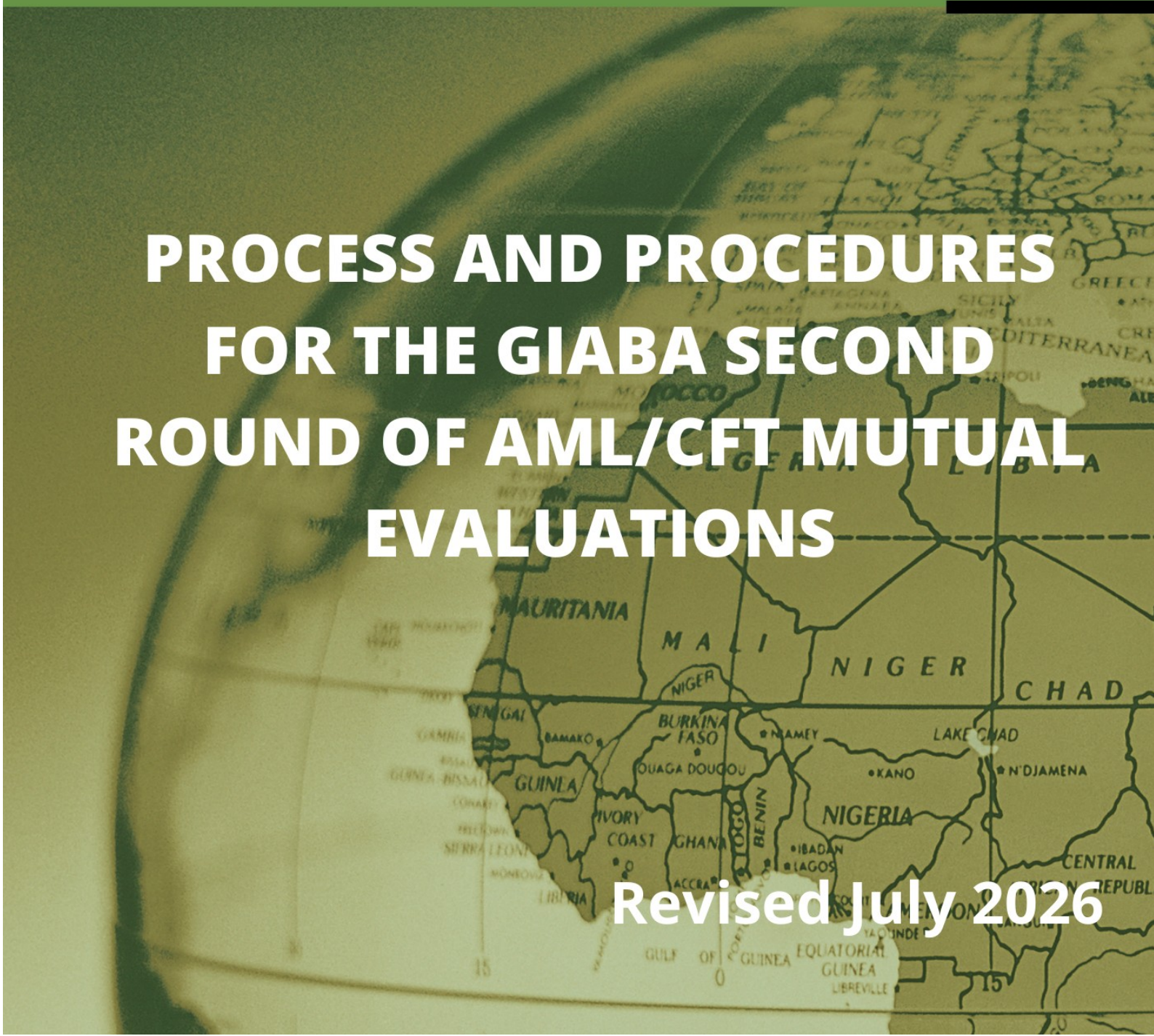
# PROCESS AND PROCEDURES FOR THE GIABA SECOND ROUND OF AML/CFT MUTUAL EVALUATIONS




**Revised July 2026**

The Inter-Governmental Action Group against Money Laundering (GIABA) is a specialized institution of ECOWAS and a FATF Style Regional Body that promotes policies to protect member States financial system against money laundering, terrorist financing and the financing of the proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter terrorist financing (CTF) standard.

For more information about GIABA, please visit the website: www.giaba.org

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## List of Abbreviations and Acronyms

| | |
|---|---|
| **AML/CFT** | Anti-Money Laundering and Countering the Financing of Terrorism (also used for Combating the Financing of Terrorism) |
| **C** | Compliant |
| **CFT** | Countering the Financing of Terrorism |
| **DAR** | Detailed Assessment Report |
| **DNFBP** | Designated Non- Financial Business and Profession |
| **ECG** | Evaluation and Compliance Group |
| **ECOWAS** | Economic Community of West African States |
| **ES** | Executive Summary |
| **FATF** | Financial Action Task Force |
| **FIU** | Financial Intelligence Unit |
| **FSAP** | Financial Sector Assessment Program |
| **FSRB** | FATF-Style-Regional Body |
| **GIABA** | Inter-Governmental Action Group Against Money Laundering in West Africa |
| **GMC** | GIABA Ministerial Committee |
| **ICRG** | International Corporation Review Group |
| **IFI** | International Financial Institution |
| **IMF** | International Monetary Fund |
| **IO** | Immediate Outcome |
| **LC** | Largely Compliant |
| **MDA** | Ministries, Departments and Agencies |
| **MEQ** | Mutual Evaluation Questionnaire |
| **MER** | Mutual Evaluation Report |
| **ML** | Money Laundering |
| **MVTS** | Money or Value Transfer Service |
| **NC** | Non-Compliant |
| **PC** | Partially Compliant |
| **PEP** | Politically Exposed Person |
| **Q&C** | Quality and Consistency |
| **ROSC** | Report on Observance of Standards and Codes |
| **SRB** | Self-Regulatory Body |
| **STR** | Suspicious Transaction Report |
| **TC** | Technical Compliance |
| **TF** | Terrorist Financing |

## INTRODUCTION

1. The Inter-Governmental Action Group against Money Laundering in West Africa (GIABA) is conducting the second round of mutual evaluations of its member States based on the Financial Action Task Force (FATF) Recommendations (2012), and the Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems (2013), as amended from time to time. This document sets out the procedures that are the basis for GIABA's second round of mutual evaluations[1]. GIABA will nevertheless, periodically review these procedures to identify on-going challenges and update the procedures to address those challenges.

## I. Scope, principles, and objectives for the second round of mutual evaluations

2. As set out in the FATF Methodology, the scope of the evaluations will involve two inter-related components for technical compliance and effectiveness. The technical compliance component will assess whether the necessary laws, regulations or other required measures are in force and effect and whether the supporting Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT) institutional framework is in place. The effectiveness component will assess whether the AML/CFT systems are working, and the extent to which the country is achieving the defined set of outcomes.

3. There are a number of general principles and objectives that should govern mutual evaluations conducted by GIABA[2]. The procedures should:

a) Produce objective and accurate reports of a high standard in a timely way;

b) Ensure that there is a level playing field, whereby mutual evaluation reports (MERs), including the executive summaries, are consistent, especially with respect to the findings, the recommendations, and ratings;

c) Ensure that there is transparency and equality of treatment, in terms of the assessment process, for all countries assessed;

d) Seek to ensure that the evaluation and assessment exercises conducted by all relevant organisations and bodies (FATF, IMF, World Bank, FSRBs) correspond to each other, and are of high standards;

e) Be clear and transparent;

f) Encourage the implementation of higher standards;

g) Identify and promote good and effective practices;

h) Alert governments and the private sector on areas that need strengthening; and

i) Be sufficiently streamlined and efficient to ensure that there are no unnecessary delays or duplication in the process and that resources are used effectively.

## II. Changes in the FATF Standards

4. As a dynamic process, on-going work within the FATF could lead to further changes to the Recommendations, the Interpretive Notes or the Methodology. All countries should be evaluated on the basis of the FATF Recommendations and Interpretative Notes and the Methodology as they exist at the date of the country's on-site visit. The report should state clearly if an assessment has been made using recently amended Standards. To ensure equality of treatment, and to protect the international financial systems, compliance with the relevant elements of the changes could be assessed as part of the follow-up process (see section IX below) if they have not been assessed or as part of the mutual evaluation.

[1]The procedures are subject to amendments to the Universal Procedures. The GIABA Process and Procedures will be updated any time the Universal Procedures are updated or where there are any inconsistencies with the Universal Procedures. The GIABA Process and Procedures have been adapted from the FATF Process and Procedures and the Universal Procedures.

[2] These general principles apply to AML/CFT assessments conducted by FATF Style Regional Bodies (FSRBs) and the International Financial Institutions (IFIs) including the International Monetary Fund (IMF) or the World Bank.

## III. Schedule for the Second Round Mutual Evaluation

5. The schedule[3] of mutual evaluations of GIABA member States for the second round and the number of evaluations to be carried out each year are primarily governed by the number of MERs that can be discussed at each Plenary meeting, and by the need to complete the entire round within a reasonable timeframe of about 6 – 7 years. The timelines of the mutual evaluation onsite visit of members States set out in Annex 1 cannot be varied except in the most exceptional circumstances.

6. The GIABA Secretariat will endeavour to maintain the schedule of mutual evaluations indicating the agreed dates of the on-site visit and the dates for the Plenary discussion of the MERs throughout the round. The schedule was the outcome of consultation between the member States and the Secretariat, followed by the decision and approval of the Plenary and GIABA Ministerial Committee (GMC). Notwithstanding, any proposed changes to the agreed evaluation dates may require endorsement by the FATF Global Network and then the GMC's approval. The considerations underlying the sequence of evaluations are:

- The level of implementation of AML/CFT measures in member States based on their Mutual Evaluation Reports and Follow-up reports in the first round. Specifically, the levels of implementation were reviewed based on the following four key components of member States' AML/CFT regimes: legislative measures, preventive measures, institutional measures and measures relating to international cooperation;
- Ranking of member States on the FATF ICRG list of jurisdictions that have met the referral criteria for a prima facie review but have not yet been reviewed;
- Administrative factors in managing the entire evaluation process. In particular, the on-site visits of the Francophone, Anglophone and Lusophone member States are to be interspaced to the extent possible to facilitate better coordination by the Secretariat; and;
- The relative preparedness and the capacity of member States, including allowing countries that have recently been assessed sufficient time to address the deficiencies identified in their AML/CFT regimes before subjecting them to another assessment.

## IV. Procedures and steps in the evaluation process

7. The assessment team, facilitated by the GIABA Secretariat, will engage with, and consult the assessed country on an on-going basis throughout the evaluation process. This may include early engagement with higher-level authorities to obtain support for and coordination of the evaluation for the entirety of the process and training for the assessed country to familiarise stakeholders with the mutual evaluation process. GIABA will, from time to time, assess whether the way in which it engages with assessed countries is satisfactory. Assessed countries should consider appointing, at an early stage in the evaluation process, a co-ordinator responsible for the mutual evaluation process to ensure adequate coordination and clear channels of communication between the Secretariat and the assessed countries.[4]

8. The assessed country and the assessment team have the flexibility to extend the overall timeline by up to one or two months in order to plan around Plenary meetings, events or holidays or to adjust the date of the on-site visit to the most appropriate time. When translation is required, GIABA will ensure that the timelines are extended by at least 7½ weeks.. This extension may require GIABA to commence the evaluation process earlier in order to keep to the timeline especially with regard to the post-onsite stages of the evaluation. Both the assessed country and the assessment team should agree on the broad timeline. This agreement forms the basis of the commitment to the timeline by both the assessed country and the assessment team. A summary of the key steps for the assessment team and the country in the GIABA mutual evaluation process is set out in full as follows:

[3]The GIABA 21st Plenary and 13th GMC meetings held in Niamey, Niger Republic from May 5 – 10, 2014 adopted the schedule of mutual evaluations (see Annex I) of GIABA member States commencing in the first quarter of 2016.

[4] The coordinator should have the appropriate level of seniority to be able to co-ordinate with other authorities effectively and make some decisions when required to do so. The coordinator should also have an understanding of the mutual evaluation process, preferably a trained AML/CFT assessor and be able to perform quality control of responses provided by other agencies.

## (a) Preparation for the on-site visit

9. At least six months before the on-site visit, the Secretariat will, in consultation with the country, fix the precise dates for the on-site evaluation visit and the timelines for the whole exercise, guided by the timelines in Annex 2B (some flexibility is permissible). The authorities of the country will advise whether they wish to have the evaluation conducted in English, French or Portuguese.

10. The onus is on the country to demonstrate that it has complied with the Standards and that its AML/CFT regime is effective. Therefore, using a standardised questionnaire (Questionnaire for Technical Compliance (Mutual Evaluation Questionnaire (MEQ)) forwarded by the Secretariat, the country is required to provide all relevant information to the assessment team during the course of the assessment. As appropriate, assessors should be able to request for or access documents (redacted if necessary), data or other relevant information. All information should, as much as possible, be provided in an electronic format and countries should ensure that laws, regulations, guidelines and other relevant documents are made available.

## (b) Information on Technical Compliance

11. The information and facts provided by the assessed country are intended to provide the basis for the preparatory work before the on-site visit, including understanding the country's ML/TF risks, identifying potential areas of increased focus for the on-site, and preparing the draft MER. Countries should provide the necessary information to the Secretariat no less than 24 weeks before the on-site visit. It would be desirable to have informal engagement between the country and the Secretariat prior to the on-site visit.

12. In some countries, AML/CFT issues are matters that are addressed, not just at the level of the national government, but also at state/province or local levels. Countries are requested to note the AML/CFT measures that are the responsibility of state/provincial/local level and /or supra-national authorities and provide an appropriate description of these measures. Assessors should also be aware that AML/CFT measures may be taken at one or more levels of government. Assessors should, therefore, examine and take into account all the relevant measures including supra-national laws or regulations that apply to a country.

13. Countries should rely on the questionnaire for technical compliance (see Annex 4) to provide relevant information to the assessment team. Along with previous reports, this will be used as a starting basis for the assessment team to conduct the desk-based review on technical compliance. The questionnaire is a guide to assist countries to provide relevant information in relation to: (i) background information on legislation, including any new or amended laws, regulations or guidance, and relevant information on the institutional framework; (ii) information on risks and context; (iii) information on the measures that the country has taken to meet the criteria for each Recommendation. Countries should complete the questionnaire in full, including indicating in any relevant areas if nothing has changed in their AML/CFT regime since the last evaluation, and may choose to present additional information deemed to be most expedient or effective in the implementation of their AML/CFT regimes.

## (c) Information on Effectiveness

14. Countries should provide information on effectiveness based on the 11 Immediate Outcomes identified in the effectiveness assessment no less than 16 weeks before the on-site visit. They should set out fully how each of the core issues for each Immediate Outcomes is being addressed. It is important for countries to provide a full and accurate description (including examples of information, data and other factors) that would help to demonstrate the effectiveness of the AML/CFT regime.

## (d) Composition and Formation of Assessment Team

15. Assessors are selected by the Secretariat from a pool of trained and qualified experts provided by member states no less than 24 weeks before the on-site visit. Normally, the assessment team should consist of four expert

assessors (a legal expert, two financial[5]experts, and a law enforcement expert), principally drawn from GIABA member States, and the Secretariat. The team may also include a representative of the FATF, an FSRB, the IFIs, or any international organization. Depending on a number of factors, including the extent of money laundering and terrorist financing risks in the country additional assessors or assessors with specific expertise may also be required. To ensure that the assessment team has the correct balance of knowledge and skills, the selection of the assessors should take into consideration the following factors: (i) relevant operational/technical and assessment experience; (ii) mastery of the language of the evaluation; (iii) nature of the legal system (civil law or common law); (iv) institutional framework; and (v) specific characteristics of the jurisdiction (e.g. size and composition of the economy and financial sector, geographical factors, and trading or cultural links).

16. Assessors undertaking mutual evaluations for GIABA are required to be very knowledgeable on the FATF Standards and should have successfully completeed an assessors' training before the conduct of a mutual evaluation. The Secretaraiat will set out the criteria to be used to assess and select experts who will attend assessors' training courses, in addition to the criteria approved by the FATF Plenary. To ensure that the mutuality of the peer review process is maintained, member states should provide qualified experts for the assessors' training. It is also important that assessors are able to devote their time and resources to review all the documents (including the information updates on technical compliance and information on effectiveness), raising queries prior to the on-site, preparing and conducting the assessment, drafting the MER, attending the meetings (e.g. on-site, face-to-face meeting, and Plenary discussions), and adhere to the set deadlines.. Ordinarily, at least one of the assessors in the team should have had previous experience in conducting an assessment in the current round.

17. The Director-General of GIABA will formally appoint the assessors who will conduct a mutual evaluation and advise the country undergoing the evaluation on the composition of the assessment team no less than 24 weeks before the on-site visit.

## (e) Responsibilities of Assessment Team

18. The core function of the assessment team is to collectively produce an independent report (containing analysis, findings, and recommendations) concerning an assessed country's compliance with the FATF standards, in terms of both technical compliance and effectiveness. A successful assessment of an AML/CFT regime requires, at a minimum, a combination of financial, legal and law enforcement expertise, particularly in relation to the assessment of effectiveness. Experts, therefore, have to conduct an evaluation in a fully collaborative process, whereby all aspects of the review are conducted holistically. Each expert is expected to contribute to all parts of the review but should take the leading role, or take primary responsibility for topics related to his or her own area of expertise. It is also important that assessors are able to devote their time and resources to reviewing all the documents (including the information on technical compliance, and information on effectiveness), raising queries prior to the on-site, preparing and conducting the assessment, drafting the MER, attending the meetings (e.g. on-site, face to face meeting, and Plenary discussion), and adhere to the agreed deadlines.

19. The mutual evaluation is a dynamic and continuous process. The assessment team/Secretariat should engage and consult the assessed country on an on-going basis, commencing at least six (6) months before the on-site visit. The country/coordinator should specify an identified contact person(s) or focal point(s) for the assessment. Throughout the process, the Secretariat and the member State being evaluated should ensure that the assessors are able to access all relevant material.

20. Throughout the mutual evaluation process, the Secretariat shall support the assessors and the assessed country. This support includes:

- Leading the process and undertaking other tasks as indicated in the applicable procedures;
- Focusing on the quality and consistency of the MER, including taking steps necessary to ensure that the assessors' analysis is clearly and concisely written, comprehensive, objective and supported by evidence;

[5]The assessment team should have assessors with expertise relating to the preventive measures necessary for the financial sector and designated non-financial businesses and professions

- Ensuring compliance with processes and applicable procedures;
- Assisting and guiding the assessors and assessed country in the interpretation of the FATF Standards and Methodology in line with FATF Plenary decisions; and
- Ensuring that assessors and assessed countries have access to relevant and accurate documentation and that statistics and legislative references are cited correctly.

21. GIABA will, from time to time, assess whether the Secretariat is sufficiently staffed to adequately support the mutual evaluation process, understanding that 2 or 3 staff members should be considered optimal for the majority of evaluations. Where resource issues exist, GIABA will review its work plan and allocation of resources to other projects to ensure that work on MERs/FURs is adequately prioritised.

## (f) Desk Based Review for Technical Compliance

22. Prior to the on-site visit, the assessors, supported by the GIABA Secretariat, will conduct a desk-based review of the country's level of technical compliance based on the background information on institutional framework, information on the measures taken to meet the criteria for each Recommendation, as well as the contextual factors and ML/TF risks in the assessed country. The review will be based on information provided by the country in the questionnaire for technical compliance, pre-existing information drawn from the country's last MER, all follow-up reports and other credible or reliable sources of information (e.g. reports from other international organisations). This information will be carefully taken into account. However, the assessment team can review the findings from the previous MER and follow-up reports, and may highlight relevant strengths or weaknesses not previously noted. If the assessment team reaches a different conclusion to previous MERs and follow-up reports (in cases where the Standards and the legislation have not changed) then they should explain the reasons for their conclusion.

23. Subsequent to the review, the assessment team will provide the country with a first draft of the technical compliance annex (which need not contain ratings or recommendations) in sufficient time (about 12 weeks) before the on-site visit. This will include a description, analysis, and list of potential technical deficiencies noted. The country will have 4 weeks to clarify and comment on this 1st draft on technical compliance.

24. In conducting the assessment, assessors should only take into account relevant laws, regulations or other AML/CFT measures that are in force and effect at that time, or will be in force and effect by the end of the on-site visit. Where relevant Bills or other specific proposals to improve the system are made available by the end of the on-site visit, these will be referred to in the MER (including for the purpose of the recommendations to be made to the country) but would not be taken into account in the conclusions of the assessment or for ratings purposes.

## (g) Ensuring Adequate Basis to Assess International Cooperation

25. 24 weeks before the on-site visit, GIABA member States, the FATF, and other FSRBs[6] will be invited by the Secretariat to provide information on their experience of international co-operation with the country being evaluated.

26. The assessment team and the country may also identify key countries which the assessed country has provided international cooperation to or requested international cooperation from, and seek specific feedback. The feedback could relate to: (i) general experience, (ii) positive examples, and (iii) negative examples, on the assessed country's level of international cooperation with respect to the following issues:

a) Mutual legal assistance and extradition, Financial Intelligence Unit (FIU), law enforcement and other criminal justice cooperation – information on experiences in the last four years such as:

[6] Other countries which are FATF and FSRB members will be invited to provide information on their experience of international co-operation with the country being evaluated, or any other AML/CFT issues that they would like to see raised and discussed during the on-site visit.

i. Number of requests made to the country and responded to, including timelines, quality, and usefulness of the responses;

ii. Number of requests made to the country which was refused, including the nature of the request and the reasons for the refusal;

iii. Number of requests received from the country and the quality of requests;

iv. Improvement or deterioration in the quality of responses or response time, or quality of requests received; and

v. The nature of any specific problems experienced, including details of the matter (offence (s) or other inquiries, type and date of request, date of request and period for responding);

b) Regulatory or supervisory cooperation – Information on experiences, including any problems that may have arisen, in the last four years relating to:

i. Exchange of information between supervisors (whether the requests made/received/responded to/or rejected) concerning timeliness, quality, and usefulness of the cooperation;

ii. Home-host supervisory cooperation with the country; and

iii. Cross-border exchange of information within a financial group; and

c) Advise on any other specific structural, legislative, regulatory deficiencies (noting the Methodology criteria, issues, and factors) that obstruct effective international cooperation.

27. The responses received will be made available to the assessment team and the assessed country.

## (h) Identifying Potential Areas of Increased Focus for On-Site Visit

28. The assessment team will have to examine the country's level of effectiveness in relation to all the eleven (11) Immediate Outcomes during the on-site. In addition, on the basis of its preliminary review and analysis of the risks and the assessed country's situation prior to the on-site, the assessment team may identify specific areas which it would pay more attention to during the on-site visit and in the MER. In doing so, the team will consult the assessed country. This will usually relate to effectiveness issues but could also include technical compliance issues. Delegations will be invited to provide any information and comments that they may have that would assist the team to prepare a short scoping note identifying areas of lower and higher risk that need reduced or increased focus. The scoping note should set out briefly the areas for increased and reduced focus, and the rationale. The draft scoping note, along with relevant background information (e.g. the country's risk assessment(s)), should be sent to the reviewers as described in the section on quality and consistency, below) and to the assessed country.

29. Consequently, 24 weeks to the on-site visit, delegations (GIABA member States, the FATF and other FSRBs) will be invited by the Secretariat to provide any information that they may have concerning the risk situation in the country to be assessed, including information in relation to areas of higher risk, cross-border flows of illicit/criminal funds or other specific issues which will assist the assessment team to pay attention to areas that need increased focus.

30. Where there are potential areas of reduced or increased focus for the on-site, the assessment team should obtain and consider all relevant information and commence discussion of these areas at least 16 weeks before the on-site, and consult the country at least 13 weeks before the on-site. The country should normally provide additional information regarding the areas to which the assessment team would like to pay more or less attention. While the prerogative lies with the assessment team, the areas for reduced or increased focus should, to the extent possible, be mutually agreed with the country, and should be set out in a draft scoping note. The scoping note should set out briefly (in no more than two pages), identified areas of higher and lower risk that need increased or reduced focus and why these areas have been selected. The draft scoping note, along with relevant background information (e.g. the country's risk assessment(s)), should be sent to the reviewers (described in the section on quality and consistency, below) and to the country at least 10 weeks before the on-site. Reviewers

should, within one week of receiving the scoping note, provide their feedback to the assessment team regarding whether the scoping note reflects a reasonable view on the focus of the assessment, having regard to the material made available to the Reviewers, as well as their general knowledge of the country. The assessment team should consider the merit of the reviewers' comments and amend the scoping note as needed, in consultation with the country. The final version should be forwarded to the country, at least 3 weeks prior to the on-site, along with any requests for additional information on the areas of increased focus. The country should seek to accommodate any requests arising from the additional focus.

31. About 8 weeks before the on-site, to assist in their preparation, the assessment team should prepare a preliminary analysis identifying key issues on effectiveness. Also, to facilitate the on-site visit, the assessment team will, 1 week before the on-site visit, prepare a revised draft Technical Compliance (TC) annex, draft TC text for MER, and an outline of initial findings/key issues to discuss on effectiveness. In order to facilitate the discussions during the on-site, the revised TC annex will be sent to the country at that time.

## (i) Programme for On-Site Visit

32. The country (designated contact) should work with the Secretariat, prepare a draft programme and coordinate the logistics for the on-site. The draft programme, together with any specific logistical arrangements, should be forwarded to the assessment team no later than 4 weeks before the visit. The draft programme should take into account the areas where the assessment team may want to apply increased and reduced focus. Please see Annex 3 for the list of authorities and businesses that would usually be involved in the onsite visit.

33. Where practical, meetings could be held on the premises of the agency/organisation being met since this allows the assessors to meet the widest possible range of staff and to obtain information more easily. However, for some evaluations traveling between venues can be time consuming and wasteful, and generally, unless venues are in close proximity, there should be no more than 2-3 venues per day. Based on the draft programme, the assessment team and the country will work to agree on the schedule of meetings as soon as possible, and it should be finalised at least 2 weeks prior to the on-site visit. The assessment team may also request additional meetings during the on-site.

34. Both in terms of the programme and more generally, the time required for interpretation, and for translation of documents, must be taken into account. During the on-site visit, there may also be a need for professional and well-prepared interpreters if interpretation from the country language to another official language of the ECOWAS is required. However, for the efficient use of time, meetings should generally be conducted in the language of the assessed country.

## (j) Confidentiality

35. All documents and information produced: (i) by an assessed country during a mutual evaluation exercise, (e.g. updates and responses, documents describing a country's AML/CFT regime, measures taken or risks faced (including those for which there will be increased focus), or responses to assessors' queries); (ii) by the GIABA Secretariat or assessors (e.g. reports from assessors, draft MER); and (iii) comments received through the consultation or review mechanisms, should be treated as confidential. The documents and information should only be used for the specific purposes for which they were provided and not be made publicly available, unless the assessed country and Secretariat (and where applicable, the originator of the document) consent to their release to third parties. These confidentiality requirements apply to the assessment team, the Secretariat, reviewers, officials in the assessed country and any other person with access to the documents or information. In addition, upon appointment of assessors and reviewers, the assessors and reviewers should sign a confidentiality agreement, which will include a requirement regarding the need to declare a conflict of interest.

**Confidentiality undertaking**

**CONFIDENTIALITY UNDERTAKING**
**FOR PARTICIPATION IN THE MUTUAL EVALUATION OF [AC]**

35 (bis) Members of the assessment team and reviewers ("Participants") involved in the conduct of the Mutual Evaluation of [AC] shall keep all information obtained by reason of their participation ("Confidential Information") confidential unless made public by those with a right to do so. Such Confidential Information may include, but is not limited to: all documents and information produced by or obtained from [AC] for purposes of the mutual evaluation and from the GIABA Secretariat, the assessment team, the reviewers, GIABA members, the FATF and FSRBs (including FATF and FSRB members), for purposes of the mutual evaluation; and all other mutual evaluation-related correspondence taking place between [AC], the GIABA Secretariat, the assessment team, and the reviewers.

35 (ter) Participants shall treat such Confidential Information in a manner consistent with that specified in the Procedures for the GIABA 3rd Round AML/CFT/CPF Mutual Evaluations and Follow-Up. In particular, they shall use such information only for the specific information for other purposes or for their private advantage. Participants shall also endeavour to prevent unauthorised access, use, or disclosure of such information, and to ensure that such information is not made publicly available, unless the express consent of GIABA and [AC] (and where applicable, the originator of the information) is obtained. This obligation also applies to the publication of any Confidential Information on social networks.

35 (quater) When participating in virtual meetings related to the Mutual Evaluation of [AC], participants should understand that the proceedings are confidential and take measures to ensure the protection of very sensitive or protected Confidential Information that may be divulged or discussed in the virtual environment. At minimum, Participants: should be alone in their respective rooms during the virtual meeting or only in the company of other individuals who are authorised to participate or support the virtual meeting or have headphones and make sure that screen is not seen by others; and should not make any recordings of the meetings or take screenshots (unless all Participants agree otherwise).

35(quinquies)The confidentiality obligations of Participants shall continue after the conclusion of the mutual evaluation exercise for [AC], unless the Confidential Information has since been made public by persons entitled to do so.

35(sexies) In the highly unlikely event of a legally enforceable demand on participants for disclosure of Confidential Information obtained by reason of their participation in the Mutual Evaluation, the articipants and their Authorities will assert all available legal exemptions, privileges and commitments with respect to the Confidential Information, including the commitments on Confidentiality as set out in the GIABA Procedures (the GIABA 2026 Procedures for the GIABA/AML/CFT/CPF Mutual Evaluations and Follow-up ), and immediately notify the GIABA Secretariat of such requests.

35 (septies) Participants should avoid any actual or potential conflict of interests or appearance of such conflict between their responsibilities in the mutual evaluation of [AC] and their duties or private interests. If during the course of the mutual evaluation, an existing duty or interest develops such that it creates or might reasonably create, conflicts with a Participant's responsibilities in the mutual evaluation of [AC], such Participant shall consult with the GIABA Secretariat to devise appropriate arrangements that address these conflicts without compromising the integrity of the Confidential Information as well as the integrity of the mutual evaluation exercise of [AC] as a whole.

35 (octies) The obligations contained in this document are not intended to override or supercede any existing obligations that Participants may already be subject to concerning the handling of information or conflicts of interest, as a result of their employment with a national authority or an international organisation.

## (k) On-site visit

36. The on-site visit provides the best opportunity to clarify issues relating to the country's AML/CFT system, and assessors need to be fully prepared to review the 11 Immediate Outcomes relating to the effectiveness of the system and clarify any outstanding technical compliance issues. Assessors should also pay more attention to areas where higher money laundering and terrorist financing risks are identified. Assessors must be cognisant of different countries' circumstances and risks and they should understand that countries may adopt different

approaches to create an effective system and meet the FATF Standards. Assessors should, therefore, be open and flexible, and seek to avoid narrow comparisons with their own national requirements.

37. Experience has shown that at least 7-8 days of meetings are required for countries with developed AML/CFT systems. A typical on-site visit could thus allow for the following:

a) An initial half-day preparatory meeting between the Secretariat and assessors;

b) 7-8 days of meetings[7] with representatives of the assessed country, the private sector or other relevant non-government bodies or persons[8] including an opening and closing meeting. The opening meeting should consider including an overview of the country's understanding of risk, to complement the write-ups of the country's national risk assessment (s). Time may have to be set aside for additional or follow-up meetings, if in the course of the set schedule, the assessors identify new issues that need to be explored, or if they need further information on an issue already discussed;

c) 1-2 days where the assessors work on the draft MER (supported by the Secretariat), ensuring that all the major issues that arose during the evaluation are noted in the report, and discuss and agree on ratings, and key recommendations. The assessment team should provide a written summary of its key findings to the assessed country officials at the closing meeting.

38. The total length of the mission for a normal evaluation is therefore likely to be about 10 days, but this could be extended for large or complex jurisdictions.

39. It is important that the assessment team be able to request and meet with all relevant agencies during the on-site. The country being evaluated and the specific agencies to be met should ensure that appropriate staff is available for each meeting. The assessment team should be provided with a specific office for the duration of the on-site mission, and the room should have photocopying, printing and other basic facilities, as well as internet access. Accepting gifts or other tokens can impact the assessment team's independence and impartiality therefore, the assessment team will not accept gifts, benefits or favours from the assessed country, except a one-off social event.

40. Meetings with the private sector or other non-government representatives[9] are an important part of the visit, and generally, the assessors should be given the opportunity to meet with such bodies or persons in private, and without a government official present, not only if there is concern that the presence of the officials may inhibit the openness of the discussion. The team may also request that meetings with certain government agencies are restricted to those agencies only.

## (l) Post-on-site preparation of draft Executive Summary and MER

41. There should be a minimum of twenty-seven (27) weeks between the end of the on-site visit and the discussion of the MER in Plenary. Depending on when the Plenary discussion is scheduled, the time period may also be extended or adjusted. The timely preparation of the MER and Executive Summary[10] will require the assessors to work closely with the Secretariat and the country. The Secretariat will facilitate conference calls between all parties as necessary especially after the circulation of an updated MER draft. When writing the draft MERs and/or during calls, assessors should aim to clarify in writing and/or orally as much as possible how information submitted by the assessed country was taken into account[11] and whether additional information is still needed. The steps in finalising a draft report for discussion at Plenary, and the approximate time that is required for each part, are set out in greater detail below.

[7] The assessment team should also set aside time midway through the on-site to review the progress of the mutual evaluation and where relevant, the identified areas of increased focus for the on-site.

[8]

[9] E.g. those listed in Annex 3

[10] The format for the Executive Summary and MER is contained in Annex II of the Methodology. Assessors should also pay attention to the guidance on how to complete the Executive Summary and MER, including with respect to the expected length of the MER (100 pages or less, together with a technical annex of up to 60 pages).

[11] Assessors need not include all the information submitted by the assessed country, and should exercise discretion in determining which information are the most relevant to be included.

## (m) 1st Draft MER

42. The assessment team will have 6 weeks to coordinate and refine the 1st draft MER (including the key findings, potential issues of note and recommended actions for the country). The 1st draft MER will include the preliminary recommended actions and ratings. This is then forwarded to the country for comments. The country will have 4 weeks to review and provide its comments on the 1st draft MER to the assessment team. During this time, the assessment team would have to be prepared to respond to queries and clarifications that may be raised or requested by the country.

## (n) 2nd Draft MER and Executive Summary

43. On receipt of the country's comments on the 1st draft MER, the assessment team will have 3 weeks to review the comments and make further amendments as well as prepare the Executive Summary. The Secretariat, working with the assessors and the assessed country, will make every effort to ensure that the revised draft is as close to a final draft MER as possible. The 2nddraft MER and Executive Summary will then be forwarded to the country and to the reviewers[12] (approximately 13 weeks after the on-site).

## (o) Review for Quality & Consistency

44. As part of the GIABA mutual evaluation process, there will be a review of MERs to ensure quality and consistency. The main functions of the reviewers are to ensure MERs are of an acceptable level of quality and consistency and to assist both the assessment team and the country by reviewing and providing timely input on the scoping note, the draft MER and Executive Summary (including any annexes) with a view to:

a) Commenting on assessors' proposals for the scope of the on-site;

b) Reflecting a correct interpretation of the FATF Standards and application of the Methodology (including the assessment of risks, integration of the findings on technical compliance and effectiveness, and areas where the analysis and conclusions are identified as being clearly deficient);

c) Checking whether the description and analysis supports the conclusions (including ratings), and whether, based on these findings, sensible priority recommendations for improvement are made;

d) Where applicable, highlighting potential inconsistencies with earlier decisions adopted by FATF on technical compliance and effectiveness issues; and

e) Checking that the substance of the report is generally coherent and comprehensible.

45. The review will involve drawing on expertise from a pool of qualified volunteer experts. This pool will comprise experts from GIABA member States, FATF and FSRB delegations, FSRB Secretariat members, and the IFIs. The Secretariat will be responsible for managing the review process. To avoid potential conflicts, the reviewers for any given review for quality and consistency will be selected from countries other than those of the assessors and will be made known to the country and assessors in advance. Generally, 3 reviewers would be allocated to each assessment; typically consisting of 2 reviewers from GIABA member States, and 1 reviewer from another assessment body, each of whom could, in principle, focus on a specific part of the report.

46. The reviewers will need to be able to commit time and resources to review the scoping note and the quality, coherence and internal consistency of the 2nd draft MER, as well as consistency with the FATF Standards and precedents. In doing so, the reviewers should have access to all key supporting documents – from the assessed country's technical compliance submission to its risk assessment and a copy of the country's comments on the 1st draft MER. To ensure transparency, all comments from the reviewers will be disclosed to the assessors and the country. The reviewers will examine the 2nd draft MER and provide their comments to the assessment team within three weeks. The reviewers' comments will be forwarded to the assessed country. Following the receipt of the reviewers' and assessed country's comments, assessors are to respond to all substantive comments by reviewers, and the Secretariat should liaise with reviewers as needed to facilitate this process. The reviewers for

[12] Where the assessment is conducted in a language other than English, the Secretariat will translate the document to English and forward to the FATF for a consistency review.

the quality and consistency review do not have any powers to make decisions or amend a report. It is the responsibility of the assessment team to consider the reviewers' comments and decide whether any changes should be made to the report. The Secretariat will also engage the assessed country to discuss further changes to the draft MER, and identify issues for discussion at the face-to-face meeting or through video/teleconference.

47. In order to ensure transparency, all comments from the reviewers will be disclosed to the assessors and member States. The reviewers' comments on the 2nd draft MER and the assessment team's response will be circulated by the Secretariat at the time that the pre-plenary draft MER is distributed to members States and observers (five weeks prior to the Plenary). This will help to identify in a transparent manner possible issues for discussion and will inform delegations as they provide written comments on the draft MER.

48. Due to the nature of the peer review process, the Secretariat will work to ensure that the mutuality of the process is maintained, and member States should provide qualified experts as reviewers. The ECG will maintain and monitor a list of past and forthcoming reviewers.

## (p) Revised 2nd Draft MER and Executive Summary

49. Following receipt of the comments of the reviewers and the assessed country on the 2nd draft MER, and subsequent discussion between the Secretariat and the assessed country, the assessment team will consider those comments and prepare a revised 2nd draft MER and Executive Summary. The revised 2nd draft MER, the draft TC annex and the draft Executive Summary should be translated into the other two ECOWAS languages. Thereafter, the Secretariat will ensure that the version in the original language and the other languages are synchronised. The revised 2nd draft MER, the draft TC annex and the draft Executive Summary will be forwarded to the assessed country.

## (q) Interaction with Assessed Member State Prior to Plenary

50. A face to face meeting (or interaction through Video/Tele-conferencing) is an important way to assist the assessed country and assessment team to resolve outstanding issues. Hence, GIABA will schedule a face to face with the assessed country[13]-where the assessment team (including Secretariat) and the country will have another occasion to further discuss the revised 2nd draft MER and Executive Summary. During this session, the assessment team and the assessed country should work to resolve any issues relating to technical compliance or effectiveness and identify potential priority issues for Plenary discussion. Where significant substantive changes are made to the MER after the face-to-face meeting, the GIABA Secretariat should consider circulating a revised second draft to reviewers for a targeted review.The face to face meeting should occur at least 8 weeks before the Plenary The country should provide its comments and other relevant material in writing to the assessment team at l east one week prior to any such meeting.

51. Subsequent to the interaction with assessed member State, the assessment team will consider whether any further changes should be made to the draft MER and Executive Summary.

## (r) Identifying Issues for Plenary Discussion

52. The revised Executive Summary and MER (pre-Plenary draft -third draft going to the Plenary), together with the conclusions of the quality and consistency mechanism, and assessors' response will then be forwarded to all members associate members and observers including FATF (for circulation to FATF members) at least 6 weeks prior to the Plenary meeting for their comments. There will be no further changes to the substance of the draft MER thereafter to allow delegations to provide comments and prepare for discussions at the Plenary (and/or the ECG prior to the Plenary if any). The draft MER will be distributed in the three official languages at the same time. Delegations will have two weeks to provide any written comments on the MER and Executive Summary and, in particular, to identify any specific issues that they wish to discuss in Plenary. The comments should focus on the

13

key substantive issues, or on other high level or horizontal aspects of the assessment, though other observations may also be made. The Secretariat will make the comments received available to all delegations.

53. Delegations are to submit comments on key issues at least four to six weeks before the Plenary. At least two to four weeks before the Plenary (on the basis of the MER and Executive Summary, and comments received), the co-chairs of the ECG[14] will engage the country and the assessment team to prepare a list of (usually 5 to 7) priority and substantive issues that will be discussed in ECG/Plenary[15]. Key issues should focus on effectiveness, but may include issues related to technical compliance and should take into account those issues that the assessed country and delegations are most keen to discuss. The list of priority issues for discussion in Plenary would include key issues arising from the report (whether referenced by the country, the assessment team, reviewers or delegations), as well as the assessed country's risk and context and any areas of inconsistency or interpretation with other MERs adopted by FATF and GIABA.

54. The finalised list of priority issues will be circulated to delegations 2 weeks before the Plenary discussions.

## (s) Respecting Timelines

55. The timelines are intended to provide guidance on what is required if the reports are to be prepared within a reasonable timeframe and in sufficient time for discussion in Plenary. It is therefore important that the assessors, the assessed country and reviewers respect the timelines.

56. Delays may significantly impact the ability of the Plenary to discuss the report in a meaningful way. The draft schedule of evaluations should have been prepared so as to allow enough time between the on-site visit and the Plenary discussion. Failure to respect the timetables may mean that this would not be the case. By agreeing to participate in the mutual evaluation process, the country and the assessors undertake to meet the necessary deadlines and to provide full, accurate and timely responses, reports or other materials as required under the agreed procedure. Where there is a failure to comply with the agreed timelines, then the following actions could be taken (depending on the nature of the default):

a) **Failure by the country** – Where the country fails to fulfil its obligations under the evaluation process, the Director-General of GIABA may write to the head of delegation or the relevant Minister in the country and may thereafter defer the mutual evaluation.. The Plenary will be advised as to reasons for the deferral, and publicity could be given to the deferment (as appropriate) or other additional action considered. In addition, the assessment team may have to finalise and conclude the report based on the information available to the team at that time.

b) **Failure by the assessors** - the Director-General of GIABA may write a letter to the assessor and relevant Minister of the assessor.

c) **Failure by the reviewer** – the Director-General of GIABA may write to the reviewer and relevant Minister of the reviewer.

d) **Failure by the Secretariat** - The President/Chair of the TC/Plenary may write to the Director General of GIABA.

57. The Secretariat staff coordinating the evaluation process will keep the Director-General advised about any failures so that he can respond in an effective and timely way. The Plenary is also to be advised if the failures result in a request to defer the discussion of the MER.

## (t) The Evaluation and Compliance Group (ECG) meeting

58. At each Plenary where a Mutual Evaluation Report is being discussed, the draft Mutual Evaluation Report (MER) and the finalised list of priority and substantive issues will be considered at an ECG meeting which will be held prior to the Plenary. The ECG will consider substantive issues, identify areas deserving discussion in Plenary

[14] The Secretariat prepares the Key Issues Document in collaboration with the ECG co-chairs

[15] As indicated in paragraph 58

and streamline the list in order to define and focus the order of discussion at the Plenary. The report of the Co-Chairs of the ECG will make an appropriate recommendation to Plenary. Delegations to the Plenary will still be able to raise any of the issues on the finalised list of priorities and the substantive issue at the Plenary.

## (u) The Plenary Discussion

59. The discussion of each MER and Executive Summary (particularly the list of priority issues)[16] will focus on high-level and key substantive issues, primarily concerning effectiveness. Important technical issues would also be discussed, where appropriate. The Chair will manage the discussions and the time for discussion should be limited to a reasonable length (ideally three to four hours). The procedure for the discussion will be as follows:

a) Assessment team briefly presents, in high-level terms, the key issues and findings from the report.

b) The team will have the opportunity to intervene/comment on any issue concerning the Executive Summary and/or MER.

c) The assessed country makes a short opening statement.

d) The Plenary discusses the list of priority issues identified. This would usually be introduced briefly by the Secretariat, with the assessors and the assessed country having the opportunity to provide additional information.

e) Time permitting, other issues could be raised from the floor and discussed by the Plenary.

60. The Plenary shall be presided over by the designated expert of the member State that is the current chair of the ECOWAS. In order to ensure the mutuality of the process, the Plenary should appoint another person to preside over a meeting where the MER to be discussed is that of the country of the chair.

61. The representative of the FATF Secretariat at the Plenary will be expected to assist and advise on all issues relating to the interpretation of the Recommendations, and the quality and consistency aspects of the draft MERs. The Plenary discussion will provide members and observers adequate opportunity to raise and discuss concerns about the quality and consistency of an MER.

## (v) Adoption of the MER and Executive Summary

62. At the end of the Plenary discussion, the Plenary[17]will adopt the MER and the Executive Summary. The adopted report will be subject to further checks for typographical or similar errors.

63. The final report is a report of GIABA, and as such, the Plenary will retain the final decision on the wording of any report, in accordance with the requirements of the FATF Standards and Methodology. The Plenary will give careful consideration to the views of the assessors and the assessed country when deciding on the wording, as well as take into account the need to ensure consistency between reports.

64. Where the MER and the Executive Summary are not adopted, then, the assessors, the assessed country and the Secretariat should prepare amendments to meet the issues raised by the Plenary. Where substantive changes are required, either because additional information is required to be added, or the report has to be substantially amended, then the Plenary could decide to: (a) defer adoption of the report and agree to have a further discussion of an amended report at the next Plenary, or (b) where the required changes are less significant, adopt the report subject to it being amended, and the amended report being approved through a written process.

## (w) Publication and other Procedures following the Plenary

[16]The Executive Summary will describe the key risks, the strengths and weaknesses of the system, and the priority actions for the country to improve its AML/CFT regime.

[17] The term “the Plenary” refers to the body of senior officials representing member countries

65. Following the discussion and adoption of the report at the Plenary meeting, the Secretariat will work with the assessors to amend the MER and Executive Summary as agreed by the Plenary and will circulate a revised version of the report to the assessed country within one week of the Plenary. Within 2 weeks of receipt of the final version of the MER from the Secretariat, the assessed country must confirm that the MER is accurate and/or advice of any typographical or similar errors in the MER. Care will be taken to ensure that no confidential information is included in any published report, including follow up reports. GIABA will then forward the final version of the report to the FATF Secretariat for Post-Plenary Quality and Consistency Review (see paras 66 to 73 below).

### (i) Post-Plenary Quality and Consistency Review

66. Where an FATF or FSRB member, the FATF Secretariat, FSRB Secretariat or an IFI considers that a FATF or FSRB report has significant problems of quality and consistency (Q&C), it should wherever possible raise such concerns with the body conducting the assessment (the assessment body) prior to adoption. The assessment body, assessment team and assessed country should consider and work to appropriately address the concerns. Nevertheless, highly exceptional situations may arise where significant concerns about the QC of a report remain after its adoption. The post-Plenary QC process address these concerns.

### (ii) Steps in the Post-Plenary Q&C process

67. Following the adoption of the MER, and before publication, the FATF Secretariat will circulate the final version of the MER to the FATF members, FSRBs and the IFIs, along with a template, for possible consideration in the Global Quality and Consistency Review process, with a view to preventing the publication of reports with significant Q&C problems. GIABA will forward the report and template to its member states. Parties who identify any serious or major Q&C issues have two weeks to advise the FATF Secretariat and GIABA[18] in writing using the template provided to indicate their specific concerns and how these concerns meet the substantive threshold. The post-Plenary quality and consistency (Q&C) review process applies to all mutual evaluation reports (MERs) (including their executive summaries), detailed assessment reports (DARs)[19] (including their executive summaries), mutual evaluation follow-up reports with technical compliance re-ratings (FURs) and follow-up assessment reports (FUARs), regardless of which assessment body prepared the report[20] The exception is FURs with technical compliance (TC) re-ratings where no Q&C issues are raised through the pre-plenary review process or during the relevant working group/plenary discussion. Such FURs are not subject to the post-Plenary review process and ordinarily should be published within six weeks after their adoption by Plenary. An issue will be taken up under the Global Quality and Consistency Review process if the specific concern is raised by at least two of the following parties: FATF, FSRB members[21] or Secretariats or the IFIs, at least one of which should have taken part in the adoption of the report. Otherwise, the post-Plenary Q&C review process is complete, and the FATF Secretariat will advise GIABA and delegations accordingly and the report will be published[22].

68. If two or more parties identify a specific concern, the Co-Chairs of the FATF Evaluations and Compliance Group (ECG) will review the concern to determine whether prima facie it meets the substantive threshold and procedural requirements. To aid in this decision, the FATF Secretariat will liaise with GIABA to provide the FATF ECG Co-Chairs with any necessary background information on the issue, including (where relevant and appropriate):

a) Information submitted by parties raising the Q&C issue

b) Background information on any related comments raised at the pre-plenary stage

c) The rationale for the relevant rating/issue under discussion based on the facts in the report and/or any relevant co-chairs' report or summary record from the working group/plenary meeting where the report was discussed (including whether the issue was discussed in detail, what the outcome of the those discussions was and any reasons cited for maintaining or changing the rating or report).

[18] Where FATF or FSRB members or secretariats consider that an MER which has been adopted by an IFI has or continues to have significant problems of quality or consistency, they should promptly inform the IFI of those concerns (and the FATF Secretariat when the concerns are raised by others).

[19] Where the evaluation is conducted by one of the International Financial Institutions (IFI) (IMF or World Bank).

[20] In this section, MERs, DARs, FURs and FUARs are collectively referred to as reports

[21] Not including the assessed country

[22] Ordinarily, publication would happen within six weeks of the report being adopted if no further steps in the post-Plenary Q&C process are needed

d) Objective cross-comparisons with previous fatf reports that have similar issues

e) The report's consistency with the corresponding parts of the methodology

f) Any connection or implications for the icrg process, and

g) What next steps might be appropriate.

69. If the FATF ECG Co-Chairs conclude that prima facie the substantive threshold and procedural requirements are met, the FATF Secretariat will circulate the report to all FATF delegations for consideration by the FATF ECG along with a decision paper prepared by the FATF Secretariat in consultation with GIABA. On the other hand, if the FATF ECG Co-Chairs conclude that prima facie the substantive threshold and procedural requirements are not met, the issue would not be taken forward for discussion, but a short note explaining the Co-Chair's position would be presented to the FATF ECG for information.

70. Issues identified less than four to six weeks before the FATF Plenary will be discussed at the subsequent FATF Plenary to ensure sufficient time for consultation among Secretariats and preparation of the decision paper. The decision paper prepared by the FATF Secretariat in consultation will include the background information listed above in paragraph 74 to the extent that it is relevant and appropriate.

71. The FATF ECG will decide whether the report meets the substantive threshold (serious or major issues of Q&C with the potential to affect the credibility of the FATF brand as a whole). Examples of situations meeting this substantive threshold include instances where:

a) the ratings are clearly inappropriate and not consistent with the analysis
b) there has been a serious misinterpretation of the Standards, Methodology and/or Procedures
c) an important part of the Methodology has been systematically misapplied, or
d) laws that are not in force and effect have been taken into account in the analysis and ratings of a report.

72. If the FATF ECG decides that the report meets the substantive threshold, it will refer the matter to the FATF Plenary along with clear recommendations on what action would be appropriate (e.g. requesting that GIABA reconsiders the report and/or makes appropriate changes before any publication). On the other hand, if the FATF ECG decides that the report does not meet the substantive threshold, the FATF Secretariat will advise GIABA and delegations that the post-Plenary Q&C review is complete, and the report will be published.

73. Where the FATF ECG has referred a post-Plenary Q&C issue, the FATF Plenary will discuss the matter and decide on the appropriate action. The Secretariat will advise GIABA of the FATF Plenary's decision. If GIABA declines to respond to the action requested by the FATF, the FATF Plenary will consider what further action may be necessary. GIABA will not publish the report until the issue is resolved within FATF and GIABA, and the FATF Secretariat advises that the post-Plenary Q&C review process is complete.

74. All MERs and Executive Summaries will be published on the GIABA website to give timely publicity to an important part of GIABA work:

a) Where the FATF has to consider concerns about quality and consistency, GIABA will not publish the MER or Executive summary until those issues are resolved.

b) In any other case, the MER and Executive Summary should be published within six weeks of the Plenary meeting.

## V. Evaluation of New Members

75. Where a potential new member undergoes a mutual evaluation by GIABA in order to assess whether it meets the criteria for GIABA membership, the procedures laid out in sections I to IV of these procedures will apply. If the country meets the criteria for membership and is admitted as a member of GIABA, but deficiencies are identified in the country's AML/CFT system, the Plenary shall apply GIABA's follow-up policy (section IX) to the country.

## VI. Joint Mutual Evaluations with FATF

76. In the case where a GIABA member becomes a member of the FATF, the FATF policy on joint mutual evaluations will apply. This policy requires FATF members that are also members of FSRB(s) to undergo a joint evaluation by both the FATF and appropriate FSRB. Typically, the FATF will be the principal organiser, and will provide 3 assessors, while 1-2 assessors could be provided by GIABA. Consequently, the FATF and GIABA Secretariats will support the assessors. The discussion of the MER should take place at the FATF Plenary, and given the additional measures adopted for joint evaluations, the presumption is that the FATF's view would be conclusive. The MER adopted by the FATF Plenary will be formally presented by the Chair of the GIABA TC/Plenary at Plenary immediately succeeding the FATF Plenary in which the MER was discussed. Notwithstanding, the FATF may decide that the MER of a GIABA member State that is also a direct member of the FATF, will be discussed at the GIABA Plenary.

77. The process for joint evaluations (including the FATF procedures for preparing the draft MER and Executive Summary) would be the same as for other FATF evaluations, but with GIABA and its members having opportunities to participate directly through being part of the assessment team, and also being able to provide comments and inputs like other delegations during the FATF Plenary. GIABA would allow reciprocal participation in mutual evaluation discussions for FATF members, and on this basis, the following measures should also apply for joint evaluations:

a) A representative from GIABA will be given a specific opportunity to intervene during the FATF Plenary discussion of the MER.

b) Where the MER is to be discussed at the GIABA Plenary, all the FATF assessors on the assessment team are encouraged to attend the GIABA Plenary at which the joint evaluation report is considered, and at least one FATF assessor should attend the GIABA Plenary. The same approach will be applied to IFI-led assessments of FATF members that are also members of GIABA.

c) In an exceptional case where a report was agreed within FATF but subsequently GIABA identified major difficulties with the text of the report, then the GIABA Secretariat would advise the FATF Secretariat of the issues, and the issues should be discussed at the next FATF Plenary.

d) Consideration will also be given to the timing of publication, if the MER has not been discussed by GIABA, with a view to finding a mutually agreed publication date.

## VII. IMF or World Bank-led Assessments of GIABA members

78. GIABA is responsible for the mutual evaluation process for all its members, and there is a presumption that GIABA will conduct the mutual evaluations[23] of all GIABA members as part of this process. This presumption can be overridden at the discretion of the GIABA Plenary on a case by case basis, with the country's agreement. For the purposes of GIABA's 2nd round of mutual evaluations, the GIABA Plenary may decide on the number of GIABA assessments that could be conducted by an IFI (the IMF or the World Bank and such an IFI-led assessment should be agreed and fixed on the same basis as other evaluations in the schedule (see section III).

79. For the GIABA assessment schedule to be fixed with appropriate certainty and in a coordinated manner, the process leading to the Plenary decision as to which GIABA member States will have an assessment led by an IFI team should be clear and transparent. In order for the evaluation schedule to be appropriately planned and assessment teams to be formed in sufficient time, it will be necessary for GIABA to be involved at an early stage in the process of determining which countries will be assessed by an IFI. The ECG will be informed at every Plenary as to the current status of the assessment schedule, including proposals as to whether assessments will be IFI-led, and the Plenary will decide on any such requests. Where the IMF or the World Bank conducts an AML/CFT assessment as part of the GIABA 2nd round of mutual evaluations, they should use procedures and a timetable similar to those of GIABA, including any procedures that GIABA has in addition to what is required by the Universal Procedures. The GIABA Plenary will in all cases have to approve an IFI assessment that is conducted under the GIABA 2nd round for it to be accepted as a GIABA mutual evaluation.

[23] Including any follow up that may be required

## VIII. Co-ordination with the Financial Sector Assessment Program (FSAP) process

80. The FATF Standards are recognised by the IFIs as one of 12 key standards and codes, for which Reports on Observance of Standards and Codes (ROSCs) are prepared, often in the context of the FSAP. Under current FSAP policy, every FSAP and FSAP update should incorporate timely and accurate AML/CFT input. Where possible, this should be based on comprehensive quality AML/CFT assessments and follow-up assessments. The AML/CFT assessments should, to the extent possible, be conducted within 18 months before or after the relevant FSAP mission (though some flexibility is possible). GIABA and the IFIs will coordinate with a view to ensuring a reasonable proximity between the date of the FSAP mission and that of a mutual evaluation or follow-up assessment to ensure that key findings of the evaluation or follow-up assessment are reflected in the FSAP, and members States are encouraged to coordinate the timing for both processes internally, and with the GIABA Secretariat and IFI staff[24].

81. The basic products of the evaluation process are the MER and the Executive Summary (for GIABA) and the Detailed Assessment Report (DAR) and the Report on the Observance of Standards and Codes (ROSC) (for the IFIs)[25]. The Executive Summary, whether derived from a MER or a MER follow-up assessment report, will form the basis of the ROSC. Following the adoption of the report by the Plenary, and after the finalisation of the Executive Summary, the Secretariat will provide the IFI (IMF or World Bank) with a summary so that a ROSC can be prepared after a pro forma review by the IFI. The substantive text of the draft ROSC will be the same as that of the Executive Summary, though a formal paragraph will be added at the beginning:

> "This Report on the Observance of Standards and Codes for the FATF Recommendations and Effectiveness of AML/CFT Systems was prepared by the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA). The report provides a summary of the AML/CFT measures in place in [Country] as at [date], the level of compliance with the FATF Recommendations, the level of effectiveness of the AML/CFT system, and contains recommendations on how the AML/CFT system could be strengthened. The views expressed in this document have been agreed by GIABA and [Country], but do not necessarily reflect the views of the Boards of the IMF or World Bank."

## IX. Follow-up process

82. The follow-up process is intended to: (i) encourage member States' implementation of the FATF Standards; (ii) provide regular monitoring and up-to-date information on countries' compliance with the FATF Standards (including the effectiveness of their AML/CFT systems); (iii) apply sufficient peer pressure and accountability; and (iv) better align the GIABA and FSAP assessment cycle. Thus, GIABA will apply transparent, clear and rules-based follow-up procedures to: enable it to track progress made by assessed member States in addressing their AML/CFT risks and deficiencies; focus on countries which do not make sufficient progress in addressing their risks and deficiencies; and exert pressure on such countries to improve their performance.

83. Following the discussion and adoption of a MER, the country could be placed on either the regular or enhanced follow-up process.

### (a) Regular Follow-up

84. The regular follow-up process will be the default monitoring mechanism to ensure a continuous and on-going monitoring of all assessed member States. Countries subject to regular follow-up will report back to the Plenary on a biennial basis.

[24] In instances where a comprehensive assessment or follow-up assessment against the prevailing standard is not available at the time of the FSAP, the IFI staff may need to derive key findings on the basis of other sources of information, such as the most recent assessment report, and follow-up and other reports. As necessary, IFI staff could potentially also join the FSAP mission for a review of the most significant AML/CFT issues for the country. In such cases, staff would present the key findings FSAP documents in the context of the current standard and methodology however, staff would not prepare a ROSC or ratings.

[25] The DAR and ROSC use the common agreed template that is annexed to the Methodology and have the same format, although the ROSC remains the responsibility and prerogative of the IMF/World Bank

85. Subject to paragraph 90(1)(a) below, at the adoption of the country's MER, the assessed country would be required to report back to the Plenary two years after the adoption of the MER and provide information on the actions it has taken or is taking to address the priority actions and recommendations, and deficiencies in its MER. The expectation is that significant progress would have been made.

86. The country will provide a follow-up report to the Secretariat setting out the actions it has taken since the adoption of its MER. This should include relevant changes to the laws, regulations, guidance, relevant data, and information relating to effectiveness, and other contextual and institutional information. This will be analysed by the Secretariat, and a summary report will be prepared. This is a desk-based review. However, to the extent possible, issues relating to effectiveness are also to be considered. Examples of substantive issues include:

a) Significant changes in the country's AML/CFT system leading to a decline in technical compliance or effectiveness.

b) Insufficient progress made by the country against the priority actions in its MER.

c) The report recommends moving the country from the regular follow-up to the enhanced follow-up.

87. When preparing the summary report for Plenary, the Secretariat could consult the original assessors, where they are available. The analysis and summary paper should be provided to the 87. When preparing the summary report for Plenary, the Secretariat could consult the original assessors, where they are available. The analysis and summary paper should be provided to the country for its comments before it is sent to delegations. The report will contain a recommendation regarding the next step in the follow-up process. The Plenary will consider the report and the progress made by the country, and decide whether the country should be maintained on the regular follow-up process.

## (b) Enhanced Follow-up

88. The enhanced follow-up process is in keeping with the FATF's traditional policy that deals with members with significant deficiencies (for technical compliance or effectiveness) in their AML/CFT system and involves a more intensive process of follow up.

89. The Plenary may decide, at its discretion, that the country should be placed in an enhanced follow-up process which would result in the country reporting back more frequently than for regular follow-up. Countries subject to enhanced follow-up will report back to the Plenary every year. In deciding whether to place a country on enhanced follow-up, the Plenary would consider the following factors:

(1) After the discussion of the MER: a country will be placed immediately into enhanced follow-up if any one of the following applies:

(a) Immediately after the discussion of the MER if the country:-

i. is rated 8 or more NC/PC in any of the FATF 40 Recommendations for technical compliance, or
ii. it is rated NC/PC on any one or more of R.3, 5, 10, 11 and 20, or
iii. has a low/moderate level of effectiveness for 7 or more of the 11 Immediate Outcomes for Effectiveness, or
iv. has a low level of effectiveness for 4 or more of the 11 Effectiveness Outcomes.

(2) After the discussion of a follow-up report at any stage in the regular follow-up process, if the country has not taken satisfactory action to address the deficiencies identified in the MER or has not adequately addressed a significant number of priority actions on a timely basis.

(3) A country on the regular follow-up process can also be placed into enhanced follow-up if, during the regular follow-up process, its level of technical compliance changes to a level that the Plenary considers as equivalent to NC/PC on any one or more of R.3, 5, 10, 11 and 20 or if it comes to the Plenary's attention that a country has significantly lowered its compliance with the FATF standards. The country will be asked to address any new deficiencies as part of the follow-up process.

90. In addition to more frequent reporting, the Plenary may also apply other enhanced measures to countries placed in enhanced follow-up, as follows:

a. The Director-General of GIABA could send a letter to the relevant Minister(s) in the member State drawing attention to the lack of compliance with the FATF Standards.

b. A high-level mission led by the Director-General of GIABA could be arranged to the member State to engage the political authority on the need to address the identified deficiencies in its AML/CFT system. This mission would be required to meet with appropriate Ministers and senior government officials.

c. In the context of the application of the FATF Recommendation 19[26] by its members, issuing a formal/public statement on the GIABA website to the effect that the member State is insufficiently in compliance with the FATF Recommendations, and recommending appropriate action, and considering whether additional counter-measures are required.

d. Suspending the country's membership of GIABA until the prioritized recommendations have been implemented. The suspension would mean that the country would be considered as a non-member of the GIABA for the period of the suspension and would be unable to attend GIABA meetings or provide input into GIABA processes except for the process to determine whether deficiencies have been adequately addressed.

e. Terminate the member State's membership of GIABA.

91. The Plenary may, notwithstanding the reporting cycles for each follow-up process, direct a country to implement a specific measure or take appropriate action within a specified period outside the reporting cycle.

92. The Plenary may decide to move a country from the enhanced follow-up process to the regular follow-up process at any time the Plenary is satisfied that the country has made significant progress against the priority actions and the outstanding deficiencies identified in the country's AML/CFT system no longer fall within the criteria for being in the enhanced follow-up process.

### (c) Follow-up Reports

93. Follow-up reports are to be analysed by the Secretariat and the ECG Expert Review Team, who should highlight both the progress made and the remaining deficiencies, and also propose timelines to take remedial actions. An assessed country may be re-rated on technical compliance with the Recommendations rated as NC or PC before or after the 5th year follow-up assessment as part of the follow-up process, if the follow-up report and other relevant information submitted by the country provide sufficient justification for the Plenary to come to such a conclusion based on the analysis conducted by the Secretariat/the Expert Review Team.

94. The general expectation is for countries to have addressed most, if not all, of the technical compliance deficiencies identified in their MER by the end of the 3rd year after its adoption; and the effectiveness shortcomings by the time of the follow-up assessment. However, requests for technical compliance re-ratings will not be considered where the expert(s) determines that the legal, institutional, or operational framework has not changed since the adoption of the country's MER (or previous FUR, if applicable) and there have been no changes to the FATF Standards or their interpretation.[27]

> 94 (bis) The FATF Assessment Methodology (2013) for assessing compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems applies to countries engaged in follow-up processes under the 4th round of mutual evaluations (as set out in paragraph 1), including for consideration of technical compliance re-ratings. If the FATF standards have been revised since the end of the on-site visit (or previous FUR, if applicable), the country will be assessed for compliance with all revised standards at as the time its re-rating request is considered (including cases where the revised Recommendation was rated LC or C).

[26] Recommendation 19 specifies the obligations of countries and financial institutions in applying enhanced due diligence including taking counter-measures in dealing with high risk countries.

[27] Where there is disagreement between the expert(s) and the assessed country in this respect, they should discuss with ECG Co-Chairs to achieve an agreement.

94 (ter) If a technical compliance re-rating request concerns any revised Standards transposed only into the FATF Assessment Methodology (2022), as updated from time to time, the country will be re-assessed for compliance with the revised Standards under this Methodology.[28]

94 (quater) In the exceptional case that it comes to the Plenary's attention that a country has significantly lowered its compliance with the FATF Standards, the Plenary may request the country to address any new deficiencies as part of the follow-up process.

95. In preparation for the follow-up reports, the country will provide an update to the Secretariat setting out the actions it has taken or is taking to address the priority actions and the recommended actions, and deficiencies in its MER.

- For regular follow-up reports, as the expectation is that significant progress would have been made in the three-year period since the MER was adopted, the report should focus on re-ratings for technical compliance and/or demonstrating progress in addressing the shortcomings in the MER.

- For the enhanced follow-up, the first follow-up report should at least contain an outline of the country's strategy for addressing the issues identified in their MER and exiting enhanced follow-up, for Plenary's information. If not already contained in the first follow-up report, subsequent reports should focus on re-ratings for technical compliance and/or demonstrating progress in addressing the shortcomings in the MER.

- For countries subject to review by the International Cooperation Review Group (on the basis of an agreed action plan), no reporting is expected on the Recommendations that are included in an ongoing action plan. However, overall progress on each Recommendation is still expected to be achieved, including on parts of Recommendations that are not covered by the action plan, under the normal timelines, or as soon as the country has completed its action plan (if this is after the regular timelines).

96. The country will be asked to submit information regarding technical compliance (which may be used to justify re-ratings) and effectiveness (for information only). Effectiveness updates should include any information that goes towards addressing the priority actions or other recommended actions in the MER, such as the lists in the FATF Methodology on the Examples of Information that could support the conclusions on Core Issues for each Immediate Outcome.

97. Although effectiveness will not be re-assessed until the follow-up assessment, updates on effectiveness facilitate a better understanding by GIABA of the progress made over time. Plenary may refer to such updates in determining whether to move a country from enhanced follow-up to regular follow-up (or vice versa), or whether to apply other enhanced measures to countries in enhanced follow–up that do not achieve satisfactory progress.

98. Re-ratings for technical compliance may only be made with Plenary approval as sought for formally via a written request. Where a country wishes to seek technical compliance re-ratings, it must inform the GIABA Secretariat, seven months in advance of the Plenary meeting in which the report is to be discussed, indicating the Recommendations proposed for re-ratings. In any event, the update or information to be provided by the country should be submitted to the Secretariat at least 6 months in advance of the Plenary meeting in which the report will be discussed. Only relevant laws, regulations or other AML/CFT measures that are in force and effect by the deadline to submit information for a re-rating request, will be taken into account for a re-rating.

99. All reports are subject to peer review by GIABA delegations, the ECG Experts and the Secretariat. Assessments of a country's request for technical compliance re-ratings and preparation of the follow-up report will be undertaken by the Secretariat and reviewed by the ECG Experts[29].

## (d) The process for follow-up reports is set out below:

[28] As part of its ongoing follow-up process, when a country requests a technical compliance re-rating related to revised Standards transposed into the FATF Assessment Methodology (2022) only, this will not trigger the general requirement for countries to be re-assessed against all revised Standards transposed into this Methodology.

[29] Assessors that participated in the mutual evaluation of the assessed country can also be called upon to review the follow-up report.

100. The country will provide an update, based on the templates provided by GIABA for this purpose, at least six months before the update report is due to be discussed by the GIABA Plenary. The Secretariat will carry out an analysis and indicate its finding on the template provided to the country and prepare a draft follow-up report. At least four months before the Plenary meetings, the Secretariat will forward the draft follow-up report and the template which incorporates a brief analysis of the update to the ECG Expert(s). The Expert(s) will conduct a review of the information on the template and the draft follow-up report. In carrying out this review, an Expert may collaborate with the assessors that conducted the mutual evaluation of the country or other experienced assessors. Expert(s) will provide comments on the draft follow-up report and template and forward these to the Secretariat at least three months before the Plenary meetings in which the report will be discussed. The Secretariat will incorporate any substantial issues raised by the Expert(s) into the draft follow-up report. The draft report will be sent to the country for comments at least 10 weeks before the Plenary discussion. The country will have one week to provide comments to the Secretariat.

101. Follow-up reports with technical compliance re-ratings will be circulated to all members, associate members and observers, including FATF (for circulation to FATF members), at least eight weeks prior to discussion in the ECG/ Plenary meeting, and they are to provide written comments on the reports within two weeks. If no comments are received (including from the assessed country), the report will be deemed approved and will be published. If comments are received, a revised report will be circulated six weeks before the ECG/Plenary meeting for consideration and adoption. If no comments on the revised report are received, the report will be deemed approved and will be published. If two or more delegations (excluding the assessed country) raise concerns regarding the experts' analysis of a particular Recommendation, the Recommendation in question and the issues raised will be discussed at the GIABA Plenary. However, in exceptional cases, the concerns raised may be resolved through a written process. Follow-up reports may also be adopted through a written process in exceptional circumstances.

102. The ECG Experts and the Secretariat will compile a shortlist of the issues to be discussed, and will circulate this to all members, observers and associate members at least two weeks before the ECG discussion. The ECG discussion will prioritize discussion of these issues and should be limited in time and scope.

103. Follow-up reports with re-ratings for technical compliance in which two or more delegations (excluding the assessed country) raise concerns regarding the expert's analysis of a particular Recommendation, will first be considered by the ECG but the decision lies with the Plenary and not the ECG. The report will be considered by the Plenary as a discussion item. Plenary discussions on a follow-up report with technical compliance re-ratings should take, on average, no more than one hour of Plenary time. Plenary will not discuss an individual criterion rating unless it will impact on the overall Recommendation rating.

104. Follow-up reports that do not involve re-ratings should be submitted at least two months in advance of the relevant Plenary meeting. The Secretariat will conduct a desk review and analysis, and prepare a summary report with a cover note solely focusing on the follow-up process and progress made. These reports will be provided to Plenary as information items.

105. All follow-up reports will be considered by Plenary, either as a discussion or information item.

106. The ECG/Plenary may opt to prioritise follow-up reports for discussion that receive written comments and/or involve substantive issues. Examples of substantive issues include, but are not limited to:

- Requests for technical compliance re-ratings.
- Significant changes in a country leading to a decline in technical compliance or effectiveness.
- Insufficient progress made by a country against the priority actions in its MER.
- Recommendations to place a country in or out of enhanced follow-up.

### (e) Continued involvement of Secretariat.

107. The GIABA Secretariat will assist experts in achieving consistency in the application of the FATF Standards and Methodology, and will equally support the countries in the follow-up process. The Secretariat will also advise the ECG/Plenary on the process and procedural issues (e.g. in cases where no progress has been made).

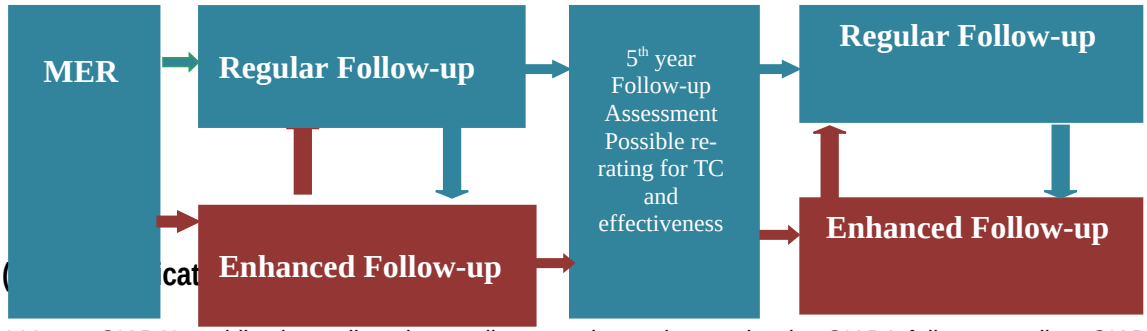
## (f) MER Follow-up Assessment

108. The follow-up assessment is intended to provide a more comprehensive update on the country's AML/CFT regime. It is intended to serve a similar function as an update that is part of a country's Financial Sector Assessment Programme. This takes place five years after the adoption of the country's MER and will occur regardless of whether the country has been on the regular or enhanced follow-up process. The focus of the follow-up assessment is on the progress made by the country on the priority actions in its MER, and other areas where the country had significant deficiencies. The follow-up assessment could also examine any areas where the Standards had changed since the adoption of the MER, other elements of the country's AML/CFT regime which had changed significantly, as well as high-risk areas identified in the MER or noted subsequently in the follow-up process.

109. The process for the follow-up assessment should include a short on-site visit (usually 2-3 days) to the country to assess improvements in effectiveness and other areas. This on-site visit is to be conducted by a small team of (e.g. one to three) experts preferably drawn from those that were on the original assessment team, and supported by the Secretariat. The team would prepare a progress assessment report for Plenary discussion and decision. Re-ratings on both technical compliance and effectiveness are possible, and Plenary will decide whether the country should then be placed in regular or enhanced follow-up, with the process continuing as previously.

110. The types of follow-up processes are presented schematically in figure 1 below.

**Figure1. Process of the 2nd Round of Mutual Evaluations**




111. GIABA's publication policy also applies to actions taken under the GIABA follow-up policy. GIABA will publish the reports of the follow-up (regular or enhanced) and the follow-up assessment after adoption. After adoption, and prior to publication, final follow-up reports with TC re-ratings should be provided to the FATF Secretariat and all other assessment bodies for consideration in the post-Plenary Q&C Review process described in the Post-Plenary Quality and Consistency Review section of these Procedures. Follow-up reports where no issues are raised through the pre-plenary review process or during the relevant working group/plenary discussion are not subject to this post-Plenary Q&C review process. The Plenary will retain some flexibility on the frequency with which Enhanced Follow-up Reports are published. However, reports will be published whenever there is a re-rating.

112. If requested by a country, a link will be provided from the GIABA website to a website of the country on which it has placed additional updates or other information relevant to the actions the country has taken to improve its AML/CFT system.

## (h) Process for Unintended Consequences

112(bis). If, at any time, two or more parties[30] report to the FATF that a country is implementing obligations regarding NPOs in a way that is having unintended consequences (UICs), which are unduly disrupting or discouraging legitimate NPO activities, the ECG Co-Chairs will conduct a prima facie review of the information

[30] A party is an FATF, FSRB member, the IMF or the World Bank. Where the country is an FATF member, at least one of the parties must be an FATF member. Where the country is an FSRB member, at least one of the parties must be either a member of the respective FSRB or an FATF member.

provided to determine whether the UIC reports contain sufficient information to meet the substantive threshold[31]. To aid in this decision, the FATF Secretariat will liaise with the affected country and the parties making the reports to provide the ECG Co-Chairs with any relevant information on the issue, which may include the following:

a) Information submitted by the parties raising the UIC reports;

b) Information submitted by the affected country;

c) Information received by the FATF from source(s) representing the NPO community, including but not limited to those in the affected country or the NPO sector;

d) The affected country's assessment in previous assessment processes (such as previous mutual evaluation, ICRG or follow-up reports), including in relation to R.8 and Immediate Outcome 10;

e) Objective cross-comparison with the treatment of previous UIC reports;

f) Any connection or implication for the affected country's ME, ICRG and follow-up process;

g) Any other credible or reliable information (e.g. from international institutions or major authoritative publications); and

h) Recommendations to resolve the issue, including appropriate next steps.

112(ter). Where the report relates to a FSRB member, the FATF Secretariat should also liaise with the relevant FSRB Secretariat(s). In particular, this should clarify the implications for any ongoing mutual evaluation or follow-up processes or any pre-existing follow-up reporting requirements to avoid any duplication with the UIC process. The FSRB should also lead the collection of the applicable legislation and any other relevant materials (including assisting with English or French translations), and forwarding them to the FATF Secretariat, where necessary.

112 (quater). If the ECG Co-chairs consider[32] that the UIC reports contain sufficient information to meet the substantive threshold, the FATF Secretariat will circulate a decision paper to all FATF delegations for consideration by the ECG at its next meeting.[33] The decision paper will identify the parties whose reports have triggered the process and will include any relevant information referred to in paragraph 101(bis). The ECG paper will lay out potential next steps for consideration which could include:

a) Requesting reporting from the affected country to ECG and/or Plenary on the steps they are taking to resolve the issue;

b) Requesting the affected country to submit a technical compliance re-rating request on R.8 against the last update of the 2022 Methodology within timelines agreed upon by the Plenary;

c) Issuing a public statement regarding the affected country;

d) Applying any of the enhanced measures as outlined in paragraph 90; and/or

[31] The substantive threshold is that the reports must fall within the scope of the FATF Standards in relation to NPOs. The reports must also clearly indicate how the affected country is implementing obligations regarding NPOs in a way that is unduly disrupting or discouraging legitimate NPO activities. This can include, but is not limited to, providing information regarding laws, regulations and/or measures applying to NPOs that are in force and effect at the time of the UIC reports and how the implementation of obligations regarding NPOs by the affected country (e.g., in relation to monitoring/oversight, reporting and registration requirements, and barriers on legitimate NPO activities) are unduly disrupting or discouraging legitimate NPO activities.

[32] If the ECG Co-Chairs conclude that the UIC reports do not contain sufficient information to meet the substantive threshold, the issue would not be taken forward for discussion, but a short note explaining the Co-Chairs' position would be presented to ECG for information.

[33] UIC reports must be made at least six weeks before an ECG meeting to be considered at that ECG meeting.

e) If the country is an FSRB member, referral of the affected country to its respective FSRB to address the UIC issue.[34]

112 (quinquies). If the ECG decides that the UIC reports meet the substantive threshold, the ECG should recommend to the FATF Plenary that the country address the issue and include possible next steps for Plenary's approval. If the Plenary approves the recommendation from ECG, it should request the country address the issue accordingly.

112 (sexies). If the UIC reports relate to a country If the UIC reports relate to a country that is undergoing their mutual evaluation, or is about to undergo their mutual evaluation, the information relating to the UIC reports should be referred to the relevant assessment team and assessed country, and considered as part of the country's mutual evaluation process as set out in paragraph 23 of the 2022 Methodology.

112 (septies). The process set out in paragraphs 112 (bis) to 112 (quinquies) also applies to countries under active ICRG review and in their ICRG observation period, except that it is led by the ICRG Co-Chairs and ICRG in place of the ECG Co-Chairs and ECG.[35] If the ICRG Co-chairs consider[36] that the UIC reports contain sufficient information to meet the substantive threshold[37] the FATF Secretariat will circulate a decision paper to all FATF delegations for consideration by the ICRG at its next meeting.[38] The decision paper will identify the parties whose reports have triggered the process and will include any relevant information referred to in paragraph 112 (bis). The ICRG paper will lay out potential next steps for consideration which could include changes to reporting obligations (including in relation to post-observation period reports, progress reports and on-site visit reports), changes to countries' public statements and/or changes to the monitored jurisdictions' action plans (while being mindful of timelines).[39] If the ICRG decides that the UIC reports meet the substantive threshold, the ICRG should recommend to the FATF Plenary that the country address the issue and include possible next steps for Plenary's approval. If the Plenary approves the recommendation from ICRG, the ICRG and Joint Group should request the country address the issue accordingly.[40]

112 (octies) For countries in the ICRG pool, on receipt of UIC reports as outlined in paragraph 112(bis), the FATF Secretariat should include these reports as an element for consideration in its "Jurisdictions under ICRG Observation" paper.

## X. Training

113. As noted above, a key objective of the mutual evaluation exercise is the production of objective and accurate Mutual Evaluation Reports of a high standard in a timely way. In order to achieve this objective, it is essential for all actors to acquire the specific knowledge, skills, and competencies required to carry out a successful mutual evaluation exercise. Consequently, GIABA conducts two categories of training as follows:

### a) Assessors' Training

[34] If the FATF refers the affected country to its respective FSRB, the FATF should advise how it expects the FSRB to address the issue (e.g., through reporting requirements) and consider the resource implications for the FSRB and any connection with pre-existing reporting requirements (e.g., follow-up reports).

[35] Where the UIC reports relate to a country in active ICRG review or in its ICRG observation period, the ICRG-led process should be used (rather than the ECG-led process).

[36] If the ICRG Co-Chairs conclude that the UIC reports do not contain sufficient information to meet the substantive threshold, the issue would not be taken forward for discussion, but a short note explaining the Co-Chairs' position would be presented to ICRG for information.

[37] As defined in footnote 32 of paragraph 112(bis).

[38] UIC reports must be made at least six weeks before an ICRG meeting to be considered at that ICRG meeting.

[39] While Plenary will decide the precise nature of measures, these are intended to offer different ranges of action, i.e., recommending that jurisdictions submit additional information (reporting on UIC issues), amending the public statement to include a reference to the UIC, and/or amending the action plan to include an additional action item which would be considered for the purposes of exiting the ICRG process.

[40] If Plenary agrees to amend an ongoing action plan, the FATF President must confirm country's political commitment through a written process and as part of the post-Plenary process informing ICRG countries of Plenary decisions and next steps.

114. GIABA conducts Assessors' training seminars periodically. Assessors are expected to gather information on a country's AML/CFT regime, identify areas requiring improvement and recommend steps that countries should take to improve their AML/CFT compliance level. The assessors training for the second round of mutual evaluations is based on the Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems (2013). The assessors' training seminars will allow participants to acquire the requisite knowledge and skills to conduct assessments on technical compliance and the outcome-based assessment on the effectiveness of AML/CFT regimes. The training is intended to equip assessors, and ensure that they acquire a clear understanding of the mutual evaluation process, including the FATF Standards and the methodology for assessment. Assessors are drawn from the legal, financial and law enforcement sectors of Ministries, Departments, and Agencies (MDAs) of GIABA member States.

### b) Pre-Assessment Training

115. GIABA conducts a pre-assessment training seminar prior to the mutual evaluation on site of each member State. The pre-assessment training seminar serves as a forum to apprise national authorities of their roles in the mutual evaluation process. Specifically, the training is intended to inform and sensitise national stakeholders on the significance of the mutual evaluation and ensure that countries are prepared and fully involved in the mutual evaluation exercise. The pre-assessment training also offers stakeholders technical guidance on how to complete the Questionnaire for Technical Compliance (Mutual Evaluation Questionnaire (MEQ)) and gives members States the opportunity to update the MEQ. Participants include officials of relevant government Ministries, Departments and Agencies (MDAs) as well as representatives of relevant private sector institutions in the assessed country. The pre-assessment training will take place at least 8 -10 months before the on-site visit. The detail list of eligible agencies is provided in Annex 3.

## ANNEX 1: CALENDAR OF THE SECOND ROUND OF MUTUAL EVALUATION ON-SITE VISITS FOR GIABA MEMBER STATES

| Member State | Date of On-site | Date of Plenary Discussion |
|---|---|---|
| GHANA | September 2016 | May 2017 |
| SENEGAL | September 2017 | November 2018 |
| CABO VERDE | December 2017 | November 2018 |
| BURKINA FASO | July/August 2018 | May 2019 |
| MALI | March 2019 | November 2019 |
| BENIN | February 2019 | November 2019<br>(Report not adopted yet) |
| SIERRA LEONE | July 2019 | December 2020 |
| NIGERIA | September/October 2019 | December 2020 |
| NIGER | January 2020 | May 2021 |
| TOGO | January 2021 | November 2021 |
| GUINEA BISSAU | January 2021 | November 2021 |
| THE GAMBIA | August/September 2021 | May 2022 |
| COTE D'IVOIRE | September 2021 | May 2022 |
| GUINEA | January 2022 | November 2022 |
| LIBERIA | February/March 2022 | November 2022 |
| SAO TOME AND PRINCIPE | June 2022 | May 2023 |
| UNION OF THE COMOROS | August/September 2022 | May 2023 |

## ANNEX2A – TIMELINES FOR THE 2ND ROUND MUTUAL EVALUATION PROCESS

| Date | Week | Key Indicative Milestones[41] | | |
|---|---|---|---|---|
| | | Assessment Team | Country[42] | Reviewers |
| At least 6 months before the on-site | -24 | ▪ Commence research and desk-based review on technical compliance (TC).<br>▪ Confirm (or find) assessors drawn from countries which had volunteered[43]Director-General to formally advise country of the assessors once confirmed.<br>▪ Invite delegations to provide information about (a) assessed country's risk situation and any specific issues which should be given additional attention by assessors, (b) their international cooperation experiences with the assessed country. | ▪ Designate contact point(s) or person(s) and set up an internal coordination mechanism (as necessary)[44]<br>▪ Respond to the questionnaire for technical compliance by providing information on legislation including new laws and regulations, guidance, institutional framework, risk, and context. | |
| 4 months before the on-site | -16 | ▪ Prepare preliminary draft TC annex.<br>▪ Analyse country's assessment of risk and discuss potential areas of increased focus for on-site.[45]<br>▪ Confirm reviewers (drawn from a pool of experts). | ▪ Provide response on effectiveness based on the 11 Immediate Outcomes and the underlying Core Issues (including as relevant supporting information and data). | |
| 3 months before the on-site visit | -12 | ▪ Forward 1st Draft of TC annex (need not contain ratings or recommendations) to the country for comments. | ▪ Contact point(s) or person(s) to engage Secretariat to prepare for the on-site. | |
| 2 months before the on-site visit | -8 | ▪ Advise and consult country on preliminary areas of increased focus for on-site. This could involve preliminary discussions on the assessment team's impressions on the country's ML/TF risks.<br>▪ Forward draft scoping note to reviewers.<br>▪ Prepare a preliminary analysis identifying key issues on effectiveness. | ▪ Provide comments on draft TC assessment. | • Review draft scoping note. |
| 1 month before the on-site visit | | ▪ Final date for members and FSRBs to provide specific information on their international co-operation experiences with the country.<br>▪ Provide draft programme for on-site visit to the assessment team.[46]<br>▪ Finalise areas of increased focus for on-site visit, and key government agencies and private sector bodies to meet. | | |
| At least 3 weeks before the on-site | -3 | ▪ Finalise programme and logistics arrangements for on-site. | | |
| At least 2 week before the on-site | -2 | ▪ Assessment team to prepare revised draft TC annex, draft TC text for MER, and outline of initial findings/key issues to discuss on effectiveness. Where possible a working draft MER prepared. Revised draft TC annex sent to country. | | |

[41]Interaction between assessors, secretariat and country is a dynamic and continuous process. The assessment team should engage the assessed country as soon and as much as reasonably possible. Seeking and provision of information will occur throughout the process. Countries should respond to queries raised by assessment team in a timely manner.

[42]The country would have to commence preparation and review of its AML/CFT regime for compliance with the FATF Standards more than 6 months prior to the on-site.

[43]The assessment team should comprise at least 4 assessors, including at least one legal, law enforcement and financial expert. Depending on the country and risks, additional assessors with the relevant expertise may be sought.

[44]Contact person(s) should ideally be familiar or trained in the FATF Standards before the commencement of the process.

[45]This may identify a need to request additional experts with other specific expertise for the assessment team.

[46]Contact point(s) or person(s) to identify and inform key government agencies and private sector bodies that would be involved for the on-site.

| Date | Week | Key Indicative Milestones | | |
|---|---|---|---|---|
| | | Assessment Team | Country | Reviewers |
| | | ▪ Assessment team to prepare revised draft TC annex, draft TC text for MER, and outline of initial findings/key issues to discuss on effectiveness. Where possible a working draft MER prepared. Revised draft TC annex sent to country. | ▪ Country to provide responses to any outstanding questions from the assessment team. | |
| On-site Visit | | | | |
| Usually 2 weeks (but may vary) | 0 | | | |
| After the on-site visit | | | | |
| Within 6 weeks of on-site visit | 6 | ▪ Assessment team to prepare the complete 1st draft MER and send to country for comments. | | |
| Within 4 weeks of receipt of draft MER | 10 | ▪ Review and provide inputs on queries that country may raise. | ▪ Respond to 1st draft MER. | |
| Within 2 weeks of receiving country comments | 12 | ▪ Review country's response on 1st draft of MER. Prepare and send 2nd draft MER & ES to country (for information only) and reviewers. Send country comments to reviewers. | | |
| | 14 | | | ▪ Provide comments on 2nd draft MER, &ES. |
| Minimum – 10 weeks before the Plenary | 15 | ▪ Prepare and send 3rd draft MER & ES to country.<br>▪ Send draft MER & ES for translation.<br>▪ Send note to reviewers and assessed country setting out comments of assessment team on reviewers' comments. | | |
| Minimum – 8 weeks before the Plenary | 17 | ▪ Conduct face to face meeting to discuss the 3rd draft MER & ES.<br>▪ Work with country to resolve disagreements and identify potential priority issues for Plenary discussions. | ▪ Provide 2nd set of comments to the assessment team at least one week prior to the face to face meeting. | |
| Minimum 5 weeks before Plenary | 18 | ▪ Send final draft MER & ES, together with reviewers' comments and assessment team response to all delegations for comments (2 weeks). | | |
| Minimum – 3 weeks before Plenary | 22 | ▪ Deadline for written comments from delegations. | | |
| Two-week period before Plenary | 23 | ▪ Engage country and assessors on priority issues, and other comments received on MER or ES.<br>▪ Circulate (a) compilation of delegation comments, and (b) finalised list of priority issues to be discussed in Plenary.<br>▪ Review and provide inputs on priority issues, and other comments received on MER or ES. | ▪ Work with assessment team on priority issues, and other comments received on MER or ES. | |
| Plenary Week | 25 | <u>Discussion of MER</u><br>Members discuss and then adopt the MER and Executive Summary.. | | |

| Date | Week | Key Indicative Milestones | | |
|---|---|---|---|---|
| | | Assessment Team | Country | Reviewers |
| Post Plenary – Publication and Finalisation of MER* | | | | |
| The MER adopted by Plenary is to be published as soon as possible, and within six weeks, once the assessment team has reviewed it to take into account additional comments raised in Plenary, and the country confirms that the report is accurate and/or advises of any consistency, typographical or similar errors in the MER. This period to publication is inclusive of any post-Plenary quality and consistency review as required by the Universal Procedures for AML/CFT assessments. | | | | |

**Annex 2B: THE GIABA MUTUAL EVALUATION PROCESS AND PROCEDURES (P & P) FOR THE 2ND ROUND OF ASSESSMENTS**

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| PRE-ON-SITE | | | GIABA High-Level visit to member State. | At least 48 weeks to on-site | 1 | Secretariat |
| | | | GIABA Pre-Assessment Training | At least 32 weeks to on-site | 4 | Secretariat |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | A | - | Agree on the date for On-Site Visit to Member State (MS) | At least 36 weeks to on-site | 5 | Secretariat, MS |
| | B | A | Forward Mutual Evaluation Questionnaire (MEQ) to MS | At least 35 weeks to on-site | 1 | Secretariat |
| | C | B | Complete MEQ and Return to Secretariat | At least 28 weeks to on-site | 28 | MS |
| | D | B | Select Assessors and notify MS | At least 28 weeks to on-site | 5 | Secretariat |
| | E | C | Review completed MEQ for completeness | At least 27 weeks to on-site | 5 | Secretariat |
| | F | E | Forward Completed MEQ to Assessors | At least 26 weeks to on-site | 1 | Secretariat |
| | G | B | Request for inputs into the ME from delegations (FATF, FSRBs, Other MS; etc.) | At least 34 weeks to on-site | 1 | Secretariat |
| | H | D | Appoint Reviewers | At least 26 weeks to on-site | 1 | Secretariat |
| | I | D, H | Sign and return Confidentiality Agreement to the Secretariat | At least 25 weeks to on-site | 5 | Assessors and Reviewers |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | J | C | Provide information on Effectiveness based on the 11 Immediate Outcomes | At least 24 weeks to on-site | 20 | MS |
| | K | C, I | Conduct Desk Review using completed MEQ, and other sources of information | At least 24 weeks to on-site | 20 | Assessment Team |
| | L | K | Carry out Scoping on areas of focus for the on-site | At least 16 weeks to on-site | 20 | Assessment Team |
| | M | E, J, K, L | Prepare 1st Daft of Technical Compliance (TC) Annex and forward to MS for comments | At least 16 weeks to on-site | 20 | Assessment Team |
| | N | K | Forward Scoping Note to Reviewers | At least 15 weeks to on-site | 1 | Assessment Team |
| | O | M | Forward comments on the Scoping Note to Assessment Team | At least 10 weeks to on-site | 15 | Reviewers |
| | P | J, O | Prepare a Preliminary Analysis of Effectiveness | At least 8 weeks to on-site | 10 | Assessment Team |
| | Q | M. P | Consult and agree with MS on areas of focus for on-site | At least 8 weeks to on-site | 5 | Assessment Team |
| | R | Q | Prepare draft program and logistical issues for | At least 4 weeks to on-site | 5 | Secretariat and MS |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | | | on-site and forward to Assessors | | | |
| | S | Q | Forward Final version of scoping note to MS | At least 3 weeks to on-site | 2 | Assessment Team |
| | T | Q | Prepare revised draft TC Annex, Draft TC Text for MER and outline of critical findings on Effectiveness and forward to MS | At least 2 weeks to on-site | 20 | Assessment Team |
| | U | R | Finalize Schedule of meetings for on-site | At least 2 weeks to on-site | 10 | Secretariat and MS |
| ON-SITE VISIT | V | U | Hold Briefing meeting with MS Contact | 1 day to meetings | 1 | Assessment Team and MS |
| | W | V | Meetings with representatives of MS including private sector stakeholders | On-Site days | 7 | Assessment Team and MS |
| | X | W | De-Briefing meeting with only government officials | Last day of on-site meetings | 1 | Assessment Team and MS |
| | Y | X | Discuss draft MER based on emerging issues from the on-site | Last two days of on-site | 2 | Assessment Team |
| | Z | Y | Refine 1st Draft MER and forward to MS. | Within 6 weeks after on-site (19 weeks to Plenary) | 25 | Assessment Team |
| | AA | Z | Review and provide | Within 4 weeks of receipt of | 20 | MS |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | | | comments of 1st Draft MER and forward to Assessment Team | the refined draft (10 weeks after on-site or 15 weeks to Plenary) | | |
| | AB | AA | Incorporate comments from MS and prepare 2nd draft MER and the Executive Summary then forward to MS and Reviewers<br><br>Note: translate 2nd draft to English if English is not the language of the Assessment and include an additional seven and a half (7½) weeks to the estimated activity completion duration. | Within 3 weeks of receipt of comments from MS (13 weeks after on-site or 12 weeks to Plenary) | 10 | Assessment Team |
| | AC | AB | Forward comments on 2nd Draft MER to Assessment Team | Within 3 weeks of receipt of 2nd Draft MER (14 weeks after on-site or 11 weeks to Plenary) | 10 | Reviewers and MS |
| | AD | AC | Prepare responses to comments by reviewers on 2nd draft MER | Within 2 weeks of receipt of comments (16 weeks after on-site or 9 weeks to Plenary) | 10 | Assessment Team |
| | AE | AC | Consolidate the comments from the Reviewers and MS on 2nd Draft MER | Within 2 weeks of receipt of comments (16 weeks after on-site or 9 weeks to Plenary) | | Secretariat |
| | AF | AE | Prepare revised 2nd | Within 2 weeks of receipt of | | Assessment Team |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | | | Draft MER taking into consideration where necessary comments by Reviewers and forward to MS | comments (16 weeks after on-site or 9 weeks to Plenary) | | |
| | AG | AF | Provide comments on revised 2nd draft MER to Assessment Team | Within 1 week of receipt of 3rd draft MER (17 weeks after on-site or 8 weeks to Plenary) | 5 | MS |
| | AH | AG | Hold interactive meeting (F2F or Video/Tele-Conferencing) to resolve any outstanding issues | | | Assessment Team and MS |
| | AI | AH | Prepare 3rd (pre-Plenary) draft MER and ES following an interactive meeting and then forward to delegates to Plenary | Within 3 weeks of the interactive meeting (20 weeks after on-site or 6 weeks to Plenary) | 15 | Secretariat |
| | AJ | AI | Forward comments on 3rd MER and ES to Secretariat | Within 2 weeks of receipt of 3rd Draft MER (22 weeks after on-site or 3 weeks to Plenary) | 10 | Delegates |
| | AK | AI; AJ | In consultation with MS, Assessment Team and Reviewers, prepare | Within 1 week of receipt of comments (23 weeks after on-site or 2 weeks to Plenary) | 5 | Secretariat and Co-Chairs of ECG |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | | | a list of priority and substantive issues for discussion at the Plenary and circulate to Delegates | | | |
| POST-PLENARY | AL | AK | ECG Meeting | 25 weeks after on-site | 1 | ECG |
| | AM | AL | Produce and distribute a short report of ECG to all delegations to Plenary | | 0.5 | Secretariat |
| | AN | AL; AM | Plenary discussion and adoption of MER including the type of follow-up regime | | 1 | Plenary |
| | AO | AN | Revise Final MER based on Plenary decision and circulate to MS | Within 1 week after Plenary | 5 | Secretariat |
| | AP | AO | Confirm accuracy of revised Final MER and forward to Secretariat | Within 1.5 weeks of receipt of revised final MER (2.5 weeks after Plenary) | 7.5 | MS |
| | AQ | AP | Circulate confirmed MER to FATF FSRBs and IFIs for concerns (if any) | Within 2.5 days of receipt of confirmed final MER (3 weeks after Plenary) | 2.5 | Secretariat |
| | AR | AQ | Forward any concerns on confirmed MER to the FATF and | Within 2 weeks of receipt of the confirmed MER (5 weeks after Plenary) | 10 | Delegates |

| MUTUAL EVALUATION COMPONENT | ACTIVITY | PRECEDING ACTIVITY | ACTIVITY DESCRIPTION | ESTIMATED ACTIVITY DURATION BEFORE OR AFTER ON-SITE VISIT (IN WKS) | ESTIMATED ACTIVITY COMPLETION DURATION (IN WORKING DAYS) | ACTION BY |
|---|---|---|---|---|---|---|
| | | | GIABA and Secretariats | | | |
| | AS | AR | Final clean up of the MER and then publish MER on GIABA Website | Within 1 week of receipt of any concerns on confirmed MER (6 weeks after Plenary) | 5 | Secretariat |
| | AT | AS | Conduct Follow-Up Assessment | 5 years after Adoption of MER | 90 | Assessment Team |

Assessment Team = Secretariat + Assessors; ECG = Evaluation and Compliance Group; ES = Executive Summary; F2F = Face-to-Face; ME = Mutual Evaluation; MER = Mutual Evaluation Report; MEQ = Mutual Evaluation Questionnaire; MS = Member State; TC = Technical Compliance

## ANNEX 3 – AUTHORITIES AND BUSINESSES TYPICALLY INVOLVED FOR ON-SITE VISIT

### Ministries:

- Ministry of Finance.
- Ministry of Justice, including central authorities for international co-operation.
- Ministry of Interior.
- Ministry of Foreign Affairs.
- Ministry responsible for the law relating to legal persons, legal arrangements, and non-profit organisations.
- Other bodies or committees to co-ordinate AML/CFT action, including the assessment of the money laundering and terrorist financing risks at the national level.
-

### Criminal justice and operational agencies:

- The FIU.
- Law enforcement agencies including police and other relevant investigative bodies.
- Prosecution authorities including any specialised confiscation agencies.
- Customs service, border agencies, and where relevant, trade promotion and investment agencies.
- If relevant - specialised drug or anti-corruption agencies, tax authorities, intelligence or security services.
- Task forces or commissions on ML, FT or organised crime.

### Financial sector bodies:

- Ministries/agencies responsible for licensing, registering or otherwise authorising financial institutions.
- Supervisors of financial institutions, including the supervisors for banking and other credit institutions, insurance, and securities and investment.
- Supervisors or authorities responsible for monitoring and ensuring AML/CFT compliance by other types of financial institutions, in particular bureaux de change and money remittance businesses.
- Exchanges for securities, futures and other traded instruments.
- If relevant, Central Bank.
- The relevant financial sector associations and a representative sample of financial institutions (including both senior executives and compliance officers, and where appropriate internal auditors).
- A representative sample of external auditors.
- DNFBP and other matters:
- Casino supervisory body;
- Supervisor or other authority or Self-Regulatory Body (SRB) responsible for monitoring AML/CFT compliance by other DNFBPs;
- Registry for companies and other legal persons, and for legal arrangements (if applicable);
- Bodies or mechanisms that have oversight of non-profit organisations, for example, tax authorities(where relevant);
- A representative sample of professionals involved in non-financial businesses and professions(managers or persons in charge of AML/CFT matters (e.g. lawyers, notaries, accountants and any person providing trust and company services, compliance officers) in casinos, real-estate agencies, and precious metals/stones businesses); and
- Any other agencies or bodies that may be relevant (e.g. reputable academics relating to AML/CFT and civil societies).

Efficient use has to be made of the time available on-site, and it is therefore suggested that the meetings with the financial sector and DNFBP associations also have the representative sample of institutions/DNFBP present.

## ANNEX 4 – QUESTIONNAIRE FOR TECHNICAL COMPLIANCE

### BACKGROUND AND KEY DOCUMENTS

Countries should briefly note any significant changes to their AML/CFT system which have taken place since the last evaluation or since they exited the follow-up process. This includes:

- New AML/CFT laws, regulations and enforceable means.
- New competent authorities, or significant reallocation of responsibility between competent authorities.

Countries should list the principal laws and regulations in their AML/CFT system and give a brief, high-level summary of their scope. The (translated) text of these laws should be provided to assessors. It is preferable to assign each document a unique number to ensure references are consistent. These numbers should be listed here.

Countries should list the main competent authorities responsible for AML/CFT policy and operations, and summarise their specific AML/CFT responsibilities

1. [Example –"Since the last evaluation, Country X has passed the 'Law on Suspicious Transaction Reporting (2009)" and established an FIU. Responsibility for investigating suspicious transactions has been transferred from the Ministry of Interior to the FIU.

2. [Example –"The principal laws relevant to AML/CFT are:

- Money Laundering Act (1963) (document L1) – establishes a criminal offence of money laundering
- Proceeds of Crime Act (2007) (document L2) – sets a legal framework for the confiscation of the proceeds of crime
- National Security Act (2005) (document L3) – establishes a criminal offence of terrorist financing and a legal framework for implementing targeted financial sanctions
- Financial Sector Act (1999) (document L4) – provides the legal basis for financial sector regulation and supervision and sets out the basic AML/CFT obligations on firms.

### RISK AND CONTEXT

Countries should provide assessors with available documents about the ML/TF risks in their country. They should list each document they provide and briefly describe their scope. Countries should also note any important considerations about risk and context which they wish to bring to the attention of assessors. This should not duplicate information included in the documents provided. If countries wish to highlight specific contextual factors, they should provide documentation on these.

Countries should describe the size and structure of their financial and DNFBP sectors, using the tables in Annex 5

## TECHNICAL COMPLIANCE INFORMATION

Countries should provide information on their technical compliance with each of the Criteria used in the FATF Methodology.

For each criterion, countries should, at a minimum, set out the reference (name of instrument, article or section number) that applies. Countries should refer to the specific clauses of their laws, enforceable means, or other mechanisms which are relevant to the criterion. If necessary countries should also briefly explain the elements of their laws, enforceable means, or other mechanisms which implement the criterion, (e.g. an outline of the procedures followed, or an explanation of the interaction between two laws). Countries should also note whether the law or enforceable means referred to has changed since the last MER or follow-up report.

The (translated) text of all relevant laws, enforceable means, and other documents should be provided separately (but as early as possible).

Countries should provide brief factual information only – there is no need for lengthy argument or interpretation. There is no need to set out each criterion in full. Information could be provided in the following form:

Recommendation 1

Criterion 1.1

83. [Example – "Country X has conducted separate risk assessments on Money Laundering (attached as document R1) and on Terrorist Financing (edited public version attached as document R2). These risk assessments are both used as the basis for the National Strategic Plan on AML/CFT (attached as document R3) which brings together both ML and TF risks."]

Criterion 1.2

84. [Example – "The Minister of Finance has overall responsibility for AML/CFT. The National Strategic Plan on AML/CFT (document R3) assigns responsibility for ML risk assessment to the National Police Authority (page 54), and for TF risk assessment to the Interior Ministry (page 55). Actions are coordinated through the National AML/CFT Coordinating Committee (terms of reference on page 52)."]

Criterion 1.3

85. [Example – "Both ML and TF risk assessments are required to be updated on an annual basis (document R3, pages 54, 55)"]

Criterion 1.4

86. [Example – "The ML risk assessment is a public document (document R1). The TF risk assessment is confidential but available to selected staff of all relevant competent authorities. A public version of the TF assessment is prepared which sets out key findings for financial institutions and DNFBPs (document R2)."] etc.

## ANNEX 5– ANNEX TO THE QUESTIONNAIRE FOR TECHNICAL COMPLIANCE: SIZE AND STRUCTURE OF THE FINANCIAL AND DNFBP SECTORS

### AML/CFT PREVENTIVE MEASURES FOR FINANCIAL INSTITUTIONS AND DNFBPS (R.10 TO R.23)

| Type of Entity* | | AML/CFT Laws**/Enforceable Means for Preventive Measures | Date in Force or Last Updated (where applicable | Other additional Information (e.g.highlights of substantive changes etc.)*** |
|---|---|---|---|---|
| Banks | | | | |
| Life Insurers | | | | |
| Securities | | | | |
| MVTS | | | | |
| Casinos | | | | |
| Lawyers | | | | |
| Notaries | | | | |
| Accountants | | | | |
| Precious Metals & Stones Dealers | | | | |
| Trust and Company Service Providers | | | | |
| Others | | | | |

*Additional rows may be added for other types of financial institutions and DNFBPs. Countries may also choose to have a more granular and specific classification of the types of financial institutions and DNFBPs.

** Countries should indicate the specific provisions in the AML/CFT laws that set out the CDD, record keeping, and STR reporting obligations.

***Where there have been changes since its last update or where relevant, countries should also set out the specific provisions in the AML/CFT laws or enforceable means and key highlights of the obligations for other preventive measures (e.g. PEPs, wire transfers, internal controls, and foreign branches and subsidiaries, etc.).

### LEGAL PERSONS AND ARRANGEMENTS (R.8, R.24, AND R.25)

| Type of Legal Persons / Arrangements* | No. Registered (where available) | Applicable Laws / Regulations / Requirements | Date in Force or Last Updated (where applicable) | Other additional Information (e.g. highlights of substantive changes etc.)** |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

*Additional rows may be added for other types of legal persons or arrangements. Countries may also choose to have a more granular and specific classification of the types of legal persons or arrangements.

** Countries should indicate the specific provisions in the applicable laws / regulations / requirements and key highlights that set out the obligations to maintain the requisite information in R.24 (e.g. basic and beneficial ownership) and R.25 (e.g. settlors, trustees, protectors (if any), the (class of) beneficiaries, and any other natural person exercising control) respectively.