



Financial Services Commission
Mauritius

CIRCULAR LETTER – CL03022010

3 February 2010

To: Directors
Management Companies

As you are aware, Mauritius has always been committed to supporting international norms relating to exchange of information and to ensuring our jurisdiction is one of sound repute.

For the Commission to exchange information in accordance with the legal provisions authorising it to do so, the Commission must have all the relevant information pertaining to individuals and corporations doing business in Mauritius and licensed by the Commission, as well as to the business itself.

With a view to ensuring that such information is available to the Commission with respect to Category 2 Global Business Companies (GBC2's), additional measures will now be in force.

Management Companies (MCs) have the obligation to undertake effective customer due diligence (CDD) measures, and risk profiling procedures when establishing business relationships and throughout such relationships (the obligation being a continuing one). MCs are required to retain proper CDD documentation, and where introducers are involved, MCs have the responsibility to ensure that they have timely access to the CDD documentation, which must be made available to the Commission upon request without delay. MCs are also required to obtain information on the purpose and intended nature of the business relationship.



In the same context, MCs have the duty to know and understand the business of the companies to which they provide administration services or other services.

Further to the enactment of the Finance (Miscellaneous Provisions) Act 2009, MCs will be required to provide to the Commission (a) additional information on beneficial owners of GBC2's, (b) an outline of the business objective and (c) an annual financial summary for GBC2's.

1. Identity of Beneficial Owner and Business Objective Outline

MCs are required, when applying for a Category 2 Global Business Licence, to provide details on the identity of the promoter / beneficial owner / ultimate beneficial owner, and submit an appropriate outline of the business objective. The CDD documentation need not be submitted to the Commission, except upon a request.

Any subsequent change in beneficial ownership / ultimate beneficial ownership must be notified to the Commission within one month.

Material changes in business purpose must be forthwith notified to the Commission.

For existing GBC2's, MCs are required to submit the necessary details as per the Annexure by 30 June 2010.

2. Financial Summary

GBC2's are required to file with the Commission, once in every year, a financial summary, in the form set out in the Ninth Schedule of the Companies Act 2001. The Commission may, on a case to case basis,



consider adjustments to the reporting format of the financial summary to reflect the specific requirements of the GBC2.

GBC2's, licensed before the coming into force of the Finance (Miscellaneous Provisions) Act 2009, are required to submit financial summaries in respect of accounting periods starting after 30 July 2009, where the companies already have such accounting periods. Companies which did not previously have an accounting period are required to provide for the first accounting period, starting on any date within 3 months of the date of issue of this Circular and such accounting periods should not exceed 12 months.

As regard companies issued with a Category 2 Global Business Licence after 30 July 2009, please note that the first financial summary shall cover an accounting period not exceeding 18 months starting from their licence date.

In all cases, financial summaries must be submitted to the Commission within 6 months of the balance sheet date.

MCs made various representations with regard to the opening balance for existing GBC2's that have not maintained regular accounting records. In this case, the Commission will accept estimates for opening balances, duly determined in good faith by the Board of Directors.

The Commission will consider representations made by or on behalf of classes of GBC2's for exemption from the above requirements, which may be granted by the Commission in accordance with Section 30 of the Financial Services Act 2007.



As a result of the above, the Financial Services (Consolidated Fees and Licensing) Rules 2008 are being amended and a revised Application Form for a Category 2 Global Business Licence will be posted on the website.

Yours faithfully
J.N. Meetarbhan
Chief Executive

ANNEXURE

DETAILS ON BENEFICIAL OWNER/ ULTIMATE BENEFICIAL OWNER

Name of Category 2 Global Business Company:

Licence No:

Licence Date:

Name of Management Company:

If Individual	Beneficial Owner	Ultimate Beneficial Owner
Name		
Address		
Occupation		
Nationality		
Date of Birth		
Passport Number		

If Corporate	Beneficial Owner	Ultimate Beneficial Owner
Name of company		
Place of incorporation/Registered address		
Activity		
List of Directors		
List of Shareholders		