

Republic of Panama
Superintendency of Banks of Panama

OTHER FINANCIAL REPORTING ENTITIES
AML GENERAL RESOLUTION SBP-RG-PSO-0002-2021
(dated 6 April 2021)

“By means of which the examination costs for other financial reporting entities are temporarily reduced”

THE SUPERINTENDENT OF BANKS
in use of his legal powers, and

WHEREAS:

Due to the issuance of Decree Law 2 dated 22 February 2008, the Executive Branch re-edited Decree Law 9 dated 26 February 1998 and all its amendments as a consolidated text, and this text was approved by means of Executive Decree 52 dated 30 April 2008, hereinafter referred to as the Banking Law;

Pursuant to the provisions of Article 4 of the Banking Law, the Superintendency of Banks will have the exclusive competence to regulate and supervise the banks, the banking business and other entities and activities assigned to it by other laws;

According to Article 22 of Law 23 dated 27 April 2015, amended by Article 123 of Law 21 dated 10 May 2017, it is established that the Superintendency of Banks is authorized to supervise financial reporting entities for the prevention of money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction;

In accordance with Article 82 of Law 21 of 2017, the Superintendency of Banks shall conduct an examination of every financial reporting entity assigned to the Superintendency for its supervision, in accordance with the provisions of Law 23 of 2015, in order to verify that they have followed these provisions during their course of operations [...] and the costs of this examination and its incidental expenditures will be covered by these financial reporting entities;

According to Article 16 (13) of the Banking Law, carrying out the inspections ordered by the Decree Law, the Board of Directors, and those considered necessary or prudent are among the technical duties of the Superintendent;

Other Financial Reporting Entities AML Rule 3-2018 dated 28 August 2018 develops the definition of “Other financial reporting entities examination” contained in Article 82 of Law 21 of 2017;

Article 3 of Other Financial Reporting Entities AML Rule 3-2018 provides that the fixed and variable costs the Superintendency of Banks incurs for the continuous oversight of other financial reporting entities in order to verify that they have the internal control policies, mechanisms, procedures and other requirements established in the regulations for the prevention of money laundering, the financing of terrorism and the financing of the proliferation of weapons of mass destruction will be considered costs of examinations of other financial reporting entities;

Other Financial Reporting Entities AML Resolution 1-2018 dated 21 December 2018 establishes the methodology for the calculation of examination costs for other financial reporting entities;

Article 3 of Other Financial Reporting Entities AML Resolution 1-2018 establishes that for the calculation of the examination costs applied to other financial reporting entities, the assets from the previous year will be taken as reference in accordance with the methodology contained in the aforesaid article;

Article 6 of Other Financial Reporting Entities AML Resolution 1-2018 establishes that the methodology for the calculation of the examination costs applied to other financial reporting entities will be reviewed by the Superintendency on an annual basis;

As a result of the situation the country is experiencing due to the global effects of the COVID-19 pandemic, the different national economic sectors have been affected, including the financial sector, therefore it is necessary to establish temporary measures to provide financial relief to other financial reporting entities, which are under the supervision of the Superintendency, so that they can meet their obligations;

By means of Other Financial Reporting Entities AML Resolution SBP-PSO-0001-2020 dated 18 September 2020, the 2020 examination costs for other financial reporting entities were temporarily reduced;

During the work sessions of the Superintendency, it was determined that it was necessary and advisable to temporarily reduce the 2021 examination fees for other financial reporting entities.

RESOLVES:

ARTICLE 1. TEMPORARY REDUCTION OF EXAMINATION COSTS FOR OTHER FINANCIAL REPORTING ENTITIES. For the purposes of the provisions of Article 3 of Other Financial Reporting Entities AML Resolution 1-2018 related to the methodology for the calculation of examination costs for other financial reporting entities, a fifty percent (50%) discount will be applied to the examination fees that will be paid in 2021.

To comply with the foregoing, the methodology for the calculation of the examination costs applied to the other financial reporting entities will be made taking as a reference the value of the assets [at the end] of the previous year, as follows:

Asset value	Examination cost
From B/.0.00 to B/.40,000,000.00	B/.1,250.00
From B/.40,000,001.00 to B/.80,000,000.00	B/.2,500.00
From B/.80,000,001 onwards	Based on 0.00325% of the average assets from the previous year

ARTICLE 2. PAYMENT PERIOD. Payments for the corresponding fees established in the previous article will be made in a single payment by 30 September 2021.

ARTICLE 3. This temporary measure will only be applicable for the period that includes the payment of the examination costs for other financial reporting entities corresponding to 2021.

ARTICLE 4. For the purposes of this Resolution, the other provisions included in Other Financial Reporting Entities AML Resolution 1-2018 remain in force.

ARTICLE 5. ENACTMENT. This Resolution will enter into force as of its signature.

Given in Panama City on the sixth (6th) day of April, two thousand twenty-one (2021).

FOR COMMUNICATION, PUBLICATION, AND ENFORCEMENT,

THE SUPERINTENDENT OF BANKS,

Digitally signed by [S]
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AMAURI ARIEL – ID 8-238-386
Date: 2021.04.06 18:39:05 - 05'00'
Amauri A. Castillo

/eh