

ANBIMA Guide on **AML/CFT**

Edition V



Table of Content

Glossary.....	3
Chapter I - Introduction.....	10
Chapter II - Objective and Scope.....	11
Chapter III - AML/CFT Program.....	13
Chapter IV - Governance.....	14
Chapter V - Internal Risk Assessment.....	18
Chapter VI - Risk-Based Approach.....	20
Chapter VII - AML/CFT Policy.....	22
Chapter VIII - Know your client.....	24
Chapter IX - Monitoring and analysis of unusual situations.....	26
Chapter X - Monitoring and reporting of unusual situations.....	29
Chapter XI - Know your staff.....	31
Chapter XII - Know your service provider, partners, and vendors.....	32
Chapter XIII - Training and capacity building.....	34
Chapter XIV - Institutions' Diligence.....	36
Chapter XV - Exchange of Information.....	36
Chapter XVI - Assets' freeze.....	38
Chapter XVII - Periodic evaluation of the AML/CFT program.....	40
Chapter XVIII - Effectiveness Assessment.....	41
Chapter XIX - Final provisions.....	42
Annex I - Distributor's Due Diligence.....	43
Annex II - Fiduciary Manager's Due Diligence.....	53
Annex III - Asset Manager's Due Diligence.....	56
Annex IV - Custodian's Due Diligence.....	66
Annex V - Bookkeeper's Due Diligence.....	69
Annex VI - NRI Representative's Due Diligence.....	72
Annex VII - Securitization Companies' Due Diligence.....	74
Annex VIII - Advisory Lists.....	78

Glossary

- 1.** The definitions and acronyms indicated below, when used in this guide, in their singular or plural forms, shall have the meanings ascribed to them and shall be valid specifically for the purposes of this document:
 - I.** RBA: Risk-Based Approach.
 - II.** IRA or Internal Risk Assessment: internal risk assessment, as defined in CVM Resolution 50/21 and BCB Circular 3,978/20.
 - III.** NRA or National Risk Assessment: national risk assessment as defined in Decree 10,270/20 by the Working Group on the National Risk Assessment of Money Laundering, Financing of Terrorism and Financing the Proliferation of Weapons of Mass Destruction
 - IV.** senior management: the highest decision-making body or individuals who are members of the management and/or board that is responsible for carrying out strategic issues as provided for in the AML/CFT policy.
 - V.** Anbima or Association: Brazilian Financial and Capital Markets Association.
 - VI.** investment advisor: name given to independent investment agents as of Law 14,317/22.
 - VII.** financial assets: are the financial assets, goods, and rights of any nature as defined by CVM and/or BCB.
 - VIII.** real estate assets: any assets by means of which the participation of FIIs and FIAGROS in real estate developments permitted by the applicable regulation takes place.
 - IX.** assets: financial assets and real estate assets, when referred to together.
 - X.** B3: B3 S.A. - Brasil, Bolsa, Balcão (Brazilian stock exchange).
 - XI.** BCB: Central Bank of Brazil.
 - XII.** ultimate beneficial owner: an individual or individuals who jointly own, control or significantly influence, directly or indirectly, a client on whose account a transaction is being carried out or who benefits from such transaction.
 - XIII.** BSM: Supervisão de Mercados, self-regulatory inspection, monitoring and supervision entity maintained by B3 pursuant to the terms of Law 6,385/76.

- XIV.** BCB Circular-Letter 4,001/20¹: BCB Circular Letter No. 4,001, of January 29, 2020, which discloses a list of transactions and situations that may constitute evidence of the occurrence ML/FT crimes dealt with in Law 9,613/98 and Law 13,260/16, which are to be notified to COAF.
- XV.** BCB Circular 3,978/20²: BCB Circular No. 3,978, of January 23, 2020, and its subsequent amendments, which covers the policy, procedures and internal controls to be adopted by institutions authorized to do business by the BCB, with a view to preventing the use of the financial system for the practice of ML/CFT.
- XVI.** Exclusive Classes or Subclasses: a class or subclass of shares created to receive investments exclusively from a single professional investor, from shareholders with family or corporate ties, or from shareholders connected by a single and inseparable common interest.
- XVII.** client³: an individual or legal entity, investment fund (through a class), investment club, or non-resident investor (NRI) on whose behalf transactions involving assets are carried out.
- XVIII.** COAF: Council for Financial Activities Control, Brazil's National Financial Intelligence Unit.
- XIX.** staff members: employees, managers, stockholders, interns, and third-party suppliers.
- XX.** counterpart: is the individual, legal entity or enterprise in the opposite position to that undertaken by the intermediary's client, in transactions of (i) asset purchase and sale, (ii) assets loans or (iii) other transactions in the stock and over-the-counter markets or in private deals.
- XXI.** brokers: securities brokerage companies, entities authorized to do business by BCB pursuant to the terms of the National Monetary Council Resolution No. 5,008, of March 24, 2022.
- XXII.** CVM: Securities and Exchange Commission of Brazil.
- XXIII.** distributor: institution that is part of the national financial system, which is authorized to do

¹ <https://www.bcb.gov.br/estabilidadefinanceira/exibenormativo?tipo=Carta%20Circular&numero=4001>.

² https://normativos.bcb.gov.br/Lists/Normativos/Attachments/50905/Circ_3978_v3_P.pdf.

³ For the purposes of this guide, which covers CVM Resolution 50/21 and BCB Circular 3,978/20, we will only adopt the term client.

business by BCB and CVM in the distribution of assets, pursuant to the terms allowed by the laws and regulations.

- XXIV.** Decree 10,270/20⁴: Decree No. 10,720 of March 6, 2020, which creates the National Assessment of Risks of Money Laundering, Financing of Terrorism and Financing of the Proliferation of Weapons of Mass Destruction's Working Group.
- XXV.** ENCCLA: National Strategy to Combat Corruption and Money Laundering.
- XXVI.** FIAGRO: investment funds in the agribusiness production chains regulated by CVM Resolution 175/22 and its corresponding Regulatory Annex VI, as amended.
- XXVII.** FIDC: Receivables investment fund regulated by CVM Resolution 175/22 and its corresponding Regulatory Annex II, as amended.
- XXVIII.** FII: real estate investment fund regulated by CVM Resolution 175/22 and its corresponding Regulatory Annex III, as amended.
- XXIX.** FIP: private equity fund regulated by CVM Resolution 175/22 and its corresponding Regulatory Annex IV, as amended.
- XXX.** FATF: Financial Action Task Force against ML (Money Laundering)/FT (Financing of Terrorism), the intergovernmental multilateral international organization whose purpose is to develop and promote AML (Anti-Money Laundering)/CFT (Countering the Financing of Terrorism) policies and to fight ML/FT.
- XXXI.** AML/CFT guide or guide: Anbima guide for the prevention of money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction.
- XXXII.** NRI: non-resident investor, pursuant to the terms established by CVM Resolution No. 13, of November 18, 2020, and its subsequent amendments, and under the terms established by Joint Resolution BCB/CVM No. 13 of December 3, 2024, as amended.
- XXXIII.** institutions: financial and similar institutions authorized to do business by BCB and/or CVM, or any other legal entities that provide in the financial and capital markets, on a permanent

⁴ The Decree 10.270/20 is available at: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2020/decreto/D10270.htm.

or temporary basis, services related to fiduciary management, third-party asset management, distribution, custody, bookkeeping, intermediation and NRI representation and which are subject to the obligations related to ML/FT foreseen in CVM Resolution 50/21 and/or BCB Circular 3,978/20.

- XXXIV.** BCB Normative Instruction 262/22⁵: BCB normative instruction No. 262, of March 31, 2022, which specifies and clarifies operational aspects of the procedures established in BCB Resolution 44/20 for the carrying out of measures determined by Law 13,810/19, which provides for compliance with sanctions imposed by resolutions of the United Nations' Security Council, including the freezing of assets of individual and legal entities, as well as the national designation of persons investigated or accused of terrorism, its financing or related acts.
- XXXV.** ML/FT: money laundering, financing of terrorism and financing of the proliferation of weapons of mass destruction.
- XXXVI.** Law 6,385/76⁶: Law No. 6,385, of December 7, 1976, which provides for the securities market and creates the Brazilian Securities Commission.
- XXXVII.** Law 13,260/16⁷: Law No. 13,260, of March 16, 2016, which deals with the crime of terrorism, terrorist organizations and the crime of financing terrorism.
- XXXVIII.** Law 13,810/19⁸: Law No. 13,810 of March 8, 2019, which deals with the compliance with sanctions imposed by resolutions of the United Nations' Security Council, including the freezing of assets of individual and legal entities, as well as the national designation of

⁵ This Normative Instruction is available at:

<https://www.bcb.gov.br/estabilidadefinanceira/exibenormativo?tipo=Instru%C3%A7%C3%A3o%20Normativa%20BCB&numero=262>.

⁶ The law is available at: http://www.planalto.gov.br/ccivil_03/leis/l6385.htm

⁷ This law is available at: : http://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13260.htm

⁸ This law is available at: http://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/l13810.htm#:~:text=1%C2%BA%20Esta%20Lei%20disp%C3%B5e%20sobre,ou%20de%20a%20ele.

persons investigated or accused of terrorism, its financing or related acts.

- XXXIX.** Law 14,317/22⁹: Law No. 14,317, of March 29, 2022, which amends Law No. 7,940, of December 20, 1989, to modify the calculation methodology to the Inspection Fee of the securities markets, and Law No. 6,385/76, which revokes provisions of Laws No. 8,383, of December 30, 1991, 9,457, of May 5, 1997, 11,076, of December 30, 2004, 11,908, of March 3, 2009, and 12,249, of June 11, 2010.
- XL.** Law 9,613/98¹⁰: Law No. 9,613, of March 3, 1998, which deals with the crimes of “laundering” or concealment of assets, rights and values, the prevention of the use of the financial system for the illicit activities provided for therein and creates the COAF.
- XLI.** Law 12,683/12¹¹: Law No. 12,683, of July 9, 2012, which amends Law 9,613/98, to make the criminal prosecution of money laundering crimes more efficient.
- XLII.** Complimentary Law 105/01¹²: Complementary Law No. 105, of January 10, 2001, which provides for the secrecy of financial institutions’ transactions and other provisions.
- XLIII.** LGPD¹³: Law No. 13,709, of August 14, 2018, which provides for the protection of personal data.
- XLIV.** MJSP: Ministry of Justice and Public Security
- XLV.** Explanatory Note to CVM Resolution 50/21¹⁴: explanatory note to CVM Resolution 50/21.
- XLVI.** Directive-Release 1/22¹⁵: Directive-Release CVM/SMI-SIN/Nº 1/2022, of January 31, 2022.

⁹ The law is available at: http://www.planalto.gov.br/ccivil_03/ato2019-2022/2022/lei/L14317.htm.

¹⁰ This law is available at: : http://www.planalto.gov.br/ccivil_03/leis/l9613.htm.

¹¹ The law is available at: http://www.planalto.gov.br/ccivil_03/ato2011-2014/2012/lei/l12683.htm.

¹² This law is available at: http://www.planalto.gov.br/ccivil_03/leis/lcp/lcp105.htm.

¹³ This law is available at: http://www.planalto.gov.br/ccivil_03/ato2015-2018/2018/lei/l13709.htm.

¹⁴ Explanatory Note available at: https://conteudo.cvm.gov.br/legislacao/notas-explicativas/nota_resol050.html.

¹⁵ <https://conteudo.cvm.gov.br/legislacao/oficios-circulares/sin/occ-sin-smi-0122.html>.

- XLVII.** Directive-Release 4/20¹⁶: Directive-Release No. 4/2020-CVM/SMI-SIN, of December 11, 2020.
- XLVIII.** PEP: politically exposed person.
- XLIX.** ML/FT: prevention of money laundering, to the financing of terrorism and to the financing of the proliferation of weapons of mass destruction.
- L.** AML/CFT policy or policy: document prepared by an institution and approved by its senior management with guidelines on AML/CFT in accordance with the regulation in force.
 - LI.** service providers: are the relevant service providers, partners¹⁷ and outsourced service providers¹⁸.
 - LII.** BCB Resolution 44/20¹⁹: BCB Resolution No. 44, of November 24, 2020, which establishes procedures for the enforcement, by the institutions authorized to do business by BCB, of the measures set by Law No. 13,810/19, which provides for compliance with sanctions imposed by resolutions of the United Nations' Security Council, including the freezing of assets of individual and legal entities, as well as the national designation of persons investigated or accused of terrorism, its financing or related acts.
 - LIII.** CVM Resolution 32/21²⁰: CVM Resolution No. 32, of May 19, 2021, which regulates the provision of securities custody services and revokes CVM Instruction No. 542, of December 20, 2013.
 - LIV.** CVM Resolution 33/21²¹: CVM Resolution No. 33, of May 19, 2021, provides for the provision of securities bookkeeping and issuance of securities certificates and revokes CVM Instruction

¹⁶ <https://conteudo.cvm.gov.br/legislacao/oficios-circulares/smi-sin/oc-smi-sin-0420.html>.

¹⁷ Partners pursuant to the terms established by BCB Circular 3,978/20.

¹⁸ Partners and Outsourced Service Providers as required by BCB Circular 3,978/20.

¹⁹ This Resolution is available at:
<https://www.bcb.gov.br/estabilidadefinanceira/exibenormativo?tipo=Resolu%C3%A7%C3%A3o%20BCB&numero=44>.

²⁰ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol032.html>.

²¹ <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol033.html>.

No. 543, of December 20, 2013.

- LV.** CVM Resolution 50/21²²: CVM Resolution No. 50, of August 31, 2021, which provides for AML/CFT within the scope of the securities market.
- LVI.** CVM Resolution 21/21²³: CVM Resolution No. 21, of February 25, 2021, which provides for the professional practice of securities portfolios management.
- LVII.** CVM Resolution 30/21²⁴: CVM Resolution No. 30, of May 15, 2021, which provides for the duty to verify the adequacy of products, services and operations to client's profile.
- LVIII.** CVM Resolution 62/22²⁵: CVM Resolution No. 62, of January 19, 2022, which prohibits the practices of creating artificial conditions for the demand, offer or price of securities, price manipulation, fraudulent transactions and the use of unfair practices.
- LIX.** CVM Resolution 35/22²⁶: CVM Resolution No. 35, of May 26, 2022, which establishes rules and procedures to be observed in the intermediation of transactions carried out with securities in regulated securities markets.
- LX.** CVM Resolution 175/22²⁷: CVM Resolution No. 175 of December 23, 2022, which governs the formation, operation, and disclosure of information by investment funds, as well as the provision of services to such funds.
- LXI.** SISCOAF²⁸: Financial Activities Control System, is an electronic portal with restricted access for relationships between COAF and obligated persons listed on article 9 of Law 9,613/98.

²² This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol050.html>.

²³ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol021.html>.

²⁴ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol030.html>.

²⁵ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol062.html>.

²⁶ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol035.html>.

²⁷ This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol175.html>.

²⁸ <https://www.gov.br/pt-br/servicos/habilitar-se-no-sistema-de-controle-de-atividades-financeiras>.

Chapter I - Introduction

2. Brazil, a signatory to important AML/CFT conventions, approved in 1998 the first legal norm to criminalize this ML/FT. The first wording of Law 9,613/98 typified concealment in different modalities and brought precepts to the procedural and administrative spheres and created the national financial intelligence unit, COAF. Later, this legal framework was changed by Law 12,683/12, which brought significant innovations to it, such as the expansion of the typical scope of coverage and the inclusion of new obligations.
3. Brazil, as other several countries, has issued specific rules in order to prevent the use and punish agents who use economic sectors²⁹, specially the financial and capital markets, to invest in such markets illicit proceeds, as well as to conceal or disguise their nature, source, location, disposal, movement or ownership of assets, rights or amounts arising out, directly or indirectly, of an unlawful activity.
4. COAF, as well as other authorities, such as the BCB, CVM, the Federal Police, the Federal Tax Authority, the Comptroller General Office and the Public Prosecutor Office, have been systematically and progressively engaged in preventing and combating ML/FT. These authorities have increased their capacity to act, either by expanding resources or by cooperating with other bodies to enable the exchange of information and experiences.
5. The ENCCLA, created in 2003³⁰, is one of the main articulation networks for collective arrangement and discussion with a variety of bodies from the executive, legislative and judicial branches of the federal and state levels and, in some cases, at the municipal level, as well as

²⁹ See list of economic segments registered in Art. 9 of Law 9,613/98.

³⁰ More information on this network at: <http://enccla.camara.leg.br/>.

the Public Prosecutor's Office of different public spheres, for the formulation of public policies and solutions aimed at AML/CFT and combating ML/FT crime.

6. With particular attention, we highlight the FATF³¹, an intergovernmental organization whose purpose is to develop and promote national and international policies to combat the ML-FT. Created in 1989, the FATF formulates policies to encourage the necessary collaboration for legislative and regulatory reforms on the subject discussed herein. As a member of the Group since 2000, Brazil, as well as the other members of this body, follows the guidelines issued by FATF and is submitted to periodic evaluations in order to verify the degree of adherence with which the country complies with the 40 Recommendations³² and other guidelines, as well as measuring the level of effectiveness of its AML/CFT and anti-ML/FT actions.
7. Anbima, through this guide, ratifies its commitment to national and international entities dedicated to preventing and combating ML/FT crimes, with a view to strengthening the integrity of national financial and capital markets in relation to such aspects.

Chapter II - Objective and Scope

8. This guide is a recommendation for institutions and aims to contribute to the improvement of the best AML/CFT practices in the financial and capital markets. It has four previous editions: the first, published in 2009; the second, in 2014; the third, in 2020; and the fourth, in 2022 — to address the significant changes to the AML/CFT framework. This current edition aims to update the Association's recommendations on the topic, reflecting the lessons learned since

³¹ For more information: <https://www.gov.br/coaf/pt-br/assuntos/o-sistema-de-prevencao-a-lavagem-de-dinheiro/sistema-internacional-de-prevencao-e-combate-a-lavagem-de-dinheiro/o-coaf-a-unidade-de-inteligencia-financeira-brasileira>

³² <https://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/FATF-40-Rec-2012-Portuguese-GAFISUD.pdf>

the last release and incorporating the changes introduced by CVM Resolution 175/22.

9. The guide seeks to cover the most important BCB CVM's AML/CFT guidelines CVM, however, each institution shall verify the requirements applicable to their respective activities. Its use is recommended for institutions that, within the limits of their attributions, provide, in the financial and capital markets, the services of:
 - I. fiduciary management.
 - II. custody.
 - III. distribution.
 - IV. bookkeeping.
 - V. third-party asset management.
 - VI. Intermediation.
 - VII. NRI representation.
 - VIII. securitization companies.
10. Third-party asset managers, fiduciary managers and securitization companies which, in the exercise of their activities, opt to distribute their own investment products pursuant to the terms allowed by CVM, shall also comply with the obligations related to the distribution activity.
11. Given that some of the updates in this fifth edition of the Guide are related to the new CVM Resolution 175/22, which establishes a transition period for funds already in operation at the time of its publication, these updates will only apply to such funds after they have adapted to the new regulation.
12. This guide does not supersede the regulations in force, even if rules may be edited, after the beginning of its validity, which are contrary to the provisions presented herein. If there is a contradiction between the guidelines established in this guide and the regulations in force,

the contradictory provisions of the guide shall be disregarded, without prejudice to the other guidelines contained therein.

Chapter III - AML/CFT Program

- 13.** The implementation of an adequate ALM/CFT program has as its purview to ensure that, considering the IRA, the institution has endeavored and sought to take reasonable diligence to avoid the involvement of its structure with criminal practices. The AML/CFT program aims to provide senior management with an overview of the institution’s efforts to prevent money laundering and terrorist financing. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the policy—as well as the corresponding rules, procedures, and internal controls—must be documented, verifiable, and subject to monitoring. It is important that senior management engages and seeks to ensure that the institution has adequate resources to implement the program.

- 14.** In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the AML/ CFT program must include, at a minimum:
 - I.** the institution's AML/CFT Governance, with the definition of roles, responsibilities and indications of bodies or decision-making forums, if existing.
 - II.** AML/CFT policy, senior management guidelines, and other related documents (manuals, rules, etc.).
 - III.** internal risk assessment (IRA).
 - IV.** the risk-based approach (RBA) methodology.
 - V.** procedures aiming to get to know clients (“know your client procedure”).
 - VI.** monitoring, selection, and analysis of transactions.
 - VII.** reporting transactions to COAF.

- VIII. procedures aiming to get to know staff members ("know your staff procedure").
- IX. procedures aiming to get to know the institution's service providers and other partners ("know your service provider, partner, and vendor procedure")
- X. capacity building, training, and organizational culture procedures for staff members and service providers linked to the institution.
- XI. periodic evaluation of the AML/CFT program.
- XII. effectiveness assessment.

Chapter IV - Governance

- 15. It is extremely important that senior management and the highest hierarchical level of the institution express and have an effective commitment to the AML/CFT program, ensuring that it extends to all areas, especially those that experience situations of high risk.
- 16. The structure of the AML/CFT department depends on the size and complexity of each institution. Many organizations have specific and dedicated AML/CFT departments for this purpose, while others focus on this activity within compliance, internal controls, or risk management departments. The governance structure for AML/CFT is up to each institution and shall be proportionate to the risks identified by it in its IRA. The area designated to carry out this activity must be independent and autonomous to avoid conflicts of interest. It is also important to note that, in accordance with BCB Circular 3,978/20 and CVM Resolution 50/21, the AML/CFT officer is responsible for this area.
- 17. We emphasize the importance of the institution delimiting, in a written and verifiable document, the functions, roles and responsibilities of the department and sectors focused on AML/CFT. Without prejudice to the responsibilities established by current regulations, below we outline some important aspects for institutions.

A. Senior Management

18. CVM³³ foresees that the responsibility for approving the AML/CFT policy rests with senior management.
19. BCB³⁴, on the other hand, defined the concept more strictly, assigning the responsibility for approving the policy to the board of directors or, if inexistent, to the institution's board of executive officers.
20. CVM³⁵, in order to clarify what is expected of senior management, warned that it is not enough for them to be aware of their duties set out in the AML/CFT rules, they shall also ensure that:
 - I. is aware of compliance risks related to ML/FT.
 - II. the director in charge has sufficient independence, autonomy and technical knowledge to fully fulfill his/her duties, as well as full access to all information he/ she deems necessary for the respective ML/FT risk governance to be carried out.
 - III. the systems responsible for collecting, updating and storing information related to identifying clients are adequate for the purposes for which they are intended.
 - IV. the monitoring systems for transactions and unusual situations are aligned with the institution's "risk appetite", being readily customized in the event of any change in the respective ML/FT risk matrix.
 - V. sufficient human and financial resources were effectively allocated to comply with the points described above.

³³ CVM Resolution 50, art. 4, Par. 1, II.

³⁴ BCB Circular 3,978, art. 4, Par. 7, II.

³⁵ The material made available by CVM can be found here: https://conteudo.cvm.gov.br/legislacao/notas-explicativas/nota_resol050.html.

B. AML/CFT Director

21. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the institution shall appoint a director appointed pursuant to the bylaws who will be responsible for complying with AML/CFT rules. The director may perform the role together with other activities in the institution, if there are no conflicts of interest among them.
22. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the following points—provided as examples and not an exhaustive list—are part of the designated officer’s responsibilities:
 - I. spread the AML/CFT culture among staff members and service providers, as applicable, inclusive by means of the adoption of periodic capacity building programs.
 - II. implement and monitor compliance with AML/CFT policy, rules, procedures and controls, as well as their respective updates, to ensure effective management of related risks.
 - III. coordinate disciplinary actions with staff members and service providers who may not comply with AML/CFT procedures.
 - IV. coordinate the activities of the department responsible for AML/CFT, according to the criteria of each institution, with the AML/CFT committee or equivalent discussion forums, if any.
 - V. regularly evaluate the AML/CFT program to ensure its efficiency and effectiveness, as well as to incorporate new risk factors when applicable.
23. According to CVM³⁶, the AML/CFT director shall have broad, unrestricted and timely access to any information related to the institution's performance, thus enabling the necessary data for

³⁶ https://conteudo.cvm.gov.br/legislacao/notas-explicativas/nota_resol050.html.

the carrying out of their roles and of their teams, especially with regard to the effective management of ML/FT risks so that they can be effectively and timely used.

C. Committees or discussion forums on AML/CFT

24. Institutions may establish committees or equivalent forums to discuss topics related to the AML/CFT. It is recommended that this body, when established, report to senior management or the board, as applicable, particularly to the area responsible for AML/ CFT within the institution. In being established, it is recommended, and in some cases even explicitly required - that such committees are formalized, by means of a written document, which shall indicate the departments that are part of the body, the responsibilities of each sector, frequency of meetings and the decision on the preparation of minutes of the committees' resolutions.
25. The committee or equivalent discussion forums may be responsible for, among other things, assess and resolve, within the scope of the Brazilian jurisdiction, the relevance of reporting unusual and suspicious situations to COAF. It is worth mentioning, however, that this does not change the AML/CFT director's responsibilities.

D. AML-CFT department or equivalent

26. We recommend that the responsibilities of the AML/CFT department be explained in detail in the policy or equivalent document. Without prejudice to the provisions set out in current regulations, we recommend that the following points, which are only indicative and not exhaustive, form part of the responsibilities of the AML/CFT department:
 - I. spread the AML/CFT culture to the institution.
 - II. apply, maintain and update the rules, procedures and internal controls pertaining to the AML/CFT.

- III. monitor compliance and effectiveness of the AML/CFT program.
- IV. analyze information collected by the Institution's respective responsible teams and monitor Client's transactions and, if necessary, report to the committee or equivalent discussion forum, when such a forum exists, or even to senior management and competent authorities, in accordance with the Institution's AML/ CFT Policy.
- V. develop and improve tools and systems for the monitoring of transactions or of unusual situations.
- VI. prepare periodic training, capacity building and awareness programs for staff members and service providers, as applicable.
- VII. interact with regulatory and self-regulatory bodies on the ML/FT topic.

E. All staff members

- 27. All institutions' staff members shall be aware of the AML/CFT policy, rules, procedures and internal controls, as well as their respective responsibilities, if applicable. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions must provide mechanisms that allow employees to consult the AML/CFT- related policies and regulations whenever needed.

Chapter V - Internal Risk Assessment

- 28. In accordance with the regulations, institutions shall carry out IRA in order to understand their level of risk taking, identify the elements that can increase or decrease the probability of an illicit ML/FT transaction according to their own specificities, analyze them according to the consolidated process so that it can understand and classify the possible risks involved in the transaction. Therefore, reaching the conclusive step of pointing out the measures capable of mitigating the identified risks. An IRA carried out in an improper manner can increase the

probability that an institution is used for an ML/FT transaction, which would imply not only a legal risk as well as an image and reputational risks.

- 29.** It should be noted that the regulators understand that institutions shall be mature enough to understand that there is no zero risk, since the institution can, despite all its efforts, still be used or have its products and services used to commit ML/FT crimes. However, the existence of the RBA methodology and, consequently, the IRA, has as its objective to adequately model the ML/FT risks to which the institution is exposed and create adequate and proportionate AML/CFT mechanisms and controls to mitigate the most relevant risks to which the institution is subject to.
- 30.** According to current and in force regulations, an IRA shall involve, at least, the risk categories indicated below, segregated by regulatory body:
- I. BCB:**
- a. client's risk profile.
 - b. risk profile of the institution, including the business model and geographic area in which it operates.
 - c. risk profile of operations, transactions, products and services, covering all distribution channels and the use of modern technologies.
 - d. risk profile of activities carried by staff members, partners, and service providers.
- II. CVM:**
- a. client's risk profile.
 - b. risk profile of products and services rendered.
 - c. risk profile of distribution channels and trading and recording environments in which they operate.
 - d. risk profile related to the institution's relationship with other entities subject to CVM's AML/CFT regulation.

- 31.** Each category must be classified using a minimum risk scale of low, medium, and high. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the Institutional Risk Assessment (IRA) must be documented and include, at a minimum:
- I. The risk profile of each of the categories listed in item 30 above.
 - II. the characteristics of each of the categories that justify the adopted risk profile.
 - III. the assigned risk rating (low risk, medium risk, and high risk) for each category.

Chapter VI - Risk-Based Approach

- 32.** The RBA forms the core of the strategy recommended by FATF to countries, regulatory bodies and institutions³⁷. RBA is an AML/CFT methodology used by BCB and CVM in their rules and regulations and applicable to supervised entities, containing prevention measures proportional to the risks arising from a given economic activity.
- 33.** The adoption of the RBA is an invitation to change the culture of the market and of the regulators, in which prescriptive rules are replaced by a principled approach based on proportionality. It is up to institutions to be aware that this change in scope brings greater responsibility to senior management regarding AML/CFT, and the criteria and metrics chosen by the institution shall be very well described, justified and appropriate to their reality.

³⁷ The importance of applying an RBA in institutions has already been the subject of analysis by the FATF through the Risk-Based Approach Guidance for the Banking Sector and the Guidance for a Risk-Based Approach for the Securities Sector. Through these guides, the FATF explains that not only countries and regulatory bodies should use the RBA when defining the AML/CFT strategy, but also institutions when developing their AML/CFT programs so that there is the building of an effective AML/CFT system. The guides are available at: <https://www.fatf-gafi.org/media/fatf/documents/reports/Risk-Based-Approach-Banking-Sector.pdf>. and <https://www.fatf-gafi.org/media/fatf/documents/recommendations/pdfs/RBA-Securities-Sector.pdf>.

- 34.** In accordance with FATF recommendations³⁸ institutions should identify, assess and understand ML/FT risks, as well as act and apply resources with the aim at effectively mitigate them. Based on this assessment made tangible by the IRA, the institutions shall apply ML/FT prevention or mitigation measures that are proportionate to the risks mapped. This approach is an essential factor for the efficient allocation of resources throughout the AML/CFT regime and the combating of ML/FT, as well as for the implementation of adequate and consistent measures to the risks, in order to cover all FATF recommendations and its applicable regulations.
- 35.** It is up to each institution to prepare its AML/CFT program considering the RBA and, therefore, considering its own IRA and building policies, procedures and internal controls proportional to the risks mapped.
- 36.** Risk is dynamic and should be monitored, tested, and reassessed on an ongoing basis or whenever necessary. It is noteworthy that the environment in which each institution operates is subject to continuous changes. Thus, it is important that the review of the application of RBA in the institutions' AML/CFT programs takes place at regular intervals or whenever there is a change in the IRA. The review frequency of the RBA methodology applied to each institution's AML/CFT program is not predefined by the rules, being required that it be compatible with the deadlines defined for reviewing the IRA, the policy and the effectiveness report³⁹.
- 37.** It is worth noting that, despite the dynamism assumed by the RBA, there are situations in which the standard itself establishes objective and prescriptive criteria for AML/CFT. For the

³⁸ For further information: <https://www.gov.br/coaf/pt-br/atuacao-internacional/prevencao-e-combate-a-lavagem-de-dinheiro-e-ao-financiamento-do-terrorismo/gafi>.

³⁹ It is noteworthy that the effectiveness report has a fixed frequency to be updated. CVM establishes the need for an annual review, while BCB sets that at every two years.

cases which are in compliance with sanctions imposed by United Nations Security Council resolutions, notably Law 13,810/19, the adoption of the RBA is not applicable thereof, as well as in the case of notices regarding defined automatic transactions as defined in art. 49 of BCB Circular 3,978/20. In such cases, more immediate action is required, without delay, with daily reporting, reinforcing the need for constant monitoring of the institutions' activities.

Chapter VII - AML/CFT Policy

- 38.** An essential part of the AML/CFT program is the policy, which shall be drafted according to principles and guidelines that seek to prevent that a particular institution, and the market as a whole, will be used for the practice of ML/FT. In accordance with current regulations, the policy shall be approved, applied and widely spread by senior management to all institutions staff members, as well as its branches, subsidiaries and representative offices, if any, and to service providers, as applicable.
- 39.** It is worth noting that CVM⁴⁰ requires institutions that are part of the securities distribution system to subject investment advisors and other affiliated representatives to their AML/CFT policy, as well as to the rules, procedures, and internal controls established under CVM Resolution 50/21, and to monitor compliance accordingly.
- 40.** It is not up to the guide to list the minimum content that shall be included in the AML/ CFT policy. We recommend, however, that the institutions refer in manuals or other equivalent documents:
- I. the institution's organizational structure, including its degree of autonomy and independence from business departments (front office), to avoid conflicts of interest.

⁴⁰ CVM Resolution 50/21, art. 3, Par. 2.

- II. the possible existence in the institution of committees or discussion forums focused on AML/CFT, informing: (i) the areas that form part of such committee or equivalent; (ii) the frequency of meetings; and (iii) the formalization or not of resolutions.
- III. an indication of the systems or technological mechanisms adopted by the institution for AML/CFT purposes.
- IV. the methodology adopted to assess the effectiveness of the policies, rules, procedures, and internal controls implemented by the institution for AML/ CFT purposes.
- V. the way in which alternative sources are checked, such as restrictive lists, search engines, databases and/or regulatory bodies for the independent verification of discrediting information.
- VI. the procedures for monitoring, identification and analysis of transactions and unusual situations and the occurrence of acts related to ML/FT, as well as the specification of other situations of reinforced monitoring adopted by the institution.
- VII. the procedures for reporting situations, transactions or proposed operations that contain indicia of acts related to ML/FT to competent authorities.
- VIII. the procedures adopted for freezing and making assets, rights and values unavailable as a result of resolutions of the United Nations' Security Council, indicating which department is responsible for making such identification, how the reporting will be made to the Ministry of Justice and Public Safety (MJSP), as well as to CVM and BCB, as applicable.
- IX. the way in which information is exchanged amongst the institutions' departments and of its conglomerate, when applicable.
- X. the way in which information is exchanged among institutions of different conglomerates, when applicable.
- XI. the procedures adopted for the assessment and monitoring of the AML/CFT program by internal and external auditors, if applicable, as well as by the internal controls, compliance, risk management department, or equivalent sector that is independent of the AML/CFT department.
- XII. the procedures to test the AML/CFT program, indicating the frequency in which the tests

are carried out and the department responsible for it.

- XIII.** the procedures adopted to deal with possible non-compliances and failures identified in the tests of the AML/CFT program and the way in which the report will be provided to senior management.
- XIV.** the procedures adopted for the maintenance and storage of information and recording of AML/CFT analyses, according to the deadline established by the regulations current in force.

- 41.** The items listed above are recommendations for the institutions, and once adopted, it is important that the AML/CFT policy indicates in which of the documents they will be explained in detail.

Chapter VIII - Know your client

- 42.** Institutions shall follow know your client procedures to calibrate their monitoring and avoid it being used to carry out ML/FT acts. For some specific situations in the financial and capital markets, however, there is a structural segregation of relationships and obligations that proves to be critical to the rationalization of compliance costs. In this context, when dealing with investment fund clients, whether through classes or subclasses, if applicable, and managed portfolios, CVM Resolution 50/21 introduces the concept of “direct business relationship” to streamline the division of responsibilities. Thus, the institution responsible for the fund shareholder, whether through classes or subclasses, if applicable, or for the investor in managed portfolios, is the one that maintains a direct business relationship with them. An institution is considered to have a direct business relationship when it:
 - I.** a fund's shareholder, whether through classes or subclasses, if applicable: the distributor.
 - II.** with the shareholder of the Exclusive Class or Subclass, if applicable: the distributor and the asset manager.

- III. with the fund shareholder, whether through a class or subclass, if applicable, when traded on a stock exchange or organized over-the-counter market: the intermediary.
 - IV. with the shareholder of the fund, class, or subclass, if applicable, when the shareholder is also a fund, through a class, and the hiring of a Distributor has been waived in accordance with current regulations: the essential service provider of the invested class or subclass that has assumed this responsibility, as provided for in the regulation.
 - V. the investor of a managed portfolio: the asset manager.
43. Annex I of this guide, which addresses the distributor's due diligence, will detail the recommended practices for "knowing the shareholder client." Annex III, which covers the manager's due diligence, will outline the recommended practices for "knowing the shareholder client of Exclusive Classes or Subclasses" and the "investor client of managed portfolios."
44. The other funds' service providers that do not have a direct business relationship with a fund's shareholder, whether through a class or subclass, if applicable, are not responsible for collecting and recording the registration data foreseen in Annex B to CVM Resolution 50/21. The client of these service providers, according to the table below⁴¹, is the fund itself, so the recommendation is that among service providers the "know your service provider, partner, and vendor" procedure shall be applied, as provided for in the Chapter XII of this guide, to ensure this segregation of responsibilities does not create an AML/CFT gap that could subject institutions to other risks, including reputational.

⁴¹ Table extracted from Directive-Release 4/20, issued by CVM while CVM Instruction 617/2019 was still in effect, but which provide for topics that were incorporated and kept by CVM Resolution 50/21. The Directive-Release is available at: <https://conteudo.cvm.gov.br/export/sites/cvm/legislacao/oficios-circulares/smi-sin/anexos/ofsmisin0420.pdf>

INVESTMENT FUND'S SERVICE PROVIDER	DIRECT COMMERCIAL RELATIONSHIP
Fiduciary administrator, provided that they do not act in the distribution of shares of the class or subclass, if any	Investment Fund
Asset manager, provided that they do not act in the distribution of shares of the class or subclass, if any	Investment Fund
Asset manager of Exclusive Classes or Subclasses, if any, or of classes or subclasses, if any, that is required to consult shareholders on investment decisions	Shareholder
Distributor	Shareholder
Custodian and bookkeeper	Class or subclass, if any
Intermediary	Class and the Asset Manager

45. Lists of terrorist activities and sanctions published by governments and international organizations can serve as a good starting point for analysis and as one of the classification elements. Annex VIII of this guide includes the lists we recommend institutions consult as part of their AML/CFT programs.

Chapter IX - Monitoring and analysis of unusual situations

46. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions, within the scope of their responsibilities, must implement procedures, rules and risk-based internal controls to continuously monitor, select and analyze the transactions and unusual situations

of their clients, as well as observe the unusual situations that may, after detection and respective analysis, configure indicia of ML/FT and, consequently, qualify as a suspicious situation and eligible for reporting to COAF.

- 47.** Institutions' staff members that have a direct business relationship with clients and maintain an effective relationship with them shall be aware of their cash flows so that they can detect and subsequently report any unusual activities. We suggest that staff members who maintain business relationships with clients are primarily responsible for monitoring and understanding their operations, to ensure that they are consistent with stated objectives and the declared source of wealth, and that such transactions possess legitimate economic and commercial purposes.
- 48.** After a transaction being carried out, the monitoring shall be performed pursuant to the terms established by the institution. It is recommended that the relevant issues arising from this monitoring be observed and, if appropriate, communicated to the responsible department so that it can carry out a formal analysis and decide whether it is necessary to notify the competent regulator.
- 49.** We recommend that institutions, as already required by the BCB and BSM, carry out the procedures for monitoring and identifying suspicious transactions and situations within 45 (forty-five) days from the date the transaction or situation occurred, and that the resolution of alerts generated through monitoring be completed within 45 (forty-five) days from the date the alert was generated. Said deadline does not apply to the situations described in Chapter XVI of this guide, which require immediate action by the Institution to make the assets affected by sanctions of the United Nations Security Council unavailable.
- 50.** Examples of clients' unusual behavior are:

- I. public agent who opens an account in the name of a family member and begins to make large deposits that are inconsistent with the known sources of legitimate family income.
 - II. threat to staff members, trying to dissuade them from recording the required reports.
 - III. offer to pay a gratuity to a staff member.
 - IV. apparent hidden purpose or unusual behavior. For example: refusal to get a higher interest rate on an account with a high outstanding balance available.
 - V. incompatibility of the transactions with the equity situation.
 - VI. behavioral fluctuation in relation to volume, frequency, and types.
- 51.** The following (non-exhaustive) list contains examples of potential alerts. It is important to emphasize that potential alerts resulting from the monitoring of transactions and atypical situations do not, by themselves, qualify a client, employee, and/or service provider as a suspect of having engaged in money laundering or terrorist financing. In some cases, there may be plausible reasons that justify such actions, a possibility that should always be considered during the preliminary analysis prior to any reporting:
- I. reluctance to provide information about the client's identity, such as address, business activity, source of funds/assets, beneficiary(ies), control, or the purpose and nature of the business relationship.
 - II. physical or electronic documentation that appears to be suspiciously forged or otherwise manipulated.
 - III. opening multiple accounts without an apparent economic rationale or purpose.
 - IV. assets transferred from/to accounts in countries that appear to pose a higher risk of money laundering or terrorist financing, or transfers between countries with no apparent connection to the client or their legitimate business activities.
 - V. disregard for commissions and other transaction or contract costs, account profitability, or investment returns.
 - VI. transfers of funds to a philanthropic entity whose purpose is unknown or unclear.
 - VII. rapid and unexplained inflows and outflows of funds in the account.

- 52.** Through Circular Letter BCB 4,001/20, the BCB established a non-exhaustive list of situations and transactions that may indicate signs of money laundering or terrorist financing and may be used as triggers for selection and monitoring, as well as potential reporting to the Financial Intelligence Unit (COAF).
- 53.** In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the process of analyzing clients and transactions must be conducted regularly and in a timely manner, depending on the institution, and must consider, among other factors:
- I.** origin and destination of the funds.
 - II.** repeated deviations from the client's historical transaction profile.
 - III.** relationship between transaction activity and current market behavior.
 - IV.** adverse media coverage and verification against watchlists.

Chapter X - Monitoring and reporting of unusual situations

- 54.** We recommend that the institutions provide in writing and through verifiable documents that staff members are required to report any indicia of an unusual ML/FT occurrence to the AML/CFT department or another equivalent department responsible for it.
- 55.** It is important that the institution has mapped what should be done in such situations, the responsibility of the AML/CFT department, notably the responsible director, and how, if applicable, reporting to COAF shall take place. According to the regulation, the reporting to COAF shall be made to:

- I. **CVM**⁴²: within 24 hours, counting from the conclusion of the analysis that characterized the atypicality of the transaction, the respective proposal as unusual, or even the detected unusual situation, as a suspicion that shall be reported to COAF.
- II. **BCB**: the institutions shall report suspicious ML/FT transactions or situations to COAF. The decision to report the transaction or situation to COAF shall⁴³:
 - a. be substantiated based on the information contained in the dossier mentioned in art. 43, Par. 2, of Circular BCB 3,978/20⁴⁴.
 - b. be recorded in detail in the dossier mentioned in art. 43, par. 2.
 - c. occur until the end of the analysis period referred to in art. 43, par. 1.

56. The good faith notification reports will not result in civil or administrative liability for the notifying party. The notification reports made are confidential and should be restricted to staff members involved in the analysis procedure. All records that substantiate the notification or the decision not to carry it out shall be filed for a period of five years.

⁴² CVM Resolution 50/21, art. 22, Par. 3. Art. 22. The persons mentioned in items I to IV of art. 3 of this Resolution shall, in accordance with the provisions of this section and through a reasoned analysis, report to COAF all situations and transactions detected, or proposed transactions that may constitute serious indications of ML/FT. (...) Par.3 The reporting addressed in the chapeau shall be made within 24 hours, counting from the conclusion of the analysis that characterized the transaction, the respective proposal as unusual, or even the detected unusual situation, as a suspicion that shall be communicated to COAF.

⁴³ BCB Circular 3.978/20, art. 48. Art. 48. The institutions referred to in art. 1, shall report to COAF the transactions or situations suspected of money laundering and terrorist financing.

⁴⁴ BCB Circular 3.978/20, art. 43: Art. 43. The institutions referred to in art. 1 shall implement procedures for analyzing selected transactions and situations through the monitoring and selection procedures referred to in art. 39, with the aim to characterize them or not as suspicious of money laundering and terrorist financing.

Par. 1 - The period for the carrying out of the analysis procedures of the selected operations and situations cannot exceed the period of forty-five days, counted from the date of the selection of the transaction or situation.

Par. 2 - The analysis mentioned in the chapeau shall be formalized in a dossier, regardless of the notification to COAF referred to in art. 48.

57. In the absence of transactions that would trigger reporting to COAF during the calendar year, the institution must attest to such non-occurrence in the manner and frequency established by the regulatory and supervisory authorities. The CVM has clarified that an individual asset manager registered with the CVM and linked to a legal-entity asset management firm is not required to submit a non-occurrence report to COAF. By including the individual managers' taxpayer identification numbers (CPF) in the reference form, the legal-entity manager effectively establishes the link between them.

Chapter XI - Know your staff

58. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions, when implementing the “know your employee” procedure, must consider the AML/ CFT risk associated with the roles performed and the positions held by employees. The objective is to assess whether the employee has any involvement in financial crimes, money laundering, or similar offenses, as well as to gather other relevant information, depending on the size and structure of the institution.
59. We recommend that institutions pay attention to the behavior of staff members, in order to detect and subsequently report possible unusual activities, such as actions and conduct that are not compatible with their standard of living, remuneration or past behavior. Depending on the activity, we recommend that the institution adopt procedures to monitor and track the employee's financial and economic situation, regularly updating their registration information, personal investments, and other relevant data, while respecting privacy and confidentiality as protected by regulation.
60. We also highlight the importance of the institution not to apply its know your staff member procedure only at the time of hiring. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, employees must receive training periodically, as stated in Chapter III of this

guide, which may have different periods depending on the risk of ML/FT that the staff member's activity represents. Institutions shall adopt timely measures so that their staff members are aware of ML/FT regulations applicable to their activity.

61. We suggest being part of the know your staff member procedure, the requirement to have knowledge and understanding of, sign and adhere to the institution's code of ethics and conduct, as well as the monitoring by the institution of staff member's behavior and the performance presented in training relating to AML/CFT.

Chapter XII - Know your service provider, partners, and vendors

62. It is worth noting that, as established in the glossary of this guide, the service providers dealt with herein are those considered relevant, as well as partners⁴⁵ and outsourced service providers⁴⁶. The regulations issued by BCB and CVM do not define who should be considered partner, relevant service provider and/or outsourced service providers, being up to each institution to assess who should belong to such categories considering their AML/CFT routines.
63. An important guideline to be followed by institutions when hiring their service providers is to verify that they have AML/CFT policies and practices compatible with those that the institution would adopt instead. Any asymmetries in risk appetite between institutions (contracting and contracted) shall be analyzed on a timely basis.
64. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the procedure adopted by institutions to know their service providers must be implemented in accordance with the activity being hired, the ML/FT risk it entails and the purpose of the relationship with

⁴⁵ Partners pursuant to the terms required by BCB Circular 3,978/20.

⁴⁶ Outsourced Service Providers as required by BCB Circular 3,978/20.

the third party, in order to prevent doing business with people who may raise concerns of this nature. It is important that the institution consider, in this process, the principle of reasonableness and apply common sense.

65. The Institutions, when defining their internal procedures, may apply Anbima's due diligence questionnaires available on the association's website, use their own questionnaires, or even improve them by adopting other due diligence procedures they deem necessary, including visits.
66. After knowing the service provider, and observing its IRA, the contracting institution shall classify it according to its risk level.
67. As an example, here are some criteria that can be considered by institutions to evaluate their service providers:
 - I. the geographic area in which the service provider is domiciled.
 - II. if the service provider:
 - a. has a business relationship with government employees or with public agencies and entities of the direct or indirect public administration;
 - b. is a public agency or was referred or recommended to the institution by a government employee or by a public agency or entity of the direct or indirect public administration;
or
 - c. it is an entity not subject to supervision, like real estate consultants, especially in the case of structured funds.
 - III. whether the market sectors in which the service provider is active present ML/FT risks.
 - IV. the history of convictions and investigations, judicial and administrative, of providers, their managers and representatives.
 - V. unusual fee structure or payment method, such as requirements for cash payment, payments to entities other than the service provider itself, payment to accounts held in

countries other than the country in which the third party is domiciled or where the services are rendered.

- 68.** Based on the service provider's risk classification, the level of monitoring and the procedures for further due diligence will vary according to the degree of risk identified. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, due diligence on service providers should not be limited to the time of hiring; rather, institutions must implement procedures for ongoing monitoring and follow-up due diligence in line with each provider's risk level.

Chapter XIII - Training and capacity building

- 69.** In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions must have training and capacity building processes for their staff members that are put in writing, documented and adequately kept, so to reassure that they are aware of the regulations applicable to AML/CFT and know how to proceed in the event of a suspicious or unusual situations.
- 70.** As established by applicable regulation, training shall be carried out in clear and accessible language and shall be compatible with the roles performed, with the sensitivity of the information to which they have access, as well as the risk attributed to the activities carried out by staff members, as defined in the IRA. It is important that the training and capacity building of staff members be carried out at the minimum frequency as established by the institution, or whenever the rules and guidelines are updated and at a frequency consistent with the risks mapped.
- 71.** Regarding the application of the training and capacity building program, the supervisory bodies indicate that:

- I. **BCB**⁴⁷: shall be offered to the institutions' staff members, including the staff members of correspondents in the country in which they provide services on behalf of the institutions.
- II. **CVM**⁴⁸: shall be offered to staff members, relevant service providers and investment advisors.

72. As already mentioned in this Guide, it is worth noting that CVM does not define who are considered to be the relevant service providers⁴⁹, and each institution is responsible for this assessment, considering the ML/FT present at each case.

73. As an example, the service providers who are subject to supervision, such as investment fund service providers may receive different treatment depending on the IRA of each institution, as they are also obliged to follow all AML/CFT regulations currently in force. In these cases, a "know your service provider, partner, and vendor procedure" that, for example, details the diligence applied at the time of hiring and the analysis of how the staff members of that service provider are trained may be sufficient to meet the requirement of the applicable rules. On the other hand, service providers not subject to supervision, such as real estate consultants, who play a significant role in the management of FII resources, may deserve special attention from institutions.

74. We recommend that the parameterization of the service provider's risk level be carried out in the IRA. Based on the results presented in this assessment, the institution may, for example, adopt a customized approach to service providers not subject to supervision in terms of training and capacity building.

⁴⁷ BCB Circular 3,978/20, art. 3, I, "g".

⁴⁸ CVM Resolution 50/21, art. 7, II.

⁴⁹ B3, in its operational report, defines relevant service providers as those contracted to perform critical business processes and services that process and store clients' data, including trading through third-party platforms.

Chapter XIV - Institutions' Diligence

- 75.** Regulators and self-regulators are concerned with the cost of compliance with the rules for the client and for market entities and seek to mitigate it whenever this can be done without prejudice to the achievement of their objectives and the fulfillment of their legal mandates. In this sense, the due diligence expected from each institution subject to the AML/CFT rules, within the limits of their activities, risk appetite and their respective IRA, are included in the Annexes to this guide.
- 76.** In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions, regardless of whether or not they have a direct business relationship with clients, must assess prior to the commencement of their activities whether they want to maintain a business relationship with investment funds and/or managed portfolios' service providers (know your service provider, partner, and vendor procedure), especially considering the risk of AML/CFT.

Chapter XV - Exchange of Information

- 77.** For AML/CFT purposes, institutions subject to CVM Resolution 50/21 may not invoke any form of restricted access, whether based on legal, commercial, or other confidentiality regimes, to prevent the director responsible for compliance with the regulation and their staff from accessing shareholder information in the normal course of their duties. This includes restrictions related to data protection laws, such as the LGPD or regulations requiring the segregation of activities (Chinese walls) within the institution itself⁵⁰. Similarly, BCB Circular 3,978/20 provides that AML/CFT procedures may be adopted on a consolidated basis by a prudential conglomerate or a credit cooperative system.

⁵⁰ This issue was addressed by CVM in the Explanatory Note to the CVM Resolution 50/21.

- 78.** According to CVM⁵¹, investment fund's service providers shall, in order to comply with AML/CFT rules, especially in higher risk transactions and situations, use information sharing - including ones covering direct and indirect shareholders when necessary – amongst investment fund's service providers, notably fiduciary managers, asset managers, custodians, bookkeeping agents, and distributors.
- 79.** According to this Independent Governmental Agency, Complementary Law 105, as well as Law 9,613/98, Law 13,260/16, Law 13,810/19 and LGPD, shall be read together and under the premise of its systematic and teleological application thereof. Complementary Law 105/01, in the context of an investment fund—whether through a class or subclass, if applicable—or a managed portfolio, may not be invoked to hinder the adoption of all necessary procedures for implementing the system for the prevention and combating of money laundering and terrorist financing. The applicable laws must coexist and be harmonized, respecting one another and interpreted to ensure their fullest effectiveness. It is also important to emphasize that this inter- institutional exchange of information shall necessarily only involve the 2nd line areas directly responsible for complying with AML/CFT rules.
- 80.** In the wake of best practices and seeking to prevent and combat illicit ML/FT, CVM, through Directive-Release 01/2022, clarified that, in the opinion of the Independent Governmental Agency, the exchange of information protected by secrecy according to Complementary Law 105/01 between investment funds' service providers, including the asset manager and the fiduciary manager which are not classified as a financial institution, is permitted and is in line with the spirit and purpose of the aforementioned law and other rules applicable, in particular the regulations issued by CVM, and, naturally, the confidentiality obligations provided for in

⁵¹ The information can be found at: <https://conteudo.cvm.gov.br/legislacao/oficios-circulares/sin/occ-sin-smi-0122.html>.

CVM Resolution 21/21⁵² shall be observed.

81. CVM also recalls that within the scope of Decree 10,270/20, and considering the proximity of the new mutual evaluation of Brazil by FATF, it was made available to all persons under supervision, on May 21, 2022, at SISCOAF, (i) the first AML/CFT National Risk Assessment (NRA)⁵³, (ii) its respective executive summary⁵⁴, (iii) the national risk assessment – methodology and (iv) facts and cases – collection of ML/ FT typologies⁵⁵.
82. In this sense, CVM reinforces that the institutions’ senior management and the directors responsible for CVM Resolution 50/21 shall access and analyze these documents, especially the National Risk Assessment, for the purposes of drafting their internal risk assessments and the parameterization of their risk matrices and monitoring systems. The conclusion of this analysis shall be available for CVM supervision, or even for self-regulation, when applicable.

Chapter XVI - Assets’ freeze

83. It is important to highlight the obligation of the institution to comply, immediately and without prior notice to the sanctioned persons, with the measures established in the sanctioning resolutions of the United Nations’ Security Council or deliberations of its sanction’s committees that determine the unavailability of assets, of any amounts, held, directly or

⁵² This Resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol021.html>.

⁵³ https://www.gov.br/coaf/pt-br/centrais-de-conteudo/publicacoes/avaliacao-nacional-de-riscos/3-2_relatorio-avaliacao-nacional-de-risco.pdf/view.

⁵⁴ https://www.gov.br/coaf/pt-br/centrais-de-conteudo/publicacoes/avaliacao-nacional-de-riscos/sumario_executivo-avaliacao-nacional-de-riscos.pdf/view.

⁵⁵ <https://www.gov.br/coaf/pt-br/centrais-de-conteudo/publicacoes/avaliacao-nacional-de-riscos/casos-e-casos-tipologias-edicao-especial-anr-2021.pdf/view>.

indirectly, by individuals, legal entities or enterprises, pursuant to the terms of Law no. 13,810/19, without prejudice to the duty to comply with court orders that declare the unavailability also provided therein.

- 84.** We recommend that institutions include, in their policy or in another written document, mentioned in the policy, who the service provider responsible for blocking assets is and how the direct and permanent monitoring of the resolutions determining the unavailability of assets foreseen by the United Nations' Security Council will be carried out, as well as eventual information to be observed for their adequate compliance thereof. To this end, institutions shall customize and implement specific internal controls so that a possible block is implemented without delay, without prejudice to the fulfillment of other duties related to this topic.
- 85.** Pursuant to BCB Resolution 44/20, compliance with the determinations of unavailability provided for by the United Nations' Security Council shall take place regardless of any reporting to the BCB and immediately after the institution becoming aware that the client or its ultimate beneficial owner is on the sanctions list of established by Law 13,810/19. Thus, it is recommended that the freezing of assets be carried out even before the reporting is sent to the supervisory bodies and the Ministry of Justice and Public Security.
- 86.** CVM establishes that the following entities shall be duly communicated⁵⁶:

⁵⁶ CVM Resolution 50/21, art. 27, Par. 3, II. Art. 27. The persons mentioned in items I to IV of art. 3 shall comply, immediately and without prior notice to the sanctioned persons, with the measures established in the sanctioning resolutions of the UNSC or deliberations of its sanction's committees that determine the unavailability of assets, of any amounts, held, directly or indirectly, by individuals, legal entities or enterprises, pursuant to the terms of Law No. 13,810 of 2019, without prejudice to the duty to comply with court orders that declare the unavailability also provided for in said law. (...) Par. 3 The persons mentioned in items I to IV of art. 3 shall adopt the procedures below, without the need of the CVM notification mentioned in item I of art. 10 of Law No. 13,810 of 2019: II – immediately report the unavailability of assets and the attempts to transfer them related to natural persons, legal entities or entities sanctioned

- I. CVM.
- II. MJSP.
- III. COAF.

87. BCB establishes that the following entities shall be duly reported⁵⁷:

- I. The BCB, through the BC Mail system and specifically addressed to the Deati/ CSNU folder.
- II. The MJSP, through the institutional email, csnu@mj.gov.br.
- III. COAF.

Chapter XVII - Periodic evaluation of the AML/CFT program

88. In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions must set up monitoring and control mechanisms to ensure the implementation and adequacy of the AML/CFT program. This can be done through the effectiveness assessment described in the following chapter, or through tests, applied at intervals to be defined by the institution.

89. It is worth noting that the BCB requires that the control mechanisms of the AML/CFT policy, rules and procedures be subject to tests by the institution's internal audit. CVM⁵⁸, in its turn,

by resolution of the UNSC or by designations of its sanctions committees, pursuant to the terms of art. 11 of Law No. 13,810, of 2019: a) to the CVM; b) the MJSP; c) to COAF;

⁵⁷ BCB Resolution 44/20, art. 4 and BCB Normative Instruction 261/22, arts. 3 and 4. Art. 4 BCB 44/20: Art. 4 The institutions referred to in art. 1 shall immediately report the unavailability of assets and the attempts to transfer them related to natural persons, legal entities or entities sanctioned by resolution of the United Nations' Security Council or by designations of its sanctions committees, pursuant to the terms of art. 11 of Law No. 13,810, of 2019, to: I - Central Bank of Brazil, through the BC mail system; II - Ministry of Justice and Public Security; and III - Financial Activities Control Council (COAF), in the form used to carry out the reporting provided for in art. 11, item II, of Law No. 9,613, of March 3, 1998.

⁵⁸ CVM Resolution 50/21, art. 8, Par. 7.

points out in its rule that if the obligated subjects have an internal audit in their functional structure, their analyzes and assessments of the adequacy and effectiveness of the institution's rules, procedures and internal controls shall be made available to CVM. However, it is important to emphasize that the due work of the 3rd line does not replace or confuse with the duties stipulated by the regulators in relation to the 2nd line.

Chapter XVIII - Effectiveness Assessment

- 90.** One of the great novelties of the AML/CFT rules is the effectiveness assessment, which shall be carried out by the institutions in relation to compliance with the policy, rules, procedures, and internal controls on the topic. The effectiveness assessment requires an understanding of the institution's entire AML/CFT program and is a self-criticism, being the time for the institution to assess where it has failed, or even where it could not adequately mitigate its risks, and where processes are not being effective, as well as seek corrections and improvements through action plans. Senior management is expected to be committed to the results of this analysis and to follow up on the proposed action plans.
- 91.** CVM requests that the effectiveness indicators be included in the IRA report itself, which has to be filled annually, with an indication of the effectiveness of the adopted recommendations. It should be noted that the IRA report shall be prepared by the director responsible for the AML/CFT and that it has a similar objective to the effectiveness report established by BCB.
- 92.** BCB, in turn, requires that the institutions draw up a specific report that shall assess the effectiveness of compliance with the policy, rules, procedures and internal controls pertaining to AML/CFT. This report, which shall be made annually, with a base date of December 31, may be prepared by other departments that are foreseen in the institution's AML/CFT governance structure, not being a private activity of the director responsible for the AML/CFT structure or the department exclusively responsible for putting into practice the institution's AML/CFT

program. Thus, it is possible that a sector of the governance and internal controls department be responsible for preparing this effectiveness report, as far as it is neutral to evaluate the effectiveness of the AML/CFT program and this situation and responsibility are duly established in the policy.

- 93.** In accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions must clearly indicate, in a written and verifiable document, which metrics and criteria are adopted by them for the effectiveness assessment. These indicators are considered by regulators to be of extreme importance in terms of the AML/CFT rules and its implementation and maintenance.

Chapter XIX - Final provisions

- 94.** The update of this guide was carried out by Anbima's legal advisors with the help of several professionals who are part of the association's bodies, as well as law firms and consultancy firms.
- 95.** This document was published on December 22, 2025.

Annex I - Distributor's Due Diligence

1. According to CVM⁵⁹, whether due to specialization or due to the division of competences existing between the different investment funds' service providers, the distributor is the one who will maintain a direct commercial relationship with the shareholder client of investment funds—whether through a class or subclass, if applicable—being its responsibility the collection of registration information, maintenance of the registration and adoption of the measures provided for in its policy to control and monitor the risk of ML/FT in relation to its activities.
2. BCB did not introduce in its rules the concept of direct business relationship in relation to investment funds —whether through a class or subclass, if applicable—as established by CVM. However, the recommendations described below also cover, where applicable, BCB Circular 3,978/20.

A. Know your client

3. The procedure to get to know the client is the backbone of the combat against ML/FT, for it allows the distributor to gain access to clients' data and identify distinct levels of risk, incompatibilities, inconsistencies, and suspicious transactions. It is important that institutions, in addition to collecting and systematizing client data, have processes that regularly allow verification and validation of client information gathered. We recommend that the distributor keep in a written document an outlook of the sources of information being used for the collection, verification and validation of registration information, and that it classifies them according to their degree of reliability.

⁵⁹ <https://conteudo.cvm.gov.br/export/sites/cvm/legislacao/oficios-circulares/smi-sin/anexos/ofsmisin0420.pdf>.

4. Observing the legal restrictions, we emphasize that the verification and validation of information can be carried out between different departments of the institution, as well as through external sources, and internal data integration and communication systems can be developed to allow that information provided and/or gathered, even if from different departments and for other purposes, is compared. As an example, we can mention the duty to verify the adequacy of products, services and transactions to client's risk profile, provided for in CVM Resolution 30/21⁶⁰, the routines relating to the duties of compliance with CVM Resolution 62/22⁶¹ and of CVM Resolution 35/21⁶². Note that this information should not be analyzed in isolation, but in the context of the totality of the data that has already been collected.
5. In accordance with AML/CFT rules, the distributor shall implement procedures aimed at getting to know its clients, including procedures that ensure due diligence in their "identification", "characterization" and "classification".

B. Client's identification

6. Institutions shall adopt their own identification procedures to verify and validate client's identity. The information required for identification and verification may vary depending on the client type, its risk profile and the type of product or service sought.
7. The supervision authorities have different requirements for client's Identification, as follows:

⁶⁰ The resolution is available at: <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol030.html>.

⁶¹ The resolution is available at <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol062.html>.

⁶² The resolution is available at <https://conteudo.cvm.gov.br/legislacao/resolucoes/resol035.html>.

- I. BCB⁶³: In the client's identification procedure shall be gathered, at least:
 - a. the full name and tax registration number in the Individual Taxpayer's Registry (CPF), in the case of a natural person; and
 - b. the trading or business name and the registration number in the National Register of Legal Entities (CNPJ), in the case of a legal entity.
 - II. CVM: The minimum information is included in Annex B to CVM Resolution 50/21.
8. Also, according to the CVM⁶⁴ Resolution 50/21 enhanced the "know your client" procedure by requiring not only the identification and collection of registration data but also ongoing due diligence to gather additional information—especially the identification of the respective ultimate beneficial owners by the party that maintains a direct relationship with the client.
9. Clients' identification information is declared by the clients themselves and shall be submitted by the institutions to a registration data validation process, despite the obligation that clients must declare the truth. Amid this validation, there is the need to periodically consult the register of impeded persons maintained by CVM. It should be noted that, if the minimum information required by CVM Resolution 50/21 is not gathered, the institution shall use its best efforts, not only to validate the data provided by clients, but also to obtain any missing information. If the institution still does not have all the information required by CVM Resolution 50/21, this situation does not prevent the start or maintenance of the business

⁶³ BCB Circular 3.978/20, art. 16, Par. 2. Art. 16 Par. 2: Art. 16. The institutions referred to in art. 1 shall adopt identification procedures that allow verifying and validating the client's identity. (...) Par. 2 In the client identification process, there should be gathered at least:

I - full name and registration number in the Individual Taxpayers Registry (CPF), in case of natural persons; and

II – the trading or business name and the registration number in the National Register of Legal Entities (CNPJ), in the of legal entities.

⁶⁴ <https://conteudo.cvm.gov.br/export/sites/cvm/legislacao/oficios-circulares/smi-sin/anexos/ofsmisin0420.pdf>.

relationship. However, this exceptional situation of incomplete information shall be addressed in the institution's respective AML/CFT policy, in the Risk-Based Assessment (RBA) or in relevant documentation, including:

- I. enhanced monitoring.
- II. more careful analysis of the eventual warnings.
- III. assessment of the director responsible for CVM Resolution 50/21, subject to verification, as to the interest in maintaining this relationship with the client.

C. Client's characterization

10. BCB⁶⁵: According to BCB Circular 3,978/20, institutions shall adopt procedures that allow the characterization of their clients through the collection, verification and validation of information that is compatible with the client's risk profile and with the nature and the purpose of the business relationship. Characterization procedures shall include the collection of information that allows:
 - I. identify the place of residence in the case of a natural person.
 - II. identify the location of the head office or branch, in the case of a legal entity.
 - III. assess the client's financial capacity, including income, in the case of an individual, or revenue, in the case of a legal entity.
11. CVM: CVM does not provide in CVM Resolution 50/21 the client's characterization as an independent due diligence step, thus from the client's identification the next one is its classification.

⁶⁵ BCB Circular 3,978/20, Arts. 18 and 19. Available at:

<https://www.bcb.gov.br/estabilidadefinanceira/exibenormativo?tipo=Circular&numero=3978>

D. Client's classification

12. The institution shall classify the risk of its clients based on its IRA and its RBA. The classification assigned will determine which measures will be applied to mitigate the risks, and it shall monitor the evolution of the relationship over time, in order to incorporate, in a timely manner, significant changes in the original classification criteria.
13. The following are criteria that can be considered by the institution to classify its clients:
 - I. business relationships involving PEPs or non-profit organizations.
 - II. business relationships with clients and/or ultimate beneficial owners or third parties domiciled in a high-risk country, as listed by FATF.
 - III. financial institutions trading with offshore products.
 - IV. clients that act in businesses classified as high-risk in the institutions' RBA.
 - V. activities with indicia of being unusual that the Institution is aware of.
 - VI. transactions reports that have been deemed unusual that the Institution is aware of.
 - VII. inquiries from government authorities, such as notifications concerning ML/ FT illicit.
 - VIII. transactions with evidence and in violation of economic sanctions programs.
 - IX. transactions with relevant volumes and amounts that are non-compatible with the client's source of income or that differ from those historically observed.

E. Client's data

14. The records of the clients shall contain the minimum requirements set out in the regulations in force, without prejudice that the institution considers other information depending on the client's risk rating.
15. The items commented below come from CVM recommendations provided for in the Directive-

Release No. 4/20⁶⁶ and applicable to the distributor.

16. The AML/CFT policy shall necessarily address, among other topics, the setting of criteria and frequency for updating the records of active clients, being duly observed at the maximum interval of five (5) years. The records of low-risk clients, according to the institution's classification, shall be adjusted according to the frequency determined in the respective AML/CFT policy, observing the deadline set in art. 4, III, of CVM Resolution 50/21, which shall be counted from the date of registration or the last registration update.
17. The records of high-risk clients, also according to the institution's classification, shall be updated according to the frequency determined in the institution's AML/CFT policy. CVM understands that it is a good practice to take advantage of information gathered both for the investment profile and for registration purposes.
18. The new minimum information required in the client's registration by CVM Resolution 50/21, namely, "spouse's or partner's CPF number" and "CNPJ of the company at which he/she works", are applied to all individuals, national or non-residents ("NRI"). In the case of NRI, equivalent information in the respective jurisdiction of origin shall be collected.
19. Specifically in lower risk situations, both in terms of customer risk and the transmission of orders, or even, in line with the risk appetite adopted by the institution in its AML/CFT policy, it will be possible to admit the execution of trades without minimum information being available. However, in these cases, a specific routine shall be foreseen and evidenced so that eventual missing information can be diligently gathered at the first opportunity and on a priority basis.
20. Additionally, in cases where the client has more than one employment relationship, the

⁶⁶ <https://conteudo.cvm.gov.br/export/sites/cvm/legislacao/oficios-circulares/smi-sin/anexos/ofsmisin0420.pdf>.

information from the corporation that is most relevant in relation to that client's income shall be considered. It is important to note here that such treatment is of a data gathering nature, that is, it will not exempt the institution obliged to collect, in situations of greater risk, supplementary data within the scope of the continuous due diligence.

- 21.** Regarding the minimum information related to the "mother's name", we understand that in situations in which it is not possible to obtain such info, or even if its gathering is not applicable, such data can be met with "parental data registration" and the respective name of the father.

- 22.** Art. 18 of CVM Resolution 50/21 determines that the institutions responsible for the collection of registration information shall only start any business relationship or continue the existing relationship with the client if the steps included in the identification procedure are completed, which include 'identification of the ultimate beneficial owner' and 'know your client'. Thus, CVM Resolution 50/21 imposes a duty of diligence on the institution, and it is up to it, whenever demanded by CVM or the self-regulator, to demonstrate that it has used the best efforts in its power to obtain the complete identification of the client, including the ultimate beneficial owner. Despite what has been said, the decision to initiate, maintain or terminate a relationship with clients remains within the scope of the institution itself, in light of its RBA and risk appetite, including reputational risk, if applicable. In other words, the institution must define in its RBA the procedures and controls that demonstrate the level of due diligence applied in proportion to the identified risk, in order to ensure full identification of its clients in cases where the information obtained falls short of the minimum content required by regulation or is incomplete.

- 23.** Notwithstanding what was said above, in such situations it is essential to effectively apply routines aiming at reinforced monitoring of transactions or unusual situations for such client, as well as conducting a more careful analysis of the possible alerts generated with a view to a possible notification to COAF, always pursuant to the terms of art. 22 of CVM Resolution

50/21.

F. Investment Advisor

- 24.** If the institution has investment advisors (autonomous investment agents) linked to it, it will be obliged to make them adhere to the AML/CFT policy of the distributor or intermediary on whose behalf it is carrying out the distribution. If the investment advisor is linked to more than one intermediary or distributor, it shall adhere simultaneously to the AML/CFT policy of all those to which they are linked, even if there are variations in content, rigor and flexibility among them.
- 25.** Considering that the investment advisor maintains direct contact with investment fund shareholders —whether through classes or subclasses, if applicable—it is their responsibility to maintain internal procedures that ensure ongoing compliance with the AML/CFT policy of each intermediary and/or distributor to which they are linked. They must also report any proposals or occurrences of unusual transactions or situations to the respective intermediary, within the limits of their responsibilities. The AML/CFT policies of the intermediary or distributor, as applicable, should reflect the responsibility of investment advisors.

G. Distribution on behalf of

- 26.** In the distribution on behalf of, the distributor is responsible for the shareholder client, as it is the service provider which maintains a direct business relationship with it. In such cases, the distributor will assume additional obligations regarding the shareholder, which were originally assigned to the fiduciary administrator. These obligations are transferred to the distributor, and the shareholder client is identified to the fund's other service providers solely through a code.
- 27.** Despite the considerations made above, the funds' other service providers which have an

indirect relationship with the client are not exempt from AML/CFT due diligence in the distribution on behalf of. As a rule, it is recommended that the “know your service provider, partner, and vendor” procedure outlined in Chapter XII of this guide be applied. Depending on the RBA, a service provider may wish to know the identity of the fund’s shareholder and ultimate beneficial owner, whether through a class or subclass, if applicable, and such a request is supported by regulation. In these cases, there is no predefined procedure; it is up to each service provider to assess the situation based on its own RBA and decide whether to proceed without knowing the fund’s ultimate beneficial owner, whether through an Exclusive Class or Subclass or otherwise.

H. Distribution of shares to shareholders that are Exclusive Classes (investor fund and invested fund)

28. According to the CVM⁶⁷ The rule, in this aspect, is addressed to the institution responsible for the client in case the shareholders are Exclusive Classes (investor fund buying shares of other funds). Thus, the distributor of the fund—whether through a class or subclass, if applicable—that receives the investment from the Exclusive Class must adopt due diligence measures aimed at identifying the ultimate beneficial owner of the funds through the investing classes, whether they are Brazilian or foreign, resident or non-resident.
29. In this case, however, the distributor is not expected to play a leading role in collecting registration information. It is recommended that the distributor verify the ownership percentage held by the investing Exclusive Class in the fund—whether through a class or subclass, if applicable—that receives the investment. A holding of 25% or more of the shares in the invested fund, through the investing class, is the threshold at which the CVM presumes the existence of significant influence over the fund—again, whether through a class or

⁶⁷ CVM and Anbima live held on 6/7/2020. <https://www.youtube.com/watch?v=fGsa1RuQPqI>.

subclass, if applicable. It is also important for the distributor to assess the potential occurrence of higher-risk situations and document them in its RBA.

- 30.** If it is determined that an Exclusive Class holds 25% or more of the shares in the invested fund—whether through a class or subclass, if applicable—then, in accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, the distributor of the invested fund must make best efforts to obtain information on the shareholder of the Exclusive Class, up to the ultimate beneficial owner. To that end, the distributor of the invested fund—whether through a class or subclass, if applicable—may contact the distributor or manager of the Exclusive Class, without prejudice to any other measures it deems appropriate to obtain the necessary information. In such cases, it is recommended that due diligence efforts be documented in writing, contemporaneously, to create a record that demonstrates what actions were taken to obtain this information. It is important to note that any difficulty, impossibility, or lack of knowledge regarding the ultimate beneficial owner must be supported by evidence that the institution conducted reasonable efforts to properly identify the shareholder and their beneficial owner. In any case, the distributor of the fund—whether through a class or subclass, if applicable—that receives investment from another fund through a class has the duty to determine whether that investment originates from an Exclusive Class.
- 31.** Please note that the provisions of item 22 of – Distributor’s Due Diligence also apply to the identification of the ultimate beneficial owner of the Exclusive Class.

A. Allocation: acquisition of shares in open classes by other funds

- 32.** Intermediation by a financial institution that is part of the securities distribution system is optional when acquiring shares of open classes by other funds or classes, provided that one of the essential service providers of the invested fund or class is responsible for AML/CFT activities.

Annex II - Fiduciary Manager's Due Diligence

1. The fiduciary manager's AML/CFT responsibility, within the limits of its attributions, includes the fiduciary management services of:
 - A. investment funds, whether through classes or subclasses, if applicable.
 - B. managed portfolios, if applicable.

1.A. Due diligence of funds' fiduciary manager in light of CVM Resolution 50/21

2. For the purposes of the application of CVM Resolution 50/21, the fiduciary manager investment funds' client is the fund itself, with its classes or subclasses, if applicable, since the fiduciary manager does not have a direct business relationship with shareholder clients. In this vein, and with a view to avoiding compliance costs disproportionate to the benefits produced, the fiduciary manager may fail to register the fund's shareholder clients, whether through classes or subclasses, if applicable, as provided for in Annex B to CVM Resolution 50/21.
3. In commonly verified cases in which the fiduciary manager also distributes the investment fund's shares, whether through classes or subclasses, if applicable, the provisions of Annex I of this guide shall be observed concomitantly with the provisions of this Annex II.
4. Without prejudice to the inspection that it shall carry out on the service providers hired on behalf of the fund pursuant to the terms provided for in CVM Resolution 21/21, we recommend that the fiduciary manager, for the purposes of CVM Resolution 50/21, perform due diligence in the fund's service providers in order to verify which AML/CFT program is adopted by them and apply the "know your service provider, partner, and vendor procedure" provided for in Chapter XII of this guide.

5. It is worth noting that the information on the investment fund's shareholder clients— whether through classes or subclasses, if applicable—received by the fiduciary manager because it is essential for fulfilling its duties, such as the shareholder's name and address for sending meeting notices, is not sufficient to establish a direct business relationship between the fiduciary manager and the shareholder client.
6. Notwithstanding the foregoing, it is good practice for the fiduciary manager to, in the context of its RBA process, and to the extent that is reasonable in light of the spheres of action proper to other fund service providers, make use of the information that it may obtain in the exercise of its activities, to monitor, analyze and, as the case may be, communicate situations governed by CVM Resolution 50/21, with a view to identifying situations that require greater attention or special due diligence (for example, identification of PEPs and non-profit organizations).

A. Due diligence of managed portfolios' fiduciary manager considering CVM Resolution 50/21

7. For the purposes of applying CVM Resolution 50/21, in the case of managed portfolios, the fiduciary manager's client is the asset manager that hired him. The direct business relationship with the client investing in the managed portfolio is maintained by the asset manager, which, therefore, will be obliged to obtain the registration information provided for in Annex B to CVM Resolution 50/21.
8. Without prejudice to the inspection obligations provided for in CVM Resolution 21/21, we recommend, specifically for the purposes of CVM Resolution 50/21, that the fiduciary manager takes steps to know the AML/CFT processes adopted by the asset manager and by the custodian if the managed portfolio also has custodian.
9. As with investment funds, whether through classes or subclasses, if applicable, we recommend that the fiduciary manager, in the context of its RBA process, make use of the information that

it may obtain in the exercise of its activities to monitor, analyze and, if applicable, communicate situations governed by CVM Resolution 50 /21, with a view to identifying situations that require further attention or special due diligence (for example, identification of PEPs and non-profit organizations).

B. Monitoring by the fiduciary manager of assets allocated to investment funds and managed portfolios

- 10.** Without prejudice to the responsibilities of the portfolio manager, as detailed in Annex III, it is recommended that the fiduciary administrator, for AML/CFT purposes, within the scope of its responsibilities and as set out in its own RBA, take any measures it deems appropriate in the event of atypical situations.

Annex III - Asset Manager's Due Diligence

1. The asset manager is subject to CVM Resolution 50/21. As a result, depending on what is under its management and with whom it is dealing, it shall have to comply with different obligations, as detailed below:

I. Asset manager vs. shareholder client or investor client:

- a. asset manager of an investment fund or classes, if applicable, with multiple shareholders.
- b. asset manager of exclusive classes or subclasses.
- c. asset manager who also acts as a distributor of shares of its own funds, whether through classes or subclasses, if applicable.
- d. asset manager of managed portfolios.
- e. wealth manager.

II. Asset manager vs. acquired assets: with regard to making investment decisions in the different modalities listed above, the asset manager may acquire assets for funds, classes or managed portfolios.

III. Asset Manager vs. Distributor: It is the responsibility of the asset manager, in accordance with its RBA, to conduct appropriate due diligence on the distributor to ensure that the distributor has adequate processes in place to fulfill the obligation of knowing and monitoring its clients.

I.A. Asset manager of an investment fund with multiple shareholders, whether through classes or subclasses, if applicable

2. In this case, there is a presumption—based on the very nature of the investment vehicle—

that the asset manager does not maintain a direct business relationship with the shareholder client, unless the manager also acts as the distributor of the fund's shares. The asset manager is therefore only required to obtain the fund's registration information, through the class, as set out in to CVM Resolution 50/21. Even if the asset manager registers the investment fund, through the class, with the brokerages where it chooses to operate, the registration being carried out in this case refers to the fund—through the class—not to its shareholders.

I.B. Asset manager of Exclusive Classes or Subclasses

3. In the case of Exclusive Classes or Subclasses, the asset manager's client is deemed to be the fund's shareholder, whether through classes or subclasses, if applicable. In this case, an assumption is established, due to the nature of this type of structure, that the asset manager maintains a direct business relationship with the shareholder(s). Even in the face of this assumption, it is not up to the asset manager to collect all registration information provided for in Annex B to CVM Resolution 50/21, an obligation that falls on the distributor. The asset manager shall keep the records of this information in accordance with its RBA and know the shareholders' ultimate beneficial owner up to the natural person.

4. Considering the provisions of CVM Resolution 50/21, we recommend that the asset manager seeks, in order to avoid the imposition of compliance costs on the shareholder(s), and except in the cases of secrecy provided for by the regulation, to obtain the information relating to the shareholder from the distributor, who maintains the direct relationship with the investor, as provided in Chapter XV of this guide, which deals with the exchange of information between institutions. In the event that the distributor refuses to provide this information to the asset manager—even if channels for sharing between internal control structures are made available—the asset manager must document and provide evidence of its attempt to obtain the information and must seek to obtain the necessary information directly from the shareholder(s) and/or through reliable public sources.

5. In such cases, in line with its IRA and RBA, we recommend that the asset manager subject the distributor of the exclusive class or subclass to the “know your service provider, partner, and vendor” procedure outlined in Chapter XII of this guide.
6. Please note that the provisions of item 22 of Annex I also apply to the Exclusive Class.

I.C. Asset manager who distributes share of its own funds, whether through classes or subclasses, if applicable

7. This is the hypothesis in which the asset manager simultaneously performs two distinct functions, namely, asset management and distribution of its own funds, whether through classes or subclasses, if applicable. Given the accumulation of these two functions, even if it is a case of an investment fund, whether through classes or subclasses, if applicable, with multiple shareholders, the asset manager shall be responsible for the shareholder client, with whom it will maintain a direct business relationship. Thus, the asset manager shall cumulatively comply with the provisions of this Annex for the asset management function and the provisions of Annex I to this guide for the distribution activity.

I.D. Asset manager of managed portfolios

8. In the case of managed portfolios, the asset manager's client is considered to be the investor who owns the resources comprising the managed portfolio, with whom the asset manager maintains a direct business relationship. In this scenario, it is also up to the asset manager to collect the registration information provided for in Annex B to CVM Resolution 50/21 and to know the ultimate beneficial owner up to the natural person.

I. E. Wealth manager

9. In this case, the asset manager's client is the owner of the wealth—whether in the form of investment funds (through classes or subclasses, if applicable), managed portfolios, or other assets—with whom the asset manager maintains a direct business relationship. In this scenario, it is also the asset manager's responsibility to collect the registration information specified in Annex B to CVM Resolution 50/21 and to identify the ultimate beneficial owner down to the natural person.

II. A. Asset manager purchasing assets for funds, through classes, and/or managed portfolios

10. According to CVM⁶⁸, the asset manager shall have AML/CFT procedures applicable to the acquisition of assets for the funds, through classes, and managed portfolios. From this perspective, depending on the situation, it is possible that the asset manager should focus the AML/CFT on the issuer of the asset, on the counterpart in the transaction, on the intermediary or distributor of the asset, the bookkeeper, among other agents involved therein. AML/CFT controls aimed at analyzing assets shall also be described in the institution's IRA and RBA, so that some assets and agents become the object of special attention.
11. In this regard, it is recommended that the assets manager considers at a minimum the parameters below, if applicable to the actual case:
 - I. **type of issuance:** the type of issuance or the trading format of the asset directly influences the ML/FT risk classification and its monitoring. As an example, the situations listed below—since they involve assets subject to a range of regulatory requirements—allow the

⁶⁸ CVM Resolution No. 50/21. Art. 20, II. Available at:
<https://conteudo.cvm.gov.br/legislacao/resolucoes/resol050.html>

asset manager to apply differentiated AML/CFT due diligence measures, in accordance with their RBA:

- a. assets that have been the object of initial and secondary public offerings registered in accordance with the rules issued by CVM.
- b. assets that have been the object of public offerings with restricted efforts, exempt from registration in accordance with the rules issued by CVM.
- c. assets issued or traded by a financial institution or similar entity.
- d. assets issued by issuers of securities registered before CVM.
- e. assets of the same economic nature as the ones listed above, when traded offshore, provided that (a) they are admitted for trading in stock exchanges, commodities and futures, or registered in a registration, custody or financial settlement system, duly authorized in its respective countries of origin and supervised by a local authority recognized by CVM, or (b) the existence of which has been validated by a third party duly authorized to perform custody activities in countries that have signed the Treaty of Asuncion or in other jurisdictions, or supervised by a local authority duly recognized by CVM.

II. agents involved: except for the events listed above, since the type of issuance determines the need for additional due diligence, we recommend that the asset manager—based on the relationship established with the agents involved in the issuance, distribution, intermediation, among others, and in line with its IRA and RBA—adopt the following procedure:

- a. request the agent's AML/CFT policy to verify its processes and controls.
- b. carry out a due diligence for AML/CFT purposes (know your service provider, partner, and vendor procedure).
- c. request information to get to know the ultimate beneficial owner, when applicable.
- d. request information to get to know the agent when applicable.

- III. type of asset:** the type of asset to be acquired by the asset manager for the fund, through its class, or managed portfolio may require different degrees of due diligence depending on its greater or lesser complexity, the asset structure and the manager's own RBA. We recommend that asset managers provide in a document mentioned in the policy, made in writing and subject to verification, that due diligence will be undertaken, for AML/CFT purposes, prior to the acquisition of assets. Below, we seek to bring some examples of assets and respective controls recommended for AML/CFT, but without the intention of exhausting them, given that it is expected that the asset manager which works with specific types of assets is more familiar with the particularities that deserve special attention and can justify the AML/CFT controls that it chooses to implement in each case.
- a. **virtual assets (or cryptoassets):** for the acquisition of virtual assets, pursuant to the terms allowed by current regulations, we recommend that asset managers observe, as appropriate and at a minimum, the CVM the CVM Circular Letter No. 11/2018/CVM/SIN⁶⁹, as well as the Manual of Good Practices in AML/CFT for Brazilian Exchanges⁷⁰ and the Code of Conduct and Self-Regulation⁷¹ published by ABcripto (Brazilian Association of Cryptoeconomy) on its website, without prejudice to new guides or best practice recommendations to be published by the industry or regulatory bodies.
- b. **Assets for the FIDC portfolio:** it is recommended that the asset manager, in accordance with its RBA, seek to identify any specific ML/FT risks in the structure of each transaction and build adequate due diligence and monitoring mechanisms. In this context, it is recommended that it maintains risk verification procedures in the credit origination

⁶⁹ <https://conteudo.cvm.gov.br/export/sites/cvm/legislacao/oficios-circulares/sin/anexos/oc-sin-1118.pdf>.

⁷⁰ <https://blconsultoriadigital.com.br/wp-content/uploads/2020/08/Manual-de-Boas-Pr%C3%A1ticas-em-PLDFT-para-Exchanges-brasileiras-.pdf>.

⁷¹ <https://www.abcripto.com.br/autorregulacao-abcripto>.

process and in the structure's participants, including, when applicable, assignors, originators and drawees, and it is advisable that it adopts proportionate criteria in its analysis, examples of which are: financial representativeness or more or less significant concentration in one or more assignors, originators and/or drawees. Special attention should be given to situations in which, among other things, (i) the same agent, or a group of agents related or linked to each other, is present at various ends of the transaction (for example, an exclusive shareholder who is also the originator of the credit) or perform functions that depend on or suffer interference from each other; and (ii) cases in which settlement is carried out centrally for different obligors and/or payment is made by third parties. Likewise, it is recommended to carry out due diligence with special emphasis on persons subject to the adoption of control mechanisms pursuant to the terms of art. 9 of Law 9,613/98 (i.e., factoring companies, investment consultants and financial institutions that act as "bank intermediaries" of operations originated by non-financial companies).

- c. **Assets for the FII portfolio:** it is recommended that the asset manager conduct prior due diligence specifically aimed at AML/CFT purposes, particularly regarding the identification and understanding of the counterparty related to the asset. Such due diligence includes, for example, reputation checks to detect any listings on national or international watchlists involving the company or asset to be acquired. Furthermore, if the FII intends to acquire shares or equity interests in companies whose sole purpose falls within the activities permitted for FIIa under CVM Resolution 175/22, we suggest that the asset manager carry out prior due diligence for the investment, in line with the recommendations provided below for private equity funds (FIPs).

- d. **Assets for the FIP portfolio:** it is recommended that the asset manager carries out a prior due diligence to the investment in the target company, to identify any signs of ML/FT. Such diligence can be carried out directly by the asset manager, or by hiring a company

or specialized firm, and may cover, for example, the analysis of the corporate structure of the target company, detection of entries in restrictive lists or negative media - either in relation to the company itself, as well as to its main shareholders and fiduciary managers – or by other means that appear to be adequate to the peculiarities of the actual case. The analysis of the transactions' counterpart is also a key factor in this approach. It is also recommended that special attention be paid to structures in which the same party, or a group of related or linked parties, occupy different ends of the transaction, or perform roles that depend on or suffer interference from each other. In addition, when the FIP does not hold 100% of the share capital of its portfolio companies, we recommend monitoring the other significant shareholders or shareholders of the investees, in accordance with the RBA, to identify any potential signs of money laundering or terrorist financing.

- e. **Assets for the FIAGRO portfolio:** the types of assets listed above should be observed, as applicable.

II.B. Asset manager of an Exclusive Class allocating resources to other funds, whether through classes or subclasses, if applicable (investing fund and invested fund)

12. This refers to a situation in which the asset manager of an Exclusive Class, during its activities, decides to acquire shares in another fund—whether through a class or subclass, if applicable—which may or may not be widely held, for example. In most cases, the asset manager of the Exclusive Class will contact the asset manager of the widely held fund—whether of the class or subclass, if applicable—directly to carry out the allocation. In this process, we recommend that the manager of the widely held fund—whether of the class or subclass, if applicable—reach out to its distributor so that the Exclusive Class can be properly registered.
13. The distributor of the widely held invested fund will register the investing Exclusive Class or

Subclass. Based on its IRA, RBA, the proportion of the allocation within the assets of the class or subclass of the widely held fund, and the existence of significant influence⁷², the distributor may ask the asset manager of the Exclusive Class or Subclass to identify its ultimate beneficial owner, down to the natural person. The mere fact of being an Exclusive Class or Subclass does not, in itself, impose on the distributor of the widely held fund the responsibility to identify the ultimate beneficial owner down to the natural person.

- 14.** In situations where the asset manager of the Exclusive Class decides not to disclose the ultimate beneficial owner to the distributor of the widely held fund, class, or subclass, if applicable, it is possible to consult with the distributor to determine what additional due diligence measures may be required in order to proceed with the allocation. Examples of such measures include the “know your service provider, partner, and vendor” procedure, outlined in Chapter 12 of this guide; responses to specific questions, such as whether the shareholder is a non-resident investor with a structure that makes it difficult to identify the ultimate beneficial owner, whether the beneficial owner is a politically exposed person (PEP) or a nonprofit organization; and, where applicable, the adoption of the provisions set out in Articles 16 and 17, §1, of CVM Resolution 50/21.
- 15.** Please note that the provisions of item 22 of Annex I – Distributor’s Due Diligence also apply to the Exclusive Class.
- 16.** The decision to proceed with the allocation is up to each institution, observing its IRA and RBA.

⁷² CVM Resolution No. 3221. Art. 2, par. 3 For the purposes of item II of par. 1, it is deemed to be the issuer, other institutions that, as holders or creditors of the securities, are responsible for their distribution to the market.

II.C. Monitoring of the acquired assets

- 17.** In accordance with CVM Resolution 50/21, the asset manager must continuously monitor, as applicable and in line with the RBA, the transactions carried out by its investment funds—through the classes—and managed portfolios, in order to identify any atypical activities that may indicate signs of money laundering or terrorist financing. We recommend close attention to the monitoring of atypical transactions involving the funds—through the classes—with emphasis on:
- I. recurrence or concentration of gains or losses.
 - II. pattern change in terms of business volume and operating means.
 - III. price variations of the assets traded by the funds, through the classes, compared to market prices.

Annex IV - Custodian's Due Diligence

1. The custodian's AML/CFT responsibility, within the limits of its attributions, includes the custody services rendered to:
 - A. investment funds.
 - B. managed portfolio hired by the asset manager.
 - C. managed portfolio hired by the investor.
 - D. issuers⁷³ of non-book-entry securities⁷⁴.

A. Custodian services to investment funds

2. For the purposes of CVM Resolution 50/21, the custodian's client is the investment fund, as the custodian does not maintain a direct business relationship with the shareholder. It is not the custodian's responsibility to register the fund's shareholders — whether through a class or subclass, if applicable—as provided for in Annex B of CVM's AML/CFT regulation. According to CVM Resolution 50/21, the custodian is only required to obtain the fund's registration information through the class (name, taxpayer identification number, identification of its fiduciary administrator and asset manager, and dates of registration updates⁷⁵).
3. For AML/CFT purposes, we recommend that the custodian, in accordance with its RBA, subject

⁷³ CVM Resolution No. 3221. Art. 2, par. 3 For the purposes of item II of par. 1, it is deemed to be the issuer, other institutions that, as holders or creditors of the securities, are responsible for their distribution to the market.

⁷⁴ CVM Resolution No. 3221, art. 2, Par. 1, II. Art. 2 The securities custody service shall be provided by legal entities authorized by CVM pursuant to the terms of this Resolution. Par. 1. The securities custody services may be provided: (...) II – for issuers of non-book-entry securities pursuant to item II of § 2.

⁷⁵ CVM Resolution 50/21 Annex B, art. 1, IV. Available at:
<https://conteudo.cvm.gov.br/legislacao/resolucoes/resol050.html>.

the fiduciary administrator to the “know your service provider, partner, and vendor” procedure outlined in Chapter XII of this guide.

4. Notwithstanding the foregoing, we recommend that the custodian, in the context of its RBA process, and also, based on the principle of reasonableness applicable to the proper spheres of activity of each service provider, carry out, according to the information held by it in the performance of its activities, the monitoring, analysis and eventual notifications under the aegis of CVM Resolution 50/21, in order to enable the identification of situations that require greater attention and the adoption of special due diligence (for example, identification of PEPs and non-profit organizations).
5. Conceptually, the provision of custody services to investment funds does not need to be necessarily associated with the provision of services of assets’ bookkeeping. In cases, albeit quite common, in which the provision of custody services is performed together with asset bookkeeping, the custodian will hold additional information about the prices of the assets in the fund’s portfolio, through the class, in which case such monitoring may proportionally gain in quality.

B. Custodian services to managed portfolio hired by the asset manager

6. For the purposes of the CVM Resolution 50/21, the custodian's client is the asset manager, since the custodian does not maintain a direct business relationship with the client who is the investor of a managed portfolio. In this case, we recommend that the custodian, observing its RBA, apply to the asset manager the “know your service provider, partner, and vendor” procedure provided for in Chapter XII of this guide.
7. Notwithstanding the custodian’s direct business relationship be with the asset manager, it is recommended that the custodian, in the context of its RBA procedures, examines the

provisions applicable to participants having direct business relationships with clients, so it identifies any additional steps that are proportional to the risks and that should be adopted, under the principle of reasonableness, and considering the provisions of CVM Resolution 32/21. Such provisions may include, for example, obligations imposed by entities managing organized markets and entities operating the financial market infrastructure to their participants that act as custodians.

C. Custodian services to managed portfolio hired by the investor

- 8.** The custodian's client is the investor in the managed portfolio, by whom it is contracted and with whom it maintains a direct business relationship. In this context, we recommend that the custodian apply, where applicable, the provisions of Annex I of this guide, which deals with the distributor's due diligence.

Annex V - Bookkeeper's Due Diligence

1. The bookkeeper's AML/CFT responsibility, within the limits of its attributions, encompasses bookkeeping services rendered to:
 - A. Shares of investment funds, whether through classes or subclasses, if applicable.
 - B. securities issued by corporations.

A. Bookkeeping of investment funds' shares

2. For the purposes of CVM Resolution 50/21, the bookkeeping agent's client is the investment fund—whether through a class or subclass, if applicable—as the agent does not maintain a direct business relationship with the fund's shareholder, whether through a class or subclass. According to CVM Resolution 50/21, the bookkeeping agent is only required to obtain the fund's registration information—whether through a class or subclass, if applicable—such as name, taxpayer identification number (CNPJ), identification of its fiduciary administrator and asset manager, and the dates of registration updates.⁷⁶
3. For AML/CFT purposes, we recommend that the bookkeeping agent, in accordance with its RBA, subject the fiduciary administrator to the “know your service provider, partner, and vendor” procedures outlined in Chapter XII of this guide.
4. In relation to the shareholder, the bookkeeper shall maintain, for the carrying out of its activity, the identification information required by CVM Resolution 33/21 (identification, characterization, legal nature, domicile and tax regime of the security holder, or, whenever

⁷⁶ CVM Resolution 50/21 Annex B, Art. 1, IV. Available at:
<https://conteudo.cvm.gov.br/legislacao/resolucoes/resol050.html>.

applicable, the identification of the central depository holding the security in a centralized deposit).

5. Notwithstanding the above, we recommend that the bookkeeping agent, within the context of its RBA process and based on the principle of reasonableness applicable to the respective roles of each fund service provider, carry out—based on the information available to it in the course of its activities—monitoring, analysis, and any necessary reporting under CVM Resolution 50/21. This will help identify situations that require greater attention and the adoption of enhanced due diligence measures (for example, identification of politically exposed persons (PEPs) and nonprofit organizations).

B. Bookkeeping of securities issued by corporations

6. For the purposes of the application of CVM Resolution 50/21, the bookkeeper's client is the company issuing the securities, by whom it is hired and with whom it maintains a direct business relationship.
7. In relation to the holder of the security, the bookkeeper does not maintain a direct business relationship with it. In order to carry out its activity, pursuant to CVM Resolution 33/21, the bookkeeper shall obtain the minimum identification information provided for in the rules (identification, characterization, legal nature, domicile and tax regime of the holder of the security, or, when applicable, the identification of the central depository that holds the security in a centralized custody deposit) and, therefore, it is not up to the bookkeeper to carry out the due diligence to obtain the registration data related to the know your client procedure for securities' holders.
8. Notwithstanding the foregoing, we recommend that the bookkeeper identify, in the context of its RBA procedure and of the drafting an AML/CFT policy and based on the principle of

reasonableness as well, any additional due diligence that are proportionate to the risks and that should be adopted in situations that require greater attention, such as:

- I. transfer of assets before the bookkeeper, without the participation of an intermediary. In this scenario, the bookkeeper shall monitor the trading aggregate amounts in order to identify those that are discrepant in relation to amounts known by the market in general, however, it is not up to the bookkeeper, within the limits of its duties, to develop procedures (e.g. price tunnel) for the identification of any discrepancies in trading amounts and/or assessment of the declared financial capacity contained in the documentation.
- II. other situations involving changes of ownership.
- III. creation of liens and encumbrances.
- IV. change between bookkeeping environment and centralized deposit.
- V. additional due diligence relating to issuers classified as PEP and holders of securities classified as PEP or non-profit organizations.
- VI. type of monitoring of the transactions carried out, when applicable, in view of the limitations to access registration data and the possibility of obtaining additional information by the institutions that have a direct relationship with clients.

Annex VI– NRI Representative’s Due Diligence

1. For the purposes of registration under Annex C of CVM Resolution 50/21 (simplified registration), the Brazilian institution may enter a contract with a foreign institution, which will be responsible for registering the non-resident investor (NRI) in accordance with the rules of their home jurisdiction. The terms, conditions, and obligations of this contractual relationship are governed by the aforementioned regulation, and the minimum registration requirements are defined by the rules issued by the administrators of organized markets and financial market infrastructure operators. We recommend that the contract includes a provision stating that the foreign institution will be responsible for registering the NRI in accordance with the regulations of their jurisdiction. In addition, it is important to observe, where applicable, other regulatory requirements for NRIs.
2. It is important to emphasize that the use of simplified registration does not exempt institutions from their applicable AML/CFT obligations, even if part of the AML/CFT processes is delegated to the foreign institution contracted for such purposes.
3. For the NRI risk assessment, it is suggested that Anbima’s self-regulatory rules, available at the association’s website, are duly observed.
4. An element to be considered in the NRIs’ ML/FT risk assessment is the risk assigned by the Brazilian institution to the foreign institution. For example, a foreign institution that maintains a collective account structure (omnibus account) assessed as being of a low ML/FT risk may have passengers (NRIs) classified as low, medium or high ML/ FT risk, according to the AML/CFT criteria of the institution. If the foreign institution holding the collective account (omnibus account) is classified as being of a high ML/ FT risk, it is recommended that passengers (NRIs) are also classified as high risk - such an assessment may be reviewed in relation to certain investors (passengers), if the institution has elements capable of supporting

a different assessment, which shall be duly substantiated and documented.

5. For cases in which the due diligence performed to identify the ultimate beneficial owner are applicable and have proved unsuccessful, even if temporarily, the following can be considered of a high ML/FT risk:
 - I. entities incorporated in the form of trusts or other fiduciary vehicles⁷⁷.
 - II. companies incorporated with bearer titles.
 - III. individuals residing abroad.

6. It is worth clarifying that this high ML/FT risk assessment can be changed by the institutions if they have collected information that allows them, within the scope of their respective RBA and AML/CFT, to conclude that the ML/FT risk could be revisited. Once again, in accordance with BCB Circular 3,978/20 and/or CVM Resolution 50/21, institutions must carry out a well-founded assessment, approved by the appropriate governing bodies and properly documented.

7. In order to define the necessary due diligence for the identification of the ultimate beneficial owner, the Institutions may take into account normative instructions issued by other supervisory entities, among them, the Brazilian Tax Authority.

⁷⁷ CVM Resolution 50/21, Art. 15.: In situations where it is necessary to carry out due diligence aimed at identifying the ultimate beneficial owner of entities constituted in the form of a trust or similar vehicle, efforts shall also be made and evidenced to identify: (...)

Annex VII – Securitization Companies’ Due Diligence

1. Pursuant to CVM Resolution 50/21, securitization companies are also obligated entities and shall have AML/CFT rules, procedures and internal controls. In securitization activities, however, there are several peculiarities that need to be considered for the AML/CFT program to be effective.
2. CVM Resolution 50/21, for example, defines a client as an investor, but, as a rule, securitization companies do not have any access to investors, nor do they act in the collection of funds in the capital markets - except for cases in which they also act as distributors, within applicable regulatory limits.
3. In securitization transactions, however, securitization companies have great contact with the credit originating party, which may include one or several debtors, assignors and even a borrower of funds that may or may not coincide with such parties.
4. The ML/FT risk in securitization activities, therefore, is very much related to the nature of the debt and the elements that make up the backing of the receivables certificate or the issued debenture, so this is one of the main risk factors that shall be taken into account by a securitization company in structuring its AML/CFT program.
5. This Annex, therefore, seeks to reflect the main specificities of the securitization companies and is in addition to the material prepared by the Brazilian Association of Real Estate and Agribusiness Securitization Companies (ABSia)⁷⁸.

⁷⁸ Anbima is not responsible, under any circumstances, for the content provided in the material prepared by the Brazilian Association of Real Estate and Agribusiness Securitization Companies.

A. Securitization Companies' Internal Risk assessment: partners and transactions risks

6. As a result of a securitization company's IRA, it shall be able to structure a methodology to classify its partners (debtors, assignors and other intermediaries in the credit chain) as minimally as of a low-risk, medium-risk or high-risk for ML/FT, being allowed to develop a more complex methodology.
7. It is essential that the securitization company develops mechanisms to evaluate its partners within each stage of the transaction, so, for example, in an issue with a leading institution responsible for the distribution, it needs to make sure that this partner will be responsible for the adequate performance of the stages of get to know your client, as it will be the main agent to have contact with investors. For this point, therefore, we recommend that securitization companies apply to service providers the “know your service provider, partner, and vendor” procedure provided for in Chapter 12 of the guide.
8. The risk assessment of the partners that originate the credit is also a relevant point, which is not to be confused, however, with the transaction’s ML/FT risk assessment, since a partner considered to be low risk can still seek a structured transaction that may show signs of ML/FT.
9. Securitization companies must maintain ongoing monitoring—at the frequency established in their RBA—of credit originator partners, as they would for any other business partner of the institution.

B. Legality of source of resources underlying the transactions

10. The main element when evaluating the transaction ML/FT risk is the assessment of the legality of the source of the resources that underlie the transactions.

11. In the case of real estate resources, it is necessary to assess whether the asset has any type of impediment recorded in its documentation, as well as to understand whether there is a risk that the real estate transaction in question is somehow: (i) fraudulent; (ii) carried out in order to avoid the payment of taxes; (iii) carried out for economic purposes; and/or (iv) involved in any activity that shows signs of criminal offenses.
12. In the case of resources originating from agribusiness, the fungibility of the assets transacted can be a factor that makes it difficult to identify the origin. Thus, it is always important to differentiate between tracked and untracked products, as these present greater risks of ML/FT, since when there is a link between a rural product and its origin, it is easier to validate the legality of its production.
13. In both cases, it is recommended to seek specific declarations on the lawfulness of the origin of the assets, rights and values used by the debtor and/or assignor in the operation that backs up the issuance..

C. Credit risk and ML/FT Risk

14. Although the ML/FT risk assessment is distinct from the credit risk assessment of the transaction, securitization companies may use credit information and the legal opinion retained for the transaction to support their ML/FT risk assessment. In their RBA, they may correlate credit risk with ML/FT risk to determine the minimum sampling for reviewing granular securitization transactions.
15. In granular transactions, the credit portfolio must be monitored, and periodic ML/FT assessments should be conducted based on the minimum sampling defined in the RBA.
16. On the other hand, it is important to remember that a high risk of ML/FT may also affect the credit risk of the transaction, because: (i) if it is identified that the assets may have some

involvement with the ML/FT crime, they may be subject to specific precautionary measures provided for in Law 9,613/98 and even subject to forfeiture decreed by a criminal judge; (ii) if it is identified that the assets may be involved in terrorist financing actions, they may be subject to immediate freezing measures, pursuant to the terms of Law 13,810/19.

D. Securitization of obligated persons

- 17.** A last point of attention concerns the nature of the activities that underlie securitization transactions. The securitization company shall pay attention to whether its partners are required to also have AML/CFT programs.
- 18.** It is recommended that it carries out independent investigations into the nature of its partners' business objectives, because activities such as "real estate promotion or purchase and sale of real estate" and commercialization of "high-value goods of rural or animal origin" are also activities that subject its performers to AML/CFT duties.
- 19.** When working with a debtor or transferor who is an obligated person, it is recommended that the securitization company seeks to ensure that its partners have adequate mechanisms in place to fulfill their AML/CFT duties.

Annex VIII - Advisory Lists

1. In line with the objective of this guide—to support the enhancement of AML/CFT best practices in the financial and capital markets—we present below, by way of example, a non-exhaustive reference list of relevant links for consulting information on individuals, legal entities, and countries that may have adverse records related to ML/FT and other relevant topics that can enrich the counterparty analysis conducted by each institution for proper risk classification, based on their activities and business relationships.
2. Each institution is responsible for determining which lists to consult—as well as the frequency of consultation—according to its AML/CFT risk-based approach policy, as outlined in Chapters V and VI of this guide.
3. Please note that the content provided in these links is the sole responsibility of the respective issuing bodies. Anbima assumes no responsibility for the accuracy or completeness of the information.

Subjects	Access link
(BCB) Central Bank of Brazil – General Register of Disqualified Individuals (QGI)	https://www.bcb.gov.br/estabilidadefinanceira/quadrosinabilitadoseproibidos
(CGU) Office of the Comptroller General – Leniency Agreements	https://www.gov.br/cgu/pt-br/assuntos/integridade-privada/acordo-leniencia
(CGU) Office of the Comptroller General – Registry of Debarred Private Non-Profit Entities (CEPIM)	http://www.portaltransparencia.gov.br/sancoes/cepim?ordenarPor=nome&direcao=asc
(CGU) Office of the Comptroller General – Federal Administration Expulsion Registry	http://www.portaltransparencia.gov.br/download-de-dados/ceaf

(CGU) Office of the Comptroller General – National Registry of Debarred and Suspended Companies (CEIS)	https://www.portaldatransparencia.gov.br
(CGU) Office of the Comptroller General – National Registry of Punished Companies	http://www.portaltransparencia.gov.br/sancoes/cnep
(CGU) Office of the Comptroller General – Ministry of Labor and Employment	https://www.gov.br/cgu/pt-br
(CNJ) National Council of Justice	https://portalbnmp.cnj.jus.br/#/pesquisa-peca
(COAF) Brazil’s Council for Financial Activities Control	https://www.gov.br/coaf/pt-br
(COAF) Council for Financial Activities Control – Administrative Sanctioning Proceedings (PAS)	https://www.gov.br/coaf/pt-br/aceso-a-informacao/Institucional/a-atividade-de-supervisao/processo-administrativo-sancionador-pas
(COAF) Council for Financial Activities Control – Administrative Sanctioning Proceedings (PAS) – Politically Exposed Persons (PEP) Module	https://www.gov.br/coaf/pt-br/sistemas/siscoaf/siscoaf-aceso
(UNSC) United Nations Security Council – Al- Qaeda Sanctions List	https://main.un.org/securitycouncil/en/sanctions/1267/aq_sanctions_list
(UNSC) United Nations Security Council – Embargoed and Sanctioned Countries	https://main.un.org/securitycouncil/en/sanctions/information
(UNSC) United Nations Security Council – Designated Vessels List	https://main.un.org/securitycouncil/en/sanctions/1718/materials/1718-Designated-Vessels-List
(UNSC) United Nations Security Council – Consolidated List	https://main.un.org/securitycouncil/en/content/un-sc-consolidated-list
(CVM) Securities and Exchange Commission of Brazil – Irregular Activities – Deliberations	https://conteudo.cvm.gov.br/legislacao/deliberacoes.html
(CVM) Securities and Exchange Commission of Brazil – Temporary Penalties	https://www.gov.br/cvm/pt-br/assuntos/protecao/afastamentos-impedimentos-temporarios/afastamentos-penalidades-temporarias
(CVM) Securities and Exchange Commission of Brazil – Bilateral Agreements	https://conteudo.cvm.gov.br/menu/internacional/acordos/bilaterais.html

(CVM) Securities and Exchange Commission of Brazil – Multilateral Agreements	https://conteudo.cvm.gov.br/menu/internacional/acordos/multilaterais.html
(CVM) Securities and Exchange Commission of Brazil – Suspensions by Court Order	https://conteudo.cvm.gov.br/menu/investidor/alertas/alertas.html
(CVM) Securities and Exchange Commission of Brazil – Suspension Warning	https://www.gov.br/cvm/pt-br/assuntos/protecao/alertas/deliberacoes-cvm-alertas-de-suspensao
(CVM) Securities and Exchange Commission of Brazil – List of Disqualified Individuals	https://www.gov.br/cvm/pt-br/assuntos/protecao/afastamentos-impedimentos-temporarios/proibicao-temporaria-julgamentos
(CVM) Securities and Exchange Commission of Brazil – Sanctioning Proceedings	https://conteudo.cvm.gov.br/sancionadores/sancionador.html
(CVM) Securities and Exchange Commission of Brazil – Settlement Agreements	https://conteudo.cvm.gov.br/termos_compromisso/index.html
(DDTC/US) Directorate of Defense Trade Controls – Debarred Parties List	https://www.pmddtc.state.gov/ddtc_public
(FBI) Federal Bureau of Investigation – Most Wanted	https://www.fbi.gov/wanted/
(FBI) Federal Bureau of Investigation – Most Wanted Terrorists	https://www.fbi.gov/wanted/wanted_terrorists
(FCA) Financial Conduct Authority	https://register.fca.org.uk/s/
(FinCEN) Financial Crimes Enforcement Network – Embargoed and Sanctioned Countries	https://www.fincen.gov/news/news-releases/financial-action-task-force-identifies-jurisdictions-anti-money-laundering-and-4
(FinCEN) Financial Crimes Enforcement Network	https://www.fincen.gov/
(FinCEN) U.S. Financial Crimes Enforcement Network	https://www.fincen.gov/msb-state-selector
(FATF) Financial Action Task Force – Black and Grey Lists	https://www.fatf-gafi.org/en/countries/black-and-grey-lists.html
(FATF) Financial Action Task Force – Jurisdictions with Strategic AML/CFT Deficiencies	https://www.gov.br/coaf/pt-br/assuntos/noticias/ultimas-noticias/gafi-atualiza-listas-de-paises-com-deficiencias-estrategicas-na-prevencao-a-lavagem-e-ao-financiamento-ao-terrorismo

(IBAMA) Brazilian Institute of Environment and Renewable Natural Resources – Environmental Embargoes	https://servicos.ibama.gov.br/ctf/publico/areasembargadas/ConsultaPublicaAreasEmbargadas.php
(Interpol) International Criminal Police Organization – Red Notices	https://www.interpol.int/How-we-work/Notices/View-Red-Notices
(MPF) Federal Prosecution Service – Leniency Agreements	https://www.mpf.mp.br/atuacao-tematica/ccr5/coordenacao/acordos
(MPF) Federal Prosecution Service – Operation Car Wash List	https://www.mpf.mp.br/grandes-casos/casos-historicos/lava-jato
(OFAC) Office of Foreign Assets Control – Specially Designated Nationals and Blocked Persons	https://ofac.treasury.gov/sanctions-list-service
(OFAC) Office of Foreign Assets Control – Embargoed and Sanctioned Countries	https://ofac.treasury.gov/sanctions-programs-and-country-information
(OFAC) U.S. Office of Foreign Assets Control	https://sanctionsearch.ofac.treas.gov
(OFAC) Office of Foreign Assets Control – Specially Designated Nationals and Blocked Persons List (SDN)	https://ofac.treasury.gov/sanctions-list-search-tool
(RFB) Brazilian Federal Revenue Service – Countries or Jurisdictions with Favorable Taxation and Privileged Tax Regimes	https://normasinternet2.receita.fazenda.gov.br/#/consulta/externa/16002
(TCU) Federal Court of Accounts – List of Debarred Bidders	https://portal.tcu.gov.br/carta-de-servicos/certidoes/lista-de-licitantes-inidoneos
(TSE) Superior Electoral Court – Political Parties – National Directories	https://www.tse.jus.br/partidos/partidos-registrados-no-tse
World Bank – Debarred and Cross-Debarred Firms and Individuals	https://www.worldbank.org/en/projects-operations/procurement/debarred-firms
BSM Market Supervision – Disciplinary Activities and Proceedings	https://www.bsmsupervisao.com.br/atividades-disciplinares-e-processos/acompanhe-os-processos
BSM Market Supervision – Disciplinary Administrative Proceedings (PAD)	https://www.bsmsupervisao.com.br/consultas-de-pad

U.S. Bureau of International Security and Nonproliferation – Nonproliferation Sanctions	https://www.state.gov/bureau-of-international-security-and-nonproliferation/nonproliferation-sanctions
CADICON – Registry of Rejected Accounts Certificates	https://portal.tcu.gov.br/carta-de-servicos/certidoes
MONEYVAL – Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism	https://ec.europa.eu/transparencyregister/public/consultation/search.do?locale=pt&reset
Common Foreign and Security Policy – Embargoed and Sanctioned Countries	https://www.sanctionsmap.eu/#/main
UK Government – HM Treasury – Embargoed and Sanctioned Countries	https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets
UK Government – HM Treasury	https://www.gov.uk/government/organisations/hm-treasury
UK Government – HM Treasury – Sanctions List (OFSI)	https://www.gov.uk/government/publications/the-uk-sanctions-list
UK Government – Home Office – Proscribed Terrorist Groups or Organisations	https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2
Registry of Debtors Enrolled in Federal Outstanding Debt and FGTS Debt	https://www.listadevedores.pgfn.gov.br/
Ministry of Finance – Other International AML/ CFT Organizations	http://www.fazenda.gov.br/assuntos/atuacao-internacional/prevencao-e-combate-a-lavagem-de-dinheiro-e-ao-financiamento-do-terrorismo
Ministry of Labor and Employment – Slave Labor List	https://www.gov.br/trabalho-e-emprego/pt-br/assuntos/inspecao-do-trabalho/areas-de-atuacao/combate-ao-trabalho-escravo-e-analogo-ao-de-escravo
Politicians Mentioned in Court Cases	https://publique-se.org.br/
Transparency Portal – Politically Exposed Persons (PEP)	https://portaldatransparencia.gov.br/download-dados/pep
Main Official Gazettes: Federal Official Gazette (DOU), Supreme Federal Court (STF), Superior Court of Justice (STJ), Superior Labor Court (TST), Superior Electoral Court (TSE), Federal Court of Accounts (TCU), Federal Regional Courts (TRFs) and State Court Gazettes	1. Diário Oficial da União (DOU): https://www.gov.br/pt-br/servicos/acessar-o-diario-oficial-da-uniao ; 2. Outros diários: https://www.jusbrasil.com.br/diarios/

U.S. Department of the Treasury – Section 311 of the USA PATRIOT Act	https://home.treasury.gov/policy-issues/terrorism-and-illicit-finance/311-actions
European Union	https://www.consilium.europa.eu/pt/
European Union – Consolidated List	https://data.europa.eu/data/datasets/consolidated-list-of-persons-groups-and-entities-subject-to-eu-financial-sanctions?locale=en