

**L-Atti tal-Inkjesta datata 19 ta' Novembru 2019, rigward skont it-Termini ta' Referenza ta' l-Inkjesta Pubblika dwar l-Assassinju ta' Daphne Caruana Galizia.**

**Seduta mizmuma illum it-Tnejn 3 ta' Frar 2020, fis-2:30 p.m. fit-Tieni Sular, Awla 20, il-Qorti.**

Xhud **Mary Anne Scicluna** mart Adrian bint Carmelo Camilleri u Mary nee` Camilleri mwielda u residenti l-Imtarfa bil-Malti u bil-gurament taghha tghid :

**Chairman Imhallel M Mallia :**

Illum inti x' kariga tokkupa ma' l-MFSA?

**Ix-Xhud :**

Illum jiena Chief Officer Supervision

**Chairman Imhallel M Mallia :**

Chief Officer Supervision, u kemm ilek impjegata ma' l-MFSA?

**Ix-Xhud :**

Minn 1995.

**Chairman Imhallel M Mallia :**

You are a ranker? Voldieri bdejt ..

**Ix-Xhud :**

Bdejt from the most junior roles u tlajt over the years.

**Chairman Imhallel M Mallia :**

U tlajt over the years. All right. Dr Comodini Cachia tkompli?

**Dr Therese Comodini Cachia :**

Tista' tispjegalna r-rwol ta' l-MFSA fejn jidhlu kwistjonijiet ta' hasil tal-flus u compliance fir-rigward kemm ta' banek u kif ukoll ta' financial services providers; u anke tispjegalna wkoll x' inhu r-rwol ta' Supervisory Counsel ta' l-MFSA

***Ix-Xhud :***

Ha nibda bl-ewwel mistoqsija; ir-role ta' l-MFSA fejn jidhlu compliance with money laundering regulations. Il-competent authority f' din l-area hija l-FIAU. L-MFSA taht il-ligi it acts as agent on behalf of the FIAU. Kif din l-agency relationship zviluppat inbidlet maz-zminijiet. Kien hemm perjodu fejn l-MFSA kienet taghmel onsite inspections on behalf of the FIAU pero` dejjem taht il-gurisdizzjoni ta' l-FIAU. Kien hemm perjodu fejn l-onsite inspections kienu jsir jointly ma' l-FIAU, u again dejjem taht il-gurisdizzjoni ta' l-FIAU, ghax legalment hija l-FIAU responsabbilta` tagghom.

***Dr Therese Comodini Cachia :***

U s-Supervisory Council x' inhu r-rwol tieghu?

***Ix-Xhud :***

Is-Supervisory Council ma ghadux jezisti fil-forma llum ghax kien hemm emendi ghal-ligijiet, pero` meta kien hemm il-ligi li tghajjat lis-Supervisory Counsel dan kien kumitat stabbilit bil-ligi; il-ligi kienet tiddetermina wkoll il-kompozizzjoni u ta' kif ghandu jopera dan il-kunsill. Il-kunsill kien maghmul mill-head tas-supervisory unit. Kien iccerjat ..dak iz-zmien

***Imhalled J Said Pullicino :***

...tinbidel?

***Ix-Xhud :***

....ovvjament il-kompozizzjoni kienet tinbidel skont min ikun il-head tas-supervisory unit skont iz-zmien li jkun; u jkun iccerjat mid-director general dak iz-zmien. Ir-role tas-Supervisory Counsel stabbilit mil-ligi kien li jiehu kull decizjoni regolatorja li jkun hemm. Jigifieri kemm jekk hija at licensing, kemm jekk hija any supervisory measures, u kemm anke enforcement measures.

***Dr Therese Comodini Cachia :***

Inti bdejt tahdem bhala chief officer supervision minn meta?

***Dr Therese Comodini Cachia :***

Minn August 2014.

***Dr Therese Comodini Cachia :***

Jigifieri inti kont membru ta' l-MFSA Supervisory Counsel taht il-ligi l-antika?

***Ix-Xhud :***

Iva. Jiena kont membru tas-Supervisory Counsel f' zewg irwoli; kont membru bhala head ta' l-authorization unit, u mbaghad meta ilhaqt director general dak iz-zmien li illum il-kariga qed tissejjah Chief Officer Supervision

***Imhalled J Said Pullicino :***

.....ic-Chairman kien...?

***Ix-Xhud :***

Le. Professor Bannister kien ic-Chairman ta' l-MFSA. Bhala Chairman kien jiccerja l-Board of Governors ta' l-MFSA

***Imhalled J Said Pullicino :***

Il-Board of Governors biss.

***Ix-Xhud :***

Le; dak iz-zmien ma nafx ghal liema perjodu qed tirreferi pero` qabli kien Dr Andre` Camilleri

***Imhalled J Said Pullicino :***

Camilleri.

***Ix-Xhud :***

...ghal perjodu ta' zmien bhala Chair ta' Supervisory Counsel.

***Dr Therese Comodini Cachia :***

Issa, l-MFSA hadet xi forma ta' azzjoni fil-konfront ta' persuni involuti fil-hajja pubblika u specjalment dawk imsemmija fil-Panama Papers?

***Ix-Xhud :***

Fil-hajja pubblika ehe gie li kien hemm kazijiet illi hadna azzjoni. Fil-kaz tal-Panama Papers to date le, ma kienx hemm azzjoni mehuda.

***Dr Therese Comodini Cachia :***

Jigifieri jekk nindikalek ismijiet illi qeghdin jissemmew f' din l-inkjesta, Keith Schembri, Konrad Mizzi, Brian Tonna, Nexia BT u kumpaniji ohra relati magghom, kien hemm azzjoni jew investigazjonijiet mehuda jew proceduri fil-konfront ta' dawn in-nies jew ta' kumpaniji li huma involuti fihom?

***Ix-Xhud :***

Li minn nies kollha li semmejt li ghandna involviment huma ta' Brian Tonna ..., ma nafx min semmejt iktar; jimporta tirrepeti jekk joghgbok?

***Dr Therese Comodini Cachia :***

Sorry. Keith Schembri

***Ix-Xhud :***

Keith Schembri ma jirrizultalniex li kien involut within any licence identity taht l-MFSA.

***Dr Therese Comodini Cachia :***

Konrad Mizzi.

***Ix-Xhud :***

Konrad Mizzi lanqas.

***Dr Therese Comodini Cachia :***

Brian Tonna.

***Ix-Xhud :***

Brian Tonna huwa involut.

***Dr Therese Comodini Cachia :***

Nexia BT.

***Ix-Xhud :***

Nexia BT mhix licenzjata minn l-MFSA.

***Dr Therese Comodini Cachia :***

U Carl Cini

***Ix-Xhud :***

Carl Cini huwa involut. Brian Tonna u Carl Cini huma involuti f' zewg kumpaniji li ma humiex Nexia BT, ghax Nexia BT is the auditing company li ma taqax taht l-ambitu ta' l-MFSA; pero` huma invoutli f' zewg kumpaniji ohra. BT International u BT Management Limited. Li wahda hija corporate service provider u l-ohra tipprovdi fiduciary services; excluding trustee services.

***Dr Therese Comodini Cachia :***

BT International, u ..?

***Ix-Xhud :***

BT International Limited u BT.. minghalija ..

**Dr Therese Comodini Cachia :**

It-tnejn BT.

**Ix-Xhud :**

BT International u BT Management.

**Dr Therese Comodini Cachia :**

Ok. U fil-konfront ta' Brian Tonna, Carl Cini, BT International jew BT Management kien hemm proceduri jew xi passi li ittiehdu fil-konfront taghhom minn l-MFSA?

**Ix-Xhud :**

L-MFSA kif hargu l-leaks tal-Panama Papers ghamlet ezercizzju shih biex tara min kienu l-ismijiet li hemm imsemmija fil-Panama Papers u biex tara jekk kienux involuti f' xi licence identities li jaghu taht l-ambitu taghna. At that point in time saru numru ta' onsite inspections within these companies. Specifikament fir-rigward ta' BT kien hemm liaison mill-qrib ma' l-FIAU interess ta' sharing of information, u anke min-naha ta' kif ghandna nipprocedu ghaliex l-idea kienet illi nahdmu flimkien biex ikollna a holistic view tas-sitwazzjoni, u speci nikkoordinaw flimkien. Fil-fatt kinet saret onsite inspection minn l-MFSA, back to back maghha kienet saret an FIAU inspection.

**Dr Therese Comodini Cachia :**

U fl-inspection tista' tghidilna x' kien instab jew x' kien sab l-MFSA u xi konkluzjonijiet x' ikkonkludejtu?

**Ix-Xhud :**

Minn l-inspections l-MFSA kienet ghaddiet numru ta' informazzjoni lill-FIAU u nstabu wkoll ..; hawnhekk nixtieq forsi niccara nikkjarifika r-role ta' l-MFSA vis a vis ir-role ta' l-FIAU. L-FIAU huwa the competent authority for money laundering. L-MFSA hija the prudential regulator. X' infissru meta nghidu prudential regulator? Meta qed nghidu prudential regulator jigifieri ahna r-responsabbilta` taghna hija li naraw, jiddependi t-tip ta' kumpanija li ghandek, ghax ovvjament ir-regulatory framework jinbidel skont it-tip ta' kumpanija li ghandek. Ghax ahna bhala l-MFSA ghandna remit qawwi, jigifieri nirregola banek, insurance companies, CSPs etc. Jigifieri skont ir-regulatory framework li japplika.

Ahna r-responsabbilta` taghna primarja hija li naraw li jkun hemm compliance ma' dawk ir-rgoli. Ir-rgoli hafna minnhom jirreferu ghal financial standing, ghal corporate governance tal-kumpanija etc. Issa x' hareg minn din il-

compliance visit. Ahna minn din il-compliance visit identifikajna xi affarijiet. Ma ghandix il-karti mieghi, pero` mill-memorja li niftakar kien hemm xi affarijiet illi ahna on the back of them tlabna lill-kumpanija biex tirranghom. Per eżempju uhud minnhom kienet appointment of an additional director. Kien hemm xi affarijiet relatati ma' governanza; kien hemm xi affarijiet relatati mal-business li kienu qed igibu dawn il-kumpanija fost affarijiet ohra. Ghax jiena ma kotnx involuta in the onsite inspection per se.

***Dr Therese Comodini Cachia :***

Ok. Meta tghidli affarijiet relatati mal-business li kienu qed igibu, tista' tispjegalna x' kien dan il-business?

***Ix-Xhud :***

Ehe, parti mill-fiduciary services business u l-corporate service business taghhom kienu li jofru dawn il-corporate services lil kumpaniji differenti jew individwi differenti. U kien hemm rajna certi riskji.

***Dr Therese Comodini Cachia :***

X' tip ta' riskji?

***Ix-Xhud :***

Jigifieri certi riskji from high... certu gurisdizzjonijiet riskjuzi ta' fejn kienu qed joperaw joffru s-servizzi taghhom.

***Dr Therese Comodini Cachia :***

Bhal..?

***Ix-Xhud :***

Irrid nara d-dettalji, ghax ma rridx naghti x' informazzjoni zbaljata.

***Dr Therese Comodini Cachia :***

Ok. Inti ghamilt referenza ghal li ticcekkjaw u tivverifka wkoll il-financial standing; tiftakar jekk kienx hemm xi konkluzjonijiet rigward il-financial standing ta' dawn iz-zewg kumpaniji?

***Ix-Xhud :***

Dawn iz-zewg kumpaniji per se r-regulatory framework taghhom ma jesigix li jkollhom certu minimum financial requirements; mhux per eżempju bhal kaz tal-banek.

***Dr Therese Comodini Cachia :***

U inti ghedt illi din l-investigazzjoni jew din il-procedura ghamiltuha back to back kwazi in cooperating ma' l-FIAU. Allura meta kkonkludejtu intom ghaddejtu xi haga lill-FIAU? L-FIAU komplet? Komlejtu tahdmu flimkien?

***Ix-Xhud :***

Ahna lill-FIAU ghaddejniehom l-informazzjoni kollha kollha li irrelevajna mill-kumpaniji. U naf li l-FIAU komplew bix-xoghol taghhom. U ghadna f' kuntatt kontinwu maghhom fuqha.

***Dr Therese Comodini Cachia :***

U taf jekk l-FIAU ikkonkludewx b' xi rapport f' dan ir-rigward?

***Ix-Xhud :***

Sa fejn nafu ahna li huma ghadhom ghaddejjin bix-xoghol taghhom.

***Imhalled J Said Pullicino :***

Voldieri intom ma taghmlux further proceedings; tghadduhom l-FIAU u daqshekk. Jigifieri ma ghankomx is-sahha li tiehdu passi ulterjuri intom.

***Ix-Xhud :***

Skont fuq xiex ikunu l-affarijiet li jinsabu. Jekk huma purament relatati ma' money laundering dawk ...

***Imhalled J Said Pullicino :***

L-FIAU.

***Ix-Xhud :***

.. l-FIAU. Ahna iktar jekk ikunu affarijiet relatati ..

***Imhalled J Said Pullicino :***

Ma' l-istituzzjoni.

***Ix-Xhud :***

..ma' l-istituzzjoni min-naha ta' legislative framework li japplika ghalihom ..

***Imhalled J Said Pullicino :***

Qabel tkompli; inti kont tajt xhieda quddiem il-kumitat tal- financial crimes investigation. Ttikkonfemra li l-partijiet li hemm irrapportat tieghek fis-xhieda hawnhekk dak li ghedtilhom bhala fatti? Jigifieri inti hawnhekk tajt evidenza fit-tul..

***Ix-Xhud :***

Ehe.

***Imhalled J Said Pullicino :***

Biex ma nirrepetux u ahna jkollna idea iktar cara ta' kif dahlu. Jigifieri hawnhekk hawn car l-istanding taghkom. Imbaghad insaqsik id-domandi, imma s' hemmhekk tikkonfermah dak li ghedt hawnhekk huwa korrett?

***Ix-Xhud :***

Jien l-ahhar li tajtu daqqa t' ghajn dak ir-rapport kien meta hareg ..

***Imhalled J Said Pullicino :***

It-transcript ta' jigifieri. It-transcript. Mhux jigifieri ..

***Ix-Xhud :***

Ehe, pero` jiena mill-memorja li niftakar meta kont rajt it-transcript kont rajtu bhala faithful representation.

***Imhalled J Said Pullicino :***

...halli nkunu qeghdin..., issa dawn insibuhom fil-process.

***Imhalled A Lofaro :***

Tista' tikkonfermah.

***Dr Therese Comodini Cachia :***

Jigifieri nifhem illi la darba allura ghaddejt u l-informazzjoni lill-FIAU nifhem li dik l-informazzjoni kienet relatata ma' money laundering?

***Ix-Xhud :***

Ahna nghaddu l-informazzjoni lill-FIAU kemm rigward il-findings taghna from a compliance perspective u anke affarijiet ohra li jista' naraw through our review li tista' tkun ta' relevanza ghax-xoghol ta' l-FIAU.

***Dr Therese Comodini Cachia :***

U f' dan il-kaz?

***Ix-Xhud :***

F' dan il-kaz imxejna b'dak il-mod.

***Dr Therese Comodini Cachia :***

Jigifieri l-informazzjoni x' tip kienet? Jew l-iskop ta' l-informazzjoni ghalfejn ghaddejtuhom lill-FIAU?



***Ix-Xhud :***

Ghaliex rajna certu affarijiet illi hsibna li kienu relevanti biex l-FIAU ikomlu x-xoghol taghhom li huwa purposely fuq compliance mal-ligi li huma responsabbli ghalha.

***Dr Therese Comodini Cachia :***

Issa inti ghedt illi apparti subject persons bhala individwi jew licence holders ikollkom ukoll tirregolaw ukoll il-banek.

***Ix-Xhud :***

Ehe.

***Dr Therese Comodini Cachia :***

Fir-rigward tal-banek tista' tispjegalna l-agir, l-azzjoni, il-proceduri li hadet l-MFSA fir-rigward ta' Pilatus Bank jekk kinetx in connection in conjunction with FIAU. Il-konkluzjonijiet taghkom x' kienu?, il-procedura.

***Ix-Xhud :***

Bil-bidu ta' meta l-bank kien licenzjat?

***Imhalled A Lofaro :***

Ehe.

***Ix-Xhud :***

Il-bank kien approvawja formalment l-MFSA f' September 2012

***Chairman Imhalled M Mallia :***

And 12

***Ix-Xhud :***

And 12, f' September 2012. Bhala parti mill-procedura kienu jsiru meetings pre-application meetings. This is a standard procedure meta jkun hemm xi hadd interessat ghal licenzja isir a pre- application meeting; u fil-kaz ta' Pilatus kien sar f' September 2012. L-applikazzjoni giet February 2013 ..

***Imhalled J Said Pullicino :***

Ha nwaqqfek sekonda. Meta jkun dan il-pre-application meeting, kien hemm xi hadd Malti involut fil-meetings?

***Ix-Xhud :***

Ehe. Kien hemm l-istaff ta' .. kien hemm il-promoter..

**Chairman Imhallef M Mallia :**

Li kien..?

**Imhallef J Said Pullicino :**

Promoters?

**Ix-Xhud :**

Mr Al Sader dak iz-zmien u Ms Juanita Bencini minn KPMG; u min-naha ta' l-MFSA kien hemm Professor Bannister u kien hemm zewg impjegati ta' l-MFSA li kienu minn l-authorizations team. Jiena ma kontx prezetni.

**Imhallef J Said Pullicino :**

Taghkom stess. Il-KPMG kienu promoters ukoll allura?

**Ix-Xhud :**

KPMG kienu l-advisors ta' Al Sader biex igib il-licenzja.

**Imhallef J Said Pullicino :**

.....kienu jiffiguraw il-KPMP

**Ix-Xhud :**

Skuzani ma fhimtx il-mistoqsija.

**Imhallef J Said Pullicino :**

Sussegwentement il-process tal-KPMG regghu gew in vista. F' liema cirkostanza regghu gew?

**Ix-Xhud :**

As far as I am aware huma meta kienet saret l-onsite visit, wahda minn l-onsite visit ta' l-FIAU kienu involuti jghinu lill-bank fir-rapprezentazzjonijiet tieghu ghal findings ta' l-FIAU.

**Imhallef J Said Pullicino :**

Ok fair enough.

**Ix-Xhud :**

Il-process beda f' February 2013. Issa bhala process it-team ta' l-authorisations unit goes through all the application documents u jkun hemm exchange of questions information ma' l-applicant biex jiccaraw l-affarijiet. Il-process jiffoka fuq ir-requirements li tistabilixxi l-ligi li jidhlu fuq il-financial standing; fuq is- suitability tax-shareholder u tal-management; iharsu lejn il-

governanza, lejn l-internal controls, il-proceduri etc. Dak il-process ha madwar xi disa' xhur.

***Imhalled J Said Pullicino :***

Qabel tiprocedu. F' dak iz-zmien intom ghamiltu due diligence.

***Ix-Xhud :***

Ehe.

***Imhalled J Said Pullicino :***

U d-due diligence gustament ma qabbadtux lil KPMG biex taghmilha, qabbadtu xi ditta .. barranija. Ghal issa mhux ser nisaqsik min hi ghax ma tghidlix probabbilment; pero` ghaliex hassejt il-bzonn li tmorru hekk? Ghax inti hawnhekk ghedt li .. to relate to the company was to.....Mr Sader and this was done principally and purposely because of the fact that Mr Sader was coming ... jurisdiction that present a certain risk ...at the time did not highlight any address information. U mbaghad ghandek 'il quddiem .....dan ma kienx bankier attwalment; kien wiehed- ... kellek ukoll rimarka li ma kienx bankier. X' inhi l-pozizzjoni min-naha taghkom?

***Ix-Xhud :***

Le ahna bhala parti ..

***Imhalled J Said Pullicino :***

Dan tikkonfermah jigifieri li hawn haw ovvjament

***Ix-Xhud :***

Iva iva nikkonfermah. Bhala parti mill-procedura kif kont qed nisjega, il-process ihares lejn dawn l-affarijiet kollha. U dan l-istandard process gie addotta wkoll fil-kaz ta' din l-applikazzjoni. Issa fejn jidhol id-due diligence ahna ghandna.. dak iz-zmien kellna a standard process li gie applikat hawnhekk ukoll; kemm fuq is-shareholder u kemm fuq the management team, ghaliex ahna l-fitness and properness niccekkjaw kemm tax-shareholder u kif ukoll the key people. Hemm li jkunu fuq il-Bord, and the key management people bhal CEO etc. F' dak il-kaz ehe hassejna illi apparti l-istandard due diligence checks kien hemm lok ukoll that we sort of go beyond our standard due diligence checks u nikkommissjonaw an intelligence report fuq Mr Sader li kien propost bhala the owner of the bank.

***Imhalled J Said Pullicino :***

Imma r-raguni ghaliex ma kontux konvinti minn l-applikazzjoni; ifhimni, mhux ghax kien hemm xi raguni interna ta' Malta. Ghaliex kif ipprezentat il-progett kien iqajjem vertu suspetti? Hekk qed nifhem?

***Ix-Xhud :***

Le. Din hija approach li ahna napplikaw from time to time. Jigifieri dina mix approach li ghamilna biss fil-kaz ta' Pilatus Bank. Ghamilniha anke f' kaz ta' applikazzjonijiet oħrajn. Kif kont ghedt hemmhekk ahna dik il-procedura f' dak il-kaz peress li hu kien an Iranian national u l-Iran sort of associated with high risk ghamilna dan .. due diligence from intelligence company.

***Imhalled J Said Pullicino :***

Kumpanija Ingliza

***Ix-Xhud :***

Kumpanija Ingliza.

***Imhalled J Said Pullicino :***

Tatkom rizultat pozittiv dak iz-zmien.

***Ix-Xhud :***

Ehe dak iz-zmien meta tlabna l-intelligence report, mill-intelligence report ma hareg xejn negattiv fuq xiex ahna stajna niddeterminaw li Al Sader ma kienx a fit and proper person. U any ..le ma kien hemm xejn.

***Imhalled J Said Pullicino :***

Difatti l-informazzjoni inti ma tajthiex lill-kumitat tal-Kunsill ta' l-Ewropa u mbaghad kitbulek biex tara jekk tikkonsidrax u .... illi inti mhux ser taghti informazzjoni, hux hekk? Ikkonfermajt l-informazzjoni ser izommha sigrieta.

***Ix-Xhud :***

Ahna lill-kumitat ta' l-Ewropa ghednielhom ahna marbutin bis-sigriet konfidenzjali; ha nitolbu l-kunsens minn ghand il-kumpanija; jekk il-kumpanija ittina l-kunsens biex nidentifikaw isimha ahna nghaddulkom l-isem

***Imhalled J Said Pullicino :***

U l-kumpanija ma tatkomx ..

***Ix-Xhud :***

Sussegwentement il-kumpanija ma tatniex il-kunsens.

***Imhallee J Said Pullicino :***

..., taf ghaliex qed nghidlek hekk jien? Ghax hawnhekk ghaddejjin f' fazi li ghandna bank immexxi mhux minn bankier; ghandna sptar immexxi mhux minn...; ghandna socjeta`...; allura tibda tissupetta li hadd ma huwa kompetenti biex jaghmel l-affarijiet, allura d-domandi huma interessati biex naraw jekk kienx inholoq is-suspett illi f' dawn ic-cirkostanzi dahal dubju, qed tifhem?

***Ix-Xhud :***

Ehe. Ahna fuq dan il-punt ta' Al Sader li ma kienx bankier. Wahda mill-.. .

***Imhallee J Said Pullicino :***

Mhux l-uniku bank, jigifieri hemm min huma sid ta' bank u ma jkunx bankier ta, ha niftehmu.

***Ix-Xhud :***

Ahna wahda mill-mistoqsijiet li nkunu harisna lejhom bhala parti minn l-applikazzjoni hija l-business plan il-business proposal. Issa bhala parti mill-process hu kien spjegalna illi hu kien diga` involut fil-financial services. Kien diga` kellu kumpanija ta' asset management u fil-fatt ivverifikajniha gewwa Switzerland. U kien sort of issa jrid joffri addition banking services to his pool of clients.

***Imhallee J Said Pullicino :***

Imma l-funzjoni tieghu ma kienx.. kienet ta' bank proprju, mhux ta'..; ghax financial management fair enough. Imma dan il-licenzja li tajtuha kienet ta' bank, jigifieri ..

***Ix-Xhud :***

Ehe tajnih ta' bank u ta' investment..

***Imhallee J Said Pullicino :***

Ehe..... u jinnegozja l-flus minn gol-bank stess; jigifieri daqsxejn differenti; .... imur Malti u jiftah kont hemm kif fil-fatt kien hemm jigifieri, I mean .

***Ix-Xhud :***

Ehe pero` hu ma kienx wahdu fil-bank, fil-konsiderazzjoni..; ghax kont qed nispjega qabel ukoll il-process li ahna nsegwu meta jkun hemm applikazzjoni. Ahna naraw ukoll il-governanza shiha ta' bank. U wahda mill-konsiderazzjonijiet kienet ehe dan l-aspett illi the social holder ma kellux esperjenza go banking. Pero` kellu esperjenza fil-financial services u wkoll kellu propost team ta' nies b' esperjenza twila fil-banking industry. Inkluzi c-CEO li kien qed jipproponi dak iz-zmien u a number of directors n the board li

kellhom esperjenza fil-banking. U l-MFSA dak iz-zmien ikkonkludiet illi with the competence available within the whole board kien hemm il-kompetenza necessarja biex dan il-bank jigi licenzjat.

***Imhalled A Lofaro :***

Issa intom imbaghad once li tkunu ddecidejtu hekk, jekk tinbidel xi haga dik tidhlu fiha? Jew once li tkunu hrigtu l-licenzja daqshekk?

***Ix-Xhud :***

Le, once illi tkun harget il-licenzja ahna nibqghu nimoniterjaw l-andament tal-bank.

***Imhalled A Lofaro :***

U bqajtu sodisfatti b' min kien qed jidderiegi l-bank?

***Ix-Xhud :***

Biex inkompli wkoll norbot mal-mistoqsija li gejt mistoqsija qabel speci l-MFSA x' passi hadet; once li gie..

***Dr Therese Comodini Cachia :***

Qabel ma tmur ghal passi li hadet; fuq dan li ghadek kif ghedt, li inti spjegajt illi wahda mir-ragunijiet ghalfejn kontu sodisfatti li tohorgu din il-licenzja kienet illi kien hemm pool of competent people li ha jigu impjegati. Hadtu in consideration illi Al Sader kien ser jiba' Chair ta' dak il-bank pero`? U iccekkajtu x' rwol bhala Chair tal-bank kien ser ikun qieghed ikollu bhala funzjoni?

***Ix-Xhud :***

Ehe, dik kienet wahda mill-konsiderazzjonijiet. U fil-fatt wahda mill-kondizzjonijiet tal-licenzja kienet illi naraw illi hemm numru bizzejjed ta' non executive independent directors fuq il-Bord to compensate for any potential dominance of the Chair

***Imhalled J Said Pullicino :***

U Al Sader kien executive director jew..?

***Ix-Xhud :***

Irrid niccekkja l-karti; jiena li niftakar kien a Chair; kien the Chair of the Board.

***Imhalled A Lofaro :***

Jigifieri d-decizjoni finali kienet tkun f' idejh.

***Ix-Xhud :***

Le.

***Imhallef A Lofaro :***

Le?

***Ix-Xhud :***

Ma kinetx tkun f' idejh ghax inti ghandek il-quorum ta' kif irid jahdem il-Board.

***Dr Therese Comodini Cachia :***

Iktar 'il quddiem, naf li kont ser tibda tghida, imma nixtieq ukoll inkun naf jekk iktar 'il quddiem fix-xoghol taghkom ta' supervision jew compliance ivvriefikajtux x' rwol u x' effett kien qed ikollu hu fuq id-decizjonijiet tal-bank u kif kien qed imexxi l-processi.

***Ix-Xhud :***

Ma nafx liema nirrispondi l-ewwel jekk hux il-mistoqsija ta' ..

***Imhallef A Lofaro :***

Kif thossok l-iktar komda ghamel, iva.

***Ix-Xhud :***

Forsi nibda ..ghax haga torbot ma' ohra; biex inzomm is-segwenza u jkun hemm spejga cara

***Imhallef A Lofaro :***

Sewwa taghmel.

***Ix-Xhud :***

Ahna once li jigi licenzjat bank ikun he perjodu ta' meta bank-..., ma jibdiex jopera mill-ewwel. Ikun hemm perjodu zghir sakemm jigu sabbiliti l-ufficini, is-sistemi etc. Kif jibda jopera l-bank irid jinnotifikana plus li jrid jibda jirrapporta lilna on a regular bases; u daww imbaghad jaqa' f' idejn is-supervision team. Il-bank beda jirrapporta lis-supervision team taghna u fil-fatt l-MFSA iddecidiet illi.., kemm kien ilu imwaqaf il-bank xi sena u nofs, l-MFSA nizlet u ghamlet onsite inspection fil-bank. Hemmhekk ..

***Imhallef A Lofaro :***

Tajtuhom warning?

***Imhalled J Said Pullicino :***

Kien hemm xi raguni ghaliex ghamlet onsite inspection f' dak il-mument?

***Ix-Xhud :***

Ehe f' dak il-mument ir-raguni kienet ghax bdejna naraw certu growth in the business of the bank

***Imhalled A Lofaro :***

Kien hemm warning?

***Ix-Xhud :***

Mhux ghax kien hemm xi concern partikolari

***Imhalled J Said Pullicino :***

...li bdejtu taraw xi affarijiet li tistghu ticekkjaw ahjar ticekkjawhom, hux hekk?

***Ix-Xhud :***

Ehe ghax bdejna naraw illi dan il-bank diga` beda jopera b' mod sustanzjali, allura ghedna issa rridu ninzlu ha nivverifikaw sort of x' operat qed isir fil-bank.

***Imhalled J Said Pullicino :***

U zzommu track tat-transactions jew le? Kontu tinvolvu ruhkom fi transactions? Per ezempju kien ikun hemm transaction li tghid imma dawn kif gej minn hemm dan il-kapital per ezempju? Kien ikollkom dawn is-suspetti jew .. ?

***Ix-Xhud :***

Ahna ir-rwol taghna kif ghedt iktar form the prudential side mhux fuq from the money laundering side.

***Imhalled J Said Pullicino :***

Ehe naf, imma dan tkun konsiderazzjoni jekk inti.. ghax x' wassal lill-MFSA? Tghid ha niccekkja f'it x' inhi din ghax forsi mhix daqshekk ..

***Ix-Xhud :***

Le imma din hija parti mill- ..standard process taghna jigifieri. Ahna parti mix-xoghol regulatorju taghna illi ninzlu onsite inspections u naraw il-bank – l-entita` kif qieghda topera.



**Imhallef J Said Pullicino :**

U kif ghamiltu ma' dan ghamiltu ma' Sata Bank u ghamiltu ma' ohrajn

**Ix-Xhud :**

Ezatt ezatt.

**Imhallef A Lofaro :**

U taghtu warning qabel tmorru?

**Ix-Xhud :**

Bhala procedura normali iva.

**Imhallef A Lofaro :**

Taghtu.

**Ix-Xhud :**

Navzawhom li nkunu sejr in u navzawhom ukoll x' inhu l-iskop ta' l-onsite inspection. Having said that gie li ghamilna surprise onsite visits meta jkun hemm suspetti serji

**Imhallef A Lofaro :**

U f' dan il-kaz ma ..

**Ix-Xhud :**

Imma f' dan il-mument ma kienx hemm. Dan il-bank kien ghadu qed jibda jopera u konna qed nircievu r-returns u konna qed naraw certu volum ta' business li qed isir, allura inzilna onsite inspection. It-team taghna dahlu hemmhekk u harsu lejn il-governanza, harsu.., it was a ..; ghax ahna naghmlu tipi differenti ta' inspections. Ikun hemm daww li jkunu focus u daww li jkunu a top down inspection nghidulhom ahna, li jharsu lejn l-operat shih. F' dan il-kaz kienet a top down inspection. Jigifieri harisna lejn il-governanza, harisna lejn it-transazzjonijiet li kien hemm ghaddejjin. Imma mhux fil-livell ta' li nassessjaw for money laundering purposes. Ghalkemm dak iz-zmien konna fil-perjodu fejn il-procedura ma' l-FIAU ser tinbdel, jigifieri kna ghanda qed naghmlu certu checks u xoghol on behalf of the FIAU. To cut a long story short l-inspectors taghna identifikaw certu affarijiet imma ma kienux affarijiet serjissimmi from ....

**Imhallef A Lofaro :**

Kien hemm xi nuqqasijiet jigifieri

***Ix-Xhud :***

... from a prudential prospective. Ikwerrjaw.. gew kwerjati certu aspetti ta' l-operat tal-bank. Wahda minnhom kienet the concentration of the business; f' certi gurisdizzjonijiet li ma kienux dehru fl-applikazzjoni fil-business plan ta' l-applikazzjoni; u l-inspectros taghna wkoll ghamlu rapport lil FIAU. U fil-fatt wara .

***Imhalled J Said Pullicino :***

... kien hemm moviment ta' kapitali minn pajjizi li ma kontux tafu bihom qabel, hux hekk qed nifhem jien? Hekk qed nghidu.

***Ix-Xhud :***

Ahna ma harisniex lejn it-transazzjonijiet. Ahna harisna ...

***Imhalled J Said Pullicino :***

..lejn il-pajjiz..

***Ix-Xhud :***

...lejn the target market li l-bank kien hemm minn fejn kien qed igib il-business.

***Imhalled J Said Pullicino :***

....lejn il-pajjizi li jkunux dubjuzi jew mhux dubjuzi; sewwa.

***Ix-Xhud :***

Ezatt. U l-inspectros taghna ghamlu rapport lill-FIAU. On the back of that l-FIAU iddecidew li jidhlu onsite inspection.

***Dr Therese Comodini Cachia :***

U min-naha taghkom, inti ghedt illi sibtu flus gejjin minn pajjizi li ma kienux jidhru fil-business plan abbazi ta' liema tajtu l-licenzja. F' dak il-kaz bhala l-MFSA tiehdu xi passi? Tivverifikaw kif kiber dak il-business minn pajjizi ohra jew ghalfejn ma kinetx inkluza fil-business plan?

***Ix-Xhud :***

Ehe mistoqsijiet isiru lill-bank f' dik is-sitwazzjoni ehe.

***Dr Therese Comodini Cachia :***

U f' dan il-kaz x kienet ir-raguni li inghatat mill-bank?

***Ix-Xhud :***

Ehe r-raguni li inghatat mill-bank kienet illi huma ghadhom in the initial stages of their operations; li riedu iktar zmien biex jizviluppaw il-business taghhom skont il-business plan li kien submit at authorization stage; u din hija xi haga illi tigri. Meta kumpanija li ittik a business plan, a business plan is a sort of take some time to develop, u at that point in time wkoll huma kienu bghatulna applikazzjoni biex jippasporjtaw is-servizzi taghhom go l-Ingilterra bhala parti mill-business development taghhom kif qalulna fl-applikazzjoni.

***Dr Therese Comodini Cachia :***

Din l-inspection li qed issemmielna illi kienet top ...

***Ix-Xhud :***

Top down inspection

***Dr Therese Comodini Cachia :***

Top down inspection, saret nifhem jien ftit xhur biss wara li beda jopera l-bank?

***Ix-Xhud :***

Xi sena u nofs wara bejn wiehed u iehor

***Dr Therese Comodini Cachia :***

Xi sena u nofs. F' dik is-sena u nofs, inti qed tghidli li rajtu certu pajjizi jiffiguraw f' hafna mit-tranzazzjonijiet

***Ix-Xhud :***

Le; biex niccara, ahna f' dik is-sena u nofs bdejna nircievu dawk li nghidulhom regularity returns. Dawn ikunu informazzjoni fuq from the financial perspective of the bank. Jigifieri l-liabilities, l-assets taghhom; u bdejna naraw certu increase in the number of deposits fil-bank. Jigifieri at that point in time ahna mir-regularity returns ma jkollbniex iktar informazzjoni minn hekk. Imbaghad ghalhekk inzilna onsite inspection.

***Imhallelf J Said Pullicino :***

Jigifieri mhux sibtu jigifieri incidenza qawwija u zghira ta' PEPs..

***Ix-Xhud :***

Mir-regularity returns le. Kull ma kellna mir-regularity returns rajna an increase in business, u inzilna onsite. Fl-onsite inspection....

***Imhalled J Said Pullicino :***

Irrizultawlek ...

***Imhalled A Lofaro :***

Il-gurisdizzjonijiet hux?

***Ix-Xhud :***

Ehe. Irrizultaw li kien hemm xi gurisdizzjonijiet li ma kienux il- ... ma l-applikazzjoni..

***Imhalled J Said Pullicino :***

...jigifieri kien persuni PEPs Maltin involuti wkoll?

***Ix-Xhud :***

Iva. U dik l-informazzjoni inghaddiet lill-FIAU.

***Imhalled J Said Pullicino :***

Ghaddit lill-FIAU imbaghad, sewwa.

***Dr Therese Comodini Cachia :***

Normali li tghaddu din l-informazzjoni lill-FIAU jew kien hemm skop jew raguni ghalfejn f' dan il-kaz partikolari ghaddejtuha din l-informazzjoni?

***Ix-Xhud :***

Ahna meta mmorru onsite inspection u naraw xi affarijiet li nhossu illi they could be of relevance ghall-FIAU nghadduhjelhom. It's our approach. U ghamilna l-istess f' dan il-kaz.

***Imhalled J Said Pullicino :***

... ghandi nifhem money laundering jigifieri.

***Dr Therese Comodini Cachia :***

Mela ghamiltu top down inspection, u mbaghad ghedtilna li gie li pero` taghmlu inspections li taqbd u tmorru. F' dan il-kaz saret dik it-tip ta' inspection iktar 'il quddiem forsi?

***Ix-Xhud :***

Le at that point in time l-FIAU ghamilna meeting magghom ma' l-FIAU u gie deciz li l-FIAU jidhlu onsite to focus more on the AML – anti money laundering site.

***Imhallef J Said Pullicino :***

Naqblu li onsite inspection sar in September 2015?

***Ix-Xhud :***

L-onsite inspection ta' l-MFSA saret towards the end of 2015 jekk qed niftakar sewwa mill-memorja, pero` fil-kaz nivvriefika jekk tridu d-dati ezatt I'll get back. U mbaghad l-onsite inspection ta' l-FIAU as a follow up at the back of sort of the information that the FIAU receive from MFSA saret beginning 2016.

***Dr Therese Comodini Cachia :***

Jigifieri wara l-onsite inspection u ghaddejtu l-informazzjoni lil l-FIAU, l-MFSA ghamlet xi proceduri ohra? Hadet xi proceduri fuq dan il-bank?

***Ix-Xhud :***

Ahna bhala l-MFSA illejezzajna ma' l-FIAU u l-FIAU fil-fatt ghamlu l-ewwel onsite inspection tagghom. Li mbaghad ghaddew dak il-feedback lill-bank u l-bank ta r-representations u l-FIAU ikkonfermat illi any concerns, any findings shortcomings li kienu identifikaw fl-ewwel onsite inspection kienu gew retifikati.

***Imhallef J Said Pullicino :***

Jigifieri dan kien hemm linke qisu s-Sur Galdes u mbaghad wara is-Sur Galdes hux hekk?

***Ix-Xhud :***

Ezatt ezatt.

***Imhallef J Said Pullicino :***

Dik l-pozizzjoni, ha naqblu ..

***Ix-Xhud :***

Ezatt ezatt. Issa meta bdiet dik l-onsite inspection ta' l-FIAU l-FIAU ixxerjaw il-concerns tagghom the findings from their first onsite inspection

***Imhallef A Lofaro :***

Maghkom, jixxerjaw maghkom.

***Ix-Xhud :***

Ehe. U wkoll ghax kien hemm staff minn ta' l-MFSA li kienu involuti fl-onsite inspection ma' l-FIAU, peress li we acts as agents ghalihom. At that point in time l-MFSA waqfet il-pass porting application li kellu Pilatus Bank

biex jistabbilixxi branch go l-Ingilterra, u wkoll we started to monitor il-bank b' mod iktar intensiv.

***Imhalled J Said Pullicino :***

Jigifieri l-concerns taghkom baqghu ftit.

***Ix-Xhud :***

Le l-concerns taghna kienu ..

***Imhalled J Said Pullicino :***

..baqghu ..

***Ix-Xhud :***

.....fil-mod illi ahna konna qed inharsu lejn l-affarijiet from a prudential perspective;

***Imhalled J Said Pullicino :***

Hekk hu.

***Ix-Xhud :***

U from a prudential perspective ma kienx hemm xi concerns kbar fis-sens il-financial ... tal-bank kienet tajba. Kien hemm affarijiet ehe ta' certu concentration of business li konna qed naraw; u li mbaghad ovvjament meta kellmuna l-FIAU u qalulna isma' ahna ghandna certu findings, hemmhekk ghedna dan il-bank irridu nimmoniterjawh

***Imhalled J Said Pullicino :***

Ghax tinsiex intom imblokkajtulu wkoll il-proposta tieghu illi jahdem l-Ingilterra

***Ix-Xhud :***

Ezatt.

***Imhalled J Said Pullicino :***

Jigifieri kien hemm ukoll xi haga li dejjaqkom, ha nghidu hekk.

***Ix-Xhud :***

Ezatt ehe. Imma dawk kienu r-ragunijiet principali 'l gala imblokkajnielu l-proposta biex jahdem l-Ingilterra. Imbaghad li gara min-naha ta' l-FIAU they confirmed illi l-concerns li kellhom from an AML perspective had been addressed; pero` ma' l-FIAU bqajna illi s-sena ta' wara nergghu mmorru visit f' dan il-bank. In the meantime l-MFSA komplet tiffollowja speci on

addressing the findings from a prudential side, plus komplet timmoniterja l-bank on a monthly bases. Jigifieri normalment bank jirrapporta on quarterly bases. Din is-sitwazzjoni ridna nimmonterijaw iktar mill-qrib ,

***Imhalled J Said Pullicino :***

Issa ghadna qabel fiz-zmien l-assassinju eh?

***Ix-Xhud :***

Ezatt ezatt.

***Dr Therese Comodini Cachia :***

Jigifieri meta indikajt illi issottomettejtu lill-bank ghal more intensive supervision qed tirreferi ghal monthly report flok quarterly report jew affarijiet ohra wkoll?

***Ix-Xhud :***

Primarjament ghal monthly reporting biex naraw speci any trends form a financial side tal-bank; u bqajna wkoll ma' l-FIAU li ssir a follow up visit is-sena ta' wara.

***Dr Therese Comodini Cachia :***

Il-monthly reporting jew il-quarterly report x' tip ta' kontenut ikun fihom? X' tip ta' informazzjoni tinghatakom?

***Ix-Xhud :***

Ehe hemmhekk iktar form the financial side, financial figures, jigifieri l-assets, liabilities, il-liquidity, ratios, capital exposures, il-kapital tal-bank u affarijiet hekk. Jigifieri dik kienet biex nimmoniterjaw it-trends tal-bank. Komplejna wkoll following up on the findings of the prudential visit li kienet saret fit-2015. Lejn l-ahhar tat-2015 konna sibna certu affarijiet that we continued to follow up on those.

***Dr Therese Comodini Cachia :***

Jigifieri jekk qed nifhmek sew wara l-onsite inspection taghkom dahlu l-FIAU; l-FIAU hargu ittra lil Pilatus Bank b' certu nuqqasijiet. Minn hemmhekk komplet l-FIAU tahdem ..

***Ix-Xhud :***

Ma' l-MFSA

***Dr Therese Comodini Cachia :***

Ma' l-MFSA. L-MFSA kienet qed taghmel il-monthly report f' dak iz-zmien..

***Ix-Xhud :***

Le; saret l-ewwel onsite inspection minn l-MFSA li kienet primarjament from a prudential pero` hadet into account certu AML aspects, ukoll ghax dak iz-zmien kienet - konna qed naghmlu certu onsites on behalf of the FIAU.

***Dr Therese Comodini Cachia :***

Allura l-intensive supervision minn meta beda u kif jirrelata mat-timeline ta' l-FIAU?

***Ix-Xhud :***

Ehe dik ha nipprova nispijega. Imbaghad ahna kien hemm 2 sets of findings, sewwa?

***Dr Therese Comodini Cachia :***

Ehe.

***Ix-Xhud :***

Kien hemm set of findings from a prudential prospective, imbaghad kien hemm a set of findings that raised questions fl-inspectors taghna u l-inspectors taghna felt they had to refer to the FIAU for further expert review min-naha tagghom. Jigifieri kien hemm 2 sets of findings. Issa under prudential findings l-MFSA komplet tiffollowja l-bank. U hemmhekk konna qed nahdmu close mal-bank inkluz fuq il-governanza.

***Imhallel J Said Pullicino :***

Jigifieri dik il-parti regolatorja

***Ix-Xhud :***

Dik il-parti regolatorja taghna.

***Imhallel J Said Pullicino :***

Taghkom.

***Ix-Xhud :***

Ta' l-MFSA. On the other set of findings l-FIAU on the alert ta' l-MFSA dahlu fil-bank u kienet a joint inspection.

***Imhallel J Said Pullicino :***

Dawk jaraw li the transactions fihom infushom; jigifieri jekk kienx hemm suspett ta' hasil ta' flus or whatever; dak xoghol taghom hux tieghek.



***Ix-Xhud :***

Le dak l-FIAU.

***Imhalled J Said Pullicino :***

L-FIAU.

***Ix-Xhud :***

L-FIAU, pero` kien hemm inspectors min taghna wkoll who joint the visit. Ghax ahna kellna team li kien ghadu kemm gie imwaqqaf; team ta' inspectors illi kienu jaghmlu l-onsite visits ma' l-FIAU. Saret dik il-visit u kien hemm findings from an AML perspective li raise certain concerns to the FIAU. On the back of those concerns l-MFSA waqqfet il-passporting application tal-bank. Primarjament because of those AML concerns. Imbaghad sar il-process ta' l-FIAU mal-bank fejn l-FIAU ultimately decided that the concerns had ..no longer reamin. However we still agreed with the FIAU that we carry out a follow up visit.

***Imhalled J Said Pullicino :***

Min-naha tahkom.

***Ix-Xhud :***

In the mean time ahna bdejna nitolbu monthly reporting lill-bank u koplejna fuq addressing the prudential findings.

***Dr Therese Comodini Cachia :***

Mela nista' immur ...; ma nafx jekk il-Bord ghandux mistoqsijiet ohra fuq Pilatus; jiena ser naqbez fuq kwistjoni ohra

***Imhalled J Said Pullicino :***

Fuq Pilatus kontu ghamiltu.. , qabel l-elezzjoni kontu ser taghmlu xi investigazzjoni jekk kellkom xi problema....

***Ix-Xhud :***

Ehe ghax intom staqsejtuni l-azzjonijiet kollha li hadet l-MFSA

***Imhalled J Said Pullicino :***

Ehe

***Ix-Xhud :***

Hemmhekk wasalt parti ghaliex imbaghad l-MFSA komplet .

***Imhalled J Said Pullicino :***

Le bhala l-MFSA jekk kelhomx xi issue ma' l-inspectors ..

***Dr Therese Comodini Cachia :***

Nixtiequk tkompli il-process kollu

***Imhalled J Said Pullicino :***

...Mario Felice insomma..

***Ix-Xhud :***

Ehe. Ovvjament imbaghad hargu kien hemm il-blog ta' Daphne u kien hemm certu allegazzjonijiet.

***Imhalled A Lofaro :***

Kontu tuzawha bhala open source?

***Ix-Xhud :***

Ehe ehe. Ahna dawn l-allegazzjonijiet ..

***Imhalled J Said Pullicino :***

Nistghu nghidu li l-informazzjoni ... fil-blog sostanzjalment korreta kienet tkun?

***Ix-Xhud :***

Ifhimni, ahna meta rajna l-blog bdejna ninvestigaw biex naraw jekk daw k l-allegazzjonijiet humiex veri jew le ghax ahna bhal parti mill-process taghna meta niehdu azzjoni we have to substantiate ..

***Imhalled J Said Pullicino :***

...id-dettal, is-sustanza kienet hemm jigifieri. Apparti d-dettal.

***Ix-Xhud :***

Ehe. U bdejna numru ta' azzjonijiet. Wahda minnhom we immediately kont in contact ma' l-FIAU and we requested updated due diligence checks. Hri gna direttiva fuq il-bank biex ma jiddistroyjawx informazzjoni u dokumenti. Illejajzajna b' mod mill-qrib ma' l-FCA li hija the UK competent authority peress li kien hemm l-interest li dan il-bank jistabbillixxi branch go l-Ingilterra. U komplejna anke nitkellmu ma' l-intelligence team ta' l-Ingilterra. Iddecidejna wkoll li ghandha ssir an onsite visit. Ahna konna qed naraw fom the prudential side u konna qed nitkellmu ma' l-FIAU jaraw from the money laundering side. Ehe kellna sitwazzjoni bl-inspectors taghna. L-inspectors taghna ma kienux qed ihossuhom komdi li jmorru an onsite inspection ..

***Imhalled J Said Pullicino :***

Qabel l-elezzjoni tat-2017 hux hekk dan?

***Ix-Xhud :***

Ehe. Id-decizjoni ittiehdet prattikament ffit wara l-blog li ssir onsite inspection. L-inspectors taghna ma kienux qed ihossuhom komdi. Ir-raguni li taw lili kienet because of the media scrutiny u ma kienux qed ihossuhom komdi illi per ezempju jmorru onsite u jigu iffilmjati u affarijiet hekk. L-MFSA addressed the situation internally with the HR u anke bal-Bord, u bazikament il-pozizzjoni ta' l-MFSA kienet li din l-inspection trid issir. Wiehed minn l-individwi koncernat opted to resign rather than go onsite. Dik ir-review bdiet min-naha ta' l-MFSA pero` through primarjament through desk top review. Jigifieri gibna d-dokumenti, tlabna d-dokumenti mill-bank u kienu qed jigu..

***Imhalled J Said Pullicino :***

Flok mortu intom ..... id-dokumenti.

***Ix-Xhud :***

U ma morniex ghal raguni specifika. Kien hemm magisterial inquire li kienet ghaddejja u l-magistrat talabna biex ma mmorrux onsite biex ma ntelfux l-inkjesta li kienet ghaddejja, allura li hamlina.

***Imhalled J Said Pullicino :***

Ta' l-Egrant?

***Ix-Xhud :***

Ehe. Kien hemm numru ta' inkjesti ghaddejjin. Li ghamilna allura biex ma middelejawx il-process ahna stess ghax ma konniex nafu kemm ser iddum, gibna d-dokumenti mill-bank u kienu qed jigu reviewed at the MFSA minn l-inspectors taghna. Konna liaison ukoll ma' l-European Central Bank ghaliex il-European Central Bank ultimately has the final say about a bank, u insomma, hemm aspetti differenti ta' kompetenza biex inkun preciza. Sakemm il-magistrat qalilna illi nistghu nidhlu fil-bank. Kif il-magistrat tana il-.... li nistghu nidhlu fil-bank l-inspectors taghna dahlu fil-bank. In the mean time kienet ittiehdet id-decizjoni ukoll ma' l-FIAU li jitqabbd forensic experts minn barra biex issir levying tad-data kollha tal-bank u ssir a forensic review tal-bank.

***Dr Therese Comodini Cachia :***

Il-persuna li ghazel li jirrizenja flok ikompli bis-supervision tal-bank x' kariga kellu?

***Ix-Xhud :***

Banking inspector; ma kienx senior, jekk dik hija l-mistoqsija tieghek

***Dr Therese Comodini Cachia :***

Banking inspector. U following ir-resignation tieghu saret onsite inspection jew gbartu d-dokumenti u ghamiltu r-review fl-MFSA?

***Ix-Xhud :***

Le; kif spjegajt. Il-magistrat kien talabna biex ma mmorrux gol-premises tal-bank biex ma ntellfux l-andament ta' l-inkjesta.

***Dr Therese Comodini Cachia :***

Pero` dan il-bniedem kien irrozenja ghax ma riedx imur fil-premises ghedtilna.

***Ix-Xhud :***

Ehe.

***Dr Therese Comodini Cachia :***

U allura...

***Ix-Xhud :***

Imma la ried imur fil-premises u lanqas ried li jkollu x' jaqsma ma' any review ta' Pilatus Bank

***Dr Jason Azzopardi :***

Kienet daqshekk tal-biza jigifieri din ir-review?

***Ix-Xhud :***

Heq, l-istaff.; iktar milli daqshekk tal-biza din ir-review l-istaff bdew ihossuhom uncomfortable ghaliex ma riedux jispicaw f' xi gazzetta.

***Dr Therese Comodini Cachia :***

U allura jekk minn meta ma dhaltux fil-bank fuq istruzzjonijiet tal-magistrat ghal meta dhaltu xi kemm zmien kien ghadda?

***Ix-Xhud :***

Sorry, tista' tirrepeti l-mistoqsija?

***Dr Therese Comodini Cachia :***

Mela inti ghedt li ridna naghmlu onsite inspection imma ma morniex ghax il-magistrat talabna ma mmorrux.

***Ix-Xhud :***

Ehe.

***Dr Therese Comodini Cachia :***

Imma mbaghad inghatajna l-permess li nidhlu fil-bank. Xi kemm zmien kien ghadda?

***Ix-Xhud :***

M' ghandix id-data ezatt, imma minghalija kien f' xi Novembru meta l-magistrat qalilna li nistghu nidlu fil-bank

***Dr Therese Comodini Cachia :***

U originarjament ridtu tmorru meta?

***Ix-Xhud :***

Ahna f' Mejju hadna d-decizjoni li rridu nidhlu fil-bank. Allura biex ma niddelejawx ir-review gibna d-dokumenti mil-bank u rrvvajnihom within MFSA. Ghal punt l-iehor fuq ta' l-inspectors l-MFSA ghalhekk hadet il-pozizzjoni ma' l-istaff illi ma kienx hemm option other than they do to the inspection.

***Dr Therese Comodini Cachia :***

L-ahhar domanda fuq Pilatus Bank u s-Sur Al Sader; qatt ircivejtu xi rikjest ghal informazzjoni jew xi kuntatt jew xi informazzjoni minn awtoritajiet barranin fir-rigward ta' Pilatus Bank u fir-rigward tax-shareholders jew Chairs jew diretturi?

***Ix-Xhud :***

Mill-memorja ma jidhirlix, pero` ahna konna f' kuntatt mill-qrib hafna mar-regolatur Ingliz peress illi kien hemm bill passporting idea li dan ried iwaqqaf branch go l-Ingilterra.

***Dr Therese Comodini Cachia :***

At that stage r-regolatur Ingliz kien diga` ghamel id-due diligence fuq il-Pilatus Bank jew le?

***Ix-Xhud :***

Il-passporting framework kif jahdem ghandek zewg tipi, jew tistabbilixxi branch jew inkella toffri s-servizzi tieghek on across boarder bases nghidulu ahna. F' dan il-kaz ried jistabbilixxi branch. The host regulator f' dan il-kaz kien l-Ingilterra jaghmlu intervista ta' the key people li jkunu within the branch setup; u huma at liberty li jaghmlu d-due diligence tagghom.

**Dr Therese Comodini Cachia :**

Imma f' din is-sitwazzjoni qabel ma intom waqqaftu l-applikazzjoni kienu diga` saru dawn l-interviews minn l-awtorita` Ingliza?

**Ix-Xhud :**

Le ghax ahna waqqafna l-applikazzjoni ..

**Dr Therese Comodini Cachia :**

Qabel ma bdew jinvestigaw ..

**Ix-Xhud :**

Qabel ma bdew; imbaghad l-applikazzjoni kienet regghet giet reactivated. Imma ..

**Dr Therese Comodini Cachia :**

Meta?

**Ix-Xhud :**

Reactivated fis-sens wara, ffit wara li l-FIAU tat l-okay taghha li ma hemmx money laundering concerns.

**Dr Therese Comodini Cachia :**

Imbaghad minn meta rega' giet reactivated ghal sitwazzjoni li nafu biha llum Pilatus Bank, dik id-dritt, dik l-applikazzjoni ghal passporting into the UK x' sar minnha? L-awtoritajiet Inglizi accettawha? Irregettawha?

**Ix-Xhud :**

Kif ghedt konna qed nahdmu l-applikazzjoni; l-awtoritajiet Inglizi la accetaw u lanqas rejected it. Kien hemm ..

**Dr Therese Comodini Cachia :**

Lanqas reactivation jigifieri.

**Ix-Xhud :**

Le. Huma ma hassewhomx..; ahna konna in a very very close contact. Meta qed nghid in very close contact ma' l-UK authorities ifisser jigifieri li konna nitilghu meetings hemmhekk regolari, nitkellmu regolari bit-telephone biex naraw kif nistghu nimmenigjaw din is-sitwazzjoni. Ovvjament kien hemm ..

**Dr Therese Comodini Cachia :**

Ghalfejn? Ma kienux komdi bl-applikazzjoni?

***Ix-Xhud :***

.....,ahna kellna l-concerns taghna ghax ridna inkomplu ninvestigaw l-allegazzjonijiet li kienu hargu fil-media, u huma l-istess. U huma l-istess.

***Dr Therese Comodini Cachia :***

Ok, jigifieri l-awtorita` Ingliza kellha wkoll concerns fuq din l-applikazzjoni.

***Ix-Xhud :***

Ghax ahna ma xtaqniex li qabel ma nivverifikaw dawn l-allegazzjonijiet inkomplu naghtu estensjonijiet lill-bank.

***Dr Therese Comodini Cachia :***

Ok. Ha nghaddi ghal kwistjoni ohra. L-MFSA izzomm registru ta' business introducers?

***Ix-Xhud :***

Registru ta' ....?

***Dr Therese Comodini Cachia :***

Jew forsi tuzaw xi kelma ohra? Imma lilna qalulna hawnhekk illi zgommu registru ta' business introducers.

***Ix-Xhud :***

Ma nafx ezatt ghal xiex qed tirreferi.

***Imhallel J Said Pullicino :***

Jekk l-MFSA biex taghti licenzja per ezempju ghandhiex bzonn li jkollha xi rakkomandazzjoni ta' xi hadd jew xi hadd iressqilha lil xi hadd iehor. Introducers, xi hadd li ..

***Ix-Xhud :***

Biex naghtu licenzja jigifieri?

***Dr Therese Comodini Cachia :***

Spjegwa illi jkun hemm persuni illi jghaddu l-klijenti lis-service providers ohra u li dawn il-persuni jiehdun commission ghal dawk il-klijent li jghaddu. U qalluna wkoll illi dawn ikunu registrati ma' l-MFSA.

***Ix-Xhud :***

Can I come back to you fuqha din ghax ma rridx naghti informazzjoni hazina.

**Imhalled J Said Pullicino :**

Ha nghidlek sinjur, biex tohrog licenzja minn ghadkom. Biex tigi irtirata licenzja minn ghandkom?

**Ix-Xhud :**

Licenzja ta' bank le mhux minn ghandna, minn il-European Central Bank.

**Imhalled J Said Pullicino :**

Ehe, pero` ..

**Ix-Xhud :**

Ahna rridu naghmlu r-rakkomandazzjoni

**Imhalled J Said Pullicino :**

Ir-rakkomandazzjoni. Issa kellkom f' xi mument xi dunju li dan il-bank f' dak li jirrizulta kien il-kaz li titolbu li jigi biex tinghata l-licenzja?

**Ix-Xhud :**

Ma nafx jekk hux il-lok li nitlob li ssir behind close doors din ir-risposta peress li hemmm kaz ..

**Imhalled J Said Pullicino :**

Ehe, jekk trid iva.

**Ix-Xhud :**

Peress li hemm kaz kontra l-ECB fuq to withdrawn of the license

**Imhalled J Said Pullicino :**

Ok. Ghax taf ghalfejn? The whole issue hawn hija jekk ghamilniex xi haga jew ma .... li seta' b' xi mod, qed tifhem? Allura kollox importanti; u dan id-dettal importanti.

**Ix-Xhud :**

Jiena qiegħda hawnhekk biex nirrispondi l-mistoqsijiet.

**Imhalled J Said Pullicino :**

U ghaliex ovvjament jekk ittiehdu certi passi meta forsi setghu jittiehdu kieku hija differenti

**Dr Therese Comodini Cachia :**

Nistghu nghalqu Sur Imhalled biex inkomplu



***Chairman Imhallel M Mallia :***

Inti d-domandi tieghek ghamilthom.

***Dr Therese Comodini Cachia :***

Bil-miftuh nahseb lestejt.

***Chairman Imhallel M Mallia :***

Mela bl-istess ordni

***Imhallel A Lofaro :***

Il-gurnalisti jistghu jirtiraw. Grazzi

Din hija s-sustanza tax-xhieda ta' **Mary Anne Scicluna** dettata minnha stess fil-prezenza ta' l-istess xhud.

Niddikjara li traskrivejt bl-ahjar hila tieghi x-xhieda ta' l-istess xhud.

Saviour Scicluna

Traskrittur