

13 June 2025

Ousoul Assets Custodian and Trading Facilities Limited
Unit 1, Level 6, Unit 4, Level 7
Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi
United Arab Emirates

Attention:

[REDACTED]

[REDACTED]

Sent by e-mail:

[REDACTED]

Dear Sirs

PENALTY IMPOSED FOR CONTRAVENTIONS OF THE COMMON REPORTING STANDARD REGULATIONS 2017 AND THE FOREIGN ACCOUNT TAX COMPLIANCE REGULATIONS 2022

1. This notice is issued by the FSRA of ADGM to impose a penalty on Ousoul Assets Custodian and Trading Facilities Limited (“OAC”) under subsection 9(1) of the CRS Regulations and subsection 9(1) of the FATCA Regulations.

DEFINED TERMS

2. The meaning of any defined term used in this notice is provided either at its first occurrence in parentheses or in Annexure A.

SUMMARY

3. The FSRA considers that OAC has classified itself as a CRS RFI and a FATCA RFI for the purposes of the CRS Regulations and FATCA Regulations respectively.
4. The FSRA considers that OAC:
 - a. having classified itself as a CRS RFI for the purposes of the CRS Regulations:
 - i. opened accounts without collecting a valid Self-Certification from four (4) Account Holders;

- ii. failed to report information as required by the CRS Regulations in a complete and accurate manner; and
 - b. having classified itself as a FATCA RFI for the purposes of the FATCA Regulations, opened accounts without collecting a valid Self-Certification from two (2) Account Holders.
5. Accordingly, the FSRA has decided to impose a penalty of AED 91,000 on OAC pursuant to subsection 9(1) of the CRS Regulations and subsection 9(1) of the FATCA Regulations, and the penalties set out in the CRS Cabinet Resolution and FATCA Cabinet Resolution.

BACKGROUND

6. On 30 June 2024, OAC registered as a CRS RFI and FATCA RFI on the AEOI Portal.
7. On 30 June 2024 and 3 September 2024, OAC submitted Annual Returns for the purposes of the FATCA Regulations and the CRS Regulations, respectively.
8. On 13 August 2024, the FSRA sent an email with a letter to OAC informing OAC that it had been selected for a Review. The letter detailed the information that OAC would be required to provide during the Review. The FSRA requested OAC's acknowledgement of the FSRA's email by 16 August 2024. On 13 August 2024, OAC acknowledged the FSRA's email.
9. On 24 October 2024, the FSRA conducted the Review.

FAILURE TO COLLECT VALID SELF-CERTIFICATION FOR CRS

10. Subsection 6(1) of the CRS Regulations requires CRS RFIs to collect and report all information in accordance with the CRS Regulations, the CRS Cabinet Resolution and the CRS.
11. Section IV subparagraph A of the CRS (New Individual Accounts) and Section VI subparagraph A of the CRS (New Entity Accounts) requires an RFI to obtain a Self-Certification from an Account Holder at account opening.

Client 1

12. In his Self-Certification Form, Client 1, as identified in Annexure B to this notice, had declared that his country of tax residence was Ireland. However, Client 1 failed to provide a TIN, stating, "No TIN is required". However, Ireland issues TINs automatically to individuals. Accordingly, OAC failed to collect a valid Self-Certification of Client 1.

Client 2

13. The Review found that OAC failed to collect a Self-Certification for Client 2, as identified in Annexure B to this notice, at account opening on 26 January 2022 for the purposes of RY2023. Furthermore, when the Self-Certification was collected by OAC on 25 July 2024,

OAC failed to collect a valid Self-Certification because the country of tax residence of Client 2 was not completed on the Self-Certification form.

Client 3

14. The Review found that the Self-Certification collected by OAC for Client 3, as identified in Annexure B to this notice, was not valid because the country of tax residence of Client 3 was not completed.

Client 4

15. The Review found that Client 4, as identified in Annexure B to this notice, had classified as an Investment Entity in its Self-Certification under the CRS and a Passive NFE in its Self-Certification under the FATCA Regulations. The Review found that OAC had failed to validate the Self-Certification of Client 4 and confirm its reasonableness.
16. Accordingly, the FSRA considers that OAC has contravened subsection 6(1) of the CRS Regulations.

FAILURE TO REPORT IN A COMPLETE AND ACCURATE MANNER FOR CRS

17. Section I subparagraph A(1) of the CRS requires each CRS RFI to report the name, address, jurisdiction(s) of residence, TIN(s) and date and place of birth (in the case of an individual) of each Reportable Person that is an Account Holder for each Reportable Account.

Client 1

18. As mentioned in paragraph 12 above, Client 1 declared his country of tax residence as Ireland. As such, Client 1's account was a Reportable Account. However, the Review found that OAC failed to report Client 1's account as a Reportable Account in its Annual Return.

Client 2

19. The Review found that Client 2's country of tax residence was Jersey. As such, Client 2's account was a Reportable Account. However, the Review found that OAC had failed to report Client 2's account as a Reportable Account in its Annual Return.

Client 4

20. The Review found that Client 4 had declared its country of tax residence as the Cayman Islands. As such, Client 4's account was a Reportable Account. However, the Review found that OAC had failed to report Client 4's account as a Reportable Account in its Annual Return.

Clients 5, 6, 8, 9, 15 and 16

21. Clients 5, 6, 8, 9, 15 and 16, as identified in Annexure B to this notice, had each declared their country of tax residence as Saudi Arabia. As such, the accounts of Clients 5, 6, 8, 9, 15

and 16 were Reportable Accounts. However, the Review found that OAC had failed to report one (1) account each for Clients 5, 6, 8, 9, 15 and 16 as Reportable Accounts in its Annual Return.

Client 7

22. Client 7, identified in Annexure B to this notice, had declared his country of tax residence as Ireland. As such, Client 7's account was a Reportable Account. However, the Review found that OAC had failed to report Client 7's account as a Reportable Account in its Annual Return.

Client 10

23. Client 10, identified in Annexure B to this notice, had declared his country of tax residence as the United Kingdom. As such, Client 10's account was a Reportable Account. However, the Review found that OAC had failed to report Client 10's account as a Reportable Account in its Annual Return.

Client 11

24. Client 11, identified in Annexure B to this notice, had declared his country of tax residence as Kuwait. As such, Client 11's account was a Reportable Account. However, the Review found that OAC had failed to report Client 11's account as a Reportable Account in its Annual Return.

Client 12

25. Client 12, identified in Annexure B to this notice, had declared his country of tax residence as Bangladesh. As such, Client 12's account was a Reportable Account. However, the Review found that OAC had failed to report Client 12's account as a Reportable Account in its Annual Return.

Client 13

26. Client 13, identified in Annexure B to this notice, had declared his country of tax residence as Bahrain. As such, Client 13's account was a Reportable Account. However, the Review found that OAC had failed to report Client 13's account as a Reportable Account in its Annual Return.

Client 14

27. Client 14, identified in Annexure B to this notice, had declared his country of tax residence as China. As such, Client 14's account was a Reportable Account. However, the Review found that OAC had failed to report Client 14's account as a Reportable Account in its Annual Return.

Client 17

28. Client 17, identified in Annexure B to this notice, had declared his country of tax residence as Japan. As such, Client 17's account was a Reportable Account. However, the Review found that OAC had failed to report Client 17's account as a Reportable Account in its Annual Return.

Client 18

29. Client 18, identified in Annexure B to this notice, had declared his country of tax residence as the British Virgin Islands. As such, Client 18's account was a Reportable Account. However, the Review found that OAC had failed to report Client 18's account as a Reportable Account in its Annual Return.
30. OAC failed to report information in a complete and accurate manner. Accordingly, the FSRA considers that OAC has contravened subsection 6(1) of the CRS Regulations.

FAILURE TO COLLECT VALID SELF-CERTIFICATIONS FOR FATCA

31. Subsection 6(1) of the FATCA Regulations requires FATCA RFIs to collect and report all information in accordance with the FATCA Regulations and the FATCA Cabinet Resolution. The purpose of the FATCA Cabinet Resolution is to implement the IGA in the UAE. Annex I, subsection V, paragraph B(3) of the IGA requires a FATCA RFI to obtain a Self-Certification from an Account Holder to determine the Account Holder's status for the IGA. Article 5 of the FATCA Cabinet Resolution requires each FATCA RFI to collect and validate a Self-Certification for each New Entity Account.

Client 2

32. As mentioned in paragraph 13, OAC failed to collect a Self-Certification for Client 2 until 25 July 2024, and the Self-Certification was not valid because the country of tax residence of Client 2 was not completed.

Client 4

33. As mentioned in paragraph 15, Client 4 had classified as an Investment Entity in its Self-Certification under the CRS and a Passive NFE in its Self-Certification under the FATCA Regulations. The Review found that OAC had failed to validate the Self-Certification of Client 4.
34. Accordingly, the FSRA considers that OAC has contravened subsection 6(1) of the FATCA Regulations and Article 5(2) of the FATCA Cabinet Resolution.

PENALTY

35. The FSRA considers that OAC contravened:

- a. subsection 6(1) of the CRS Regulations and accordingly subsection 9(1)(b) of the CRS Regulations applies; and
 - b. subsection 6(1) of the FATCA Regulations and Article 5(2) of the FATCA Cabinet Resolution, and accordingly subsection 9(1) of the FATCA Regulations applies.
36. The penalties for the relevant contraventions are set out in Articles 5(2) and 5(4)(a) of the CRS Cabinet Resolution and Article 7(2) of the FATCA Cabinet Resolution.
37. The total penalty imposed by the FSRA on OAC is AED 91,000.
38. The breakdown of the penalty imposed on OAC by the FSRA is as follows:

Reference	Contravention	Penalty (AED)
Article 5(2) of the CRS Cabinet Resolution	A CRS RFI that opens an Account to an Account Holder or Controlling Person (as applicable) without obtaining a valid Self-Certification and/or failing to validate such Self-Certification.	1,000 per contravention x 4
Article 5(4)(a) of the CRS Cabinet Resolution	A CRS RFI that fails to report any information that is required to be reported in a complete and accurate manner.	5,000 x 17
Article 7(2) of the FATCA Cabinet Resolution	A FATCA RFI that opens a New Individual Account or New Entity Account without collecting a valid Self-Certification or without validating such Self-Certification	1,000 per contravention x 2

PROCEDURAL MATTERS

Appeal in relation to the penalty imposed

39. Under:
- a. Article 7(1) of the CRS Cabinet Resolution; and
 - b. Article 9(1) of the FATCA Cabinet Resolution,
- OAC has until **5:00 pm** on **14 July 2025** to **appeal in writing** to the FSRA, signed by an authorised representative of OAC and setting out the grounds of appeal in relation to the penalty imposed.
40. In accordance with Article 7(2) of the CRS Cabinet Resolution and Article 9(2) of the FATCA Cabinet Resolution, OAC may appeal against the penalty on any one of the following grounds:
- a. that it did not commit the violation attributed to it;

- b. the administrative penalty imposed is not proportionate to the violation; or
- c. the administrative penalty imposed exceeds the limit determined for the administrative violation attributed to it in accordance with the provisions of the Cabinet Resolution.

41. Any appeal made should be addressed to:

Mr Adrian Bock
 Executive Director – Enforcement
 Financial Services Regulatory Authority
 Abu Dhabi Global Market Square
 Al Maryah Island
 Abu Dhabi
 United Arab Emirates

Email: [REDACTED]

42. If an appeal is made to the FSRA within time, the FSRA will consider the appeal and provide a written notice of its decision to OAC within sixty (60) business days of the appeal.

Manner and time for payment of penalty

43. If an appeal is not made to the FSRA, then the penalty imposed pursuant to this notice is to be paid by OAC within thirty (30) business days after the date of this notice, i.e. on or before **28 July 2025**.

44. Payment of the penalty can be made by electronic funds transfer into the following account:

Account Name	[REDACTED]
Account Number	[REDACTED]
IBAN Number	[REDACTED]
Account Type	[REDACTED]
Bank Name	[REDACTED]
Swift Code	[REDACTED]
Reference	[REDACTED]

45. If the penalty or any part of it remains outstanding on the date it must be paid, the obligation to make the payment is enforceable as a debt by the FSRA.

Publicity

46. The FSRA will generally publish information and statements relating to enforcement action in a manner we consider appropriate and proportionate. The publication of enforcement outcomes is consistent with the FSRA's commitment to open and transparent processes and our objectives.

Yours sincerely,



Mr. Adrian Bock
Executive Director – Enforcement
Abu Dhabi Global Market Financial Services Regulatory Authority

ANNEXURE A

In this notice, unless the context otherwise requires -

ADGM	means Abu Dhabi Global Market.
AEOI portal	means the Automatic Exchange of Information portal made available by the MOF.
Account Holder	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and the meaning set out in the IGA, for the purposes of compliance with the FATCA Regulations.
Annual Return	means the annual information return required to be filed pursuant to the CRS Regulations or the FATCA Regulations, as applicable, and includes a Nil Return.
Controlling Person	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and the meaning set out in the IGA for the purposes of compliance with the FATCA Regulations.
CRS	means the Common Reporting Standard, as defined in the CRS Regulations.
CRS Cabinet Resolution	means the UAE's Cabinet of Ministers Resolution No. 93 of 2021 Implementing Certain Provisions of the Multilateral Administrative Agreement for Automatic Exchange of Information.
CRS Regulations	means the Common Reporting Standard Regulations 2017.
CRS RFI	means a Reporting Financial Institution, as defined in the CRS Regulations.
FATCA Cabinet Resolution	means the UAE's Cabinet of Ministers Resolution No. (63) of 2022 Concerning the Implementation of Federal Decree No. (9) of 2016 Ratifying the Agreement between the Government of the United States of America to Improve International Tax Compliance and to Implement the Foreign Account Tax Compliance Act (FATCA).
FATCA Regulations	means the Foreign Account Tax Compliance Regulations 2022.

FATCA RFI	means a Reporting UAE Financial Institution, as defined in the FATCA Regulations.
FSRA	means the Financial Services Regulatory Authority.
IGA	has the meaning set out in the FATCA Regulations
Investment Entity	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and the meaning set out in the IGA, for the purposes of compliance with the FATCA Regulations.
MOF	means the Ministry of Finance.
New Entity Account	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and the meaning set out in the IGA, for the purposes of compliance with the FATCA Regulations.
New Individual Account	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and the meaning set out in the IGA, for the purposes of compliance with the FATCA Regulations.
Nil Return	has the meaning set out in the CRS Cabinet Resolution for the purposes of compliance with the CRS Regulations, and means a Nil Report, as defined in the FATCA Cabinet Resolution, for the purposes of compliance with the FATCA Regulations.
Passive NFE	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and means a Passive NFFE (as that term is defined in the IGA) for the purposes of compliance with the FATCA Regulations.
Reportable Account	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and means a U.S. Reportable Account (as that term is defined in the IGA) for the purposes of compliance with the FATCA Regulations.
Reportable Person	has the meaning set out in the CRS for the purposes of compliance with the CRS Regulations, and means a Specified U.S. Person (as that term is defined in the IGA) for the purposes of compliance with the FATCA Regulations.

Review	means a review of compliance with the CRS Regulations and/or FATCA Regulations, as applicable, in relation to RY2023
RY2023	means the 2023 reporting year for the purposes of compliance with the Regulations.
Self-Certification	means the self-certification required to be collected at account opening for the purposes of compliance with the CRS Regulations, or a Self-Certification Form as defined in the FATCA Cabinet Resolution for the purposes of compliance with the FATCA Regulations.
TIN	Taxpayer Identification Number (or functional equivalent in the absence of a Taxpayer Identification Number).