


INTER-GOVERNMENTAL ACTION GROUP AGAINST
MONEY LAUNDERING IN WEST AFRICA

# Mutual Evaluation Implementation Action Plan

## Anti-Money Laundering and Combating the Financing of Terrorism

# NIGER

# MAY 5 2011

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| **Name of the country** : **NIGER** |
| **Date of on-site Mutual Evaluation:** FROM 16 TO 27 JUNE 2008<br>**Name of Evaluating Institution:** WORLD BANK<br>**Date of adoption of last Mutual Evaluation** : 5 MAY 2009<br>**Date of Follow-up Report** : 9 DECEMBER 2010 |

| **Rating of Core and Key Recommendations** | | | | | | | | | | | | | | | | |
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| **Rec.** | **1** | **3** | **4** | **5** | **10** | **13** | **23** | **26** | **35** | **36** | **40** | **I** | **II** | **III** | **IV** | **V** |
| | **LC** | **PC** | **LC** | **PC** | **PC** | **PC** | **NC** | **PC** | **PC** | **LC** | **PC** | **NC** | **PC** | **NC** | **NC** | **PC** |

| **Recommended measure (as listed in Plan of action)** | **Calendar of adoption of corrective measures** | **Measures already taken** | **Remaining actions to be taken (with timeframe if known)** | **Responsible Institution** | **Required Technical Assistance** |
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| **1**. Niger is invited to:<br><br>• provide for sanctions in its internal law for insider trading<br><br>• put in place statistical tools on issues relating to the efficacy and to the good functioning of its money-laundering fighting devices **(R1, R2)** | - continued | - Articles 370 and 371 of the Criminal Code incriminate and sanction insider trading. The Article, 2nd paragraph stipulates « …will be punished by a two-months to two-year imprisonment and a fine of 100,000 to 1,000,000 francs or by only one of these penalties…. ». As to Article 371, it provides that the condemnation shall be published in the newspapers it would designate and displayed in the places it would indicate.<br><br>- the CENTIF has a statistical base constituted of the STRs it receives | - Sensitization actions towards all stakeholders to produce and disseminate statistics relating to money | - CENTIF<br>-Ministry of Economy and Finance<br>- monitoring and | |

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| | | | laundering and financing of terrorism | supervision services<br>- institutional services (customs, gendarmerie, police, etc.)<br>- CNCA | |
| **2.** •The Niger authorities are invited to put in place as quickly as possible a provision enabling them to confiscate a value equivalent to the value of the proceeds and instruments of the crimes and offences of such a confiscation.<br>• As for the seizures, the customs, police and gendarmerie services should pay more attention on the proceeds of the crime. **(R3)** | December 2012<br><br>- June 2011 | - adoption of Law N°2010-05 of 21 January 2010 relating to the fight against financing of terrorism that provides in its Articles 29 and 30 for the seizure, confiscation or freezing of funds and other financial resources<br>- Article 92 and following of the CPP provide for the seizure and confiscation by the examining magistrate | - Amendments of the uniform law on money laundering to include a provision allowing the confiscation of property of a value equivalent to the value of the proceeds and instruments of the crimes and offences of such a confiscation.<br>- Instruct the police, customs and gendarmerie services to pay more attention to the seizure of proceeds of crime | - BCEAO<br>- CENTIF<br>- CNCA<br>-Ministry of Economy and Finance<br>- Ministry of Interior<br>- Ministry of Defense | |
| **3. The authorities should consider the following measures:**<br>• extend the obligations referred to by recommendations 5 to 8 to cash transfer services:<br>• ensure the legal validity of the | | - Annex I of Regulation R09 indicates that only BCEAO, commercial banks and the Post Office Administration are habilitated to carry out foreign transfers. Other legal or natural persons who wish to exercise this activity must go through a commercial bank or the | - the banks inform the BCEAO of the need to deliver an authorization of exercise to the persons wishing to carry out a cash transfer activity so as to make sure they apply recommendations 5 to 8. | - Banks<br>- BCEAO | - GIABA<br>- FATF |

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| subjection (i) of BCEAO to the provisions of the AML Law (ii) of the General Deposit Office and the financial services of the Post Office to the provisions of the Instruction n° 01/07/RB of the BCEAO ;<br><br>**Impose on financial institutions to fulfill the due diligence obligations provided for** :<br><br>•when they carry out on-off transactions exceeding the threshold of 5 MCFAF, but not in cash ;<br><br>• when they carry out one-off transactions under the form of wire transfers in the circumstances provided for by the interpretative note of Core Recommendation VII ;<br><br>• in all cases where there is a suspicion of ML or FT ;<br><br>• when the institution has doubts as to the veracity and pertinence of the data of identification of the customer previously obtained ;<br><br>• complete the texts in force by instituting a clear obligation for financial institutions to identify from reliable and independent | - October 2011 | post office services.<br><br>- BCEAO is cited in Article 5 of the Law N°2004-041 relating to money laundering that indicates the persons subjected to the said law<br><br>- Article 3 of Instruction N°01/07/RB of the BCEAO cites the general deposit office and the financial services of the post office among the persons in its scope of application<br><br>- Chapter II of Annex I to the Regulation R09 stipulates that wire transfers are free below the threshold of 500,000 CFAF. Above, the customer is required to produce all the necessary justificatory documents.<br><br>- Article 7 of AML Law, Article 9 of the CFT Law | - take a regulatory act to extend the due diligence obligations to on-off transactions involving the other means of payment other than cash whose amount is higher or equal to 5 MCFAF | - CENTIF<br>- BCEAO<br>- ME/F<br>- MJ<br>-CNCA | |

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| sources ;<br>• impose on financial institutions to appreciate, for all of their customers whether the customer is acting on his own behalf ;<br>Concerning true beneficiaries, impose on financial institutions :<br>• to identify the natural persons who in fine possess or control their customer;<br>• to take reasonable measures to verify the identity of the true beneficiaries;<br>• to take all reasonable measures concerning the clientele of moral persons or legal structures to (i) understand the property and control structure and (ii) determine the natural persons that in fine possess or control the customer.<br>• impose on financial institutions to obtain in any case information on the object and nature planned in the business relationship ;<br>Create an obligation for financial institutions to exercise constant vigilance regarding their business relationships ;<br>• oblige a financial institution to carry out a careful examination of the transactions effected during all the period of their business | | - Article 9 of the AML Law and Article 9 of the CFT Law<br><br>- idem as above | | | |

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| relationship to make sure they are consistent with the knowledge it has of its customer, of his commercial activities, of his risk profile and, where applicable, of the origin of funds ;<br>• oblige financial institutions to ascertain the update and pertinence of the documents, data or information collected during the performance of customer due diligence through examination of existing documents, notably for the categories of customers or business relationships presenting higher risk ;<br>•oblige financial institutions to take enhanced due diligence measures for categories with higher risk ;<br>• prohibit a financial institution to open an account, to establish a business relationship or carry out a transaction if it cannot comply with the requirements provided for by the law in terms of identification of the customer or true beneficiaries and provide that, in such cases, it must consider making a suspicious transaction report ; | | - idem as above<br>- Article 7 of the AML Law and Article 9 of the CFT Law<br>- Articles 7, 8 of the AML Law, Article 9 of the CFT Law and Instruction N°1/2007/RB of the law | | | |

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| •if the financial institution has already established a business relationship and cannot fulfill the obligations of identification provided for by the law, make sure the financial institution is required to put an end to the business relationship and consider making a suspicious transaction report ;<br>• impose on financial institutions to apply customer due diligence to the existing customers according to the importance of the risks they represent and to implement on a timely basis customer due diligence regarding these existing relationships;<br>**Concerning Politically Exposed Persons (PEPs), oblige the financial institutions to :**<br>•have adequate risk management systems so as to determine whether a potential customer, a current customer or the true beneficiary is a PEP;<br>• obtain the authorization of their high management (i) before establishing a business | | - Articles 13 and 14 of the CFT Law. | - take a regulatory act in the | | |

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| relationship with a PEP, or (ii) to continue the business relationship when a customer has been accepted and it subsequently appears that this customer or the true beneficiary is a PEP or could become one;<br>• take all reasonable measures to identify the origin of the property and the origin of the funds of customers or true beneficiaries identified as PEPs ;<br>•carry out an enhanced and continuous supervision of the business relationships they have with PEPs ;<br><br>**Concerning cross-border correspondent banking and other similar relationships, oblige the financial institutions to :**<br>• gather sufficient information on the customer 'institution so as to evaluate the reputation of the institution and the quality of the supervision (including to verify whether the concerned institution has been the object of an investigation or intervention of | - October 2011<br><br>- October 2011<br><br>- October 2011 | | in the AML Law obliging the institutions to take enhanced due diligence for the higher risk categories<br><br>- take a regulatory act prohibiting financial institutions to establish a relationship with a customer if it cannot comply with the requirements of the AML Law and the FT Law and to report to the CENTIF<br><br>- take a regulatory act obliging a bank to put an end to the business relationship if it cannot fulfill the obligations of identification provided for by the law and to make a suspicious transaction report to the CENTIF | - ME/F<br>-BCEAO<br>-CENTIF<br>-CNCA<br><br>- ME/F<br>- BCEAO<br>-CENTIF<br>- CNCA<br><br>- ME/F<br>- BCEAO<br>-CENTIF<br>- CNCA | |

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| the supervising authority regarding ML or FT);<br>•evaluate the controls put in place by the customer institution at the level of AML/CFT and ascertain their pertinence and their efficacy ;<br>• obtain the authorization of the high management before establishing new correspondent banking relationships ;<br>• specify in writing the respective responsibilities of each institution in AML/CFT.<br>when a correspondent banking relationship involves the holding of payable-through accounts, oblige the financial institutions to make sure (i) their customer (the customer financial institution) has applied all usual measures to those customers who have direct access to the accounts of the correspondent financial institution, and (ii) that the other customer financial institution is capable of producing relevant data of identification on these customers upon request of the correspondent financial institution ; | - October 2011<br><br>- October 2011 | - Adoption by Niger of the Law 2010-05 of 21 January 2010 relating to the financing of terrorism that provides in its Article 13 for particular due diligence regarding politically exposed persons. | - take a regulatory act that imposes on financial institutions to apply due diligence to existing customers according to the importance of the risks they represent and to implement on a timely basis due diligence relating to these existing relationships.<br>- invite financial institutions to take practical arrangements for the implementation of the provisions of Article 13 of the Law on FT.<br>- idem as above | - ME/F<br>- BCEAO<br>-CENTIF<br>- CNCA<br><br>- CENTIF<br>- BCEAO<br>- ME/F | |

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| • oblige financial institutions to equip themselves with policies or to take the necessary measures to prevent a wrongful use of the new technologies in ML or FT devices. **(R5 to R8)** | - idem as above<br><br>- idem as above<br><br>- idem as above | - idem as above<br><br>- idem as above<br><br>- idem as above | - idem as above<br><br>- idem as above<br><br>- take an act obliging financial institutions to establish a questionnaire on AML/CFT intended for their foreign correspondents | - idem as above<br><br>- idem as above<br><br>- idem as above | |

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| | - October 2011 | | | -ME/F<br>- CENTIF<br>-BCEAO | |
| | - idem as above | | - idem as above. The complete and precise questionnaire making it possible to evaluate the controls put in place by the correspondents<br><br>- take a regulatory act obliging banks to obtain the authorization of the high management before establishing new correspondent banking relationships | - idem as above | |
| | - October 2011 | | - take an Instruction clarifying the respective responsibility of each institution in AML/CFT when a correspondent relationship involves the holding of | - ME/F<br>- BCEAO<br>- CENTIF | |

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| | - December 2012<br><br>- October 2011 | - Article 13 of the AML Law that obliges the institutions to elaborate harmonized programmes of fight against money laundering. In addition, Article 12 of the FT Law that stipulates that "any cross-border wire transfer must be accompanied of exact information relating to the originator. This information include notably the number of his account or if not available a unique reference number accompanying the transfer." and Article 9 of the Instruction N°01/2007/RB of the BCEAO | payable-through accounts<br><br>- correspondence to financial institutions reminding them their obligations of equipping themselves of the necessary policies or measures to prevent money laundering and financing of terrorism and notably the wrongful use of the new technologies. | - BCEAO<br>- ME/F<br>-CENTIF<br><br>- CENTIF<br>- Financial organisms | |
| **4.** The authorities should consider the putting in place of | | | | | |

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| the following provisions :<br>• prevent that documents are conserved for a long time if a competent authority asks it in a specific case and for the accomplishment of their mission ;<br>• plan that the documents relating to the transactions should be sufficient to permit the reconstitution of the different transactions so as to provide, where necessary, evidence in case of criminal prosecutions ;<br>• specify that the obligation to the financial organisms to conserve for ten years the papers and documents relating to the operations they effected, includes notably the account books and the commercial correspondence ;<br>• clarify the definition of the supervising authorities so as to guarantee that only the competent authorities have access to confidential information conserved by the obligors ;<br>• impose on financial institutions to make sure all the documents relating to the customers and to the operations be made available on a timely basis to the competent national authorities for the | - December 2012<br>- idem as above<br>- idem as above<br>- December 2012 | - the provisions of Articles 11 of the AML Law and 10 of the FT Law as well as Article 5 of the Instruction N°01/2007/RB of 2 July 2007 of the BCEAO<br>- idem as above<br>- idem as above | - take an Instruction intended for the financial institutions specifying the papers and documents relating to the identity of the customer and the effected operations<br>- idem as above<br>- idem as above<br>- decree an instruction that | - BCEAO<br>- ME/F<br>- CENTIF<br>- idem as above<br>- idem as above<br>- BCEAO | |

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| accomplishment of their mission ;<br>• oblige the financial institutions of the originators to obtain and conserve for all of the transfers the following information relating to the originator and to verify that this information are exact and useful: name of the originator, account number of the originator (or a unique reference number if there is no account number) and address of the originator (or national identity number, identification number of the customer or date and place of birth, if Niger decides to authorize it) ;<br>• for cross-border transfers (including transfers and batch transmissions by credit or debit card to carry out fund transfer), oblige the financial institution of the originator to make appear complete information on the originator in the message or the payment form accompanying the transfer ;<br>• for national transfers (including the transactions using a credit or debit card as system of payment to carry out a transfer), | | - Article 1 of the AML Law and Article 2 of the FT Law stipulate that "the national or community authorities of the WAEMU are habilitated, under a regulation to control the natural or legal persons."<br>- Article 12 of the AML Law that stipulates that the papers and documents relating to the obligations of identification are communicated upon request by the obligors to the competent authorities.<br>- provisions of Articles 11 of the AML Law and 10 of the CFT Law and Article 5 of Instruction N°01/2007/RB of the BCEAO on record-keeping | defines the supervising authorities in an AML/CFT framework | - ME/F<br>- CENTIF | |

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| oblige the financial institution of the originator to comply with the previous criteria VII.2 or to make appear only the account number of the originator or, in the absence of an account number, a unique means of identification in the message or payment form ;<br>• oblige financial institutions to make sure that unusual transactions are not dealt with in batch when this may generate a higher risk of money laundering or financing of terrorism ;<br>• oblige each intermediate financial institution in the chain of payment to conserve all of the necessary information on the originator with correspondent transfer ;<br>• oblige financial institutions to adopt efficient procedures based on a risk evaluation in order to identify and process the transfers that are not accompanied by complete information on the originator ;<br>• put in place efficient measures of control of the implementation of SR VII ;<br>• see to it that the criteria 17.1 à 17.4 apply to SR VII. | | - idem as above<br>- idem as above | | | |

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| **(R10 and SRVII)** | - December 2012 | - provisions of Articles 11 of the AML Law and 10 of the CFT Law and Article 5 of Instruction N°01/2007/RB of the BCEAO on record-keeping | - take an instruction of the BCEAO in order to ensure that unusual transactions are not processed by batches | - BCEAO<br>- ME/F<br>-CENTIF | |

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| | - December 2012 | - Article 12 of the CFT Law and Article 9 of Instruction N°01/2007/RB of the BCEAO<br><br>- Article 35 of the AML Law and Article 28 of the CFT Law relating to administrative and disciplinary sanctions. | - take an instruction obliging financial institutions to adopt efficient procedures based on a risk evaluation. | - BCEAO<br>- ME/F<br>- CENTIF | |
| **5.** The authorities should consider the putting in place of the following provisions :<br><br>•plan that the documents are conserved for a longer time if a competent authority asks it in a specific case and for the accomplishment of their mission ;<br><br>•plan that documents relating to the transactions should be sufficient to permit the reconstitution of the different transactions so as to provide, where necessary, evidence in case | - actions permanentes | - provisions of Articles 11 of the AML Law and 10 of the CFT Law and Article 5 of Instruction N°01/2007/RB of the BCEAO on record-keeping. | - Invite the WAEMU BC to carry out regular and in-depth controls on the follow-up of the application of AML/CFT regulation.<br><br>- idem as above | - WAEMU BC<br>-BCEAO<br>- CENTIF | |

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| of criminal prosecutions ;<br><br>•clarify that the obligation made to the financial organisms to conserve for ten years the papers and documents relating to the operations they effected notably includes the account books and commercial correspondence ;<br><br>**(R13, R14, R19, R25 and SRIV)** | - idem as above<br><br>- December 2012 | - idem as above<br><br>- the provisions of Articles 11 of the AML Law and 10 of the CFT Law as well as Article 5 of Instruction N°01/2007/RB of 2 July 2007 of the BCEAO | - take an Instruction intended for financial institutions specifying the papers and documents relating to the identity of the customer and to effected operations | - idem as above<br><br>-BCEAO<br>- ME/F<br>- CENTIF | |
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| **6**. The authorities should consider taking the following measures :<br>•unify the regime of suspicious transaction reports ;<br>•submit all of the financial institutions to suspicious transaction reporting obligations compliant with the FATF Recommendations (including the institutions active in the area of e-money) ;<br>•institute an obligation to carry | | - ministerial ordinance N°143 ME/F/CENTIF of 26 May sets a unique model of suspicious transaction reporting<br><br>- under Article 26 of the AML Law and Article 18 of the CFT Law, the persons concerned respectively by Article 5 and Article 3 are required | | | |

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| out a STR concerning the funds for which there exist reasonable grounds to suspect, or which are suspected, to be related to, or will serve for terrorism, terrorist acts or terrorist organizations or those who finance terrorism ;<br>•institute an obligation to report the attempts of operations ;<br>•prohibit the communication of the latter to any third party non duly authorized to access them ;<br>•study the feasibility and the usefulness of the implementation of a system whereby financial institutions would report all cash transactions above a certain amount to a central national agency with a computerized database ;<br>•see to it that all financial institutions and designated non financial businesses and professions benefit, to apply and respect their AML/CFT obligations of guidelines issued by the competent authorities (CENTIF and /or notably the supervising authorities) ;<br>•see to it that the competent authorities, and | - December 2012<br><br>- December 2012 | to report to the CENTIF the suspicious operations. More specifically, the area of e-money concerns commercial banks, the BCEAO and the financial services of the Post Office.<br>- Article 18 of the CFT Law<br>- under Article 19 of the CFT Law STRs are transmitted only to the CENTIF<br>- Article 10 of the AML Law imposes measures of particular supervision for cash transactions | - modify the CFT Law by including an obligation to report the attempts of operations related to the financing of terrorism<br>- study the feasibility and usefulness of the implementation of a system whereby financial institutions | - BCEAO<br>- ME/F<br>- CENTIF<br>- BCEAO<br>- ME/F<br>- CENTIF | |

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| notably the CENTIF, ensure to the designated financial institutions that are required to report suspicious transactions, a proper and appropriate return of information taking into account the FATF guidelines (Recommendation)<br><br>**The authorities should consider at the regional level**<br><br>•ensure the full implementation of both community texts (Uniform Law, BCEAO Instruction of 2007) and national texts (AML Law) within the banking sector.<br><br>•make sure the staff of the regional financial is sufficient ;<br><br>•create tools of methodology for the on-site investigation services to promote a risk-based supervision ;<br><br>•introduce sufficiently deterrent sanctions<br><br>The authorities in Niger should consider : | - December 2012 | above 50 MCFAF<br><br>- Instruction N°01/2007/RB of the BCEAO, Instruction of the CIMA and Instruction of the CREPMF<br><br>- Article 9, paragraph 2 of the AML Law that stipulates that the CENTIF will advise on a timely basis the obligors of suspicious transactions reporting about the results of its investigations. | would report all the cash transactions above a certain amount to the CENTIF<br><br>- Decree guidelines to the CENTIF and to the authorities of control of the different subjected professions. | - WAEMU BC<br>- BCEAO<br>- ME/F<br>- CENTIF | |

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| •introducing actions of sensitization and training in the microfinance sector.<br>•reinforcing the control of foreign exchange in the informal sector, and conducting specific actions against manual money-changers of the informal sector (notably to send a signal of mobilization of the authorities)<br>•consolidating the actions of public authorities towards the manual money-changers, notably in terms of supervision – without increase the «comparative advantages» of the informal money-changers, t the risk in the contrary of reinforcing the latter<br>•conducting awareness actions among the sub-agents of Western Union so that they be more rigorous in terms of customer identification.<br>**(R23, R17, R25, R29 and R30**) | - continu<br>- December 2012<br>- December 2012<br>- December 2012 | - Article 35 of the AML Law and Article 28 of the CFT Law that pose the principle of the control and sanctions in case of infraction to the AML/CFT regulation | -supervising authorities to carry out periodic controls and supervision of the obligors<br>- Recruit enough supervisors to strengthen the staff of financial supervisors financiers<br>-Elaborate a manual of procedures based on AML/CFT risks for the investigation services<br>- Introduce sufficiently deterrent sanctions in case of infractions to the AML/CFT | - organs of control of the obligors<br>- ME/F<br>-BCEAO<br>- CENTIF<br>- WAEMU BC<br>- ME/F<br>-BCEAO<br>-CENTIF<br>- WAEMU BC<br>- BCEAO<br>- ME/F<br>- CENTIF<br>- competent authorities | |

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| | - continued<br><br>- October 2011<br><br>- October 2011 | -Article 40 of the AML Law and the current specific texts ruling the activities of the obligors, pose the principle of sanctions in case of infraction to the regulation<br>-actions and training carried out by the CENTIF.<br><br>- Instruction N°11 of the BCEAO | regulation<br><br>- conduct awareness and training actions<br><br>- Invite the competent authorities to carry out regular control on foreign exchange in the informal sector<br><br>- take an act instructing the banks to conduct awareness actions among the sub-agents of Western Union | - CENTIF<br>- IMF<br>- ME/F<br><br>- Ministry of Interior<br>- Ministry of Defense<br>- ME/F<br>- BCEAO<br>-CENTIF<br><br>- ME/F<br>- BCEAO<br>-BANKS<br>- CENTIF | |
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| **8.** | | | | | |

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| • It is of the utmost importance that all the stakeholders, including the CENTIF, acquire a deeper knowledge of the matter through a fast-track training programme led by the CENTIF, together with the supervising authorities.<br>• It is also essential that between the CENTIF and the obligors there be a relation of confidence thus creating an environment conducive to a more efficient development of the preventive system.<br>•The multidisciplinary approach that appears in the composition of the members of the CENTIF is a little unbalanced by the predominance of the police/judiciary component to the detriment of the financial element, which does not really correspond to the notion of an administrative service. There is cause to reinforce the financial component with analysts having expertise in economy, banking and/or finance.<br>• The lack of budget and financial resources for the CENTIF is an important deficiency that cannot continue. While the human resources are now sufficient, there is a great need to | - October 2011<br><br>- December 2011<br><br>- December 2011 | -several training seminar intended for the members and personnel of the CENTIF both inside and outside the country. Therefore, the CENTIF participated in several training seminars organized by GIABA, UNODC, the World Bank, the US Treasury, the BCEAO, the ADB, etc. The members of the CENTIF also made study travels to the FIUs of third States (France, Mauritius, Belgium, and Monaco).<br>- Creation of the Inter-ministerial Committee (CNCA) by Decree N°2010-541/PCSRD/MEF of 8 July 2010 comprising notably the representatives of the obligors. | - Elaborate and implement a three-year training plan (2011-2013) to the benefit of the members and personnel of the CENTIF as well as all the other stakeholders<br><br>- institute a framework for meeting and exchanges between the CENTIF and its correspondents with the obligors<br><br>- recruit three financial analysts specializing in banking, finance and law. | - CENTIF<br>- ME/F<br>- PTF<br>- other stakeholders participant in the AML/CFT<br><br>- CENTIF<br>- Correspondents with the obligors<br>- ME/F<br><br>- CENTIF<br>- ME/F | - assistance PTF : GIABA, World Bank, UNODC etc |

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| develop appropriate software and to equip the personnel adequately. The planning of the CENTIF involving an extension of the framework of experts and specialists is ambitious but will be fully efficient only when the system as such gets into its stride<br><br>• It is necessary to add the fight against the financing of terrorism in the attributions of the CENTIF. Therefore, the transposition of the WAEMU Uniform Law must be done immediately.<br><br>• It is necessary to make sure that a structural monitoring of the relevant statistical data is ensured.<br><br>**(R 26)** | - continued | -since the evaluation in 2007, the resources allocated to the CENTIF have increased.<br><br>-the CENTIF gratuitously benefitted from a software for the computerized processing of STRs developed through French cooperation.<br><br>- adoption of Law 2010-05 of 21 January 2010 that extends the attributions of the CENTIF to the fight against FT (Article 17 of the law) | - sensitize the competent authorities on the financial autonomy and a more important allocation of resources in favour of the CENTIF | - ME/F<br>- CENTIF | |

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| | | - the CENTIF regularly produces its reports of activities in which there are statistics on the processed STRs. | | | |
| **9**.<br>•Complete the transposition and the compliance of the provisions of the Vienna and Palermo Conventions.<br>• Incorporate the 1999 Convention against FT and transpose into national law the WAEMU Guideline regarding the fight against the financing of terrorism.<br>**(R35 et SRI)** | | - adoption of Law 2004-041 of 8 June 2004 that transposes the provisions of the Community Guideline N°07/2002/CM/WAEMU of 19 September 2002 relating to the fight against money laundering in the WAEMU States<br>- adoption of Law 2010-05 of 21 January 2010 that transposes the Community Guideline N°04/2007/CM/WAEMU relating to the fight against the financing of terrorism in the WAEMU States | | | |
| | | | | | |
| **10**.<br>• Money laundering and financing of terrorism being forms of criminalities where the cross-border aspect is predominant, the authorities should develop | - continued | - mutual legal assistance agreements signed by the competent authorities | - develop international relations through the signature of cooperation agreements between the | - CENTIF<br>- ME/F<br>- FIUs of third countries | |

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| international relations and use mutual assistance procedures in an optimal way.<br><br>• The authorities of Niger are invited to put in place as quickly as possible a provision enabling them to confiscate a value equivalent to the value of the products and instruments of the crimes and offences of such a confiscation. The principle of the double incrimination can constitute a cause of refusal so long as the deficiencies noted under SRII are not remedied.<br><br>**(R 36, R32, et SRV)** | - October 2011<br><br>- December 2012 | | CENTIF and the FIUs of third countries<br>- Engage the process of adhesion of the CENTIF to the Egmont Group<br><br>- amend the texts of the AML Law and the CFT Law to include the confiscation of licit properties for a value equivalent to the value of the proceeds drawn from the money laundering and financing of terrorism offences | - CENTIF<br>- sponsor FIUs<br><br>- BCEAO<br>- ME/F<br>- Ministry of Justice<br>- CENTIF | - GIABA |
| **11.**<br><br>The authorities should:<br>• Put in place the means aimed at facilitating the cooperation between the competent authorities and their foreign counterparts in terms of fight against money laundering.<br>• Adopt the CFT Law to permit international cooperation in terms of fight against FT. | - continu | - adoption of the N°2010-05 of 21 | - Negotiate and sign agreements of cooperation with the FIUs of third countries<br>- engage the process of adhesion of the CENTIF to the Egmont Group | - CENTIF<br>- ME/F<br>- FIUs of third countries<br>- CENTIF<br>- sponsor FIUs | |

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| • Put in place a system of collection of information relating to the international cooperation in terms of AML/CFT fight<br><br>**(R40 et SR V)** | - as above | January 2010 relating to the fight against the financing of terrorism<br><br>-judicial cooperation between Niger and the third countries | - exchange of information between the CENTIF and the FIUs of the third countries (as above) | - as above | |
| **13.**<br><br>•The authorities should rectify the absence of the criminalization of the financing of an individual terrorist and of a terrorist organization, both in the CFT draft law and in the CPN draft amendment.<br>**(SRII)** | - October 2011 | - provisions of Article 5 of the law 2010-05 that poses the principle of the association, understanding or complicity in view for the purpose of the financing of terrorism | - modify the Niger criminal code to include the criminalization of the financing of an individual terrorist or of a terrorist organization | - Ministry of Justice<br>- CENTIF | |
| **14**. The authorities of Niger are invited to modify their device for freezing funds under Resolution 1267 in order to:<br>• subject to the measures of freezing under Resolution 1267 the funds or other properties held or directly or indirectly controlled by the persons or entities explicitly designated by the Committee of Sanctions, but also by persons acting on their behalf or under their instructions; | - December 2012 | | - take an act that creates a mechanism of control of the application of freezing measures under Resolution 1267 | - ME/F<br>- Ministry of Justice<br>- BCEAO<br>- MFA<br>CENTIF | - GIABA<br>- Committee 1267<br>- CAERT |

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| • extend the measures of freezing to all the « funds and other property», which would permit to cover all the financial assets, the property of all nature, tangible or intangible, movable or unmovable, as well as the legal documents or instruments under any form on the said property;<br>• extend the scope of application of the regulation to include all of the stakeholders who may hold funds or other property belonging to persons and entities directly or indirectly involved in the commission of terrorist acts- for instance the real estate register- and provide for an efficient monitoring of the respect of these obligations by the supervising authorities;<br>• provide for a clear and rapid mechanism for the dissemination of the lists of the Committee of Sanctions at the national level, that would be complementary to the regional device ;<br>• put in place efficient procedures made known to the public ease the funds or other property of persons or entities | | | | | |

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| inadvertently affected by a freezing mechanism;<br>• put in place adapted procedures to allow the access to funds which would be intended to cover basic expenditure, the payment of some types of commissions, costs and remunerations of services as well as extraordinary expenditure in accordance with the S/RES/1452(2003) ;<br>• adopt measures likely to ensure the protection of the rights of bona fide third parties<br>**And to modify their fund-freezing device under Resolution 1373:**<br>• to be able to designate the persons and entities whose funds or other property must be frozen ;<br>• to provide for a clear and rapid procedure to examine and, where applicable, give effect to the initiatives taken under the freezing mechanisms of the other countries ;<br>•to put in place efficient procedures made known to the public to examine in due course | | | | | |

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| the requests of withdrawal from the list of targeted persons and of unfreezing of funds or other property of persons or entities withdrawn from the lists;<br>• to put in place efficient procedures made known to the public to release as soon as possible the funds or other property of persons or entities inadvertently affected by a freezing mechanism after verification that the person or entity is not a targeted person;<br>•to put in place appropriate procedures enabling a person or entity whose funds or other property have been frozen to contest this measure for its reexamination by the tribunal;<br>• to adopt measures likely to ensure the protection of the rights of the bona fide third parties. To put in place appropriate procedures enabling a person or an entity whose funds or other property have been frozen to contest this measure for its reexamination by the tribunal; | - as above | | - the committee created under Res.1267 will extend its competences to the Resolution 1373 | - as above | - as above |

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| • To adopt measures likely to ensure the protection of the rights of the bona fide third parties. **(SR III)** | | | | | |
| **15. The authorities should consider taking the following measures :**<br>• unify the suspicious transaction reports ;<br>• subject all of the financial institutions to suspicious transaction reporting obligations in compliance with the FATF Recommendations (including the institutions active in the area of e-money) ;<br>• institute an obligation to carry out STR concerning the funds for which there exist reasonable grounds to suspect or which are suspected to be related to, or that will serve terrorism, terrorist acts or terrorist organizations or to those finance terrorism ;<br>• institute an obligation to report the attempts of operations ;<br>• prohibit the communication of the latter to any third party not | - cf. point 6 above | - cf. point 6 above relating to R.13 | -Cf. point 6 above relating to R.13 | - Cf. point 6 relating to R13 | - cf. point 13 relating to R 13 |

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| duly allowed to access them ;<br>• study the feasibility and usefulness of the implementation of a system whereby the financial institutions would report all cash transactions above a certain amount to a national central agency with a computerized database ;<br>• make sure that all financial institutions and designated non financial businesses and professions benefit, to apply and respect their AML/CFT obligations, of guidelines issued by the competent authorities (CENTIF and/or authorities of supervision) ;<br>•make sure that the competent authorities, and notably the CENTIF, ensure to the designated financial institutions that are requested to report the suspicious operations, a proper and appropriate return of information taking into account the FATF guidelines<br>**(SRIV)** | | | | | |

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| 16. Money laundering and financing of terrorism being forms of criminalities where the cross-border aspect is predominant, the authorities should develop international relations and use the mutual assistance procedures in an optimal way.<br><br>• The authorities of Niger are invited to put in place as soon as possible a provision enabling them to confiscate a value equivalent to the value of products and instruments of crimes and offences of such a confiscation. The principle of the double incrimination can constitute a cause of refusal so long as the deficiencies noted under SRII are not remedied.<br><br>• The authorities should improve and refine the statistics so that they can serve as an instrument of evaluation of the system.<br><br>•Put in place the means aimed at facilitating cooperation between the competent authorities and their foreign counterparts in terms | Cf. point 11 relating to R40 and point 10 relating to R36 | Cf. point 11 relating toR40 and point 10 relating to R36 | Cf. point 11 relating to R40 and point 10 relating to R36 | Cf. point 11 relating to R40 and point 10 relating to R36 | Cf. point 11 relating to R40 and point 10 relating to R36 |

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| of fighting against money laundering.<br><br>Adopt the CFT Law to permit international cooperation in terms of FT fighting.<br><br>Put in place a system of collection of information relating to international cooperation in terms of AML/CFT fight<br><br>•Reinforce the control and guarantees on the exchange of information and mutual assistance requests<br><br>(SRV, R40 and R36) | | | | | |