CENTRE DE DROIT
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Evaluation of the work of MROS

Publication of an audit by the Swiss Federal Audit Office

Par Katia Villard le 25 April 2022

The Swiss Federal Audit Office has carried out an audit to assess the effectiveness of MROS's work. The report focuses on three areas :

the organization of MROS ;
the processing of information by MROS ; and
collaboration with other stakeholders in the fight against money laundering (private sector, supervisory and prosecuting authorities, and other financial intelligence units).

With regard to the first point, the audit concludes that the integration of MROS into fedpol is appropriate, but recommends that internal regulations be drawn up for MROS. MROS's operational independence from fedpol and compliance with the regulations could be monitored by the internal auditors of the Federal Department of Justice and Police. The report also shows that, since 2020, MROS has reorganized itself from a multi-skilled to a specialized staff. Human resources have increased significantly in recent years, from 17 in 2015 to 48 in 2020, and a further 10 positions have been requested.

In terms of information processing, the audit focused largely on the new "goAML" software, effective from January 2020. In essence, according to MROS estimates, the "digitization of relations" between MROS, financial intermediaries and Public Ministries has reduced the time taken to process communications from 50 to around 30 days. However, the efficiency of the analysis phase still needs to be improved. In particular, suspicious transaction reports are currently sorted manually. In addition, MROS analysts individually query the eight to ten databases at their disposal. The report concludes that it is necessary to automate the consultation of databases and the sorting of communications for small cases. It also stresses the importance of the quality of data supplied by financial intermediaries.

On the other hand, the increase in MROS' human resources and a new triage model, based on risk criteria regularly adapted by MROS, have made it possible to eliminate virtually all the backlog accumulated over several years in the processing of SARs.

The audit also points to shortcomings in strategic analysis and statistics. It points out that, according to the FATF, the information available to MROS should enable it to identify trends and patterns in money laundering and terrorist financing (cf. art. 14 let. f OBCBA). At present, MROS lacks both staff and tools in this area, and must therefore focus on its development.

With regard to the third axis, the audit dwells extensively on the key role played by all financial intermediaries – not just banks – who must see themselves as “partners”. The planned instrument for developing collaboration between MROS and financial intermediaries is the public-private partnership.

However, the audit does not elaborate on what “public-private partnership” actually means.

With regard to cooperation with the prosecuting authorities, the report stresses the legal obligation laid down in art. 29a MLA, which requires the prosecuting authorities to provide MROS with systematic feedback on the reports it has forwarded to them. Prosecuting authorities and courts – particularly cantonal ones – regularly fail to comply.

Last but not least, the Swiss Federal Audit Office recommends intensifying cooperation with FINMA and other bodies responsible for supervising financial intermediaries, as well as with foreign financial intelligence units, and formalizing the relationship between MROS and FINMA in a cooperation agreement.

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