

# New CSV Guidance on Beneficial Ownership Filings

- On 15 March 2024, the Cayman Islands General Registry issued CSV technical guidance on filings under the new Beneficial Ownership Transparency Act, 2023 (the "Act") (once it commences)
- This guidance was released now to facilitate industry's changes to internal processes, in support of the transition to the new CSV file format once the Act does commence
- The accompanying notice also indicated:
  - *guidance on error messages will be issued at a later date*
  - *following industry consultation, the Ministry of Financial Services and Commerce will issue general guidance on beneficial ownership obligations*
  - *the commencement date for the Act and accompanying regulations will be notified in a subsequent advisory*
  - *compliance with the new elements of the beneficial ownership framework is required by 1 January 2025*

# FATF Recommendations 15 and 24

# FATF Recommendation 15

- On 28 March 2024, following a 12-month process to collect and evaluate information, the FATF published a table setting out the status of implementation by FATF members and jurisdictions with materially important virtual asset service providers ("VASP") activity of the FATF's Standards on virtual assets and VASPs (Recommendation 15)
- The Cayman Islands is included as being largely compliant since 2021

# FATF Recommendation 24

- On 11 March 2024, the FATF published updated Guidance on Beneficial Ownership and Transparency of Legal Arrangements following the February revisions to FATF Recommendation 25
- This guidance complements the existing guidance on Recommendation 24 on legal persons and aims to help stakeholders from the public and private sectors to implement the new requirements more effectively
- The publication sets out practical guidance on how to understand and assess the money laundering and terrorist financing risks associated with trusts and similar legal arrangements and explains the FATF's requirements to obtain adequate, accurate and up-to-date beneficial ownership information for express trusts and similar legal arrangements, and highlights mechanisms to verify this information
- The FATF will assess countries' implementation of these requirements during its upcoming round of mutual evaluations



This presentation was presented on, and is only accurate to 11 April 2024. The information within this presentation is provided for general guidance only, is not intended to be comprehensive and does not constitute legal advice or give rise to an attorney / client relationship.

Specialist legal advice should be taken in relation to specific circumstances. If you require legal advice, please reach out to your usual Maples and Calder contact.

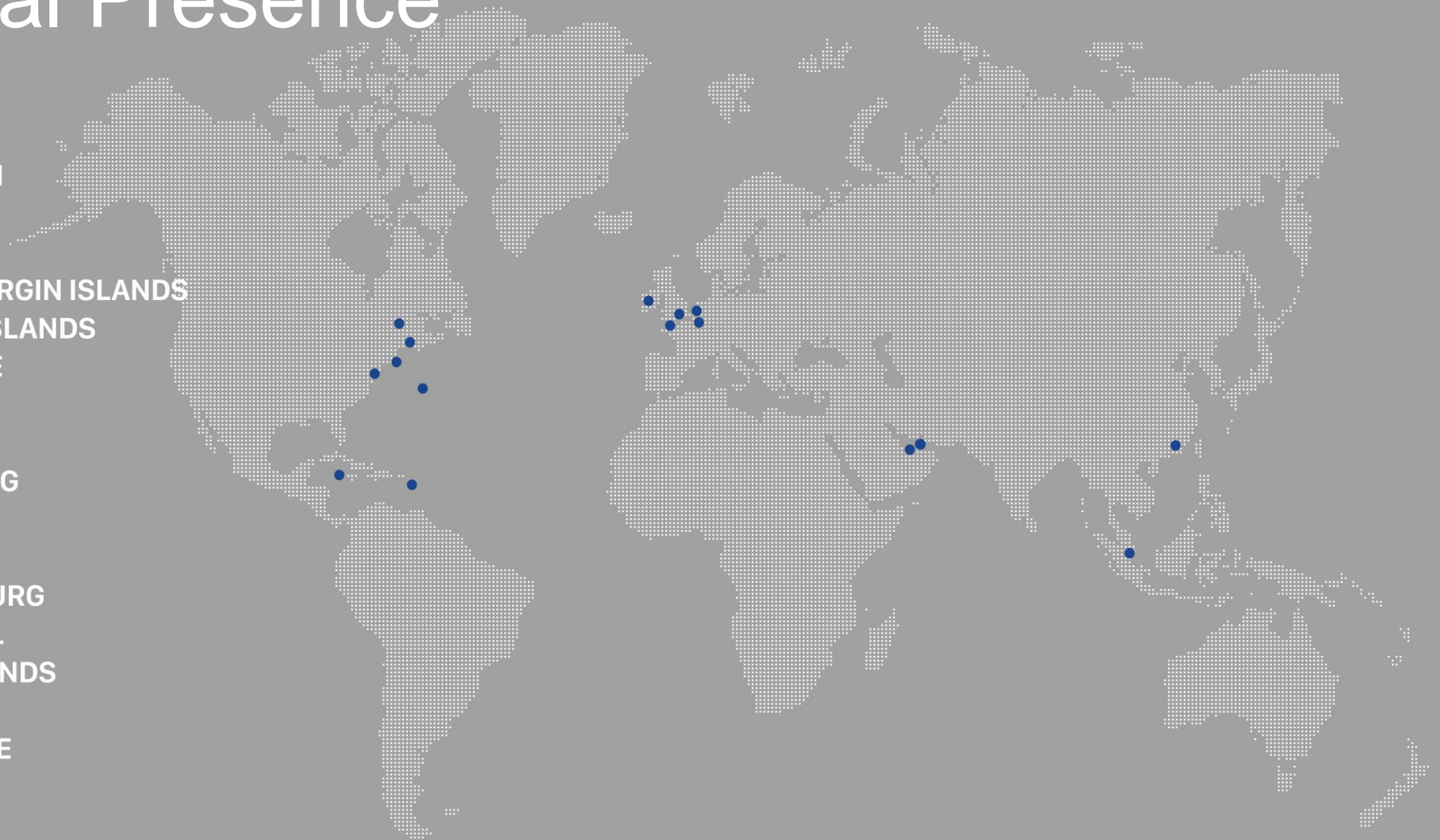
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