|  |
| --- |
| Application for registration as virtual asset service provider (“VASP”) as defined in Article 1(20c) of the Law of 12 November 2004 on the fight against money laundering and terrorist financing ("AML/CFT Law") |

Name of the applicant

|  |
| --- |
| Click here to enter text. |

Registration as:

Virtual Asset Service Provider (which is established or provides services in Luxembourg)

1. exchange between virtual assets and fiat currencies, including the exchange between virtual currencies and fiat currencies
2. exchange between one or more forms of virtual assets
3. transfer of virtual assets ☐
4. safekeeping and/or administration of virtual assets or instruments enabling control over virtual assets, including custodian wallet services
5. participation in and provision of financial services related to an issuer’s offer and/or sale of virtual assets ☐

Date of the application: Click here to enter text.

|  |  |
| --- | --- |
| **1** | Preliminary remarks and general principles |

* 1. The present registration form has been elaborated in conformity with Article 7-1 of the AML/CFT Law on the information to be provided for the registration as VASP. This includes applicants, who are established or provide services in Luxembourg and that intend to provide any service(s) as referred to in Articles 7-1(1) and 1 (20c) of the AML/CFT Law.

In case the applicant holds another licence in accordance with a sectorial law or is registered at the CSSF or with another competent authority (national, EU or third country), such a licence/registration does not exempt the applicant from registering additionally as a VASP.

* 1. The information provided by applicants should be true, complete, accurate and up to date. All applicants should comply with all the provisions in the registration form. The level of detail should be proportionate to the applicant’s size and internal organisation, and to the nature, scope, complexity and riskiness of the particular service(s) that the applicant intends to provide. In any event, the directors and the persons responsible for the management of the applicant should be of good repute and possess appropriate knowledge and experience to provide virtual assets services, regardless of the applicant’s size, internal organisation and the nature, scope and complexity of its activities and the duties and responsibilities of the specific position.
  2. When submitting the information required, the applicant should avoid making references to specific sections of internal procedures/documents. Instead, the applicant should extract the relevant sections and provide these to the CSSF.
  3. Should the CSSF require clarifications on the information that has been submitted, the applicant should provide such clarification without delay. Once the applicant has submitted its registration file should significant changes to the activities, to the shareholding structure including the Ultimate Beneficial Owners or to the key function holders (namely the members of the board of directors, the persons responsible for the day-to-day management or the Compliance Officer) notified during the application process occur, the applicant has to immediately inform the CSSF and provide the CSSF with updated documents.
  4. All data requested under this form for registration as a VASP are needed for the assessment of the application and will be treated by the CSSF in accordance with the professional secrecy obligations set out in the Law of 23 December 1998 establishing a financial sector supervisory commission, without prejudice to applicable Union law and national requirements and procedures on the exercise of the right to access, rectify, cancel or oppose.
  5. The CSSF reserves the right not to start analyzing the registration file where the registration file is not complete e.g. all information and documents listed in this application form are not provided.
  6. The CSSF’s role for the VASP registered in Luxembourg is limited to registration, supervision and enforcement for AML/CFT purposes only. The CSSF is, in that respect, authorised to collect fees payable by the VASPs subject to registration and AML/CFT supervision in accordance with article X. of the Grand-Ducal Regulation dated 21 December 2017 relating to the fees to be levied by the CSSF as amended [GDR\_211217\_fees\_CSSF.pdf](https://www.cssf.lu/en/Document/grand-ducal-regulation-of-21-december-2017/).
  7. CSSF processes personal data you provide in the context of this form according to the GDPR (UE 2016/679) as detailed in our Privacy Policy published on the CSSF website: <https://www.cssf.lu/en/terms-of-service-and-privacy-policy/>
  8. The requirement of registration for applicants who are already established or providing services in Luxembourg, is without prejudice to any other license/registration or other status required either in Luxembourg or by other European or third countries for any other activities performed by the applicant.
  9. The fact that a VASP is entered in the register of the CSSF shall not, under any circumstance, be construed or used in any way whatsoever as a positive assessment made by the CSSF of the quality of the services provided by the VASP. The registration, the submission of a registration and/or the CSSF AML/CFT supervision may not be invoked or used for advertising or possible solicitations for business.
  10. The applicant cannot provide virtual asset services without being registered in the CSSF register of VASP. The fact that the applicant has submitted a registration file does not mean that the applicant is registered with the CSSF. The registration will only take place once the analysis of the registration file is finalized and the applicant receives a confirmation it is registered in the CSSF register of VASP.

Terms not otherwise defined in the present registration form shall have the meaning of the definition provided in the AML/CFT Law.

|  |  |
| --- | --- |
| **2** | Identification details |

**For natural persons**:

1. the applicant’s first and last name(s):

|  |
| --- |
| Click here to enter text. |

1. the applicant’ identification number as registered in the national register for natural persons in Luxembourg or the foreign identification number for foreign persons:

|  |
| --- |
| Click here to enter text + Annex 2c. |

1. The applicant private or professional address[[1]](#footnote-1):

|  |
| --- |
| Click here to enter text + Annex 2c. |

1. The applicant contact’s details (i.e address, phone number, e-mail address) and website, if applicable:

|  |
| --- |
| Click here to enter text + Annex 2c. |

**For legal persons:**

1. the applicant is: Incorporated

In the process of incorporation

1. the applicant’s corporate name:

|  |
| --- |
| Click here to enter text. |

and, if different, trade name:

|  |
| --- |
| Click here to enter text. |

1. If incorporated, the applicant’s national identification number (i.e. trade register number) and a copy of the register certificate of incorporation.

|  |
| --- |
| Click here to enter text + Annex 2c. |

1. the applicant’s legal status and (draft) articles of association and/or constitutional documents evidencing the applicant’s legal status:

|  |
| --- |
| Click here to enter text + Annex 2d. |

1. the address of the applicant’s registered office/central administration;

|  |
| --- |
| Click here to enter text. |

1. the applicant’s electronic address and website:

|  |
| --- |
| Click here to enter text. |

1. the name of the person(s) in charge of dealing with the registration file and registration procedure, and their contact details (i.e. address, phone number, e-mail address):

|  |
| --- |
| Click here to enter text. |

1. an organisational chart of the applicant, including the name of the person(s) responsible for the internal control functions:

|  |
| --- |
| Annex 2 j) |

1. an overall forecast of the staff numbers (including AML/CFT staff) for the next three years:

|  |
| --- |
| Click here to enter text. |

1. a chart of the group to which the applicant belongs to and setting out the shareholder structure of the applicant (name and percentage of the holding):

|  |
| --- |
| Annex 2 l) |

**For both natural and legal persons:**

1. an indication of whether or not the applicant has ever been, or is currently being, registered and/or regulated by a competent authority in the financial services sector/virtual assets services:

|  |
| --- |
| Yes  - if yes, name of the competent authority: Click here to enter text.  - if regulated and/or registered in Luxembourg, please provide N° signalétique: Click here to enter text.  - if regulated and/or registered in another country(ies), please indicate the country(ies) and type of licence/registration: Click here to enter text.  No |

1. is the applicant member of a private and/or public industry association/body in particular in relation to virtual asset services:

|  |
| --- |
| Yes  - if yes, name of the association/body: Click here to enter text.  No |

|  |  |
| --- | --- |
| **3** | Program of operations and business plan |

3.1 The program of operations to be provided by the applicant should contain the following information:

1. a step-by-step description of the type of virtual assets services to be provided, including an explanation of how the applicant determined that the activity fits into the definition of VASP as defined in Article 1 (20c) of the AML/CFT Law:

|  |
| --- |
| Annex 3.1 a) |

1. a description of the provision of the virtual asset services, detailing all the parties involved in the processes (if applicable), and including for the services provided:
2. list of the type of virtual assets already available and/or envisaged and the related qualification
3. whether the exchange platform is centralized or decentralized
4. a diagram of flow of funds/virtual assets
5. settlement arrangements

|  |
| --- |
| Annex 3.1 b) |

1. terms and conditions of the provision of the virtual asset services:

|  |
| --- |
| Annex 3.1 c) |

1. the estimated number of different premises from which the applicant intends to provide the services, if applicable:

|  |
| --- |
| Click here to enter text. |

1. a description of any additional services to the virtual asset services which are provided, if applicable:

|  |
| --- |
| Click here to enter text. |

1. a declaration of whether or not the applicant provides and/or intends to provide virtual assets services in another EU Member State or another country once registered:

|  |
| --- |
| Click here to enter text. |

3.2 The business plan to be provided by the applicant should contain:

1. the strategy of the applicant and overview of its target markets: type of virtual assets service users (natural and/or legal persons), countries where the virtual asset services will be provided and which are not listed under 3.1. (f), use of third parties for distributing the products/services (by countries):

|  |
| --- |
| Annex 3.2 a) |

1. a basic forecast calculation for the first two financial years after the registration of the number of virtual assets service users and for the two years prior to registration if applicant was already active:

|  |
| --- |
| Annex 3.2 b) |

1. For legal persons, latest available annual accounts (audited if available), or the last version of the financial situation for those applicants that have not yet produced annual accounts. For natural persons, a detail of the revenues perceived for last financial year and the last version of the financial situation:

|  |
| --- |
| Annex 3.2 c) |

1. name of the external auditor/commissaire aux comptes, if any or expert comptable:

|  |
| --- |
| Click here to enter text. |

|  |  |
| --- | --- |
| **4** | Identification and suitability assessment |

The registration is subject to a suitability assessment of the management function and the beneficial owners as prescribed by article 7-1 (3) of the AML/CTF Law.

**For natural persons**:

|  |
| --- |
| **Declarations of honour to be provided as part of the registration file can be found on** [Registration of a virtual asset service provider (VASP) – CSSF](https://www.cssf.lu/en/registration-vasp/) **in section “Forms”** |

4.1 The person shall provide:

1. A declaration of honor, a copy of an official and valid identity document and a valid (less than 3 month) criminal record of the country (ies) of residence for the last 5 years, of the country in which the person carried on his professional activities (if different):

|  |
| --- |
| Annex 4.1 a) |

1. the current financial position of the persons including details concerning sources of revenues;

|  |
| --- |
| Annex 4.1 b) |

1. evidence of knowledge, skills and experience, which should include a curriculum vitae containing details of education and professional experience, including academic qualifications, other relevant training, the name and nature of all organisations for which the individual works or has worked, and the nature and duration of the functions performed, in particular highlighting any activities within the scope of the position sought:

|  |
| --- |
| Annex 4.1 c) |

**For legal persons**:

|  |
| --- |
| **Declarations of honour to be provided as part of the registration file can be found on** [Registration of a virtual asset service provider (VASP) – CSSF](https://www.cssf.lu/en/registration-vasp/) **in section “Forms”** |

*For the purpose of this section, the person of the management is to be understood as a member of the board of directors and the persons responsible for the management (day-to-day management) of the applicant.*

4.2 For the purposes of the identity of the direct and indirect shareholders up to the ultimate beneficial owner in the applicant, the applicant should submit the following information:

1. a detailed chart of the shareholding structure, up to the ultimate beneficial owner, including the percentage of holdings.

|  |
| --- |
| Annex 4.2 a) |

1. Where a person (natural or legal) is a ultimate beneficial owner in the applicant, that person shall provide a declaration of honor. In addition any such natural persons should also provide a copy of an official and valid identity document and a valid (less than 3 month) criminal record of the country (ies) of residence for the last 5 years, of the country in which the person carried on his professional activities (if different). Any such legal persons should provide the identification details of the members of their board of directors. The details shall include the name of the persons, their date and place of birth. When available, the applicant shall provide the extract of the Register of Beneficial Owners.

|  |
| --- |
| Annex 4.2 b) |

1. the current financial position of the persons including details concerning sources of revenues;

|  |
| --- |
| Click here to enter text. |

1. a description of any links between these persons and any politically exposed persons, as defined in Article 3(9) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing).

|  |
| --- |
| Click here to enter text. |

4.3 Composition of the board of directors and identification of the persons responsible for the day-to-day management of the applicant:

|  |
| --- |
| Click here to enter text. |

4.4 For the purposes of the identity and suitability assessment of the members of the board of directors and those persons responsible for the management of the applicant, the applicant should provide the following information:

1. the individuals should provide a declaration of honour, a copy of an official and valid identity document and a valid (less than 3 months) criminal record of the country(ies) of residence for the last 5 years, of the country in which the person carried on his professional activities (if different):

|  |
| --- |
| Annex 4.4 a) |

1. details of the position for which the assessment is sought. This should also include a description of the individual’s key duties and responsibilities:

|  |
| --- |
| Click here to enter text. |

1. evidence of knowledge, skills and experience, which should include a curriculum vitae containing details of education and professional experience, including academic qualifications, other relevant training, the name and nature of all organisations for which the individual works or has worked, and the nature and duration of the functions performed, in particular highlighting any activities within the scope of the position sought:

|  |
| --- |
| Annex 4.4 c) |

|  |  |
| --- | --- |
| **5** | Internal control mechanisms to comply with obligations in relation to anti-money laundering and terrorist financing **(AML/CFT obligations)** |

5.1. The description of the internal control mechanisms that the applicant has established in order to comply with AML/CFT obligations should contain the following information:

1. the applicant’s assessment of the ML/TF risks associated with its business, including the risks associated with the applicant’s customer base, the products (including the risks per virtual assets/currencies) and services provided, the distribution channels used and the geographical areas of operation etc.:

|  |
| --- |
| Annex 5.1 a) |

1. a detailed risk assessment of the virtual asset service(s) the applicant provides and/or intends to provide, which should include risks of fraud and the security control and the mitigation measures taken by the applicant against the risks identified:

|  |
| --- |
| Annex 5.1 b) |

1. the measures the applicant has or will put in place to mitigate the risks and to comply with applicable AML/CFT obligations and with the professional obligations as provided in the Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfer of funds and repealing Regulation (EC) No 1781/2006, including the applicant’s risk assessment process, the policies and procedures to comply with customer due diligence requirements and the systems and controls the applicant has or will put in place to ensure that its AML/CFT policies and procedures remain up to date, effective and relevant and the policies and procedures to detect and report suspicious transactions or activities:

|  |
| --- |
| Annex 5.1 c) |

1. the identity of the person in charge of ensuring the applicant’s compliance with AML/CFT obligations, and evidence that their AML/CFT expertise is sufficient to enable them to fulfil this role effectively, as well as a copy of an official identity document and an up-to-date curriculum vitae:

|  |
| --- |
| Click here to enter text + Annex 5.1 d) |

1. arrangements the applicant has or will put in place to ensure that staff are appropriately trained in AML/CFT matters, including the AML/CFT manual for the staff of the applicant:

|  |
| --- |
| Annex 5.1 e) |

1. an overall description of the key IT systems in relation to AML/CTF tasks the applicant uses or will use as well as the controls it has or will put in place to manage the IT risks (and in particular, but not limited to, as well as the cybersecurity measures to prevent potential hacking of data).

|  |
| --- |
| Annex 5.1 f) |

5.2. The applicant has, if applicable, to provide a description of relevant AML/CFT outsourcing arrangements consisting of:

1. the identity and geographical location of the outsourcing provider(s);
2. the identity of the persons within the applicant that are responsible for each of the outsourced activities;
3. a clear description of the outsourced AML/CFT tasks and their main characteristics;
4. a description of the way outsourced AML/CFT tasks are monitored and controlled so as to avoid an impairment in the quality of the applicant’s internal controls to comply with obligations in relation to AML/CFT obligations
5. a description regarding the continuity of the outsourced tasks and the controls in case the outsourcing provider cannot ensure the performance of the delegated tasks:

|  |
| --- |
| Annex 5.2 (i.-v.) |

1. a copy of draft outsourcing agreements:

|  |
| --- |
| Annex 5.2 vi.) |

\* \* \*

*Further comments by the applicant:*

Click here to enter text.

The applicant(s) declare(s) that the information provided are true, complete, accurate and up to date. In case of changes, the applicant(s) shall inform the CSSF promptly and on its own initiative.

Click here to enter text.

Name(s) (Signatures) (Date)

1. For natural persons residing in Luxembourg, the address shall be the one appearing in the national register of natural persons or the professional address including the town, the street and the number. For natural persons residing outside Luxembourg, the address shall include the town, the street and the number, postal code and country. [↑](#footnote-ref-1)