

**Decision 2011-01 of 29 June 2012 against Banque populaire des Alpes (anti-money laundering and counter-terrorist financing arrangements and internal control)**

In a decision in which the company was publicly named, the Sanctions Committee handed Banque populaire des Alpes a reprimand together with a fine of EUR 200,000.

The Committee ruled that the unconstitutionality of texts allowing the former Commission bancaire (Banking Commission) to combine powers of inspection, prosecution and enforcement did not prevent the ACP from sanctioning violations committed before it was established. This decision also provided clarification on the conditions for initiating disciplinary proceedings when an institution fails to meet its anti-money laundering and counter-terrorist financing obligations. In particular, the Committee judged that Article L.562-7 of the Monetary and Financial Code did not impose a formal obligation upon the College to verify the existence of the special conditions laid down in that article when initiating disciplinary proceedings in this area. It is sufficient that the underlying complaints, if recognised as established, name at least one of the two categories mentioned in this article, namely “a serious failing of due diligence”, or “deficiencies in the organisation of internal control procedures”. On the merits of the case, the Committee sanctioned delays and, in one case, failure to submit a suspicious transaction report, failure to detect certain unusual transactions, insufficient due diligence with regard to customer identification and failings in certain internal procedures.