



CENTRALE BANK VAN ARUBA

VIA E-MAIL

November 17, 2020

To the Managements of all regulated financial institutions
and designated non-financial service providers

VMI/gcr/2.46 /INT/9280

Subject: **FATF Public Statement on High-Risk Jurisdictions subject to a Call for Action / FATF Public Statement on Jurisdictions under Increased Monitoring**

Dear Management,

The purpose of this letter is to draw your urgent attention to:

- a. FATF Public Statement on High-Risk Jurisdictions subject to a Call for Action (October 23, 2020) (previously called "Public Statement") – enclosure 1

With regard to the **Democratic People's Republic of Korea** and **Iran**, the FATF calls on all members and urges all jurisdictions to apply enhanced due diligence, and in the most serious cases, countries are called upon to apply counter-measures to protect the international financial system from the ongoing money laundering, terrorist financing, and proliferation financing risks emanating from these countries.

- b. FATF Public Statement on Jurisdictions under Increased Monitoring (October 23, 2020) (previously called "Improving Global AML/CFT Compliance: On-going process") – enclosure 2

The FATF has identified **Albania, The Bahamas, Barbados, Botswana, Cambodia, Ghana, Jamaica, Mauritius, Myanmar, Nicaragua, Pakistan, Panama, Syria, Uganda, Yemen** and **Zimbabwe** as jurisdictions that have strategic AML/CFT deficiencies. The information included in enclosure 2 must be included in your risk analysis when conducting transactions with persons or companies established in these jurisdictions.

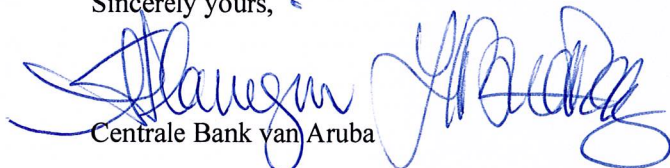
REQUIRED ACTIONS

The Centrale Bank van Aruba requires all regulated entities and designated non-financial service providers to take duly notice of the information contained in the enclosures, as well as of the required follow-up actions that need to be taken.

Further details and the actions you must take are outlined in enclosure 3. The relevant regulatory framework is enclosed for your convenience (enclosure 4).

If you have any questions or comments regarding this letter, please contact Ms. Vasilena Ivanova, Policy Officer of the Integrity Supervision Department at telephone number (297) 5252-227 or by email, v.ivanova@cbaruba.org.

Sincerely yours,



Centrale Bank van Aruba

Enclosures: 4

c.c. Head of the Financial Intelligence Unit

High-Risk Jurisdictions subject to a Call for Action – 23 October 2020

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High-risk jurisdictions have significant strategic deficiencies in their regimes to counter money laundering, terrorist financing, and financing of proliferation. For all countries identified as high-risk, the FATF calls on all members and urges all jurisdictions to apply enhanced due diligence, and in the most serious cases, countries are called upon to apply counter-measures to protect the international financial system from the ongoing money laundering, terrorist financing, and proliferation financing (ML/TF/PF) risks emanating from the country. This list is often externally referred to as the “black list”.

On 2 August 2020, FATF decided to pause the review process for the list of High-Risk Jurisdictions subject to a Call for Action. Therefore, please refer to the statement on these jurisdictions adopted in February 2020. While the statement may not necessarily reflect the most recent status in Iran and the Democratic People’s Republic of Korea’s AML/CFT regime, the FATF’s call for action on these high-risk jurisdictions remains in effect.




- High-Risk Jurisdictions subject to a Call for Action – 21 February 2020

More on:

- Jurisdictions under Increased Monitoring
- Outcomes FATF Plenary 23 October 2020

 [High-risk and other monitored jurisdictions](#)

Jurisdictions under Increased Monitoring – 23 October 2020

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Jurisdictions under increased monitoring are actively working with the FATF to address strategic deficiencies in their regimes to counter money laundering, terrorist financing, and proliferation financing. When the FATF places a jurisdiction under increased monitoring, it means the country has committed to resolve swiftly the identified strategic deficiencies within agreed timeframes and is subject to increased monitoring. This list is often externally referred to as the 'grey list'.*

The FATF and FATF-style regional bodies (FSRBs) continue to work with the jurisdictions noted below and report on the progress made in addressing the identified strategic deficiencies. The FATF calls on these jurisdictions to complete their agreed action plans expeditiously and within the proposed timeframes. The FATF welcomes their commitment and will closely monitor their progress. The FATF does not call for the application of enhanced due diligence measures to be applied to these jurisdictions, but encourages its members to take into account the information presented below in their risk analysis.

The FATF continues to identify additional jurisdictions, on an on-going basis, that have strategic deficiencies in their regimes to counter money laundering, terrorist financing, and proliferation financing. A number of jurisdictions have not yet been reviewed by the FATF and FSRBs.

The FATF gave the option for jurisdictions publicly identified to not report at this meeting given their focus on addressing the impact of the COVID-19 pandemic. The following countries chose to report: Albania, Botswana, Cambodia, Ghana, Mauritius, Pakistan, and Zimbabwe. For these countries, updated statements are provided below. The following countries deferred their reporting: Barbados, Jamaica, Myanmar, Nicaragua, Panama and Uganda. The statements issued in February 2020 for these jurisdictions are included below, but they may not necessarily reflect the most recent status of the jurisdiction's AML/CFT regime.

Jurisdictions with strategic deficiencies

Albania
The Bahamas
Barbados
Botswana
Cambodia
Ghana
Jamaica
Mauritius
Myanmar
Nicaragua
Pakistan
Panama
Syria
Uganda
Yemen
Zimbabwe

Jurisdictions no longer subject to monitoring

Iceland
Mongolia

Albania

Since February 2020, when Albania made a high-level political commitment to work with the FATF and MONEYVAL to strengthen the effectiveness of its AML/CFT regime, Albania has taken steps towards improving its AML/CFT regime, including by bringing into effect legislation to implement a register of beneficial owners, taking measures to reduce the informal economy and use of cash, and establishing specialised teams and officials in each district to investigate and prosecute ML. Albania should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) conducting additional in-depth analysis to understand its ML risks, and enhancing institutional coordination and cooperation; (2) improving the timely handling of mutual legal assistance requests; (3) establishing more effective mechanisms to detect and prevent criminals from owning or controlling DNFBPs, including by strengthening competent authorities' powers to take necessary actions; (4) ensuring that accurate and up-to-date legal and beneficial ownership information is available on a timely basis; (5) increasing the number and improving the sophistication of prosecutions and confiscations for ML, especially in cases involving foreign predicate offenses or third-party ML; (6) improving the implementation of targeted financial sanctions, in particular through enhanced supervisory action and targeted, proactive outreach.

The Bahamas

In October 2018, The Bahamas made a high-level political commitment to work with the FATF and CFATF to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies. In February 2020, the FATF made the initial determination that The Bahamas has substantially completed its action plan and warrants an on-site assessment to verify that the implementation of The Bahamas' AML/CFT reforms has begun and is being sustained, and that the necessary political commitment remains in place to sustain implementation in the future. Due to the impact of the COVID-19 crisis, the FATF was unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions have begun and are being sustained in The Bahamas. The FATF will conduct an on-site visit at the earliest possible date.

Barbados

(Statement from February 2020)

In February 2020, Barbados made a high-level political commitment to work with the FATF and CFATF to strengthen the effectiveness of its AML/CFT regime. Since the completion of its MER in November 2017, Barbados has made progress on a number of its MER recommended actions to improve technical compliance and effectiveness, including by updating the National Risk Assessment and developing mitigating measures. Barbados will work to implement its action plan, including by: (1) demonstrating it effectively applies risk-based supervision for FIs and DNFBPs; (2) taking appropriate measures to prevent legal persons and arrangements from being misused for criminal purposes, and ensuring that accurate and up to date basic and beneficial ownership information is available on a timely basis; (3) increasing the capacity of the FIU to improve the quality of its financial information to further assist law enforcement authorities in investigating ML or TF; (4) demonstrating that money laundering investigations and prosecutions are in line with the country's risk profile and reducing the backlog to complete prosecutions that result in sanctions when appropriate; (5) further pursuing confiscation in ML cases, including by seeking assistance from foreign counterparts.

Botswana

Since October 2018, when Botswana made a high-level political commitment to work with the FATF and ESAAMLG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Botswana has taken steps towards improving its AML/CFT regime, including by assessing the risks associated with legal persons, legal arrangements and NPOs, and make operational the Online Business Registration System. Botswana should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) increasing risk-based supervision and take legislative steps to ensure that FIs and DNFBPs are required to apply customer due diligence measures; (2) improving the analysis and dissemination and the use of financial intelligence by the FIU; (3) implementing a CFT strategy, and improving the TF investigation capacity of the law enforcement agencies; (4) ensuring the implementation without delay of targeted financial sanctions measures related to proliferation financing; and (5) applying a risk-based approach to monitoring NPOs.

Cambodia

Since February 2019, when Cambodia made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Cambodia has taken steps towards improving its AML/CFT regime, including by promulgating a law that provides broad legal basis for mutual legal assistance (MLA), implementing risk-based supervision for real estate and casinos, promulgating a new AML/CFT Law to address most of the relevant technical compliance deficiencies related to CDD and PEPs and a law that establishes the legal framework for targeted financial sanctions related to proliferation financing. Cambodia should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) increasing law enforcement authorities' use of mutual legal assistance through training; (2) implementing the risk-based supervision to banks, including through prompt, proportionate and dissuasive enforcement actions, as appropriate; (3) enhancing analysis of suspicious transaction reports and increasing disseminations to law enforcement authorities; (4) demonstrating an increase in ML investigations and prosecutions in line with risk; (5) demonstrating an increase in the freezing and confiscation of criminal proceeds, instrumentalities, and property of equivalent value; (6) finalising and implementing a legal framework for UN targeted financial sanctions related to proliferation financing and enhancing the understanding of sanctions evasion.

Ghana

Since October 2018, when Ghana made a high-level political commitment to work with the FATF and GIABA to strengthen the effectiveness of its AML/CFT regime, Ghana has taken steps towards improving its AML/CFT regime, including by developing a comprehensive national AML/CFT policy based on risk identified in the national risk assessment, implementing measures to mitigate ML/TF risks associated with legal persons and improving risk based supervision. Ghana should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) ensuring the timely access to adequate, accurate and current basic and beneficial ownership information; (2) ensuring that the FIU is focusing its activities on the risks identified in the national risk assessment; and (3) applying a risk-based approach for monitoring non-profit organisations.

Jamaica

(Statement from February 2020)

In February 2020, Jamaica made a high-level political commitment to work with the FATF and CFATF to strengthen the effectiveness of its AML/CFT regime. Since the completion of its MER in November 2016, Jamaica has made progress on a number of its MER recommended actions to improve technical compliance and effectiveness, including by amending its customer due diligence obligations. Jamaica will work to implement its action plan, including by: (1) developing a more comprehensive understanding of its ML/TF risk; (2) including all FIs and DNFBPs in the AML/CFT regime and ensuring adequate risk based supervision in all sectors; (3) taking appropriate measures to prevent legal persons and arrangements from being misused for criminal purposes, and ensure that accurate and up to date basic and beneficial ownership information is available on a timely basis; (4) taking proper measures to increase the use of financial information and to increase ML investigations and prosecutions, in line with the country's risk profile; (5) ensuring the implementation of targeted financial sanctions for TF without delay; and (6) implementing a risk based approach for supervision of its NPO sector to prevent abuse for TF purposes.

Mauritius

Since February 2020, when Mauritius made a high-level political commitment to work with the FATF and ESAAMLG to strengthen the effectiveness of its AML/CFT regime, Mauritius has taken steps towards improving its AML/CFT regime, including by developing a risk-based supervision plan for the global business and management companies. Mauritius should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) implementing the risk-based supervision plan effectively for The Financial Services Commission and focusing on different stages of outreach across DNFBP supervisors; (2) ensuring the access to accurate basic and beneficial ownership information by competent authorities in a timely manner; (3) demonstrating that law enforcement have capacity to conduct money laundering investigations, including parallel financial investigations and complex cases; (4) implementing a risk-based approach for supervision of its NPO sector to prevent abuse for TF purposes, and (5) demonstrating the adequate implementation of targeted financial sanctions through outreach and supervision.

Myanmar

(Statement from February 2020)

In February 2020, Myanmar made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT regime. Since the completion of its MER in September 2018, Myanmar has proactively made progress on a number of its MER recommended actions to improve technical compliance and effectiveness, including by introducing various legislative measures and establishing a regulatory framework for the registration of hundi operators. Myanmar will work to implement its action plan, including by: (1) demonstrating an improved understanding of ML risks in key areas; (2) ensuring the supervisory body for DNFBPs is sufficiently resourced, onsite/offsite inspections are risk-based, and hundi operators are registered and supervised; (3) demonstrating enhances in the use of financial intelligence in LEA investigations, and increasing operational analysis and disseminations by the FIU; (4) ensuring that ML is investigated/prosecuted in line with risks; (5) demonstrating investigation of transnational ML cases with international cooperation; (6) demonstrating an increase in the freezing/seizing and confiscation of criminal proceeds, instrumentalities, and/or property of equivalent value; (7) managing seized assets to preserve the value of seized goods until confiscation; and (8) demonstrating implementation of targeted financial sanctions related to PF, including training on sanctions evasion.

Nicaragua

(Statement from February 2020)

In February 2020, Nicaragua made a high-level political commitment to work with the FATF and GAFILAT to strengthen the effectiveness of its AML/CFT regime. Since the completion of its MER in July 2017, Nicaragua has made progress on a number of its MER recommended actions to improve technical compliance and effectiveness, including by increasing the use of financial information in the investigation and prosecution of ML offenses and fixing its legal framework for criminalizing TF. Nicaragua will work to implement its action plan, including by: (1) developing a more comprehensive understanding of its ML/TF risk; (2) more proactively seeking international cooperation to support ML investigations, especially with the aim of identifying and tracing assets with confiscation and repatriation purposes; (3) conducting effective risk-based supervision; (4) taking appropriate measures to prevent legal persons and arrangements from being misused for criminal purposes, and ensure that accurate and up-to-date basic and beneficial ownership information is available on a timely basis.

Pakistan

Since June 2018, when Pakistan made a high-level political commitment to work with the FATF and APG to strengthen its AML/CFT regime and to address its strategic counter-terrorist financing-related deficiencies, Pakistan's continued political commitment has led to progress in a number of areas in its action plan, including: taking action to identify and sanction illegal MVTS, implementing cross-border currency and bearer negotiable instruments controls, improving international cooperation in terrorist financing cases, passing amendments to the Anti-Terrorism Act to increase the sanctioning authority, financial institutions implementing targeted financial sanctions and applying sanctions for AML/CFT violations, and controlling facilities and services owned or controlled by designated persons and entities.

Pakistan should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) demonstrating that law enforcement agencies are identifying and investigating the widest range of TF activity and that TF investigations and prosecutions target designated persons and entities, and those acting on behalf or at the direction of the designated persons or entities; (2) demonstrating that TF prosecutions result in effective, proportionate and dissuasive sanctions; (3) demonstrating effective implementation of targeted financial sanctions against all 1267 and 1373 designated terrorists and those acting for or on their behalf, preventing the raising and moving of funds including in relation to NPOs, identifying and freezing assets (movable and immovable), and prohibiting access to funds and financial services; and (4) demonstrating enforcement against TFS violations, including in relation to NPOs, of administrative and criminal penalties and provincial and federal authorities cooperating on enforcement cases.

The FATF takes note of the significant progress made on a number of action plan items. To date, Pakistan has made progress across all action plan items and has now largely addressed 21 of the 27 action items. As all action plan deadlines have expired, the FATF strongly urges Pakistan to swiftly complete its full action plan by February 2021.

Panama

(Statement from February 2020)

Since June 2019, when Panama made a high-level political commitment to work with the FATF and GAFILAT to strengthen the effectiveness of its AML/CFT regime, Panama has taken some steps towards improving its AML/CFT regime, including by drafting sectoral risk assessments for the corporate and DNFBP sectors and free trade zones. Panama should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) strengthening its understanding of the national and sectoral ML/TF risk and informing findings to its national policies to mitigate the identified risks; (2) proactively taking action to identify unlicensed money remitters, applying a risk-based approach to supervision of the DNFBP sector and ensuring effective, proportionate, and dissuasive sanctions against AML/CFT violations; (3) ensuring adequate verification and update of beneficial ownership information by obliged entities, establishing an effective mechanism to monitor the activities of offshore entities, assessing the existing risks of misuse of legal persons and arrangements to define and implement specific measures to prevent the misuse of nominee shareholders and directors, and ensuring timely access to adequate and accurate beneficial ownership information; and (4) ensuring effective use of FIU products for ML investigations, demonstrating its ability to investigate and prosecute ML involving foreign tax crimes and to provide constructive and timely international cooperation with such offence, and continuing to focus on ML investigations in relation to high-risk areas identified in the national risk assessment and MER.

Syria

(Statement from February 2020)

Since February 2010, when Syria made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Syria has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Syria had substantially addressed its action plan at a technical level, including by criminalising terrorist financing and establishing procedures for freezing terrorist assets. While the FATF determined that Syria has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and will conduct an on-site visit at the earliest possible date.

Uganda

(Statement from February 2020)

In February 2020, Uganda made a high-level political commitment to work with the FATF and ESAAMLG to strengthen the effectiveness of its AML/CFT regime. Since the completion of its MER in 2016, Uganda has made progress on a number of its MER recommended actions to improve technical compliance and effectiveness, including conducting its first national ML/TF risk assessment and amending the relevant legal frameworks to address the technical deficiencies in its ML and TF offences. Uganda will work to implement its action plan, including by: (1) adopting a national AML/CFT strategy; (2) seeking international cooperation in line with the country's risk profile; (3) developing and implementing risk-based supervision to FIs and DNFBPs; (4) ensuring that competent authorities have timely access to accurate basic and beneficial ownership information for legal entities; (5) demonstrating LEAs and judicial authorities apply the ML offence consistent with the identified risks; (6) establishing and implementing policies and procedures for identifying, tracing, seizing and confiscating proceeds and instrumentalities of crime; (7) demonstrating that LEAs conduct TF investigations and pursue prosecutions commensurate with Uganda's TF risk profile; (8) addressing the technical deficiencies in the legal framework to implement PF-related TFS and implementing a risk based approach for supervision of its NPO sector to prevent abuse for TF purposes.

Yemen

(Statement from February 2020)

Since February 2010, when Yemen made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Yemen has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Yemen had substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing procedures to identify and freeze terrorist assets; (3) improving its customer due diligence and suspicious transaction reporting requirements; (4) issuing guidance; (5) developing the monitoring and supervisory capacity of the financial sector supervisory authorities and the financial intelligence unit; and (6) establishing a fully operational and effectively functioning financial intelligence unit. While the FATF determined that Yemen has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and conduct an on-site visit at the earliest possible date.

Zimbabwe

Since October 2019, when Zimbabwe made a high-level political commitment to work with the FATF and ESAAMLG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Zimbabwe has taken initial steps towards improving its AML/CFT regime, including by establishing a legal framework to collect beneficial ownership information of legal person and arrangements, as well as completing a comprehensive assessment of its ML/TF risks. Zimbabwe should continue to work on implementing its action plan, including by: (1) implementing the national AML/CFT policy based on key ML/TF risks; (2) implementing risk-based supervision for FIs and DNFBPs including through capacity building among the supervisory authority; (3) ensuring development of adequate risk mitigation measures among FIs and DNFBPs, including by applying proportionate and dissuasive sanctions to breaches; (4) developing a comprehensive legal framework and mechanism to collect and maintain accurate and updated beneficial ownership information for legal persons and arrangements, and ensure timely access by the competent authorities; and (5) addressing remaining gaps in PF-related targeted financial sanction framework and demonstrating implementation.

Jurisdictions No Longer Subject to Increased Monitoring by the FATF

Iceland

The FATF welcomes Iceland's significant progress in improving its AML/CFT regime. Iceland has strengthened the effectiveness of its AML/CFT regime and addressed related technical deficiencies to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in October 2019. Iceland is therefore no longer subject to the FATF's increased monitoring process. Iceland will continue to work with the FATF to improve further its AML/CFT regime.

Mongolia

The FATF welcomes Mongolia's significant progress in improving its AML/CFT regime. Mongolia has strengthened the effectiveness of its AML/CFT regime and addressed related technical deficiencies to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in October 2019. Mongolia is therefore no longer subject to the FATF's increased monitoring process. Mongolia will continue to work with the APG to improve further its AML/CFT regime.

* This statement was previously called "Improving Global AML/CFT Compliance: On-going Process".

More on:

- High-Risk Jurisdictions subject to a Call for Action
- Outcomes FATF Plenary, 23 October 2020

◀ High-risk and other monitored jurisdictions

ENCLOSURE 3: FATF Public Statements (October 23, 2020)

The FATF Public Statement on High-Risk Jurisdictions subject to a Call for Action dated October 23, 2020 (<http://www.fatf-gafi.org/publications/high-risk-and-other-monitored-jurisdictions/documents/call-for-action-october-2020.html>) and the FATF Public Statement on Jurisdictions under Increased Monitoring dated October 23, 2020 (<http://www.fatf-gafi.org/publications/high-risk-and-other-monitored-jurisdictions/documents/increased-monitoring-october-2020.html>) relate to FATF Recommendation 19 and articles 11 and 13 of the AML/CFT State Ordinance in that they identify countries that fall into the following two categories:

A. FATF Public Statement on High-Risk Jurisdictions subject to a Call for Action

Category One

Into this category falls the **Democratic People's Republic of Korea (DPRK)**. The FATF reaffirms its call on its members and urges all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with DPRK, including DPRK¹ companies and financial institutions, and those acting on their behalf. In addition to enhanced scrutiny, the FATF calls on its members and urges all jurisdictions to apply effective counter-measures, and targeted financial sanctions in accordance with applicable United Nations Security Council Resolutions to protect their financial sectors from money laundering, financing of terrorism and WMD proliferation financing (ML/FT/PF) risks emanating from DPRK. Jurisdictions should take necessary measures to close existing branches, subsidiaries and representatives offices of DPRK banks within their territories and terminate correspondent relations with DPRK banks, where required by relevant UNSC resolutions.

Category Two

Into this category falls **Iran**. The FATF calls on its members and urges all jurisdictions to continue to advise their financial institutions to apply enhanced due diligence to business relationships and transactions with natural and legal persons from Iran, consistent with FATF recommendation 19.

B. FATF Public Statement on Jurisdictions under Increased Monitoring

Category Three

Into this category fall **Albania, The Bahamas, Barbados, Botswana, Cambodia, Ghana, Jamaica, Mauritius, Myanmar, Nicaragua, Pakistan, Panama, Syria, Uganda, Yemen and Zimbabwe**. This FATF Statement outlines the specific areas of weaknesses and requests member jurisdictions to consider the information in the document.

C. Required Action

The purpose of this letter is to ensure that senior management of all regulated entities and designated non-financial service providers is informed of these important issues and to request that it emphasizes the importance of this communication to its compliance officer and inform its management team of the risks associated with business involving these jurisdictions.

In addition to this important awareness raising, the CBA requires that **all regulated entities take the following specific actions** with regard to the following two categories of FATF listed countries:

Category One Action – the CBA requires all regulated entities and designated non-financial service providers to:

¹ Please note that with regard to DPRK, the FATF reaffirms its February 25, 2011 call on its members and urges to advise their financial institutions to give special attention to business relationships and transactions with DPRK companies and financial institutions.

- a) Conduct review of their client base on an ongoing basis to identify relationships or transactions with any connection to the Category One countries.
- b) **Report such relationships or transactions to the CBA immediately.**
- c) Any relationship or transaction found must be rated ultra-high risk and may only be continued if the regulated entity is satisfied it can monitor and mitigate the risks associated with such business. If the regulated entity is not satisfied the relationship must be exited.
- d) Document its risk assessment and monitoring/mitigation strategy and have this document available should the CBA wish to evaluate it.
- e) Record the progress of compliance with this action (or otherwise) in the board minutes.

All regulated entities and designated non-financial service providers are required to strictly comply with aforementioned instructions. The CBA will verify during the supervisory examinations whether this is done. Note in this respect that non-compliance will be treated very seriously.

Category Two Action – the CBA requires all regulated entities and designated non-financial service providers to:

- a) **Review their client base to identify relationships or transactions with any connection to the Category Two country by December 21, 2020.**
- b) Any relationship or transaction found must be rated at least high risk, taking this new or other information held into account.
- c) Document its risk assessment and monitoring/mitigation strategy and have the document available should the CBA wish to evaluate it.
- d) Record the progress of compliance with this action (or otherwise) in the board minutes.

DEADLINE: Please conclude the review of your client base by **December 21, 2020**. It is not necessary to send the results of your findings to the CBA. However, supervisory examinations by the CBA are likely to check that the work has been carried out within the stipulated time-frame. Non-compliance will be treated seriously.

Category Three Action – the CBA requires all regulated entities to:

- a) Review their client base to identify relationships or transactions with any connection to the Category Three countries by **January 15, 2021**.
- b) Re-evaluate its risk assessment of the relationship taking this new and any other information held into account.
- c) Document its risk assessment and monitoring/mitigation strategy and have the document available should the CBA wish to evaluate it.
- d) Record the progress of compliance with this action (or otherwise) in the board minutes.

DEADLINE: Please conclude the review of your client base by **January 15, 2021**. It is not necessary to send the results of your findings to the CBA. However, supervisory examinations by the CBA are likely to check that the work has been carried out within the stipulated time-frame. Non-compliance will be treated seriously.

ENCLOSURE 4: Regulatory framework

Pursuant to Article 11 of the AML/CFT State Ordinance, financial and trust service providers must perform enhanced customer due diligence, if and when a business relationship or a transaction by its nature entails a higher risk of money laundering or terrorist financing. The enhanced customer due diligence shall be carried out both prior to the business relation or the transaction, as during the business relationship in any case with natural persons, legal persons, trusts, and comparable entities that originate from countries or jurisdictions which do not or insufficiently apply the internationally accepted standards for the prevention and combating of money laundering and terrorist financing.

Pursuant to Article 13, paragraph 1, subsection a, of the AML/CFT State Ordinance, financial and trust service providers must pay special attention to business relationships and transactions with natural persons, legal persons and trusts originating from countries or jurisdictions that do not, or insufficiently comply with the internationally accepted AML/CFT standards.

According to Article 13, paragraph 2, of the AML/CFT State Ordinance if a financial or trust service provider can reasonably suspect that, amongst others, a transaction with a natural person, legal person or trust originating from a country or jurisdiction as meant in the first paragraph, does not have an apparent economic or legal purpose, it must investigate the background and the purpose of this transaction and record its findings in writing. These findings must be kept for at least ten years pursuant to Article 13, paragraph 3, of the AML/CFT State Ordinance.

Article 13 of the AML/CFT State Ordinance is related to Recommendation 19 of the Financial Action Task Force (FATF)² which states:

“Financial institutions should be required to apply enhanced due diligence measures to business relationships and transactions with natural and legal persons, and financial institutions, from countries for which this is called for by the FATF. The type of enhanced due diligence measures applied should be effective and proportionate to the risks. Countries should be able to apply appropriate countermeasures when called upon to do so by the FATF. Countries should also be able to apply countermeasures independently of any call by the FATF to do so. Such countermeasures should be effective and proportionate to the risks”.

Furthermore, pursuant to chapter 5, section 5.3, subsection 5.3.2, of the AML/CFT Handbook, it is a regulatory requirement that a financial and trust service provider must treat countries and jurisdictions listed in the FATF statements (circulated by the CBA), which highlight jurisdictions which do not or insufficiently, apply the FATF Recommendations or which are the subject of international countermeasures, as countries and jurisdictions that do not or insufficiently apply the internationally accepted AML/CFT standards.

Pursuant to chapter 6, section 6.1, subsection 6.1.2, of the AML/CFT Handbook, it is a regulatory requirement that a financial and trust service provider must, as part of its ongoing customer due diligence (CDD) procedures, establish appropriate customer activity and transaction monitoring procedures that scrutinize the activity and transactions of its customers. The monitoring procedures must include those, amongst others, which provide for the identification and scrutiny of business relationships and transactions connected with jurisdictions which do not or insufficiently comply with the international AML/CFT standards, including but not limited to the FATF Recommendations.

² FATF (2012-2019), *International Standards on Combating Money Laundering and the Financing of Terrorism & Proliferation* (“FATF Recommendations”), FATF, Paris, France (updated June 2019), available at: www.fatf-gafi.org/recommendations.html.

Pursuant to chapter 8, section 8.1, subsection 8.1.2, of the AML/CFT Handbook, it is a regulatory requirement that a financial and trust service provider must keep adequate and orderly records containing the findings of reviews of activity and transactions connected with jurisdictions which do not, or insufficiently, apply the FATF Recommendations for a period of at least ten years from the date the business relationship ends, or, if in relation to an occasional transaction, for at least ten years from the date that the transaction was completed.