

Typology 3: the trusted helper

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A former employee of a municipal administration in the Mendrisiotto, now working as an independent consultant, prepares applications for residence permits, company registrations and real estate purchases for a group of clients from Calabria. He signs as director of several companies, none of which has employees. One client has been convicted in Italy of Mafia-type association. The consultant receives fees in cash.

This typology corresponds to the role of the second defendant in the Vacallo judgment of 2017, who was convicted of aggravated money laundering, forgery and fraud against the authorities without a conviction for support of a criminal organization.¹ The relevant provisions are Articles 305bis and 251 SCC² and, depending on the evidence, Article 260ter SCC on support of a criminal organization. Since October 2026 the consultant's activity in company formation may also bring him within the AMLA. For a bank that holds the accounts of the companies, the warning signs are directors without real function, cash-funded companies without staff and links to persons convicted in Italy.

1 Typology 4: the gold scrap trader

A precious metals trading company in Chiasso buys scrap gold and jewellery from many small sellers in northern Italy, pays partly in cash and delivers the metal to a refinery in the Mendrisiotto. Its turnover has grown fast. Italian media report an investigation into the receiving of stolen goods and the laundering of drug money through gold purchase shops (*compro oro*) in Lombardy.

The refinery as trade assayer and the trading company, if it trades on a professional basis, are subject to the AMLA. The lowered threshold of CHF 15,000 for cash transactions in precious metals applies to dealers. The refinery must know its supplier's suppliers to the extent required by its risk

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analysis, document the origin of the scrap and report suspicions. The structure of the case, cash purchases from many small sellers in Italy and delivery to a Swiss refinery, is a classic channel for the placement of criminal cash.³

2 Typology 5: the request from Catanzaro

A Lugano bank receives a production order from the OAG, executed on behalf of the DDA of Catanzaro, concerning a client resident in Lugano for twenty years. The client runs a transport company and holds deposits of CHF 3 million. The order prohibits informing the client. Two weeks later the client asks to transfer the entire balance to an account in Dubai.

The bank must execute the order and observe the prohibition on informing the client. It should also examine whether the request for a transfer, together with the order, gives grounds for suspicion under Article 9 AMLA, and must refrain from any action that would alert the client. A report to the MROS may coincide with the information that the prosecutor already has. It is nevertheless required if the conditions of Article 9 AMLA are met, and the bank's internal process must ensure that the transfer is not executed without consultation with the compliance function and, where appropriate, with the authority. The bank's own exposure under Article 102(2) SCC depends on whether its organization would have detected the risk without the Italian request.⁴

For the practitioner. A checklist for Lugano banks, fiduciaries, asset managers and advisers with Italian clients: - Map the institution's exposure to the sectors named by the MROS (real estate, construction, catering, waste, energy, gambling) and to Calabria, Campania, Sicily, Apulia and the Lombard provinces with documented Mafia presence, and reflect it in the risk analysis required by FINMA. - Treat domiciliary companies, nominee directors and relationships that predate 2000 as higher risk until the beneficial owner and the source of wealth have been confirmed under Arts. 4, 6 and 7(1bis) AMLA. - Monitor Italian sources systematically: press reports of anti-Mafia operations, *interdittive antimafia*, seizure orders and DIA reports, and compare them with client data. - Document every clarification under Art. 6 AMLA in a way that an authority can reconstruct, and decide on reports under Art. 9 AMLA or Art. 305ter(2) SCC within a defined process. - After a report, manage the 40-day period of Art. 9b AMLA and the prohibition of tipping off, and document any termination so that the money trail remains traceable. - From 1 October 2026, check whether advisory mandates in real estate, company formation and restructuring or trust administration fall under the revised AMLA, and

join an SRO if required. - Verify entries in the transparency register for Swiss and Swissconnected entities and report discrepancies within 30 days.
- Keep the board informed. Under Art. 102(2) SCC the institution's defence depends on the organizational measures that its governing bodies have adopted and monitored.

3 Notes

1. SWI swissinfo.ch, 29 December 2017 (above). ↩
2. Art. 251(1) SCC (forgery of a document; custodial sentence not exceeding five years or a monetary penalty), <https://www.droit-bilingue.ch/de-en/3/31/311.0-251-293.html>; Art. 305bis SCC (above).
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3. The typology is a composite and describes no actual case. ↩
4. Art. 102(2) SCC (above); on the prohibition of informing the client see Art. 10a AMLA. Art. 10a AMLA. ↩

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