

**ANTI-MONEY LAUNDERING AND COUNTER-TERRORIST FINANCING  
PROCEDURE**

**Osterwetus sp. z o.o.**

**April 2023**

- **INTRODUCTION**

- The purpose of this Procedure in Osterwetus is to set out the principles and procedure of Osterwetus in preventing the introduction into financial circulation of Funds originating from illegal or undisclosed sources and countering the Financing of Terrorism, and in particular:
  - to lay down rules regarding compliance with applicable anti-money laundering and counter-terrorist financing legislation;
  - define the obligations of the Employees in the areas referred to in point a. above;
  - defining the principles for identification and verification of Clients and Transactions;
  - to lay down rules on notifications to the relevant authorities, including notifications of Transactions.
- Osterwetus' internal procedure on countering Money Laundering and Financing of Terrorism applies to all Osterwetus Employees.

- **DEFINITIONS**

The phrases used in this Procedure shall mean:

- **AML Analyst** - An Employee or board member of Osterwetus, responsible for ensuring that the activities of Osterwetus and its Employees and other persons performing activities for Osterwetus comply with anti-money laundering and counter-terrorist financing regulations. The AML Analyst is also responsible for, among other things, submitting on behalf of Osterwetus the notifications referred to in sections XII - XVI of the Procedure.
- **Osterwetus** - Osterwetus sp. z o.o. with its registered office in Warsaw.
- **Beneficial Owner** - any natural person who directly or indirectly controls the Client through the powers he or she possesses as a result of legal or factual circumstances, enabling him or her to exercise decisive influence on the actions or activities undertaken by the Client, or any natural person on whose behalf a business relationship is established or an occasional transaction is carried out, including:
  - in the case of a legal entity other than a company whose securities are admitted to trading on a regulated market that is subject to disclosure requirements under European Union law or equivalent third-country law:
    - a natural person who is a shareholder holding more than 25% of the total number of shares in that legal person,
    - a natural person holding more than 25% of the total voting rights in the governing body of a legal person, also as a pledgee or usufructuary or under agreements with others holders entitled to vote,

- a natural person controlling the legal person or legal persons, who together hold more than 25% of the total number of shares in that legal person, or who together hold more than 25% of the total number of votes in the governing body of that legal person, including as a pledgee or usufructuary or under agreements with other holders entitled to vote,
- a natural person controlling a legal person through holding powers referred to in Art. 3.1.37 of the Accounting Act of 29 September 1994 (Journal of Laws of 2021, item 217), or
- a natural person in a senior position where there is documented impossibility to establish, or doubt as to the identity of the natural persons referred to in the first, second, third and fourth indents, and where there is no suspicion of money laundering or terrorist financing;
- in the case of a trust:
  - founder (settlor),
  - trustee,
  - a supervisor, if any,
  - The beneficiary or, where the natural persons benefiting from the given trust have not yet been identified, the group of persons in whose main interest the trust was created or operates,
  - other natural person exercising control over the trust,
  - other natural person having powers or performing duties equivalent to those referred to in indents 1 to 5 above;
- in the case of a natural person acting in the course of his business activity, in respect of whom no indication or circumstances have been found that may indicate control by another natural person or persons, such natural person shall be assumed to be the beneficial owner at the same time.
- **PEP Family Members** - it is understood:
  - a spouse or a person cohabiting with a politically exposed person;
  - a child of the politically exposed person and his spouse or cohabitant;
  - parents of a politically exposed person.
- **Directive 2015/849** - 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, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.
- **Terrorist Financing** - means the act defined in Article 165a of the Act of 6 June 1997. - Penal Code.
- **GIIF** - General Inspector of Financial Information.

- **Client** - a natural person, legal person or organisational unit without legal personality, who intends to conclude or has concluded an agreement with Osterwetus concerning the provision of services in the scope:
  - exchanges between virtual currencies and means of payment,
  - exchanges between virtual currencies,
  - brokering the exchange referred to in point (a) or (b),
  - keeping in electronic form a set of identification data ensuring that authorised persons can use virtual currency units, including carrying out their exchange transactions.
- **Monitoring** - observation of business relations with the Client, collection or supplementation of information and documentation on the Client, analysis of the Client's Transactions, inter alia: the scale, frequency, types of operations performed on the Account, directions of cash flow, titles of payments, for possible occurrence of suspicious Transactions.
- **Member State** - a Member State of the European Union or a Member State of the European Free Trade Association (EFTA) - party to the Contract on the European Economic Area.
- **Persons known to be close associates of PEP** - these are:
  - natural persons who are the Beneficial Owner of a legal person, organizational units having no legal personality or trust together with a PEP or having other close business relations with such a person;
  - natural persons who are the sole Beneficial Owner of a legal person, organizational units having no legal personality or trust known to have been created for the purpose of obtaining an effective benefit for a PEP.
- **PEP** - (Politically Exposed Person) – a natural person occupying prominent public posts or fulfilling prominent public functions, excluding group of middle-ranking or more junior posts, including:
  - heads of state, heads of government, ministers, deputy ministers, secretaries of state, including the President of the Republic of Poland, the Prime Minister and the Deputy Prime Minister;
  - members of parliament or similar legislative bodies, including deputies and senators,
  - members of the governing bodies of political parties;
  - members of supreme courts, constitutional courts and other high-level judicial bodies, whose decisions are not subject to appeal, except in extraordinary procedures;
  - members of courts of auditors or of the boards of directors of central banks;
  - ambassadors, chargés d'affaires and senior officers of the armed forces;
  - members of administrative, management or supervisory bodies of state enterprises, companies with State Treasury shareholding, in which more than half of the shares belong to the State Treasury or other state legal persons;
  - directors, deputy directors and members of the organs of international organisations or persons performing equivalent functions in such organisations;

- managing directors of supreme and central offices of state authorities and managing directors of voivodeship offices;
- other persons holding public office or performing public functions in State bodies or central government administration bodies.

The list of national (i.e. Polish) public positions and functions which PEP, referred to in points a.-g., i. and j. above, is contained in the regulation of the Minister competent for public finance, issued pursuant to Article 46c of the Act.

- **Financial services provider** - an institution which has its registered office outside the territory of the Republic of Poland and conducts on its own behalf and for its own account, on the basis of a permit of a competent state supervisory authority over such an entity, specified activities;
- **Employee** - person employed by Osterwetus on the basis of an employment contract or a civil law contract, including a B2B contract. A Member Management Board of the Osterwetus is also considered an Employee.
- **Money Laundering (ML)** - an offence referred to in Article 299 of the Criminal Code Act.
- **Execution of Transactions** - the execution by Osterwetus of an order or instruction of the Client or a person acting on its behalf.
- **Procedure** - this Internal anti-money laundering and counter-terrorist financing procedure at Osterwetus.
- **Account** - the account referred to in point II.8.d of this Procedure.
- **Regulation 2015/847** - Regulation (EU) 2015/847 of the European Parliament and of the Council of 20 May 2015 on information accompanying transfers of funds and repealing Regulation (EC) No 1781/2006.
- **Legal Tender** - legal tender issued by the National Bank of Poland, foreign central banks or other public administration authorities or electronic money.
- **Register** - the Central Register of Beneficial Beneficiaries referred to in the Act or the register referred to in Article 30 or Article 31 of Directive 2015/849 kept in the relevant Member State.
- **Regulation 910/2014** - Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC.
- **Regulation 833/2014** – Council Regulation (EU) No 833/2014 of 31 July 2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine.
- **Regulation 765/2006** – Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine.
- **Regulation 269/2014** – Council Regulation (EU) No 269/2014 of 17 March 2014 concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine.

- **Electronic Identification Mean** - an electronic identification mean as referred to in Regulation (EU) No 910/2014.
  - **Transaction** - shall be understood as a legal or factual act on the basis of which the transfer of ownership or possession of property values is carried out, or a legal or factual act carried out in order to transfer ownership or possession of property values. A Transaction should also be understood as an Occasional Transaction.
  - **Occasional Transaction** - means a Transaction that is not carried out within the framework of the Contract (business relationship).
  - **Transfer of Funds** - means a transfer of funds within the meaning of Regulation 2015/847. The conversion or purchase of Virtual Currencies for other Virtual Currencies shall not be considered as a Transfer of Funds.
  - **Contract** - the contract for the provision of services referred to in point II.7.a – d. of this Procedure, which Osterwetus has concluded with the Client.
  - **Act** - The Act of 1 March 2018 on Prevention of Money Laundering and Financing of Terrorism (i.e. Journal of Laws 2018, item 723 as amended).
  - **Virtual Currency** - a digital representation of value that is not:
    - legal tender issued by the NBP, foreign central banks or other public administration authorities,
    - an international unit of account established by an international organisation and accepted by individual countries belonging to or cooperating with that organisation,
    - electronic money within the meaning of the Act of 19 August 2011 on payment services,
    - a financial instrument within the meaning of the Act on Trading in Financial Instruments of 29 July 2005,
    - a bill of exchange, a promissory note or a cheque,
 and it may be exchanged for legal tender and accepted as a medium of exchange in economic transactions, and may be stored or transferred electronically or traded electronically.
  - **Property Values** - property rights or other movable or immovable property, means of payment, financial instruments within the meaning of the Act of 29 July 2005 on trading in financial instruments, other securities, foreign exchange values and Virtual Currencies;
  - **Application** - the Client's application to conclude a Contract with Osterwetus.
  - **Suspension of Transactions** - a temporary restriction on the ability to use of Property Values by preventing Osterwetus from carrying out a specific Transaction or more specific Transactions.
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- **RESPONSIBLE PERSONS AND SUPERVISION**
  - Designated Member of Management Board of the Osterwetus overseeing anti-money laundering and counter-terrorist financing area:

- is responsible for the implementation and performance by Osterwetus of the obligations set out in the Act;
- supervises the implementation of obligations under the Act;
- accepts, after obtaining the opinion of the AML Analyst, Clients: PEP, Persons known to be close associates of PEP, PEP Family Members and Clients associated with a high-risk third country as identified in Annex 1 to the Procedure;
- approves Osterwetus' action projects necessary for the proper implementation of Osterwetus obligations under the Act;
- prepare at least once a year a report on the performance of its own tasks, which it shall submit to the Management Board (if the Management Board consists of more than one person) and the Supervisory Board, by the end of the first quarter following the year to which the report relates;
- ensure that the AML Analyst prepares and submits the report referred to in point III.2.q of the Procedure;
- informs the Management Board (if the Management Board consists of more than one person) immediately of any serious or significant anti-money laundering or/and counter-terrorist financing incidents and violations and of the recommended corrective actions;
- ensures that the AML Analyst has direct access to all information necessary to perform his/her tasks, has sufficient human and technical resources and tools to adequately perform his/her tasks, is well informed of incidents and Osterwetus misconducts;
- ensures that the AML Analyst is able to contact him (Designated Member of Management Board) directly;
- considers and, where appropriate, takes appropriate action on comments made to him by the AML Analyst on relevant anti-money laundering and/or counter-terrorist financing issues at Osterwetus.
- AML Analyst:
  - ensures compliance of the activities of Osterwetus and its employees and other persons performing activities on behalf of Osterwetus with the legal provisions on anti-money laundering and counter-terrorist financing;
  - review and sign all correspondence sent to supervisory authorities, in particular notifications of suspicious transactions and circumstances that may indicate the suspicion of money laundering or terrorist financing;
  - draw up periodic reports in the area of Anti-Money Laundering and Terrorist Financing and submit them for approval to the Osterwetus Management Board;
  - give its opinion on training programmes and carry out the training of Employees;
  - analyses Transactions and monitors business relations with Clients;
  - typifies circumstances that may indicate a suspicion of Money Laundering or Terrorist Financing offences or Transactions that should be reported to the GIFF or the Prosecutor's Office;

- draw up the information and notifications to the authorities, in particular those referred to in points XII to XVI of the Procedure;
- reviews and signs all correspondence addressed to the supervisory authorities, including in particular notifications of Transactions (in accordance with the power of attorney to make such declarations granted by Osterwetus);
- prepares replies to letters/inquiries received from the GIIF or the Prosecutor's Office and other authorities;
- accepts Clients: PEP, persons known to be close associates of PEP, family members of PEP and Clients affiliated with a high-risk third country indicated in Annex 1 to the Procedure (if such authority is granted to it by the Osterwetus Management Board) and other high-risk Clients;
- cooperates with Osterwetus anti-money laundering staff;
- prepare and deliver anti-money laundering or counter-terrorist financing training programmes;
- coordinates the implementation of the mandatory AML and CFT training by Employees;
- reviews Osterwetus products, services and internal regulations for compliance with generally applicable anti-money laundering and counter-terrorist financing legislation;
- verifies the correctness and supervises the completeness of the data collected by the Employees for the identification, verification and acceptance of the Client;
- shall be responsible for the Sniuspension of Transactions, freezing of the Property Values, non-provision of the Property Values and execution of orders and demands of competent authorities, in particular GIIF and prosecutor's office
- prepare at least once a year a report on the performance of its own tasks, which it shall submit to the Management Board and the Supervisory Board by the end of the first quarter following the year to which the report relates;
- be immediately available for a meeting with the GIIF, a public prosecutor or other law enforcement authority;
- reports on any material incident to the Supervisory Board and the Management Board;
- recommends to the Management Board the corrective measures to be taken in Osterwetus in order to eliminate the identified misconduct in the performance of anti-money laundering and/or counter-terrorist financing obligations;
- report the need for human or technical resources or the need to implement new measures or solutions to the designated Member of Management Board of the Osterwetus overseeing anti-money laundering and counter-terrorist financing area;
- regularly reviews the reasons why warnings of unusual activity or Transactions have not been communicated to him/her to determine whether there are issues that need to be addressed to ensure effective detection of suspicious activity or Transactions.
- Supervisory Board of Osterwetus:



- shall review the performance reports received from the AML Analyst and designated Member of Management Board of the Osterwetus overseeing anti-money laundering and counter-terrorist financing area;
- may request any information, reports, audits, results of audits, correspondence with government authorities and other data held by Osterwetus and relating to the performance of its anti-money laundering and counter-terrorist financing obligations;
- shall evaluate at least once a year the effectiveness of Osterwetus' performance in complying with its anti-money laundering and counter-terrorist financing obligations.
- Management Board of Osterwetus shall:
  - review and, where appropriate, respond to the performance reports received from the AML Analyst;
  - ensure that the Supervisory Board has access to all information, reports, statements, audit results, correspondence with governmental authorities and other data held by Osterwetus and relating to the performance of its anti-money laundering and counter-terrorist financing obligations;
  - consider and respond to information received about incidents or misconduct at Osterwetus.

- **GENERAL PROVISIONS**

- Osterwetus:
  - does not provide payment services or hold Client's funds other than Virtual Currency;
  - shall not carry out a Transfer of Funds;
  - it shall not accept cash deposits or disburse funds in cash.
- Osterwetus employees who conduct Clients service must establish the true and current details of Clients intending to enter into an Contract (establish a relationship) with Osterwetus and of Clients already using Osterwetus services and products.
- Osterwetus employees, in the event that it is found that information about a Client, in particular its Transactions, is not consistent with Osterwetus' knowledge of the Client in question, its business profile, risks and sources of funds, are obliged to report such transactions to the AML Analyst.
- Osterwetus does not offer products or services that allow to remain anonymous by Client.
- The provisions of the Procedure relating to the Supervisory Board shall only apply if there is a Supervisory Board in Osterwetus.
- Each Osterwetus Employee shall promptly make available to the AML Analyst any information and documents that the AML Analyst requests for the purpose of performing his/her duties under the Procedure. The decision as to what information and documents the AML Analyst must have access to rests solely with the AML Analyst.

- **FINANCIAL SECURITY MEASURES**

- Osterwetus applies the financial security measures indicated in this section.
- Financial security measures include:
  - identification of the Client and verification of his identity;
  - identifying the Beneficial Owner and taking reasonable steps to:
    - verification of his identity,
    - determine the ownership and control structure in the case of a Client that is a legal person, an organizational unit having no legal personality or a Trust;
  - assessing the business relationship with Client and, as appropriate, obtaining information on its purpose and intended nature;
  - ongoing monitoring of the Client's business relationships including:
    - an analysis of transactions undertaken throughout the course of business relationships to ensure that the transactions are consistent with Osterwetus' knowledge of the Client, the nature and scope of its business and consistent with the Money Laundering and Terrorist Financing risks related to that Client;
    - investigation of the source of origin of property values at the disposal of the Client - where justified by the circumstances;
    - ensuring that the documents, data or information in its possession relating to the business relationship with the Clients are kept up to date.
- Financial security measures shall be applied in particular in the following cases:
  - establishment of business relationships (conclusion of the Contract);
  - carrying out Occasional Transactions:
    - with a value of EUR 15 000 or more, irrespective of whether the transaction is carried out in a single operation or in several operations which appear to be linked (Related Transactions), or
    - which is a Transfer of Funds for an amount exceeding the equivalent of €1,000;
    - with the use of a Virtual Currency equivalent to the amount of EUR 1,000 or higher;
  - a suspicion of Money Laundering or Terrorist Financing;
  - doubts about the accuracy or completeness of the Client's identification data obtained so far;
  - in relation to Clients with whom Osterwetus has a Contract, taking into account the identified risks of Money Laundering and Terrorist Financing, in particular when:
    - there has been a change in the previously determined nature or circumstances of the business relationship;
    - there has been a change in the previously determined details concerning the Client or the Beneficial Owner;
    - Osterwetus was obliged by law during the calendar year in question to contact the Client in order to verify the information concerning the Beneficial Owners.

- Where one of the measures referred to in section V.3 of this Procedure cannot be applied, Osterwetus:
  - does not establish business relationship (does not conclude a Contract);
  - not carry out a Transaction, including an Occasional Transaction;
  - dissolves business relationship (terminates the Contract).
- Osterwetus assesses whether the inability to apply financial security measures, constitutes grounds for a notification to the GIFF about:
  - of circumstances that may indicate the suspected commission of Money Laundering or Terrorist Financing offences; or
  - the case of a reasonable suspicion that a specific Transaction or specific Property Value may be connected with Money Laundering or Terrorist Financing.
- The financial security measures applied to the Client depend on the risk class assigned to the Client. The risk classes are described in section VIII of this Procedure.
- Osterwetus documents electronically or in writing the financial security measures applied and the results of the ongoing analysis of the Transactions carried out.

- **CLIENT IDENTIFICATION AND VERIFICATION**

- The identification of the Client's identity is carried out in particular:
  - prior to the establishment of a business relationship with the Client (prior to the conclusion of the Contract);
  - before the execution of the Occasional Transaction;
  - in case of suspicion of Money Laundering or Terrorist Financing;
  - doubts about the accuracy or completeness of the Client's identification data obtained so far.
- Identification of the Client's identity consists in determining the following:
  - in the case of a natural person:
    - forename and surname,
    - citizenship,
    - the number entered in the Universal Electronic System for Civil Registration (PESEL) or the date of birth - in the case where no PESEL number has been assigned and the country of birth,
    - the series and number of the person's identity-proving document,
    - the address of residence - if Osterwetus has this information ,
    - name (business name), tax identification number (NIP) and address of the main place of business - in the case of a natural person concluding the Contract in connection with its business activity;
  - in the case of a legal person or an organisational unit without legal personality:
    - name (company),

- organisational form,
  - the address of the registered office or the address of conducting business,
  - tax identification number (NIP) or, failing that, the country of registration, the name of the competent register and the number and date of registration,
  - the name, surname, the number entered in the Universal Electronic System for Civil Registration (PESEL) or the date of birth - in the case where no PESEL number has been assigned and the country of birth, of the person representing that legal person or organisational unit without legal personality.
- Identification of the person authorised to act on behalf of the Client includes establishing the data referred to in section VI.1.a.i – iv. of the Procedure.
  - Verification of the identity of the Client and the person authorised to act on his behalf consists in confirmation of the established identification data on the basis of an identity-proving document, a document containing valid data from an extract from the relevant register or other documents, data or information from a reliable and independent source including, where available, Electronic Identification Means or relevant trust services as defined in Regulation 910/2014. Verification is performed by the AML Analyst reading a copy of the identity document or other documents, data or information from a reliable and independent source. In cases where an Contract is concluded or an Occasional Transaction is ordered without the physical presence of the Client and a person authorised to act on his behalf, their verification shall be based on the Electronic Identification Means referred to in Regulation (EU) No 910/2014. If it is not possible to use these Electronic Identification Means, the verification of the identity of the Client and the person authorised to act on his behalf consists in confirming the established identification data on the basis of an identity-proving document stating the identity of that person and additionally on the basis of a second identity-proving document or other documents, data or information from a reliable and independent source (e.g. on the basis of a driving licence, utility bills from reliable suppliers, information from the Register of Personal Documents, CEiDG, KRS).
  - In the event that the Client refuses to provide an identity-proving document or other documents necessary to complete the identification and verification process - the conclusion of the Contract or any other instruction of the Client cannot be carried out.
  - Osterwetetus does not accept the conclusion of Contracts with Clients of unknown identity or the execution of Occasional Transactions commissioned by such persons - the establishment of cooperation with an anonymous Client or a person providing fictitious data is prohibited.
- **IDENTIFICATION AND VERIFICATION OF THE BENEFICIAL OWNER**
  - The Employee is obliged to identify and verify the Real Beneficiary.
  - Identification and verification of the Beneficial Owner involves establishing and verifying the following data:
    - forename and surname;
    - in addition, where possible, other identifying data such as:

- nationality, the series and number of the person's identity-proving document, address, country of birth, PESEL and if no PESEL, date of birth and country of birth
  - determining the structure of ownership and control - in the case of a Client which is a legal person or organisational unit without legal personality or a trust. In the case of Clients classified as higher risk, determination of the ownership and control structure is mandatory.
- The verification of the Beneficial Owner consists in checking and confirming his/her data collected for identification purposes and takes place prior to the conclusion of the Contract with the Client or prior to the execution by Osterwetus of an Occasional Transaction or during the term of the Contract, in particular in the event of changes in ownership on the part of the Client.
- If it is established, during the identification and verification process, that the Client is controlled by a legal person or an organisational unit, the search shall continue until the natural person or persons who are the Beneficial Owner have been identified.
- If after conducting an investigation it turns out that it is not possible to identify the Beneficial Owner e.g. due to dispersed ownership structure (e.g. there are 5 shareholders, who are natural persons, each holding 20% of shares), Osterwetus shall only identify as Beneficial Owner natural persons holding managerial positions at the Client (usually members of the Management Board). In the event that only natural persons holding managerial positions at the Client are identified as the Beneficial Owners, the AML Analyst shall document and file:
  - all impediments causing lack of possibility of determining or doubts as to the identity of the natural persons specified in point II.3.a.i. – iv of this Procedure, including what steps Osterwetus has taken to establish the Beneficial Beneficiary and what information and sources indicate that there is no Beneficial Owner other than a natural person in a managerial position;
  - all impediments related to justified activities undertaken to verify the identity of the Beneficial Owner, including those activities taken.
- The determination of the Beneficial Owner in the manner described in Section VII.5 of the Procedure may only take place if Osterwetus does not identify any suspicion of Money Laundering or Terrorist Financing. In particular the determination of the Beneficial Owner in this manner may not take place if the Client has been assigned a higher risk rating by Osterwetus.
- With regard to Clients who are natural persons, if no indication or circumstances have been established that may indicate that another natural person or natural persons controls the Client, such Client shall be deemed to be the Beneficial Owner. This also applies to natural persons carrying out business activities. It does not apply to incapacitated persons and minors, where the all impediments related to justified activities undertaken to verify the identity of the beneficial owner is their legal guardian, as well as to cases where circumstances indicate that the natural person is not acting on his/her own behalf - in such case the identification of the person on whose behalf the Client is acting should be done.

- Verification of Beneficiary Owners of the legal persons, organisational units without legal personality, civil partnerships and natural persons conducting economic activity shall be carried out on the basis of at least one of the following documents or sources of information:
  - the articles of association;
  - an extract from the national court register or a certificate of entry in the business register, including those made available on external websites;
  - an extract of information from an official database which is generally accepted and used in business and which is a reliable and independent source of information;
  - identity-proving documents;
  - notarised documents;
  - Electronic Identification Means or using the relevant trust services as defined in Regulation 910/2014;
  - information from the Registry, subject to Section VII.9 of the Procedure.
- If Osterwetus enters into a business relationship (conclusion of an Contract) or carry out an Occasional Transaction with an entity that is:
  - a general partnership;
  - a limited partnership;
  - a limited joint-stock partnership;
  - a limited liability company;
  - a simple joint stock company;
  - joint-stock companies, exclusive of public companies within the meaning of the Act of 29 July 2005 on Public Offer and the Conditions of Introducing Financial Instruments to the Organized Trading System and on Public Companies;
  - the trusts whose trustees or persons holding equivalent positions have their place or residence or seat within the territory of the Republic of Poland or establish business relationships or acquire immovable property within the territory of the Republic of Poland in the name or on behalf of the trust;
  - professional partnerships;
  - a European Economic Interest Grouping;
  - a European company;
  - a cooperative society or a European cooperative society;
  - an association subject to registration in the National Court Register;
  - foundation;
  - another entity which is subject to the obligation to register information on Beneficial Beneficiaries in the Register pursuant to the provisions of a Member State issued on the basis of Article 30 or Article 31 of Directive 2015/849.

Osterwetus shall obtain confirmation of the registration of that entity in the Register or an extract from the Register itself or through the Client. The identification and verification of

the Beneficial Owner as well as the determination of the ownership structure of the Client **cannot** be carried out solely on the basis of information from the Register.

- If the Employee identifies a discrepancy between the information collected in the Register and the established information about the Client's Beneficial Owner, the Employee shall inform the AML Analyst. The AML Analyst in such a situation must record the discrepancy found (e.g. in a special register or file kept by the AML Analyst for this purpose) and contact the Client to explain the reasons for the discrepancy. In the event that the information or documents obtained from the Client confirm the discrepancies or Osterwetus does not obtain from the Client information or documents enabling it to conclude that the data entered in the Register are correct, the AML Analyst must immediately provide the Minister competent for public finance with verified information about the discrepancies, together with justification and documentation of the discrepancies noted. If possible, the information referred to in the previous sentence shall be transmitted through the relevant functions of the Registry on its webpage.

- **CUSTOMER RISK ASSESSMENT**

- Osterwetus ensures that financial security measures are applied to Clients by analysing and identifying the risks of Money Laundering and Terrorist Financing associated with the business relationship or Occasional Transaction concerned, taking into account, in particular, factors relating to:
  - type of Client;
  - geographical area, including the country of origin of the Client;
  - the nature of the product and services offered and how the Contract is concluded;
  - the value of the Transactions carried out;
  - purpose, regularity or duration of the business relationship (Contract).
- Based on its assessment, Osterwetus assigns risk ratings - reduced, normal, increased, unacceptable - and applies financial security measures, simplified, normal or enhanced, as appropriate.
- Osterwetus qualifies as an unacceptable the Client:
  - which is located at (or its Beneficiary or an authorised representative of the Client):
    - European Union sanctions list or is otherwise covered by the sanctions of the European Union (e.g. under Regulation 833/2014, Regulation 269/2014 and/or Regulation 765/2006),
    - least at one list announced by the GIIF (among those indicated in Article 118 of the Act),
    - list of persons and entities subject to sanctions kept by the minister responsible for internal affairs under the Act on special solutions in the field of counteracting supporting aggression against Ukraine and serving to protect national security;
  - with whom the business relationship (Contract) has been terminated for reasons of Money Laundering or Terrorist Financing,

- to which financial security measures cannot be applied;
- being a resident or having its nationality, domicile or seat in a non-acceptable third country, as indicated in Annex 1 to the Procedure.
- In the event of an unacceptable Client, Osterwetus shall not establish business relations, terminate existing ones or not carry out Transactions, including the Occasional Transaction.
- Osterwetus considers the following to be higher risk Clients:
  - Client in relation to which an enquiry has been received from a regulator or law enforcement agency;
  - a Client against whom a notification has been submitted to the GIIF or a public prosecutor's office;
  - a Client who is a PEP, a person known to be a close associate of the PEP or PEP family members;
  - Clients behaving in a suspicious manner, e.g. taking economically incomprehensible actions;
  - Clients who are resident or have their nationality or domicile in a high-risk third country as listed in Annex 1 to the Procedure or where the person authorised to act on behalf of the Client or Beneficiary Owner of the Client is a national or resident of such country, as well as Clients who primarily carry out their commercial or professional activities in such country;
  - Client with whom the Contract has been concluded by means of distance communication, unless the identity and data of the Client and persons authorised to act on behalf of the Client have been verified on the basis of an identity-proving document and additionally on the basis of other documents, data or information from a reliable and independent source or on the basis of an Electronic Identification Mean;
  - Client that, in Osterwetus' assessment (based on separate analyses carried out by the AML Analyst), generates an increased risk of Money Laundering or Terrorist Financing;
  - Client conducting business in at least one of the sectors indicated in Annex 2 to the Procedure;
  - Client who is a national of a third country and who and applies for a right to stay or citizenship in a Member State in exchange for capital transfers, immovable property acquisition or Treasury bonds or, as the case may be, investments in corporate entities in a given Member State.
- Osterwetus applies enhanced financial security measures to Clients classified as increased (higher) risk, in particular by:
  - obtaining additional information on the Client, including from external institutions, information available in the media and public databases;
  - obtaining regular information from the Client as to whether his/her identification data, the data of the Beneficiaries in Kind and the submitted documents are up-to-date;
  - an enhanced assessment of the business relationship with that Client and obtain information on its purpose and intended nature;



- verify periodically, and at least every 6 months, the identification data held on the Client and Beneficial Owner, in particular on the basis of publicly available sources;
- enhanced monitoring of the Transactions carried out by the Client through periodic reviews, at least every 6 months;
- increased day-to-day monitoring of business relationship, including
  - analysing the Transactions carried out in the course of the business relationship in order to ensure that the Transactions are in accordance with Osterwetus's knowledge of the Client, the type and scope of its business and consistent with the Money Laundering and Terrorist Financing risks associated with that Client;
  - obtain information on the sources of the Client's funds and Property Value in order to verify that they do not come from an illegal source;
  - to keep its documents, data and information relating to its business relationship with the Client up to date;
  - conducting periodic reviews of Client information with increased frequency.
- The conclusion of an Contract with a Client classified as a increased-risk group requires the approval of the Member of the Management Board supervising the AML and CFT area or an AML Analyst.
- A Client who does not meet the criteria for increased or unacceptable risk qualifies for the normal risk group.
- In the event that the Client is:
  - a resident of a European Union Member State, a member state of the European Free Trade Association (EFTA) - party to the Contract on the European Economic Area;
  - a resident of a third country which has been identified by reliable sources as a country with a low level of corruption or other criminal activity;
  - a resident of a third country where there is, according to reliable sources, anti-money laundering and counter-terrorist financing legislation in force that is equivalent to that resulting from the European Union's anti-money laundering and counter-terrorist financing legislation;

and other circumstances do not indicate a higher risk associated with the Client in question, Osterwetus may assign such Client a reduced risk class and apply simplified financial security measures taking into account the assessment of the risk of Money Laundering or Terrorist Financing, consisting, inter alia, of less frequent actions as part of the ongoing Monitoring of the Client's business relations.

- Osterwetus does not apply simplified financial security measures in case of suspicion of Money Laundering or Terrorist Financing and doubts about the accuracy or completeness of the Client's identification data obtained so far.
- The decision to grant a reduced risk level is made solely by the AML Analyst on the basis of the documentation gathered during the verification of the Client.

- The risk rating assigned at the acceptance stage may be modified by the AML Analyst's decision in the course of verifying the Client or the nature of the Transactions executed by the Client.
- On an ongoing basis, all Osterwetus Clients, persons authorised to act on behalf of the Client and their Beneficiary Owners, are checked against the sanction lists referred to in Section VIII.3.a of the Procedures. The current websites containing sanction lists are contained in Annex 3 to the Procedure.
- The risk rating of a Client assigned at the Client's acceptance stage may be modified by the AML Analyst's decision in the course of verifying the Client or the nature of the Transactions executed by the Client. The AML Analyst shall re-verify the Client no less frequently than:
  - once every 3 years in the case of a normal or reduced risk Client;
  - once every 2 years in the case of a increased-risk Client.
- In the event that the AML Analyst becomes aware of a material change on the part of the Client that may alter the risk group assigned to the Client, the AML Analyst shall immediately reassess the Client's risk.
- Osterwetus documents the identified Money Laundering and Terrorist Financing risks associated with the business relationship and its assessment.
- **PEP, PERSONS KNOWN TO BE CLOSE ASSOCIATES OF PEP, MEMBERS OF PEP'S FAMILY**
- In order to determine whether the Client, or its Beneficiary Owner, is a PEP, a Person known to be a close associate of the PEP or a PEP Family Member, Osterwetus collects a statement from the Client obtained during the process of concluding the Contract. The statement is collected in written or electronic form. Osterwetus may establish the above information also on the basis of other sources, in particular if it suspects the accuracy of the Client's statement. The declaration must contain the following clause: "I am aware of the penalty of perjury". This clause replaces a notice of penalty of perjury. The AML analyst is responsible for verifying the above statement.
- In the event that Osterwetus determines that the Client is a PEP, a Person known to be a close associate of the PEP or a PEP Family Member, then the consent to enter into an Contract with that Client or the consent to execute an Occasional Transaction of such Client must be given by the Board Member overseeing the AML and Terrorist Financing area or the AML Analyst. Until such consent is obtained, the process of concluding the above mentioned Contract or executing the Occasional Transaction shall be suspended. The aforementioned consent shall be granted via e-mail or in writing.
- Once a year a review of Clients is carried out to investigate whether they are or have become a PEP, a Person known to be a close associate of a PEP or a PEP Family Member.
- With respect to a Client who is a PEP, a Person known to be a close associate of the PEP or a PEP Family Member, in addition to the usual financial security measures, Osterwetus:
  - apply adequate measures in order to establish the source of the Clients's funds and source of origin of the Property Values at the Client's disposal as part of business relationships or Transactions;

- apply enhanced financial security measures.
- Osterwetus shall apply the above measures within 12 months after the Client ceases to be a PEP, a Person known to be a close associate of a PEP or a PEP Family Member. After this period, Osterwetus, depending on the individual risk assessment of the Client concerned, may continue to apply these measures.
- **MONITORING THE CUSTOMER'S ONGOING BUSINESS RELATIONSHIP**
- As part of the ongoing Monitoring of the Client's business relationships, Osterwetus:
  - carries out an analysis of the Transactions carried out in the course of the business relationship to ensure that the Transactions are consistent with Osterwetus' knowledge of the Client, the type and scope of its business and consistent with the Money Laundering and Terrorist Financing risks associated with that Client,
  - undertakes investigation of the source of origin of the Property Values held by the Client - if justified by the circumstances,
  - ensures that the documents, data or information held concerning the business relationship with Client are kept up to date.
- Transactions of which the Osterwetus Employee becomes aware about and about which he has doubts shall be reported to the AML Analyst. The AML Analyst reviews them and, if he/she has doubts, decides whether to inform the GIIF or the Prosecutor's Office about them in accordance with further sections of the Procedure.
- In the case of Transactions:
  - complex or
  - of high amounts which are not justified by the circumstances of the Transaction; or
  - carried out in an unusual manner, or
  - which seem not to have legal or business grounds,
 these Transactions should be immediately reported to the AML Analyst. The AML Analyst shall take action in order to explain the circumstances in which these Transactions were conducted and, in the event of Transactions conducted as part of business relationships, the Osterwetus shall intensify the monitoring of the ongoing business relationship with the Client, including its Transactions.
- In terms of Monitoring Transactions AML Analyst:
  - collect information useful for identifying Transactions potentially used for Money Laundering or Terrorist Financing;
  - shall conduct ongoing analysis of the executed Transactions. The results of the analysis are documented on paper or electronically. This analysis consists of the ongoing monitoring of the business relationship with the Client, including the examination of the performed Transactions to ensure that the performed Transactions are consistent with Osterwetus' knowledge of the Client and its profile.
- Examples of criteria used by the AML Analyst in analysing Transactions:

- the frequency of Transactions;
  - the number of Transactions;
  - the titles of the Transactions, the type of Transaction;
  - the parties to the Transaction, the directions of transfer;
  - the value of the Transaction;
  - the date the Transaction takes place;
  - the period during which the Transactions were executed;
  - the existence of an economic justification for the Transaction;
  - the duration of the business relationship with the Client.
- When analysing and selecting suspicious Transactions, Employees shall look for signs of Money Laundering or Terrorist Financing, such as
    - ambiguous transactions - Transactions whose circumstances are ambiguous in an economic and financial context;
    - unusual Transactions - Transactions which are not similar to other Transactions carried out by a given Client, e.g. not related to the scope of its activity, not in line with the Client's profile;
    - extraordinary Transactions - Transactions ordered by the Client, carried out in an expensive manner, economically not justified;
    - suspicious Transactions - transactions which usually involve activity that is inconsistent with the known and documented nature of the Client's business.
  - If it is necessary to update documents, data or information regarding the business relationship with the Client, the AML Analyst shall request the Client to provide them. If the Client fails to provide them within the required timeframe the AML Analyst shall decide whether to continue the business relationship (Contract) with the Client.
  - The results of the analyses shall be kept for a period of 5 years from the date on which they are carried out.
- **BUSINESS RELATIONSHIPS WITH A HIGH-RISK THIRD COUNTRY**
  - If it is determined that the business relationship (Contract) with a given Client or a Transaction (including an Occasional Transaction) of that Client, is related to a high-risk third country, as indicated in Annex 1 to the Procedure, the AML Analyst:
    - obtains additional information about the Client, the Client's Beneficiaries and the intended nature of the business relationship (Contract);
    - obtains information on the source of the funds of the Client and the Beneficial Owner and the source of the Property Value at the disposal of the Client and the Beneficial Owner within the framework of a business relationship or a Transaction;
    - obtain information on the reasons for and circumstances of intended or executed Transactions;

- intensifies the use of ongoing Monitoring of the business relationship (Contract) with the Client, by increasing the number and frequency of monitoring of the business relationship and by increasing the number of Transactions selected for further analysis.
- The information referred to in section XI.1 of the Procedures, the AML Analyst shall obtain prior to the conclusion of the Contract or executing the Transacion, and if Osterwetus becomes aware of the aforementioned fact of being associated with a high-risk third country after the conclusion of the Contract or executing the Transaction, then immediately after becoming aware of this information.
- If it is determined that the business relationship (Contract) with a given Client, or the Transactions of that Client, are related to a high-risk third country, as indicated in Annex 1 to the Procedure, the establishment of a business relationship (Contract) or the continuation of a business relationship (Contract) requires the approval of the Member of the Management Board overseeing the AML and CFT area or the AML Analyst.
- In the event that it is determined that a Transaction of this Client, is related to a high-risk third country, indicated in Annex 1 to the Procedure, the AML Analyst, in addition to the actions indicated in point XI.3 of the Procedure, must:
  - take additional action under the enhanced financial security measures referred to in Section VIII.6 of the Procedure;
  - implement intensified obligations relating to the provision of information or reporting of Transactions. In particular, the AML Analyst should request information on more Transactions of a given Client to be provided to him and examine the necessity of providing information on these Transactions to the GIIF or the Prosecutor's Office in accordance with points XIII, XV and XVI of the Procedure.

In the aforementioned case, Osterwetus also restricts the business relationship or Transactions with given Client.

- Osterwetus does not conclude the Agreement and/or provide Accounts for Russian citizens or natural persons residing in Russia or legal persons, entities or bodies established in Russia.
- Points XI.5 of the Procedure shall not apply to:
  - a Client who is a national of a Member State, a member state of the European Economic Area or Switzerland;
  - a Client who has a temporary or permanent residence permit in a Member State, a country that is a member of the European Economic Area or in Switzerland.
- Osterwetus shall not execute or participate in any Transaction:
  - with a legal person, entity or body established in Russia, which is publically controlled or with over 50 % public ownership or in which Russia, its Government or Central Bank has the right to participate in profits or with which Russia, its Government or Central Bank has other substantial economic relationship, as listed in Annex XIX to the Regulation 833/2014;

- with a legal person, entity or body established outside the European Union whose proprietary rights are directly or indirectly owned for more than 50 % by an entity listed in Annex XIX to the Regulation 833/2014;
  - with a legal person, entity or body acting on behalf or at the direction of the entity referred to in point XI.7.a and point XI.7.b of the Procedure;
  - related to the management of reserves as well as of assets of the Central Bank of Belarus, including Transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Belarus;
  - related to the management of reserves as well as of assets of the Central Bank of Russia, including Transactions with any legal person, entity or body acting on behalf of, or at the direction of, the Central Bank of Russia, such as the Russian National Wealth Fund.
- The Client's relation to the high-risk jurisdiction may be a reason for the Company to refuse cooperate with a Client.

- **SUPRATHRESHOLD TRANSACTIONS**

- Osterwetus shall provide information to the GIIF on an accepted deposit in cash or performed withdrawal of funds (only in the form of cash) of the equivalent of more than EUR 15,000 (including as part of the purchase or sale of virtual currencies). Osterwetus shall provide the above information within 7 days from the date of acceptance of the deposit in cash or withdrawal of cash (in the form of cash only). Osterwetus shall provide the above information in accordance with the Act and regulations implementing the Act.
- When determining the EUR equivalent referred to in point XII.1 of the Procedure, Osterwetus shall apply the average exchange rate of the National Bank of Poland for the currency in question in force on the day the Transaction is executed or on the day the Transaction is ordered to be executed.
- The notification obligation referred to in point XII.1 of the Procedure does not apply to Transactions related to own economy of Osterwetus.
- Information submitted to the GIIF includes:
  - the unique identifier of the Transaction in the Osterwetus records;
  - the date or the date and time of the execution of the Transaction;
  - identification data of the Client, referred to in point VI.2 of the Procedure, giving the instruction or order to execute the Transaction;
  - identification data in possession of Osterwetus, referred to in VI.2 of the Procedure, of the other parties to the Transaction;
  - the amount and currency of the Transaction;
  - type of the Transaction;
  - the title of the Transaction;
  - the manner of giving an instruction or order to execute the Transaction;

- the numbers of the accounts used to carry out the Transaction marked with the International Bank Account Number (IBAN) identifier or the identifier containing the country code and the account number in case of accounts not marked with IBAN.
- Information on Transactions shall be transmitted in accordance with the corresponding electronic document templates, made available by the Minister competent for public finance in the form of an electronic document, published in the central repository of electronic document templates.
- Information on Transactions shall be transmitted via:
  - website, the URI identifier of which is placed in the Public Information Bulletin and on the website in the tele-information system, the administrator of which is the GIIF;
  - interface software enabling communication with the network service of the ICT system, whose administrator is the GIIF, whose URI identifier and interface description is placed in the Public Information Bulletin and on the website of the ICT system whose administrator is the GIIF.
- Information on Transactions provided in accordance with point XII.6.a. or b. of the Procedure shall bear:
  - a qualified electronic signature of the AML Analyst or other Employee authorised to make reports; or
  - Osterwetus qualified electronic seal.
- In the case referred to in Section XII.6.a. of the Procedure, Osterwetus may provide information on Transactions not bearing the signature or seal referred to in Section XII.7 of the Procedure, if it provides the GIIF with a paper copy of the Transaction information printed via the website referred to in clause XII.6.a. of the Procedure and signed by an AML Analyst or other Employee authorised to make notifications.
- The paper copy referred to in point XII.8 of the Procedure, shall be served:
  - by an Osterwetus' Employee or
  - via a postal operator within the meaning of art. 3 item 12 of the Act of 23 November 2012 - Postal Law by registered mail with return receipt requested - in a closed package marked in a visible place with the words " w kancelarii nie otwierać" (not to be opened at the registry).
- If Osterwetus finds an error in the information provided about the Transactions it is Osterwetus that provides the correction.
- In case the GIIF finds that:
  - the provided document containing information on the Transactions is damaged or
  - the Transaction information or identification form was provided in breach of the Act, or
  - the Transaction Information contains errors,
 - Osterwetus shall either provide again or correct the information on the Transactions accordingly,
 

within three working days from the date on which the request for provision or correction was received or made available to it.

- The request referred to in point XII.11 of the Procedure, shall be provided in written form in paper form or in electronic form using electronic means of communication in the form of information available on the website referred to in point XII.6.a of the Procedure or via the interface software referred to in point XII.6.b of the Procedure.
- If the request referred to in point XII.11 of the Procedure, in electronic form, the tele-information system, the administrator of which is the GIIF, sends a notification to the electronic mail addresses indicated to the GIIF by Osterwetus in the identification form. The date on which the notification is sent to the e-mail addresses shall be deemed to be the date on which this request is made available.
- For the correction and re-provision of information on Transactions under points XII.11-13 of the Procedure, points XII.6-10 of the Procedure shall apply.
- Where Transactions are carried out by means of more than one operation, the circumstances of which indicate that they are related to each other (Related Transactions) and have been split into operations of smaller value with the intention of avoiding the registration and reporting obligations referred to in this section, such Transactions may be reported to the GIIF in accordance with sections XIII or XV of the Procedure.
  
- **REPORTING TO THE GIIF ON CIRCUMSTANCES THAT MAY INDICATE MONEY LAUNDERING OR TERRORIST FINANCING**
- In the event of discovering circumstances that may indicate a suspicion of the commission of a Money Laundering or Terrorist Financing offence, Osterwetus shall notify the GIIF. Osterwetus shall make the notification immediately, no later than within 2 working days from the confirmation of the suspicion. Osterwetus shall establish the suspicion, in particular as a result of financial security measures. Employees who establish the aforementioned circumstances should immediately provide them to the AML Analyst.
- The notification on behalf of Osterwetus is made by the AML Analyst. The notifications shall be submitted to the GIIF in writing until the date of entry into force of the regulation referred to in Article 79(3) of the Act.
- The notification shall contain the following information (if Osterwetus has it):
  - Client's data referred to in section VI.2 of the Procedure;
  - identification data held on natural persons, legal persons and organisational entities without legal personality that are not Clients of Osterwetus. This data should be provided to the same extent as the Client's data;
  - the type and size of the Property Value and where they are stored;
  - the number of the account kept for the Client, marked with the IBAN identifier or the identifier containing the country code and the account number in the case of accounts not marked with IBAN;
  - information in possession of Osterwetus referred to in Section XII.5 of the Procedure, in relation to Transactions or attempts to do so;



- an indication of the Member State to which the Transaction is connected, if Transaction has been executed in the course of cross-border activity;
  - information in possession of Osterwetetus about an identified risk of Money Laundering or Terrorist Financing and the criminal act from which the Property Value may originate;
  - the grounds for the provision of the notification.
- **PROVIDING INFORMATION ON REQUEST OF GIIF**
  - At the request of the GIIF, Osterwetetus shall immediately provide or make available the information or documents in its possession, necessary for the performance of the tasks of the GIIF specified in the Act, including those relating to:
    - Clients;
    - the Transactions carried out;
    - the type and size of the Property Value and where they are stored;
    - applying ongoing monitoring of the Client's business relationships;
    - the IP addresses used to connect to the Osterwetetus IT system and the connection times to this system.
  - The GIIF in its request may indicate:
    - the date and form in which the information or documents are to be provided or made available;
    - the scope of the information and the timeframe for Osterwetetus to obtain it.
  - Information and documents shall be provided and made available to the GIIF free of charge.
  - Information and documents shall be provided to the GIIF in written form until the date of entry into force of the regulation referred to in Article 79(3) of the Act.
- **PROVIDING INFORMATION TO THE GIIF ABOUT SUSPICIONS THAT A SPECIFIC TRANSACTION OR ASSET MAY BE RELATED TO MONEY LAUNDERING OR TERRORIST FINANCING**
  - Osterwetetus shall immediately notify the GIIF if it has a reasonable suspicion that a certain Transaction or certain Property Values may be related to Money Laundering or Terrorist Financing. The notifications, confirmations, requests, exemptions, as well as the notification information referred to in this section XV of the Procedure shall be provided in writing until the date of entry into force of the regulation referred to in Article 94 of the Act.
  - In the notification, Osterwetetus shall provide the information in its possession relating to the suspicion and information on the expected date of the Transaction referred to in point XV.1 of the Procedure. The notification shall include the information indicated in point XIII.3 of the Procedure.
  - Upon receipt of a notification the GIIF shall immediately confirm its receipt, in the form of an official confirmation of receipt, containing in particular the date and time of receipt of the notification.

- Until the receipt of the GIIF request referred to in point XV.5 of the Procedure, or the exemption referred to in point XV.8 of the Procedure, however for no longer than 24 hours, counting from the confirmation of receipt of the notification referred to in point XV.3 of the Procedure, Osterwetus shall not carry out the notified Transaction or other Transactions related to the notified Property Values or Client's Account.
- The GIIF, in the event that it considers that the reported Transaction may be related to Money Laundering or Terrorist Financing, shall provide to Osterwetus a request to Suspend Transaction or blocking the Client's Account for a period not exceeding 96 hours, counting from the date and time indicated in the confirmation referred to in point XV.3 of the Procedure. Immediately upon receipt of this request, Osterwetus shall Suspend the Transaction and/or block the Account. In the request the GIIF shall specify the Property Values covered by the request. The GIIF may forward such a request to Osterwetus also in the case where it has not previously received from Osterwetus the notification referred to in point XV.1 of the Procedures. The following points of this section shall apply mutatis mutandis to such a request.
- The GIIF may exempt the Osterwetus from the obligation not to carry out the Transaction or from Account blocking referred to in point XV. 4 of the Procedure.
- The GIIF shall transmit to Osterwetus the request referred to in point XV.5 of the Procedure, or the exemption referred to in point XV.6 of the Procedure, by means of electronic communication.
- Immediately after submitting the request to Osterwetus, referred to in point XV.5 of the Procedure, the GIIF notifies the prosecutor's office on suspicion of Money Laundering or Terrorist Financing. Having received the notification, the Prosecutor may by decision Suspend the Transaction or block the Account for a specified period of time, not longer than 6 months, counting from the date of receipt of the notification. The Prosecutor may by further order extend the Suspension of Transaction or blockade of the Account for a further specified period of time, not exceeding a further 6 months. Such orders shall specify the extent, manner and term of the Suspension of Transactions or blockade of the Account. The Prosecutor may also issue such an order in spite of not receiving from the GIIF the notification referred to in the first sentence.
- The Suspension of Transactions or blockade of the Account on the basis of the Prosecutor's order referred to in point XV.8 of the Procedures shall expire if, before the expiry of its duration, a decision on securing property or a decision on material evidence has not been issued.
- Osterwetus, upon the Client's request, may inform the Client that the GIIF has forwarded the request referred to in point XV.5 of the Procedure.
- Osterwetus shall immediately notify the GIIF of the execution of a Transaction, which it has obtained a reasonable suspicion that may be related to Money Laundering or Terrorist Financing (i.e. referred to in point XV.1 of the Procedure), in the event that it was not possible to provide the notification prior to its execution. In the notice, Osterwetus shall justify the reasons for the earlier failure to provide the notice and shall provide the

information in its possession supporting the suspicion. The notice shall contain the information indicated in point XIII.3 of the Procedure.

- Saturdays and public holidays shall not be included in the time limits referred to in this point.

- **NOTIFICATION TO THE PUBLIC PROSECUTOR**

- Osterwetus shall immediately notify the competent Public Prosecutor if it has a reasonable suspicion that the Property Values involved in the Transaction or held in Account originate from or are connected with a crime other than the crime of Money Laundering or Terrorist Financing or a fiscal crime. The notifications, confirmations, requests, exemptions, as well as the notification information referred to in this section shall be provided in writing until the date of entry into force of the regulation referred to in section 94 of the Act.
- In the notice, Osterwetus shall provide the information in its possession relating to the suspicion and information on the expected timing of the Transaction.
- Until receipt of the order referred to in point XVI.4 of the Procedures, for no longer than 96 hours, counting from the moment the notification is forwarded to the Public Prosecutor, Osterwetus shall not carry out this Transaction or any other Transactions related to the Property Values or Accounts concerned.
- Within the time limit specified in point XVI.3 of the Procedures, the Public Prosecutor shall issue a decision to initiate or refuse to initiate proceedings, of which he shall immediately notify Osterwetus. In the event that proceedings are initiated, the public prosecutor shall, by order, Suspend the Transaction or block Account, for a period not exceeding 6 months, counting from the date of receipt of the notification referred to in point XVI. 1 of the Procedure. The decision on Suspension of Transactions or blocking the Account may be issued also despite the failure of Osterwetus to submit the notification referred to in point XVI.1 of the Procedure. The Public Prosecutor may by a subsequent decision extend the Suspension of Transactions or blockade of the Account for a further specified period of time, not longer than another 6 months.
- In the orders referred to in point XVI.4 of the Procedure, the Public Prosecutor shall specify the scope, manner and timing of the Suspension of Transactions or blockade of the Account.
- The suspension of the Transactions or blockade of the Account shall lapse if, prior to the expiry of their term, a freezing order or a decision on material evidence has not been issued.
- Immediately upon receipt of the prosecutor's order referred to in section XVI.4 of the Procedure, Osterwetus shall provide the GIIF, by means of electronic communication, with information on the notifications referred to in point XVI. 1 of the Procedure, and copies of these decisions.
- Osterwetus shall immediately notify the competent Public Prosecutor of the execution of the Transaction referred to in point XVI.1 of the Procedures, in the event that it was not possible to give notice of that Transaction before it was carried out. In the notice, Osterwetus shall justify the reasons for the earlier failure to give notice and shall provide the information in its possession confirming that it has become suspicious of that Transaction.

Immediately after making this notification, Osterwetus shall provide to the GIIF information about this notification.

- Saturdays and public holidays shall not be included in the time limits referred to in this point
  
- **OSTERWETUS IDENTIFICATION FORM**
- In order to perform for the first time the obligations referred to in points XII - XIV of the Procedure, Osterwetus shall provide to the GIIF an Osterwetus identification form.
- The Osterwetus identification form includes:
  - the name (business name) together with the organisational form of Osterwetus;
  - NIP of the Osterwetus;
  - specifying the type of activity carried out by Osterwetus;
  - registered or business address;
  - the name, position, telephone number and electronic mailbox address of the AML Analyst;
  - the names, positions, telephone numbers and electronic mailbox addresses of other Employees responsible for the implementation of the provisions of the Act whom Osterwetus wishes to designate for contact with the GIIF.
- In the event of a change in the data referred to in point XVII.2, Osterwetus shall update them without delay.
- Points XII.6 - 15 of the Procedure apply mutatis mutandis to the provision of the identification form, including its update or correction.
  
- **SPECIFIC RESTRICTIVE MEASURES**
- Osterwetus applies specific restrictive measures to persons and entities that rely on:
  - freezing of Property Values owned, held or controlled, directly or indirectly, by persons or entities (including Clients or Beneficial Owners) and benefits derived therefrom, which means preventing their transfer, alteration or use, as well as any operation involving them in any manner that may result in a change in their volume, value, location, ownership, possession, character, misrepresentation or any other change that may prevent them from being beneficial;
  - not to make the Property Value available directly or indirectly to or for the benefit of any person or entity;
  - other restrictive measures indicated by law.
- Osterwetus is obliged to apply specific restrictive measures to the persons and entities indicated on:
  - European Union lists introducing specific restrictive measures against certain persons, groups or entities European Union or European Union legislation imposing specific restrictive measures against certain persons, groups or entities;

- the lists promulgated by the GIIF pursuant to United Nations Security Council resolutions under Chapter VII of the Charter of the United Nations concerning threats to international peace and security caused by terrorist acts, in particular those referred to in paragraph 3 of United Nations Security Council Resolution 2253 (2015) or paragraph 1 of United Nations Security Council Resolution 1988 (2001);
- list of persons and entities subject to sanctions kept by the minister responsible for internal affairs under the Act on special solutions in the field of counteracting supporting aggression against Ukraine and serving to protect national security; and
- list of persons and entities maintained by the GIIF referred to in Article 120(1) of the Act.

The lists are published in the Public Information Bulletin on the website of the minister responsible for public finance, on the website of the minister responsible for internal affairs or on the websites of the relevant European Union bodies or agencies. Links to the relevant websites can also be found in Annex No. 3 to the Procedure

- All information held in relation to freezing or withholding of the Property Values as well as other information that may facilitate compliance with the provisions of law (including EU regulations) concerning the application of specific restrictive measures against individuals, groups or entities, shall be provided to the GIIF, and in the case of information related to at least one of the Regulations indicated in Art. 143a(1) of the National Fiscal Administration Act - also to the Head of the National Fiscal Administration, immediately, but no later than within 2 working days from the date of freezing or withholding of the Property Values or from the date of the obtaining information that may facilitate compliance with the provisions of law.
- Upon becoming aware of an obligation to apply a restrictive measure, in particular the execution of a freeze by Osterwetus, the AML Analyst shall:
  - take steps to establish which restrictive measure should be applied and to what extent;
  - take steps to identify the Property Values to be frozen;
  - instruct the relevant Osterwetus Employees or associates to cease all Transactions involving the frozen Property Values.
- At the moment of obtaining information which may facilitate compliance with the provisions of the law (including EU Regulations) concerning the application of specific restrictive measures against individuals, groups or entities, the AML Analyst prepares an appropriate letter containing this information and provide the letter to the GIIF, and if the information is related to at least one of the Regulations indicated in Article 143a(1) of the National Fiscal Administration Act then to the Head of the National Fiscal Administration. The letter with the information should be sent immediately, no later than within 2 working days from the date on which the information in question was obtained.
- The AML Analyst is responsible for examining changes in the lists referred to in point XVIII.2 of the Procedure and for providing information to the GIIF and/or Head of the National Fiscal Administration. The AML Analyst performs the examination on an ongoing basis and, in addition, each time during the process of concluding the Contract with a Client, before

carrying out an Occasional Transaction and after changes in the lists. The AML Analyst monitors changes in the lists on an ongoing basis.

- The GIIF and/or Head of the National Fiscal Administration (to the extent specified by the National Revenue Administration Act) may issue a decision to release or partially release from freezing the Property Values or to make them available or partially available to the Client, as well as a decision on other deviations from the applied restrictive measures, to the extent permitted by law.
- It is prohibited for Osterwetus Employees to participate, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the restrictive measures, in particular those measures indicated under Regulation 833/2014, Regulation 269/2014 or Regulation 765/2006.

- **STORAGE**

- For a period of 5 years, counting from the date on which the business relationship with the Client is terminated, Osterwetus shall keep copies of documents and information obtained as a result of the application of financial security measures, including information obtained by means of electronic identification means and electronically identifiable trust services within the meaning of Regulation 910/2014.
- Osterwetus shall keep the results of the analyses carried out in the course of carrying out financial security measures for a period of 5 years, starting from the date on which they were carried out.
- Before the expiry of the deadlines indicated in point XIX.1 and 2. of the Procedure, the GIIF may require Osterwetus to keep the documents referred to above for a further period, not exceeding 5 years, starting from the expiry of these deadlines.
- In the event of liquidation, merger, division or transformation of Osterwetus, the provisions of Article 76(1) of the Accounting Act of 29 September 1994 shall apply to the retention of records.

- **PROTECTION AND SHARING OF COLLECTED DATA**

- Osterwetus, its Employees and other persons acting for and on behalf of Osterwetus shall keep secret the fact that any information has been communicated to the GIIF or other competent authorities, and shall keep secret information about the planned initiation of, and the ongoing analysis of, Money Laundering or Terrorist Financing. The obligation of secrecy does not include:
  - the transfer of information between other obliged institutions and their branches and subsidiaries which are part of a group and apply the rules of conduct set out in the group procedure, in accordance with Article 54 section 2 point (1) of the Act;
  - obliged institutions referred to in Article 2 section 1 points (1)(5), (7) to (11), (13) to (15), (17), (24) and (25) of the Act, and between those obliged institutions and their counterparts established in a Member State or in a third country which are subject to the requirements of Directive 2015/849 or equivalent and which apply appropriate rules on

professional secrecy and personal data protection, in cases involving the same Client and the same Transaction.

- **TRAINING**

- All Employees, including Management Board Members, performing AML/CFT duties, are required to undertake and complete training on these duties, including issues related to the personal data protection, prior to commencing their duties.
- Osterwetus shall ensure that Employees, performing their duties under the provisions of this Procedure and the Act, participate in training on these duties, including with regard to personal data protection issues, at least once every two years. The Employee shall, upon completion of the training, provide the Personnel Officer with a copy of the certificate/diploma/certificate confirming participation in the training received.
- Internal training for all Osterwetus Employees and Associates takes place at least once every two years and is organised by the AML Analyst. Upon completion of the internal training, each Employee, submits to the AML Analyst a statement of familiarity with the issues of money laundering and terrorist financing.
- Training can be conducted by an AML Analyst or an external entity. Training can also be conducted by completing courses made available by the GIFF in electronic form
- The AML Analyst is responsible for ensuring that the training provided in Osterwetus complies with regulatory requirements.
- The AML Analyst shall supervise the fulfilment of the training obligation by the Employees.
- If negligence related to anti-money laundering or countering Financing Terrorism is found, the Osterwetus Management Board, at the request of the AML Analyst, the Supervisory Board or on its own initiative, may decide to retrain Employees.

- **RISK ASSESSMENT**

- Osterwetus assesses and identifies the Money Laundering and Terrorist Financing risks associated with its business. This includes risk factors relating to Clients, countries, geographical areas, products, services, Transactions and their delivery channels.
- In assessing the risks associated with the business of Osterwetus, it takes into account:
  - national risk assessment prepared by the GIFF,
  - the European Commission report referred to in Directive 2015/849;
  - the results of internal controls and audits;
  - information from reliable external sources;
  - information from regulatory authorities.
- The Osterwetus risk assessment shall be produced in electronic or paper form and shall be updated periodically, at least every 2 years.
- The Osterwetus risk assessment is prepared by the AML Analyst. The AML Analyst forwards the risk assessment, together with the proposed risk mitigation mechanisms, to the

Management Board, which considers and, if necessary, responds to the presented risk assessment and proposed risk mitigation mechanisms.

- Osterwetus shall provide its risk assessment to the GIIF upon request.

- **EMPLOYEES PROTECTION**

- Osterwetus shall ensure that the Member of the Management Board supervising the AML and CFT area, the AML Analyst and other Employees performing activities related to the performance by Osterwetus of the duties referred to in sections XII - XVI of the Procedure, including persons providing information within Osterwetus allowing for the performance of the aforementioned duties (for the purposes of this section XXIII of the Procedure, these persons are referred to as "**Protected Persons**"), are protected against any attempt by Employees, Members of the Management Board of Osterwetus or persons or entities outside Osterwetus of a repressive nature or actions affecting the deterioration of their legal or factual situation, or consisting in the use of threats, or actions adversely affecting working or employment conditions. In order to ensure the protection referred to in the first sentence:

- Osterwetus shall not disclose to the Client or other third parties personal data, including contact details of Protected Persons, and in particular the Protected Person who made the decision to send the application or information or sent the application or information to the GIIF or the Public Prosecutor's Office. It is also forbidden to disclose this data by any Osterwetus Employee and to unauthorized Osterwetus Employees;
- It is forbidden in Osterwetus for any Employee, including a Member of the Management Board, to take any action of a repressive nature against the Protected Person or affecting the deterioration of the legal or factual situation of the Protected Person, or consisting in directing threats against the Protected Person, and in particular any action adversely affecting the conditions of work or employment of the Protected Person, in connection with the performance by these persons of the duties referred to in sections XII - XVI of the Procedure;
- Osterwetus assures that any action of a repressive nature or affecting the deterioration of the legal or factual situation of Protected Persons, or involving threats against them, especially actions adversely affecting their working or employment conditions, will be treated as a serious breach of the rules of the Procedure, which may result in disciplinary liability or termination of the contract linking the Employee with Osterwetus or the termination of cooperation, as well as giving rise to disciplinary liability or material liability, in accordance with the applicable legislation;
- The Member of the Management Board who supervises AML/CFT shall be responsible for the protection of the Protected Person, in particular where his or her identity has been revealed or reprisals or other unacceptable behaviour have been committed against him or her;
- A Protected Person whose personal information has been unauthorizedly disclosed, has experienced any of the activities referred to in this section, should immediately notify the



Member of the Management Board overseeing the AML/CFT area of the situation. If analysis of the information confirms the allegations of such notification, that Member of the Management Board shall take appropriate action to protect the Protected Person.

- A Protected Person, exposed to actions of a repressive nature or affecting the deterioration of their legal or factual situation, or consisting in directing threats against them, in particular actions negatively affecting their working or employment conditions, in connection with the performance of the duties referred to in sections XII - XVI of this Procedure, may report such actions to the GIIF.

- **FINAL PROVISIONS**

- All Employees are required to:
  - familiarise themselves with the provisions of this Procedure in order to apply them in their daily work;
  - participate in anti-money laundering and counter-terrorist financing training.
- Failure by Employees, within their area of responsibility, to comply with the obligations contained in this Procedure may result in official liability.
- Osterwetus does not establish or maintain a correspondent banking relationship with a fictitious bank (within the meaning of the Act) or with credit or financial institutions known to enter into account agreements with a fictitious bank.
- All activities connected with possible ongoing Monitoring of the Client's business relationships must be carried out on a confidential basis. It is not permitted to inform the Client about the Monitoring of his/her Transactions or other activities undertaken in the framework of this Procedure.
- The rules for reporting by Employees of actual or potential violations of AML and terrorist financing regulations are described in "Internal procedure for anonymous reporting of violations of anti-money laundering and counter-terrorist financing regulations at Osterwetus sp. z o.o." constituting Annex No. 4 to this Procedure.
- If a Procedure specifies the deadline for the performance of a given activity in days, but it is not clear from the Procedure whether working days or calendar days are meant, it means that the deadline is counted in calendar days
- Matters not regulated by the Procedure shall be governed by the provisions of law, in particular the Act and its implementing acts.
- The Procedure shall enter into force on the date indicated in the resolution of the Management Board adopting this Procedure for application.

- **REVIEW AND UPDATING OF THE PROCEDURE AND CONTROLLING**

- Reviews of this Procedure shall be performed regularly by the AML Analyst, but at least once a year or more frequently in the event of:
  - implementation of significant changes in the process affecting the provisions of the Procedure;

- receive recommendations from the Management Board or the person(s) responsible at Osterwetus for internal control;
- receipt of supervisory recommendations (addressed to Osterwetus by the Financial Supervision Commission, GIFF or other supervisory authorities);
- changes in common law affecting the process of preventing Money Laundering and Terrorist Financing.

Along with the aforementioned review of the Procedure, the AML Analyst also reviews Osterwetus' compliance with the requirements of the Act, other anti-money laundering and counter-terrorist financing regulations, the Procedure and supervisory authorities, including the GIFF.

- An audit is carried out at Osterwetus at least once every two years of the company's compliance with the anti-money laundering and counter-terrorist financing regulations and the rules of conduct set out in the Procedure. The audit may be performed internally by the person responsible for ensuring compliance in Osterwetus, by the internal controller if one is appointed or by external auditors. The audit report is submitted to the Management Board. The audit may not be carried out by the AML Analyst or by any other person responsible at Osterwetus for fulfilling obligations relating to anti-money laundering and/or counter-terrorist financing.

**Carlos Miguel Tavares Pereira**

**Director and UBO of the company**