



# Suspicious operations report

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Guideline applicable from 06/01/2026

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This document, applicable for all professionals subject to the AML/CFT Law, replaces the FIU guideline of 01.11.2018 on the suspicious operations report.

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## 1 INTRODUCTION

Pursuant to the law of 12 November 2004 on the fight against money laundering and terrorist financing, as amended (“AML/CFT Law”), professionals, their directors (*dirigeants*, members of the authorized management), officers and employees are obliged (1) **to cooperate** fully with the Luxembourg authorities responsible for combating money laundering and terrorist financing as well as with the self-regulatory bodies, in particular, in the framework of their respective supervisory powers conferred on them under the AML/CFT Law.

Without prejudice to the obligations vis-à-vis the other competent authorities, professionals, their directors, officers and employees are obliged (2) **to inform** without delay, on their own initiative, the Financial intelligence unit (“FIU”) when they know, suspect or have reasonable grounds to suspect that money laundering, an associated predicate offence or terrorist financing is being committed, has been committed or attempted, in particular in consideration of the person concerned, its development, the origin of the funds, the purpose, nature and procedure of the operation. This report must be accompanied by all supporting information and documents having prompted the report<sup>1</sup>.

All suspicious transactions, including attempted transactions, must be reported, regardless of the amount of the transaction<sup>2</sup> or whether those filing the report can determine the predicate offence.

Moreover, professionals, their directors (*dirigeants*, members of the authorized management), officers and employees (3) **provide** without delay to the FIU, at its request, any information. This obligation includes the submission of the documents on which the information is based<sup>3</sup>.

This guideline is for informational purposes only. It does not contain any legal advice, nor does it replace the relevant laws and regulations.

## 2 WHO MUST REPORT SUSPICIOUS OPERATIONS?

If you are a professional subject to the AML/CFT Law pursuant to article 2 (1) defining its scope of application, or if you are one of their directors or employees<sup>4</sup>, you are obliged to report suspicious operations to the FIU.

In accordance with article 2 paragraph 2 of the AML/CFT Law, the notion of professionals subject to the AML/CFT professional obligations also includes branches in Luxembourg of foreign professionals as well as professionals established under the laws of foreign countries who supply services in Luxembourg without establishing any branch in Luxembourg.

## 3 WHAT IS A SUSPICIOUS OPERATION?

A transaction is suspicious when the professional knows, suspects or has reasonable grounds to suspect that money laundering, an associated predicate offence or terrorist financing is being committed or has been committed or attempted, in particular in consideration of the person concerned, its development, the origin of the funds, the purpose, nature and procedure of the operation (3.1).

Moreover, the suspicion may concern a money laundering operation, an associated predicate offence, or the financing of terrorism, whether completed or attempted (3.2).

<sup>1</sup>Art. 5 (1) a) 1<sup>st</sup> paragraph AML/CFT Law.

<sup>2</sup>Art. 5 (1) a) 2<sup>nd</sup> paragraph AML/CFT Law.

<sup>3</sup>Art. 5 (1) b) AML/CFT Law.

<sup>4</sup>Art. 5 (1) AML/CFT Law.

### 3.1 GROUNDS FOR SUSPICION

Generally speaking, a suspicion can be described as “a negative opinion of someone or of his/her behaviour, based on hints, impressions, intuitions, but without any specific evidence”<sup>5</sup>. This means that, no evidence of money laundering, an associated predicate offence or terrorist financing is required when reporting a suspicion. All that is needed are circumstances, which would make such a hypothesis likely.

#### 3.1.1 MONEY LAUNDERING

Article 506-1 of the Penal Code covers three different types of behaviour:

- (1) those who knowingly facilitated, by any means, the misleading justification of the nature, origin, location, availability, movement or ownership of property, which are referred to in Article 31 paragraph 2, point 1° and which constitute the direct or indirect purpose or product of any crime or offence.
- (2) those who knowingly assisted in the placement, concealment, disguise, transfer or conversion of property, which are referred to in Article 31 paragraph 2, point 1° and which constitute the direct or indirect purpose or product of any crime or offence or which constitute any kind of patrimonial benefit, resulting from any crime or offence,
- 3) those who have acquired, held or used property, which are referred to in Article 31 paragraph 2, point 1° and which constitute the direct or indirect purpose or product of any crime or offence or which constitute any kind of patrimonial benefit, resulting from any crime or offence, knowing, at the time they received them, that they originated from a crime or an offence or from participation in a crime or offence.

The Law stipulates that any crime or offence constitutes a predicate offence for money laundering.

Attempting to commit the offences described in points 1) to 3) above is punishable by the same penalties as the completed offence.

Money laundering is a punishable offence, even when the primary offence was committed abroad<sup>6</sup>.

Money laundering is a punishable offence, even when the perpetrator is also the perpetrator or accomplice of the primary offence<sup>7</sup>.

It is reminded that pursuant to article 5 (1) a) AML/CFT Law, “The obligation to report suspicious transactions shall apply regardless of whether those filing the report can determine the predicate offence”.

#### 3.1.2 TERRORIST FINANCING

Article 135-5 of the Penal Code defines the acts of terrorist financing as “the direct or indirect, unlawful and deliberate provision or collection by any means whatsoever of funds, securities or property of any kind, with the intention that they will be used or with knowledge that they will be used, in whole or in part, to commit or attempt to commit one or more of the offences referred to in paragraph (2) of that of the present Article, even if they have not actually been used to commit or attempt to commit any of these offences or if they are not linked to one or more specific terrorist acts”<sup>8</sup>.

<sup>5</sup> Le Larousse.

<sup>6</sup> Art. 506-3 Penal Code.

<sup>7</sup> Art. 506-4 Penal Code.

<sup>8</sup> Paragraph (2) of the article refers to Articles 112-1 (attacks against persons enjoying international protection), 135-1 to 135-4 (terrorist offences), 135-9 (terrorist attacks using explosives), 135-11 to 135-13 (offences related to terrorist activities) and 442-1 (hostage taking) of the Penal Code, Articles 31 and 31-1 of the Law of 31 January 1948, as amended, on the Regulation of Air Navigation, Article 2 of the Law of 11 April 1985, as amended, approving the Convention on the Physical Protection of Nuclear Material, opened for signature in Vienna and New York on 3 March 1980, and Article 65 -1 of the Law of 14 April 1992, as amended instituting a disciplinary and penal code for the navy.

The obligation to report suspicious operations also applies to funds where there are reasonable grounds to suspect or they are suspected to be linked or related to, or to be used for terrorism, terrorist acts, by a terrorist or terrorist groups or by those who finance terrorism.<sup>9</sup>

### 3.2 COMMITTED OR ATTEMPTED OFFENCE

Suspicion may relate to a money laundering, an associated predicate offence or a terrorist financing operation that has already been committed or that has only been attempted.

Money laundering, an associated predicate offence or terrorist financing has been committed once the suspicious operation has taken place. This is the case when the suspicion only arises after the operation has been committed, due to circumstances that were unknown at the time of the operation.

It is important that, as professional subject to AML/CFT obligations, you refrain from carrying out transactions of which you know, suspect or have reasonable grounds to suspect to be related to money laundering, to an associated predicate offence or to terrorist financing until you have informed the FIU<sup>10</sup>.

An acknowledgement of receipt of your suspicious transaction reports and responses to information request<sup>11</sup> is generated by goAML and send to you via the *message board*, usually around midnight. From this moment on, as long as you have not received a freezing order from the FIU<sup>12</sup>, you can decide, **under your own responsibility**, to execute the transactions referred to in your communications, as well as any other subsequent non-suspicious transaction.

There is an attempt to launder money, an associated predicate offence or finance terrorism when the client or prospective client has the intent to actually launder money, commit an associated predicate offence or finance terrorism, and takes a substantial step toward completing this offence, but for reason beyond its control, in particular due to the diligence of the professional, the final resulting offence does not occur. A simple request for information on the terms and conditions of an operation or business relation does not mean an offence has been attempted; an offence has only been attempted, once a substantial step toward the completion of the offences has been executed. A substantial step goes beyond the mere preparation to commit the offence and requires that concrete measures, allowing the client or prospective client to move towards the successful completion of the offence, are implemented, such as entering into business negotiations, making a transfer order, setting up a legal arrangement, etc.

## 4 HOW TO MAKE A SUSPICIOUS TRANSACTION REPORT?

If you know, suspect or have reasonable grounds to suspect an operation to be related to money laundering, an associated predicate offence or terrorist financing, regardless of whether such operation has only been attempted or already executed, you are **obliged** to file a report with the FIU **without delay**<sup>13</sup>. To do so, you must first register as a reporting entity on the FIU's goAML Web application and designate at least one compliance officer (4.1). Only then can you save your report (4.2).

<sup>9</sup> Art. 5 (1bis) AML/CFT Law.

<sup>10</sup> Art. 5 (3) AML/CFT Law.

<sup>11</sup> The feedback form without/with transactions (RIRA or RIRT code) is to be used when responding to an FIU request.

<sup>12</sup> Freezing order means the ability of the FIU, pursuant to Article 5 (3) to "give instructions not to carry out the operations relating to the transaction or the customer".

<sup>13</sup> Art. 5 (1) (a) AML/CFT Law.

## 4.1 PRIOR REGISTRATION WITH GOAML WEB

The amended Grand Ducal Regulation of 1 February 2010 clarifying certain provisions of the 2004 Law emphasises the importance for professionals to register with goAML, stipulating in Article 8(4) that "*The adequate and appropriate communication procedures referred to in Article 4(1) of the Law must include procedures to enable professionals to respond quickly and comprehensively to any request for information from the Luxembourg authorities responsible for combating money laundering and terrorist financing. In particular, with regard to the obligation to cooperate with the FIU, they shall include prior registration with the FIU's data processing system in order to report suspicious transactions or respond to a request for information from the FIU*"<sup>14</sup>.

If you are a person or entity referred to in Article 2 of the AML/CFT Law (see paragraph 2 above) you are entitled to register on goAML Web as a reporting entity.

To find out more about registering as a reporting entity, please visit our website <https://faq.goaml.lu/>.

As soon as your application is validated by the FIU, you will receive a confirmation email with your account information. The identification number provided by the FIU then allows other persons of your entity (e.g. compliance officer) to register as user of the reporting entity.

To find out more about registering additional users, please visit our website <https://faq.goaml.lu/>.

## 4.2 REGISTRATION OF A REPORT

Once registered on goAML Web, you are able to file your suspicious operation reports. To do so, you have the choice between filling out an online report or downloading XML files. The different types of forms offered on goAML Web allow you to distinguish between money laundering and terrorist financing and between reports that do [suspicious transaction report (STR)] and reports that do not contain suspicious transactions [suspicious activity report (SAR)]. The forms include mandatory fields, marked with an asterisk, and optional fields, that we ask you to fill out if you possess the relevant information.

### 4.2.1 ONLINE REPORTING

If you only make few reports or if your reports contain few or no financial transactions, you can opt for online reporting.

To learn more about our online forms, please visit our website <https://faq.goaml.lu/>.

### 4.2.2 DOWNLOADING AN XML

Manual encoding of financial transactions can quickly become tedious. If you regularly make reports or if your reports contain a lot of financial transactions, we recommend you to update your IT systems, which will enable you to directly export the relevant data from your computer system to an XML file, which can then be imported into goAML Web.

To learn more about downloading XML files, please visit our website <https://faq.goaml.lu/>.

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<sup>14</sup> Last sentence introduced by the Grand Ducal Regulation of 14 August 2020 amending the Grand Ducal Regulation of 1 February 2010 clarifying certain provisions of the amended law of 12 November 2004 on combating money laundering and terrorist financing.

## 5 HOW TO REPLY TO A REQUEST FOR INFORMATION BY THE FIU?

Even if you did not file a report, the FIU is entitled to ask you for information<sup>15</sup>. You **must** respond, **without delay**, to a request for information issued by the FIU by using the “feedback” forms, available on goAML Web<sup>16</sup>. You can fill them out online or download an XML file (see sub 4.2 above). If you have not yet done so, please register in advance (see section 4.1 above) to be able to respond to the request for information.

Depending on the complexity and scope of research required, you should respond to any request for information issued by the FIU within a fortnight. However, if a request for information is described as “very urgent”, especially when dealing with terrorist financing, you should respond within 24 hours. A request for information described as “urgent” should be processed within a week.

## 6 RIGHTS AND OBLIGATIONS OF THE REPORTING ENTITY

### 6.1 COMMUNICATION BAN

Under no circumstances should you disclose to anyone, including your customer, the fact that information is being, will be or has been reported or provided to the authorities in accordance with paragraphs 1, 1a, 2 and 3 of article 5 of the AML/CFT Law or that a money laundering or terrorist financing investigation by the FIU is being or may be carried out<sup>17</sup>. You must not reveal, under threat of criminal sanctions, the existence of a suspicious operation report relating to money laundering, an associated predicate offence or terrorist financing or of a request for information issued by the FIU. Unless expressly authorised by the FIU, you are not permitted to inform your customer of a freezing order issued by the FIU.

However, this prohibition does not apply to a disclosure to the supervisory authorities (*Commissariat aux assurances, Commission de surveillance du secteur financier* and *Administration de l'enregistrement et des accises*) or, if appropriate, the self-regulatory bodies of the different professionals (*Chambre des notaires, Institut des réviseurs d'entreprise, Ordre des avocats* and *Ordre des experts comptables, chambre des huissiers de justice*)<sup>18</sup>.

The prohibition shall not apply either to disclosure between the credit institutions and financial institutions of Member States, provided that they belong to the same group, or between those institutions and their branches and majority-owned subsidiaries located in third countries and provided that those branches and majority-owned subsidiaries fully comply with the group-wide policies and procedures, including procedures for sharing information within the group, in accordance with Article 4-1 or Article 45 of Directive (EU) 2015/849, and that the group-wide policies and procedures comply with the requirements laid down in this law or in Directive (EU) 2015/849<sup>19</sup>.

The prohibition shall further not prevent the disclosure between the professionals referred to in points (8), (9), (11), (12) and (13) of Article 2(1) (listed above), from Member States or from third countries which impose requirements equivalent to those laid down in the AML / CTF law or in Directive (EU) 2015/849, who perform their professional activities, whether as employees or not, within the same legal person or a network<sup>20, 21</sup>.

<sup>15</sup> Art. 5 (1) (b) AML/CFT Law.

<sup>16</sup> The feedback form with/without transactions (RIRA or RIRT code) should be used when responding to an information request from the CRF.

<sup>17</sup> Art. 5 (5) (1) AML/CFT Law.

<sup>18</sup> Art. 5 (5) (2) AML/CFT Law.

<sup>19</sup> Art. 5 (5) (3) AML/CFT Law.

<sup>20</sup> A “network” shall mean the larger structure to which the person belongs and which shares common ownership, management and compliance control.

<sup>21</sup> Art. 5 (5) (4) AML/CFT Law.

For credit and financial institutions and the professionals referred to in points (8), (9), (11), (12) and (13) of Article 2(1), in cases involving the same person concern and the same transaction involving two or more professionals, the prohibition shall not prevent disclosure between the relevant professionals provided that they are situated in a Member State, or in a third country which imposes requirements equivalent to those laid down in the AML / CFT law or in Directive (EU) 2015/849 and that they are from the same professional category and are subject to equivalent obligations as regards professional secrecy and personal data protection. The information exchanged must be used exclusively for the purposes of the prevention of money laundering and terrorist financing.<sup>22</sup>

Where the professionals referred to in points (8), (9), (11), (12) and (13) of Article 2(1), seek to dissuade a customer from engaging in illegal activity, this shall not constitute a disclosure within aforementioned meaning.

Information on suspicions that funds are the proceeds of money laundering, of an associated predicate offence or are related to terrorist financing reported to the FIU shall be shared within the group, unless otherwise instructed by the FIU<sup>23</sup>.

## 6.2 OUTCOME OF THE BUSINESS RELATIONSHIP

No provision of the AML/CFT law requires the termination of the business relationship with the client, even if you have or intend to report a suspicious operation. This decision is entirely up to you. Of course, you have the right to communicate with your client within the framework of the usual business relationship; however you must not mention the existence of a suspicious operation report or a request for information issued by the FIU.

## 6.3 IMMUNITY

No civil, criminal or administrative proceedings may be brought against you, if you made a bona fide suspicious operation report to the Luxembourg authorities responsible for combating money laundering and the financing of terrorism<sup>24</sup> or, if you are a lawyer, to the relevant President of the Bar Association (*bâtonnier de l'Ordre des avocats*). Reports, information and documents supplied by you to the FIU cannot be used against you in case of legal action for breach of professional obligations<sup>25</sup>.

## 6.4 CONFIDENTIALITY

The identity of the professionals, managers and employees who made a suspicious operation report or who provided information to the FIU, is kept confidential by the aforementioned authorities, unless disclosure is essential to ensure the regularity of legal proceedings or to establish proof of the facts forming the basis of these proceedings<sup>26</sup>.

Whenever possible, the FIU will not disclose to a foreign counterpart or national prosecutor (1) whether the information came from a suspicious operation report, submitted by a professional, or from a request for information by the FIU, nor (2) the identity of the professional who provided said information.

## 6.5 PENALTIES FOR NON-COMPLIANCE

Criminal sanctions may be imposed for violation of your professional obligations, particularly with regard to the reporting of suspicious operations. Failure to file a suspicious operation report or to respond to a request for information issued by the FIU is punishable by a fine, ranging from EUR 12 500 to EUR 5 000 000<sup>27</sup>.

<sup>22</sup> Art. 5 (5) (5) AML/CFT Law.

<sup>23</sup> Art. 5 (5) (6) AML/CFT Law.

<sup>24</sup> Art. 5 (4) AML/CFT Law.

<sup>25</sup> Art. 5 (4bis) AML/CFT Law.

<sup>26</sup> Art. 5 (5) (b), 2) AML/CFT Law.

<sup>27</sup> Art. 9 AML/CFT Law.

The same penalties could be applied if you disclose, in any way, the existence of a suspicious operation report, a request for information issued by the FIU or, without authorisation from the FIU, the existence of a freezing order.

The supervisory and sanctioning powers of the supervisory authorities, and more recently those of the self-regulatory bodies, have been considerably extended in recent years and a whole range of sanctions and other measures can now be imposed by the latter in the event of failure to comply with the professional obligations laid down by the AML / CFT law.<sup>28</sup>

## 7 HOW TO IDENTIFY A SUSPICIOUS OPERATION

### 7.1 METHODOLOGY

A suspicion of money laundering, an associated predicate offence or terrorist financing may arise due to identity of the person concerned, due to the development of the operation, due to the origin of the funds, due to the nature, purpose or procedure of the operation. Reporting a suspicious transaction has no minimum monetary threshold. Several factors should be taken into account, which individually may seem irrelevant, but can generate doubts on the veracity of the operation when combined. Any transaction or financial operation, whether only attempted or already executed, that raises questions or doubts or provokes a feeling of discomfort, worry or suspicion, could potentially be linked to a money laundering operation, an associated predicate offence or terrorism financing.

It is good practice to use indicators to identify and assess a possible link to money laundering, an associated predicate offence or terrorism financing. The report forms on goAML Web suggest a set of indicators. To justify your suspicion, you must tick one or more of these indicators, but you may also add any other indicator that you deem pertinent.

The context of an operation or transaction is vital when debating on whether your doubts are well-founded. This context will vary from one company to another and from one client to another. You must judge the merits of an operation or of a transaction, while taking into account what seems to be appropriate under the circumstances and also what seems to be in line with the standard business practices of your sector, not to mention the knowledge you have of your client. The fact that operations or transactions do not seem to comply with the standard business practices of your sector may be a determining factor in establishing the motives behind your suspicion.

The analysis of your suspicion should include a reasonable assessment of the relevant factors, including your level of knowledge of the client's business affairs, his financial history, his behaviour and the context of the operation. Sometimes, when taking several indicators into account, and not just one, you can conclude that you have reasonable grounds to suspect an operation or a transaction is related to money laundering, an associated predicate offence or terrorist financing.

### 7.2 INDICATORS OF SUSPICION

Indicators will help you detect a potential offence of money laundering, an associated predicate offence or terrorist financing and confirm your doubts. The suspicion may only be based on one indicator, which appears particularly relevant due to the context, or may be based on a combination of several indicators, which together render the hypothesis of money laundering, an associated predicate offence and terrorist financing probable.

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<sup>28</sup> Section I, chapter 3-1 of the AML/CFT Law.

The proposed indicators enable structured information to be transmitted to the FIU. They are organised into several categories covering different aspects of suspicious activities, such as transaction patterns, triggers, typologies, sectors, products and contextual factors. The aim is to improve the clarity and consistency of suspicious transaction reports and any other submissions to the FIU. This structured approach helps the FIU to analyse reports more effectively, identify trends or typologies, and share information with relevant sectors to raise awareness and strengthen preventive measures. Indicators should be selected based on the facts and circumstances described in the report submitted to the FIU. Although not strictly mandatory, their use is strongly encouraged as they provide relevant context to the reported suspicion.

The list of suggested indicators can be found on goAML, and further information on this subject is available in the document(s) entitled 'goAML Indicators' made available to reporting professionals.

## **8 CAN THE FIU AUTHORISE TRANSACTIONS?**

No, the FIU does not provide authorisations to carry-out specific transactions, nor does it express any opinion on the legality or suitability of said transaction. The professional is solely and exclusively liable for any transaction executed by him. We ask you not to contact the FIU the purpose of seeking the authorisation to execute a given transaction. Where a transaction raises questions or provokes a feeling of discomfort, worry or suspicion, you must examine the transaction within its context, keeping in mind the standard business practices of your sector and the knowledge you have of your client, in order to evaluate whether your doubts are founded. If your suspicions persist, you must immediately inform the FIU via a report.

## **9 DOES THE FIU NEED TO BE NOTIFIED OF SUBSEQUENT TRANSACTIONS?**

The FIU does not need to be informed of subsequent transactions, provided they are not suspicious. If they appear suspicious to you in any way, you should immediately inform the FIU via a new report.