



CARIBBEAN
FINANCIAL ACTION
TASK FORCE

Seventh Follow-Up Report

St. Vincent & the Grenadines

November 22, 2013

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ST. VINCENT & THE GRENADINES: SEVENTH FOLLOW-UP REPORT

I. Introduction

1. This report represents an analysis of St. Vincent and the Grenadines' (SVG) progress that has been made with regard to correcting the deficiencies that were identified by the IMF in its Third Detailed Assessment Report (DAR) since the last follow-up report in May 2013. This is the seventh follow-up report and it is based on the information that SVG provided to the Secretariat on August 2013. Pursuant to the November 2012 Plenary decision that countries in the Expedited follow-up process achieve substantial progress on outstanding reforms and fully comply with all outstanding Core and Key Recommendations by November 2013, this report will also focus on those Core and Key Recommendations which were rated as LC.
2. Based on the conclusions of this analysis however, it is being recommended that SVG be advanced to the second stage of Enhanced follow-up.
3. SVG received ratings of PC and NC on eight (8) of the sixteen (16) Core and Key Recommendations respectively as follows:

Table 1: Ratings for Core and Key Recommendations

Rec.	1	3	4	5	10	13	23	26	35	36	40	I	II	III	IV	V
Rating	PC	LC	PC	NC	LC	PC	NC	LC	LC	LC	C	NC	LC	NC	NC	LC

4. With regard to the other non- Core or Key Recommendations, SVG was rated partially compliant or non-compliant, as indicated below:

Table 2: 'Other' Recommendations rated as PC and NC

Partially Compliant (PC)	Non-Compliant (NC)
R. 8 (New technologies & non face-to-face business)	R. 6 (PEPs)
R. 11 (Unusual transactions)	R. 7 (Correspondent banking)
R. 15 (Internal controls, compliance & audit)	R. 9 (Third parties and Introducers)
R. 27 (Law enforcement authorities)	R. 12 (DNFBPs – R. ,6,8-11)
R. 29 (Supervisors)	R. 14 Protection & no Tipping-off
R. 30 (Resources)	R. 16 (DNFBP-R. 13-15 &21)
R. 33 (Legal persons-beneficial owners)	R. 17 (Sanctions)
SR. VI (AML requirements for MVTs)	R. 18 (Shell banks)
	R. 21 (Special attention for higher risk countries)
	R. 24 (DNFBP-regulation, supervision and monitoring)
	R. 34 (Legal arrangements – beneficial owners)
	SR. VII (Wire transfer rules)

The following table is intended to assist in providing an insight into the level of risk in the main financial sectors in **SVG**

Table 3: Size and integration of SVG's financial sector

		Banks	Other Credit Institutions*	Securities	Insurance	TOTAL
Number of institutions	Total #		Credit Unions – 9 Savings & Loans Institutions – 1		Domestic: Life – 2 Non-Life – 12 Composite – 7 International: Life: - 1 Non-Life - 1	55
Assets	EC\$	835,620,813	CU - \$118,723,680.90 B&L - \$91,881,473.85		Domestic Life – \$7,991,073.58 Domestic Non-Life – \$24,069,013.84 Domestic Composite - \$25,337,400.49 Int'l Life - \$17,714,284.6	\$490,157,784.76
	US\$	310,847,710				
Deposits	EC\$	735,138,449	CU - \$114,663,515.36 B&L - \$65,368,934.98		Domestic:- Life - \$77,547.06 Composite - \$1,175,135.78	\$361,853,016.89
	US\$	273,468,659				-
	% Non-resident	% of deposits			N/A	-
International Links	% Foreign-owned:	% of assets	% of assets N/A	% of assets	% of assets N/A	% of assets
	#Subsidiaries abroad	NIL	N/A		N/A	-

II. Summary of progress made by St. Vincent & The Grenadines

5. On May 16, 2013 SVG enacted the amendments to the FIU Act as Act No. 7 of 2013.

Core Recommendations

6. For **Recommendation 1**, the 6th follow-up report noted that “the Attorney General is currently reviewing the draft bill on Migrant Smuggling”. Even though SVG has been silent on the current status of this legislation, there continues to be implementation of the existing measures through the on-going successful prosecution and conviction of persons for ML offences. [Please see here](#). Notwithstanding, the failure by SVG to criminalise migrant smuggling leaves this Recommendation *outstanding*.
7. With regards to **Recommendations 5**, draft regulations for the POCA, which will encompass both TF and AML requirements, have been completed, reviewed and resubmitted to the Drafting Consultant for completion. They will address many of the deficiencies noted in the DAR. SVG has also adopted the approach whereby a revision of the POCA itself has been conducted so as to address the requirements of the Revised Recommendations. The resulting Bill is now with the Attorney General and is expected to be placed before the Jurisdiction’s Parliament at its November 2013 sitting. SVG has also been advancing a Mutual Funds Bill which is anticipated to also address some noted deficiencies. This Recommendation remains *outstanding*.
8. **Recommendation 10** was rated as **LC** and the Assessors made four (4) recommendations to close to gaps they had discerned. All of the Assessor recommendations require legislative action which is the subject of draft legislation. Consequently this Recommendation remains *outstanding*.
9. The status of **Recommendation 13** and **Special Recommendations IV** are as was noted in the previous follow-up reports. This Recommendation remains *outstanding*.
10. **Special Recommendation II** was rated as **LC** and the Assessors made four (4) recommendations to close to gaps they had discerned. All of the Assessor recommendations require legislative action which is the subject of draft legislation. Consequently this Recommendation remains *outstanding*.

Key Recommendations

11. **Recommendation 3** was rated as **LC** and the Assessors made five (5) recommendations intended as cures to the deficiencies they noted in the MER. Of these five (5) recommendations, four (4) required legislative intervention whilst one (1) required the “competent authorities to increase the number and value of both cash forfeitures and confiscations of property” – ([Please see here](#)) for the data provided by SVG to demonstrate implementation of this specific Assessor recommendation. All of the other Assessor recommendations require legislative action which is the subject of draft legislation. Consequently this Recommendation remains *outstanding*.
12. **Recommendation 4** is as was noted in the previous follow-up reports. This Recommendation remains *outstanding*.

13. With regards to **Recommendation 23** SVG reported that the Authority has carried out onsite inspections of all credit unions on the island. This is in keeping with the Assessors recommendation that SVG “*Implement enhanced AML/CFT supervision of the systemically large building society and credit union*”. No data has been provided on the nature of those inspections or the outcomes. This Recommendation continues to remain *outstanding*.
14. **Recommendation 26** was rated as **LC**, and the Assessors had made five (5) recommendations intended as cures to the deficiencies noted in the MER. SVG’s action to close those noted gaps are noted below:
- i. *The FIU should strengthen its analytical function including through enhanced staff capacity* – The FIU has sought to implement this by acquiring additional analytical software. There was indication of plans to send an analyst to Bermuda for training but it is not clear whether this has in fact happened. Notwithstanding, the Jurisdiction’s highly successful ML conviction and confiscation rate can be attributed largely to the FIUs strong analytical functions which has facilitated the prosecution of complex ML schemes from the STRs it received. This gap is **closed**.
 - ii. *The FIU Act should provide broad based authority to obtain information from other governmental authorities to conduct analysis for financial intelligence purposes* – This has been achieved through the enactment of the amendment to the FIU Act (No. 7 of 2013). Here, the Director has access to information, as the FIU Director considers necessary, for the purpose of investigating a relevant offence or analysing a STR. Such access can be from financial institutions and persons engaged in relevant business activities, law enforcement bodies including the Immigration Department, the Inland Revenue Department, the Electoral Office, the government ministry responsible for foreign affairs and trade and the National Insurance Services. This gap is **closed**.
 - iii. *The FIU should issue additional and comprehensive guidance to reporting parties on SAR filings to increase the quality and consistency of reports* – Since 2010 the FIU has posted sector specific guidance and information on the identification of suspicious transactions on its website. The sectors covered so far include [Accounting](#), [Car Dealerships](#), [Casinos](#), [Commercial Banks](#), [Insurance Companies, Brokers and Agents](#), [Investment Companies & Trusts](#), [Money Service Businesses](#), [Offshore International Sector](#), and the [Real Estate Sector](#). This gap is **closed**.
 - iv. *The FIU should publish an annual report on its operations. In this regard, sanitized information on trends and typologies should be regularly included in a public document. The FIU should consider creating a website with information on its operations, SAR forms and instructions for reporting entities, and information for requesting authorities on the FIUs exchange of information procedures* - Since 2010 the FIU has posted trends and typologies to its website. The current report can be accessed by clicking [here](#): [SVG Local Trends & Typologies](#). Additionally the website contains information on the procedures for obtaining assistance from the FIU regarding matters in SVG. SAR forms can be downloaded from the website. Whilst it is unclear whether the FIU has ever published details on its activity. It has however

consistently published newsletters which have covered an extensive gamut of AML and CFT compliance issues. All of these newsletters are available for immediate download from the website and are sent to all stakeholders immediately as they become available. Since 2010 the FIU has been involved in training events and other activities where it has created the opportunity for the dissemination of information on its activities. In this regard the FIU is currently engaged in a [Poster Competition](#) for 4th and 5th form students in SVG aimed at creating and raising awareness of money laundering and terrorist financing crimes on the islands. This gap is **closed**.

- v. *The FIU should consider entering into MOUs with counterparts in other countries, especially where SVG registered institutions and entities operate* – Since 2010 the FIU has signed MOUs with counterparts in San Marino, Grenada, Barbados, Saint Lucia, Poland, Turks and Caicos Islands, Taiwan Dominica, Trinidad and Tobago and St. Maarten. This gap is **closed**.
15. SVG has made a concerted effort to close all the gaps noted in its MER and as can be seen in the analysis above, some of this action has in fact gone beyond that expected by the Assessors. Based on all of the above, **Recommendation 26** is **closed**.
 16. As for **Recommendation 35**, the Assessors had applied a **LC** rating and made identical recommendations as those made for Special Recommendation I below. In this regard the analysis of the taken by SVG for SR.I is also relevant here. This Special Recommendation remains **outstanding**.
 17. For **Special Recommendation 36**, the Assessors applied a **LC** rating with the underlying factor that “*Bilateral treaties on MLA do not have the force of law*” but made no recommendation to close the gap rating even though the Assessor. The recommended cure that “*Pursuant to MACMA, SVG should adopt regulations that will allow for bilateral MLA treaties to have the effect of law*” has not as yet been taken on board by SVG. This Recommendation is **outstanding**.
 18. For **Special Recommendations I**, there were three (3) recommendations to cure the NC rating.
 - i. *SFT and Palermo Conventions should be ratified and fully implemented* - On December 31, 2001 SVG signed the SFT Convention and ratified it on March 18, 2002. On July 24, 2002 SVG signed the Palermo Convention and ratified it on October 19, 2010. This gap remains **open**.
 - ii. *UNATMA should be amended to include all conventions that define offenses to which the SFT Convention applies* –A consultant has been engaged to draft new CFT legislation to repeal the existing UNATMA. This gap remains **open**.
 - iii. *Legal provisions and other measures should be adopted in order to implement the requirements in UNSCRs 1267 and 1373. In particular, a mechanism for freezing funds, assets, and other financial or economic resources of terrorists and terrorist organizations* – Here SCG is anticipating that the new POCA and CFT laws will cure this deficiency. This gap remains **open**.
 19. Based on the above, Special Recommendation I remains **outstanding**.

20. The implementation of **Special Recommendation III** is dependent on the new CFT legislation which is expected to repeal and replace the existing UNATMA. SVG has indicated that this new law will make provisions for the implementation of UNSCRs 1267, 1373 and 1455 and any future Resolutions which require action in relation to terrorists and their assets. This special Recommendations remain *outstanding*.
21. **Special Recommendation V** was rated as **LC** and the Assessors made five (5) recommendations intended as cures, none of which have as yet been taken on board by SVG. This Special Recommendation remains *outstanding*.

Other Recommendations

22. **Recommendations 6, 7, 8, 9, 11, 12, 14, 15, 16, 18, 21, 24, 33, and Special Recommendations VI and VII** are all the subject of draft legislation. These Recommendations remain *outstanding*.
23. **Recommendation 27** is was noted in the 6th follow-up report ([SVG 6th Follow-up Report](#)). This Recommendation remains *outstanding*.
24. **Recommendation 29** is was noted in the 6th follow-up report ([SVG 6th Follow-up Report](#)). This Recommendation remains *outstanding*.
25. With regards to **Recommendation 30**, this and the previous follow-up reports have already chronicled the advancement of the FSAA and its Authority. The 6th follow-up report ([SVG 6th Follow-up Report](#)) had also specifically noted that an Assistant DPP was appointed in December of 2012. So far however SVG does not appear to have taken the other Assessors recommendations including those specific to resources. This Recommendation remains *outstanding*.

Implementation

26. On July 22, 2013, one (1) person was sentenced to two (2) ten (10) years terms of imprisonment each to run concurrently for two (2) counts of money laundering.
27. Table 4 shows a breakdown of cash forfeited pursuant to the POCA since 2010.

Table 4: Cash forfeited 2010- 2013 (August)

Year	Total Cash Forfeited (\$EC)
2010	274,091.94
2011	957,213.45
2012	369,283.37
2013	267,971.47

III Conclusion

28. SVG enacted the FIU Act as Act No. 7 of 2013 on May 16, 2013. The POCA amendment Bill and draft Regulations have now been reviewed.
29. In the context of the November 2012 Virgin Islands Plenary decision that all member countries cure any outstanding deficiencies in their Core and Key Recommendations by the November 2013 Plenary, SVG has fully rectified Key Recommendation 26. Recommendations 3, 10, 35, 36, SR. II and V were rated as LC but continue to be outstanding. Recommendations 1, 4, 5, 13, 23, SR. I, III and IV which were rated as either PC or NC also continue to be outstanding.
30. The May 2013 Managua Plenary had graduated SVG into the first stage of Enhanced follow-up and on July 4th, 2013 the CFATF Chairman wrote to the Honourable Attorney General drawing the Jurisdiction's attention to the non-compliance with the FATF Recommendations. SVG's action since then, as noted in their updated matrix, has not resulted in any of the outstanding Recommendation being positively affected and the level of implementation is as was noted in the 6th follow-up report. Notwithstanding, the Jurisdiction has attributed the current delay in implementation on a complete overhaul of the existing AML/CFT legislation. Given all of this, it is recommended that SVG be given another six (6) months to enact the outstanding legislation.

CFATF Secretariat
October 18, 2013

Matrix with ratings and follow-up action plan 3rd round Mutual Evaluation
St. Vincent & the Grenadines August 2013

40+9Recommendations	Rating	Summary of factors underlying rating ¹	Recommended Action	Undertaken Action
Legal systems				
1. ML offense	PC	<ul style="list-style-type: none"> • Certain offenses in Section 41 of and the definition of 'property' in POCA are not consistent with the relevant articles of the Vienna and Palermo Conventions; • Self-laundering by way of simple possession of proceeds is not criminalized; • Racketeering, human trafficking and migrant smuggling are not predicate offenses; and <ul style="list-style-type: none"> • Effective implementation is weak in light of low number of criminal prosecutions and convictions for ML and related predicate crimes. 	<ul style="list-style-type: none"> • Relevant laws should be strengthened to provide that: • The offenses set forth in Section 41 are consistent with the Vienna and Palermo Conventions; • Self-laundering by way of simple possession of proceeds should be criminalized; and • Racketeering, human trafficking and migrant smuggling should be enacted into law as criminal offenses and covered by POCA as predicate offenses. • Efforts should be made by competent authorities to increase the number of prosecutions and convictions for ML and related predicate crimes. 	<p>Amendments to POCA which address these issues have been drafted and submitted to the Hon. AG for consideration.</p> <p>This matter is still pending as the Bill has not yet been tabled as envisioned. The matter is presently before the Hon. Attorney General.</p> <p>Relevant amendments to the FIU Act will be tabled before Parliament in November 2011 and the POCA Amendments would be enacted by the end of the first quarter 2012.</p> <p><u>Update:</u></p> <p>Amendments to POCA have been finalized, including an amendment to criminalize self-laundering by way of simple possession. The Bill was tabled before Parliament at its sitting on February 28, 2012 and was passed. It is currently awaiting the Governor General's Assent which should take place very shortly.</p> <p><u>Update - August 2012</u></p> <p>The Amendments to POCA have been published as Act No. 3 of 2012 and are attached hereto.</p> <p>Amendments to the FIU Act are expected to be tabled in Parliament in April 2012.</p> <p><u>Update - August 2012</u></p> <p>Amendments to the FIU Act have not yet been tabled as expected but will be tabled at the August 2012 sitting as a matter of priority.</p>

¹ These factors are only required to be set out when the rating is less than Compliant.

				<p><u>Update-October 2012</u></p> <p>The Amendments to the FIU Act have not yet been tabled as expected. It is anticipated that this will occur before the end of 2012.</p> <p><u>Update-February 2013</u></p> <p>The amendments to the FIU Act have not yet been tabled before Parliament.</p> <p><u>Update-August 2013</u></p> <p>The amendments to the FIU Act have been passed in Parliament on May 16, 2013 as Act No. 7 of 2013 and now specifies, inter alia, the FIU's authority to obtain appropriate law enforcement and other governmental information needed to develop intelligence and analysis. The amendment is attached hereto.</p> <p>A Bill on Human Trafficking has been drafted for adoption.</p> <p><u>Update:</u></p> <p>The Prevention of Trafficking in Persons Act, No. 27 of 2011 has been assented to and was proclaimed on 23rd January, 2012 is now in effect in St. Vincent and the Grenadines.</p> <p>Consultations continue with a view to drafting legislation on migrant smuggling and racketeering.</p> <p>There has been consultation with the Hon. Attorney General, DPP, Police, customs and immigration officers, prosecutors and other law enforcement officers and relevant stakeholders facilitated by the Organization of American States (OAS) in collaboration with the Ministry of National Security in St. Vincent and the Grenadines as it relates to Human Trafficking.</p> <p><u>Update-February 2013</u></p> <p>A draft bill on Migrant Smuggling is currently being reviewed by the Hon Attorney General.</p> <p>In October 2010 the competent authorities laid ML charges against four (4) individuals.</p>
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				<p><u>Case 1</u> October 14th – concealment and importation of the proceeds of criminal conduct.</p> <p>October 15th - concealment and importation of the proceeds of criminal conduct</p> <p><u>Case 2</u> October 22nd – concealment and disguising of the proceeds of criminal conduct.</p> <p>The Court returned a not guilty verdict in favour of two of the Defendants. The last matter has been adjourned to February 2012.</p> <p><u>Update:</u></p> <p>The case commenced on February 8, 2012 and the prosecution has called twenty (20) witnesses thus far. The matter has been adjourned to July 2012.</p> <p><u>Update -August 2012</u> This money laundering case (Case 2) remains part-heard as above and has been further adjourned to October 2012.</p> <p>One of the Defendants challenged the admissibility of his statement and the Court has ruled that it is inadmissible.</p> <p>The Prosecutions' case will continue in October 2012 and it is anticipated that the Defence will file a no-case submission at that time also.</p> <p>Update-October 2012</p> <p>This case is scheduled to recommence on October 18, 2012 before the Serious Offences Court.</p> <p><u>Update –February 2013</u></p> <p>This case resumed on October 18, 2012. The prosecution closed its case and a no case submission was made by the Defence.</p> <p>On December 6, 2012 the Chief Magistrate overruled the no-case</p>
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				<p>submission and adjourned the matter for January 15, 2013. The matter was called up for hearing on that date and was further adjourned to June 2013 where the Defence will put forward its case.</p> <p><u>Update-August 2013</u> The Defence commenced its case on June 27, 2012 and called three (3) witnesses. The prosecution presented written closing submissions on July 19, 2013 and the Defence on August 9, 2013. The Chief Magistrate will deliver her verdict on September 2, 2013.</p> <p><u>Case3</u> In addition, 3 additional money laundering charges, were laid in 2008</p> <p>This trial was adjourned to August 3, 2011 and has been part-heard to date. The next hearing date is listed for October 18, 2011.</p> <p>The money laundering trial incorporates charges against 3 Defendants stemming from the same set of facts.</p> <p>2 Defendants have been jointly charged with the offences of concealing another person's proceeds of criminal conduct and bringing it into St. Vincent and the Grenadines contrary to Sections 41 (2) (a) and (b) of POCA respectively.</p> <p>The third Defendant has been charged with concealing his proceeds of criminal conduct and bringing it into St. Vincent and the Grenadines contrary to Section 41(1) (a) and (b) of POCA respectively.</p> <p>The prosecution's case was completed on October 21, 2011 and the next hearing date is listed for November 25, 2011.</p> <p><u>Update:</u></p> <p>The case commenced on February 8, 2012 and the prosecution has called twenty (40) witnesses thus far. The Chief Magistrate handed down a guilty verdict on March 9th 2012 in relation to two of the defendants and one was found not guilty. The matter has been sent to the High Court for sentencing. A confiscation application has been filed in the High Court by the FIU. This case signifies the successful conviction of SVG's top money launderer.</p> <p><u>Update -August 2012</u></p>
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				<p>The sentencing and confiscation hearing remain pending before the High Court and are likely to be heard in October at the criminal assizes.</p> <p><u>Update-February 2013</u></p> <p>The hearing date for the confiscation proceedings will be set by way of case management with the High Court on Friday March 1, 2013. Sentencing has been adjourned until the outcome of the confiscation hearing.</p> <p><u>Update-August 2013</u></p> <p>The confiscation hearing was set for July 10, 2013 and, upon the request of the defence, is adjourned to October 2013. Realizable assets likely to be confiscated in this matter amount to approximately EC\$10 million.</p> <p>The main Defendant was sentenced on July 22, 2013 to ten (10) years each on two (2) counts of money laundering, to run concurrently.</p> <p>The Second Defendant's sentencing is postponed to October 8, 2013 during the October assizes as his St. Lucian Attorney was not present at the sentencing hearing on July 22, 2013.</p>
2. ML offense—mental element and corporate liability	C			
3. Confiscation and provisional measures	LC	<ul style="list-style-type: none"> There is no explicit provision of law empowering competent authorities to take steps to void contractual or other actions that would prejudice their ability to recover assets; Effectiveness is weak in light of low number of cases and amounts with respect to forfeitures of cash and confiscations of property relating to ML and related predicate crimes. 	<ul style="list-style-type: none"> The relevant laws should be strengthened: <ul style="list-style-type: none"> To provide for an explicit provision subjecting to confiscation indirect proceeds of crime, including income, profits or other benefits; To provide for an explicit provision to allow competent authorities to take steps to prevent or void 	<p>See Recommendation 1</p> <p>All cases are strong ones for confiscation as there are instances of clear benefit from the offences as well as realisable property to be confiscated.</p> <p>In one case there is US\$1.76 million in cash detained and approximately EC\$3.5 million in property restrained and in another case US\$67,540 in cash is detained.</p> <p>In 2010 there were 23 successful forfeiture applications which resulted in forfeiture of EC\$292,151.94.</p>

			<p>actions, whether contractual or otherwise, where, as a result of the actions of third parties, the authorities would be prejudiced in their ability to recover property subject to confiscation; and</p> <ul style="list-style-type: none"> • To provide in Section 3(4) of POCA for gifts that represent a value that is less than the value of the property, rather than “significantly less” under current law, to be subject to confiscation; • In addition, efforts should be made by competent authorities to increase the number and value of both cash forfeitures and confiscations of property; • The authorities should consider timely enactment of the bill currently under review by parliament that would provide for civil forfeiture of all property, not just currency, as well as the subsequent implementation of such forfeiture provisions. 	<p>Cumulatively to date, between 2010- 2011, EC\$519,741.25 was forfeited to the Confiscated Assets Fund. A further EC\$212,041.13 remains pending for forfeiture.</p> <p><u>Update:</u></p> <p>A total of EC\$925,924.55 was forfeited in 2011. For 2012 thus far EC\$97,499.97 has been ordered forfeited by the Chief Magistrate at the Serious Offences Court.</p> <p><u>Update - August 2012</u></p> <p>Additional updates of cash forfeited pursuant to POCA are provided as follows:</p> <p>2010- EC\$274,091.94 2011-EC\$957,213.45 2012-EC\$369,283.37 2013-EC\$128,043.37 (update as at February 2013) 2013-EC\$267,971.47 (update as at August 2013)</p> <p><u>Update - August 2012</u></p> <p>The Authorities are currently engaged in the review of a draft POCA Bill which may repeal and replace the current Act and which contains provisions addressing civil forfeiture. This draft Bill is modeled on Anguilla’s POCA.</p> <p><u>Update February 2013</u></p> <p>Since the start of 2013, EC\$128,043.37 has been ordered forfeited by the Chief Magistrate at the Serious Offences Court.</p> <p><u>Update-August 2013</u></p> <p>The Authorities have completed review of the draft POCA Bill and have made recommendations for revisions to the Consultant. There is a complete Part (Part III) on Civil Recovery which encompasses all property. This therefore circumvents the need for SVG to implement separate legislation on Civil Forfeiture solely.</p>
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Preventive measures				
4. Secrecy laws consistent with the Recommendations	PC	<ul style="list-style-type: none"> • Sectoral acts continue to have confidentiality and other limitations on access to information for regulators; • It is unclear that the repeal of the 1996 Confidentiality Law also repealed common law definitions of bank secrecy and confidentiality or whether these were restored by virtue of the repeal. If the latter, the common law secrecy laws would need to be assessed in light of the gateways provided. 	<ul style="list-style-type: none"> • Each provision of confidentiality and limitation of access to information in sector specific acts, in particular Section 15(4) of the RAs and Trustees Act, should be removed from law; <p>The AG should provide a legal opinion on the meaning of “confidential” information in light of the repeal of the Confidentiality Act 1996, in particular the extent to which such repeal restored the common law definitions of bank secrecy and confidentiality.</p>	<p>All sector specific Acts are being reviewed so as to determine all amendments which are necessary in view of the recommendations of the IMF Assessors. The present DAR shows that numerous recommendations have been made for laws to reflect certain requirements. The review of our legislation is therefore being co-ordinated with the need to implement the Assessors’ recommendations as well as the desirability to update all the specific international financial sector Acts. In order to avoid several amendments at different times, amendments to each piece of legislation are being undertaken. A review of some Acts is ongoing by members of IFSA and some Acts are presently in the hands of Consultants.</p> <p>The review referred to above has been completed and recommended legislative amendments have been submitted to the Hon AG.</p> <p>Update-August 2013 The amendments are at draft stage. SVG does not however apply any secrecy provisions, notwithstanding their presence in the law.</p>
5. Customer due diligence	NC	<ul style="list-style-type: none"> • No implementation of CDD and other AML/CFT requirements for non-regulated lending operations; • The POCA and the Regulations issued thereunder do not cover FT; • No prohibition against keeping anonymous or fictitious name accounts particularly those that were in existence before the POCA Regulations were issued; • Full range of CDD (only identification verification) is not required for business relationships and one-off transactions; • Threshold for one-off wire transfers significantly in excess of SRVII; • Identification requirement when there is suspicion limited to ML and to one-off transactions; • No CDD requirement when there are doubts as to the veracity or adequacy of previously obtained customer identification data; • Exemptions from CDD in the GNs, to the extent implemented, go beyond the risk sensitive measures allowed under c. 5.3 and c. 5.9, and in some cases beyond the POCA Regulations; • No explicit requirement to verify the identity of 	<ul style="list-style-type: none"> • Consider explicitly covering of mutual fund administrators and managers, and of insurance agents and brokers in the POCA; • Extend the POCA and the Regulations to explicitly cover FT; • Explicitly prohibit anonymous or fictitious name accounts particularly those that were in existence before the POCA Regulations were issued; • Extend the full range of CDD (only identification verification) for business relationships and one-off transactions; • Reduce the threshold for one-off wire transfers to comply with SRVII; • Extend the identification requirement when there is suspicion beyond one-off transactions and cover FT; • Introduce a CDD requirement for cases when there are doubts as to the veracity or adequacy of previously obtained customer identification data; • Remove/amend the provisions in the 	<p>The decision has been taken to explicitly cover mutual fund administrators in the revised Mutual Funds Act. A legal Consultant is engaged in redrafting a Mutual Funds Act, Mutual Fund Regulations and a Code. The said revision is incorporating the recommendations of the IMF’s DAR.</p> <p>The Consultant has provided a draft Mutual Fund Bill, which has been reviewed and is being finalized. The Regulations and Code are still being drafted and would be finalized based on the provisions of the finalized version of the Mutual Fund Act.</p> <p>The Mutual Fund Bill would be circulated to the industry for their comment once an updated finalized draft is returned from the Consultant. The Consultant has committed to providing the finalized Bill, inclusive of changes requested by SVG, by the end of October 2011.</p> <p>The Bill will then be placed before the industry for their comments to be returned to IFSA by the end of November. Recommendations if accepted would be implemented and the Bill sent to the Attorney General for her consideration and adoption. It is expected that the Bill would be enacted by the end of the first quarter of 2012.</p> <p>The Consultant is working on finalizing the Regulations and Code and</p>

		<p>the ultimate natural persons who control an entity, and of persons authorized to act on behalf of a corporate entity, partnership or other legal arrangement, and provisions of power to bind entity limited to the power to open and operate accounts;</p> <ul style="list-style-type: none"> • Insufficient requirements for identification of legal arrangements such as trusts/trustees, including measures to determine settlors, beneficiaries and other parties to a trust; • Narrow requirement to obtain information on the purpose and intended nature; limited to accounts and does not extend to the broader business relationship; • Ongoing CDD requirements do not include update of CDD records particularly with respect to higher risk business relationships; • No requirements for enhanced CDD for higher risk clients and exemptions from identification verification go beyond the criteria for simplified CDD; • No requirement to terminate an existing business relationship in the circumstances covered by c. 5.16; • The identification exemptions in the POCA Regulations should not apply when there is suspicion ML or FT; • No requirement to apply CDD requirements to customers existing at the date the POCA Regulations came into effect, on the basis of materiality and risk; • Requirement to perform CDD on existing customers is limited to the beneficial owners of anonymous or fictitious name accounts, and no requirement to close such accounts existing at the time the POCA Regulations came into effect; • The GNs only require the suspension, and not prohibition, of a new or existing business relationship or transaction when verification of identity cannot be completed; • General weaknesses in implementation of CDD, especially for beneficial owners and bearer share 	<p>POCA Regulations that allow exemptions from for customer identification, and review similar exemptions contained in the GNs;</p> <ul style="list-style-type: none"> • Introduce: (i) an explicit requirement to verify the identity of the person authorized to act on behalf of a corporate entity, partnership or other legal arrangement; and (ii) expand the verification requirement of provisions regarding the power to bind entity, beyond the power to open and operate accounts; • Enhance requirements for identification of legal arrangements such as trusts/trustees, including measures to identify settlors, beneficiaries and other parties to a trust; • Extend the scope of the requirement to obtain information on the purpose and intended nature beyond accounts to include business relationships; • Extend the ongoing CDD requirements to include update of CDD records particularly with respect to higher risk business relationships; • Introduce enhanced CDD requirements for higher risk clients and review/delete exemptions from identification verification as they go beyond the criteria for simplified CDD; • Require termination of existing business relationships in the circumstances covered by c. 5.16, subject to any directions from the FIU/competent authorities in case of suspicion or other reason; • Remove the identification exemptions in the POCA Regulations especially for cases when there is suspicion ML or FT; • Introduce a requirement to apply CDD requirements to customers existing at the 	<p>the target for adoption is the same – end of the first quarter 2012.</p> <p><u>Update:</u></p> <p>The Consultant has provided a second Draft of the Bill, which has been accepted by IFSA and has been forwarded to the Attorney General for her consideration for adoption.</p> <p>The Consultant is using this finalized Bill as the basis for finalizing the Regulations and Code and the target for adoption is the same of the Bill, Regulations and the Code – end of the second quarter 2012.</p> <p><u>Update-August 2013</u> The second draft of Mutual Fund Bill which was submitted by the Consultant and has since been reviewed and comments have been sent to the Consultant. See attached.</p> <p>With respect to the other recommendations relating to Customer Due Diligence, all sector specific Acts are being reviewed with the objective of implementation of the recommendations of the DAR. The POCA and its Regulations are also being reviewed with this aim.</p> <p>Recommendations for legislative amendments to sector specific Acts have been submitted to the Hon AG. It is expected that such amendments once enacted, would result in full compliance with the FATF Recommendations and recommendations of the DAR.</p> <p>The Attorney General has indicated that these amendments would be enacted by the end of the first quarter 2012.</p> <p><u>Update:</u></p> <p>These amendments are targeted for enactment by the end of the second quarter of 2012. The delay in enacting same has been largely due to the fact that there were several other pressing Bills and amendments which required urgent passage through Parliament, including but not restricted to the Financial Services Authority Act 2011 and the International Cooperation (Tax Information Exchange) Act 2011.</p> <p>Anti Money Laundering and Counter Financing of Terrorism Guidance Notes have been drafted by an external Consultant and it is expected that these more elaborate Guidance Notes, which have taken into account the</p>
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		companies.	<p>date the POCA Regulations came into effect, on the basis of materiality and risk. This may be also be relevant for any future changes to the POCA Regulations and other applicable laws;</p> <ul style="list-style-type: none"> • Extend the requirement to perform CDD on existing customers beyond the beneficial owners of anonymous of fictitious name accounts, and require termination of such accounts immediately to the extent that they may exist; • Review the provisions of the GNs that only require the suspension, and not prohibition, of a new or existing business relationship or transaction when verification of identity cannot be completed; • Enhance supervision and enforcement of compliance to address weaknesses across most sectors in implementation of CDD, including with regards to beneficial owners and bearer/nominee share companies. • Review the Schedule to the POCA to explicitly cover (i) mutual fund administrators, managers and underwriters; and (ii) insurance intermediaries i.e. agents and brokers; <ul style="list-style-type: none"> • Implement an oversight and AML/CFT compliance regime for non-regulated lending operations; • Extend the Regulations to explicitly cover FT consistent with the requirements of Section 46 of POCA. 	<p>recommendations of the DAR, will replace the present Guidance Notes and will have effect as other enforceable means.</p> <p>IFSA and the FIU have reviewed the drafts produced and the said Guidance Notes are at the stage where it is to be circulated to the regulated sector and other stakeholders for comment after being reviewed by the IMF. The IMF through the Team Leader of the IMF Mission has kindly agreed to review the drafts produced. There has been a delay in getting the drafts to the IMF as sections of the Guidance Notes were still being reviewed by the AML/CFT Expert/Consultant with the objective of incorporating SVG's comments.</p> <p>The proposed unlike the existing Guidance Notes, addresses Terrorist Financing thoroughly. It also requires full CDD for Charities and Trusts. There are standard requirements which are now required for Trust such as full name of the Trust and its objective etc all the names of all beneficial owners are required.</p> <p>Financial Institutions would be required to conduct risk assessment on all clients, all high risks clients would be subject to enhanced due diligence. The uses of anonymous accounts are not permitted for new or existing clients.</p> <p>The new Guidance Notes now have a detailed section on PEPs all accounts to be opened by persons who are categorize as PEPs must under Enhanced Due Diligence and any such business transaction with PEPs must be approved by senior management.</p> <p>The draft AML/CFT Guidance Notes have been submitted to the IMF Team leader for review.</p> <p>The IMF team leader regrettably was unable to assist with an informal review of the Guidance Notes, and also indicated that the IMF is unable to undertake such review owing to other commitments and constraints. He has recommended that the CFATF or certain CFATF countries be approached to obtain technical assistance in this regard. This process is currently being undertaken.</p> <p><u>Update:</u></p> <p>The CFATF has agreed to assist with the finalization of SVG's AML/CFT Guidance Notes by sourcing a consultant. Dialogue is ongoing with Mr. Calvin Wilson (CFATF) in relation to technical</p>
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				<p>assistance which may be given to SVG for this project, from the Commonwealth Secretariat.</p> <p>Amendments to POCA have been drafted and have incorporated the recommendations of the DAR. Such amendments are presently before the Attorney General.</p> <p>The Attorney General has indicated that these amendments would be enacted by the end of the first quarter 2012.</p> <p><u>Update:</u></p> <p>Amendments to POCA have been finalized, including an amendment to Schedule 1 which now includes reference to Mutual Fund Administrators and Managers and Insurance intermediaries including Agents and Brokers. The Bill was tabled before Parliament at its sitting on February 28, 2012 and was passed. It is currently awaiting the Governor General's Assent which should take place very shortly.</p> <p><u>Update- August 2012</u></p> <p>See Act No. 3 of 2012 as mentioned above.</p> <p><u>Update-February 2013</u></p> <p>The Consultant provided a draft of the Proceeds of Crime and Money Laundering Regulations, which includes PEPs and terrorist financing, to the SVG FSA and FIU for review.</p> <p>The draft contains all recommended amendments made by the IMF as well as the FATF recommendations.</p> <p>The Consultant is progressing with completing both the POCA Regulations and the Guidance Notes. The Consultant is working closely with the relevant stakeholders to complete the GN's by March 31, 2013.</p> <p><u>Update-August 2013</u></p> <p>A review of the POCA and the AML/CFT Regulations has been completed. The Regulations will encompass TF as well as AML requirements.</p> <p>CDD requirements are enhanced and extended and provision is</p>
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				<p>made for applying a risk-based approach and conducting customer risk assessment and allows for simplified and enhanced due diligence to be conducted depending on the level and materiality of the risk of the customer. CDD and other measures will apply to ML as well as TF.</p> <p>Provision is made to strictly prohibit anonymous accounts with criminal sanctions applicable for financial institutions who fail to comply.</p> <p>In addition the threshold amount in relation to wire transfers has been reduced to EC\$2,500, less than the required USD\$1000 stipulated by the FATF in Recommendation 16 (formerly SRVII).</p> <p>Comments on the Draft POCA Regulations have been submitted to the <u>consultant</u> and a final draft is currently being awaited. See attached.</p> <p>The consultant has also undertaken a revision of the Proceeds of Crime (Money Laundering) Act to address the Revised 40 recommendations and other recommendations stated herein, the draft was submitted to and is presently before the Attorney General. It is expected that the Bill will placed before Parliament at the November 2013 sitting. See attached.</p> <p>The Consultant is also working on finalising the Guidance Notes which will be in the form of a Code to enable enforceability.</p>
6. EPs	NC	<ul style="list-style-type: none"> No requirement to conduct additional and enhanced CDD measures, or to obtain senior management approval, for new and/or existing PEPs relationships. 	<ul style="list-style-type: none"> Require FIs to conduct additional and enhanced CDD measures, or to obtain senior management approval, for on new and/or existing PEPs relationships. 	<ul style="list-style-type: none"> IFSA and the FIU working in conjunction with a regulatory and AML/CFT Expert/Consultant to address this issue in the re-drafted Guidance Notes. There are specific provisions dealing with Enhanced Due Diligence for PEPs. <p>This has been addressed in the revised AML/CFT Guidance Notes which are to be OEM.</p> <p><u>Update-August 2013</u></p> <p>The draft AML/CFT Regulations contain provisions addressing PEPs stipulating that financial institutions and other regulated persons shall ensure that no business relationship is established or continued with a PEP unless the prior approval of the board or senior management has been obtained. This applies equally to foreign and domestic PEPs.</p>

7. correspondent banking	NC	<ul style="list-style-type: none"> No specific requirements for perform, inter alia, additional and enhanced CDD on correspondent banking relationships; No requirements to assess the AML/CFT controls of respondent institutions; No requirements to obtain senior management approval before establishing correspondent account relationships; No requirements with respect to the provisions of correspondent payable-through accounts; Domestic banking sector provides correspondent/nested correspondent banking facilities to offshore banks in breach of the ECCB's prudential guidelines. 	<ul style="list-style-type: none"> Require FIs to for perform, inter alia, additional and enhanced CDD on correspondent banking relationships, assess the AML/CFT controls of respondent institutions, and obtain senior management approval before establishing correspondent account relationships; Introduce requirements with respect to the provisions of correspondent payable-through accounts; Enhance supervision of risk management practices and compliance with R.7 by domestic banks that provide correspondent/nested correspondent banking facilities to international (offshore) banks in breach of R.7 and the ECCB's prudential guidelines on correspondent banking (March 2001). 	<p>AML/CFT Guidance Notes have been redrafted by a regulatory and AML/CFT Expert/Consultant. IFSA and the FIU have reviewed very comprehensive drafts produced and the said Guidance Notes are at the stage where it is to be circulated to the regulated sector and other stakeholders for comment after being reviewed by the IMF. The IMF through the Team Leader of the IMF Mission has kindly agreed to review the drafts produced. There has been a delay in getting the drafts to the IMF as all sections to be reviewed were not completed by the AML/CFT Expert/Consultant. It is expected that the Guidance Notes will be shortly sent to the IMF.</p> <p>As indicated, the IMF was unable to review the Guidance Notes and SVG was unable to fund consultancy services in order to complete this task. SVG is to seeking technical assistance for the required review.</p> <p><u>Update:</u></p> <p>The CFATF has agreed to provide technical assistance in the finalization of SVG's AML/CFT Guidance Notes. A suitable consultant has been sourced and the agreed target date for completion is June 2012.</p> <p><u>Update - August 2012</u></p> <p>The AML/CFT Guidance Notes are not yet completed. The consultant is expected to come to SVG to consult on the Guidance Notes. The Consultant has extended his completion date for review of the AML/CFT Guidance Notes to the end of August 2012.</p> <p><u>Update-February 2013</u></p> <p>The Consultant provided a draft of the Proceeds of Crime and Money Laundering Regulations, which includes PEPs and terrorist financing, to the SVG FSA and FIU for review.</p> <p>The draft contains all recommended amendments made by the IMF as well as the FATF recommendations.</p> <p>The Consultant is progressing with completing both the POCA Regulations and the Guidance Notes. The Consultant is working closely with the relevant stakeholders to complete the GN's by March 31, 2013.</p>

				Update-August 2013 The draft AML/CFT Regulations contains provisions addressing correspondent banking relationships.
8. ew technologies & non face-to-face business	PC	<ul style="list-style-type: none"> No regulatory requirements to have policies or measures in place specifically to prevent misuse of technological developments for ML or FT, including non-face to face business relationships and transactions. 	Require FIs to have policies or measures in place to prevent misuse of technological developments for ML or FT, including non-face to face business relationships and transactions, and review the exemptions provided in the GNs for this type of business.	AML/CFT Guidance Notes have been re-drafted. There are penalties attached for failure to do the necessary due diligence checks on these customers. IBID – re : Status of AML/CFT Guidance Notes Update-August 2013 Comments on the Draft POCA Regulations have been submitted to the consultant and a final draft is currently being awaited. See attached. The consultant has also undertaken a revision of the Proceeds of Crime (Money Laundering) Act to address the 40 recommendations and other recommendations stated herein, the draft was submitted to and is presently before the Attorney General. It is expected that the Bill will be placed before Parliament at the November 2013 sitting. See attached. The Consultant is also working on finalising the Guidance Notes which will be in the form of a Code to enable enforceability.
9. hird parties and introducers	NC	<ul style="list-style-type: none"> No mandatory requirement to immediately obtain CDD information from introducers; No requirement to ensure that documentation can and will be available promptly on request, without limitation; The list of eligible introducers listed in the Regulations and the POCA Schedule 1 goes beyond the FATF list of FIs and DNFBPs, and should be limited as is intended in the Guidance Notes; <ul style="list-style-type: none"> Insufficient provisions that ultimate responsibility for customer identification and verification lies with the SVG FI. 	FIs should be required to: <ul style="list-style-type: none"> immediately obtain CDD information from introducers; ensure that documentation can and will be available promptly on request; limit the eligibility of introducing institutions to those FIs and DNFBPs covered by the FATF standard, consistent with the provisions given in the GNs; Explicitly state that ultimate responsibility for customer identification and verification lies with the SVG FI and not the introducer. The exemptions allowed for by the POCA Regulations and GNs are not consistent with	The POCA and its Regulations are being reviewed with the objective of addressing these issues pointed out by the IMF Assessors. All necessary amendments to the POCA are being co-ordinated as a repeal of the POCA and/or its Regulations may be required to effect the many changes. Recommendations for the required legislative amendments have been submitted to the Hon AG. It is expected that such amendments once enacted, would result in full compliance with the FATF Recommendations and recommendations of the DAR. Update-August 2013 A review of the POCA and the AML/CFT Regulations has been completed. The Regulations will encompass TF as well as AML requirements.

			this requirement.	<p>Adequate provisions are included on reliance of third parties and introducers and financial institutions and other regulated businesses are required, before relying on an introducer or intermediary, to obtain adequate assurance in writing from the intermediary or introducer that the intermediary or introducer has applied the customer due diligence measures for which the regulated person intends to rely on . is required to keep, and does keep, a record of the evidence of identification relating to each of the customers of the intermediary or introducer and will, without delay, provide the information in that record to the regulated person at the financial institution/regulated person's request.</p> <p>In addition, provision is contained to the effect that, where a financial institution/regulated person relies on an introducer or an intermediary to apply customer due diligence measures in respect of a customer, third party or beneficial owner, the regulated person shall immediately obtain from the introducer or intermediary, the customer due diligence information concerning the customer, third party or beneficial owner.</p> <p>Further, it is clearly stated that, where a financial institution/regulated person relies on an introducer or intermediary to apply customer due diligence measures, the financial institution/regulated person remains liable for any failure to apply those measures</p>
10. record-keeping	LC	<ul style="list-style-type: none"> Need for explicit provisions in the POCA Regulations to retain business correspondence; Recordkeeping by some FIs (non-banks) outside of SVG may limit capacity for compliance supervision on an ongoing basis. 	<ul style="list-style-type: none"> Clarify in the regulations the provisions to keep records longer than the minimum period when required by the FIU, consistent with the GNs; Explicitly require FIs to retain business correspondence; Review for and remove potentially conflicting recordkeeping requirements between the POCA/POCA Regulations and the DTOA and with some of the provisions in GNs 102-110; Review recordkeeping arrangements by some FIs that operate and keep records outside of SVG to ensure adequate compliance supervision and efficient 	<p>The position is as set out at Rec. 9 above.</p> <p>IBID – re : Submission of the required amendment to the Hon AG.</p> <p><u>Update-August 2013</u></p> <p>The draft AML/CFT Regulations contain extensive provisions on record keeping requirements including a retention period of seven (7) years for all documents establishing identity and for applying CDD measures, the supporting documents, data or information that have been obtained in respect of a business relationship or occasional transaction which is the subject of customer due diligence measures or ongoing monitoring, record containing details relating to each transaction carried out by the regulated person in the course of any business relationship or occasional transaction, account files, and all business correspondence relating to a business relationship or an</p>

			access by competent authorities.	<p>occasional transaction.</p> <p>Further, the Regulations include provisions which enables the FIU by way of written notice to specify a period longer than the minimum retention period of 7 years and that the period as is specified in the notice shall apply instead of the period of 7 years.</p>
11. unusual transactions	PC	<ul style="list-style-type: none"> No requirement to examine as far as possible the background and purpose of complex, unusual or unusual patterns of transactions and to establish such findings in writing; No requirement to keep records of findings of the examination of the background and purpose of complex, unusual, or unusual patterns of transactions, to be available to help competent authorities and auditors; In implementing unusual transaction detection and analysis, the reporting entities focus almost exclusively on cash transactions. 	<ul style="list-style-type: none"> The POCA Regulations should be amended to require explicitly that reporting entities be required to examine as far as possible the background and purpose of such transactions and to set forth their findings in writing; The POCA Regulations should be amended to require that the written findings of reporting entities on their examination be subject to the POCA record keeping requirements; POCA should be amended to provide for direct administrative sanctions for reporting parties that fail to adhere to the requirements for monitoring transactions, including failure to implement procedures to monitor, prepare written findings and maintaining records on such monitoring. 	<p>The Regulations are currently under review to ensure that there is compatibility between the new Guidance Notes and the Regulations. Once the Guidance Notes are finalised for adoption the Regulations will be amended accordingly.</p> <p>The position above still prevails.</p> <p>Consideration is being given in the Guidance Notes to authorise competent authorities to impose administrative sanctions for failure to adhere to the requirements for monitoring transactions, including failure to implement procedures to monitor, prepare written findings and maintaining records on such monitoring.</p> <p>The issue of sanctions has been found to be more suitable for inclusion in the POCA Regulations and the FSA Act rather than the Guidance Notes, thus work is ongoing towards this objective.</p> <p><u>Update:</u></p> <p>The FSA Act was enacted in November 2011 and provides for administrative sanctions as well as criminal sanctions.</p> <p><u>Update-February 2013</u></p> <p>The FSA Act was proclaimed on November 12, 2012.</p> <p>The Consultant provided a draft of the Proceeds of Crime and Money Laundering Regulations, which includes PEPs and terrorist financing, to the SVG FSA and FIU for review.</p> <p>The draft contains administrative sanctions for failure to comply with AML/CFT requirements</p> <p>The Consultant is progressing with completing both the POCA Regulations and the Guidance Notes. The Consultant is working closely</p>

				<p>with the relevant stakeholders to complete the GN's by March 31st, 2013.</p> <p><u>Update-August 2013</u></p> <p>Two and a half months after its establishment, the FSA intervened and took management and control the only building society in SVG, the largest and most iconic non bank financial institution. Prior to intervention, this financial institution was experiencing severe liquidity problems and poor management. The FSA has seconded some of its staff to assist with the day to day activities of the institution, which is now well on its way to financial stability. This intervention has been a test of the FSA's capabilities and capacity, both at a legislative and human resources level, and has illustrated that the FSA is well equipped to carry out its very important regulatory functions. Notwithstanding the ongoing crisis management in relation to the building society being undertaken by the FSA, the FSA has simultaneously also undertaken extensive work in the Credit Union Sector to ensure that the sector is effectively supervised and that the financial condition of all the country's credit unions is intact. Onsite examinations of all credit unions have now been undertaken.</p> <p>Comments on the Draft POCA Regulations have been submitted to the consultant and a final draft is currently being awaited. See attached.</p> <p>The consultant has also undertaken a revision of the Proceeds of Crime (Money Laundering) Act to address the 40 recommendations and other recommendations stated herein, the draft was submitted to and is presently before the Attorney General. It is expected that the Bill will be placed before Parliament at the November 2013 sitting. See Attached.</p> <p>The Consultant is also working on finalising the Guidance Notes which will be in the form of a Code to enable enforceability.</p>
12. NFBP-R.5, 6, 8-11	NC	<ul style="list-style-type: none"> No regulation or supervision of casinos; Infrequent and insufficiently detailed monitoring of CDD compliance of RAs; No arrangements for systematically spot checking CDD compliance by lawyers, real estate agents, accountants, jewelers, and car dealers; Insufficient training, particularly of lawyers and of 	<ul style="list-style-type: none"> Casinos should be regulated and supervised; All DNFBPs should be examined more systematically for CDD compliance; IFSA on-site examinations should be 	<p>At the time of the Mission, there were 28 RAs licensed and operating in SVG. That number has since been reduced to 18. Since the IMF visit to St. Vincent and the Grenadines between February - March, 2009, IFSA has carried out on-site inspections of fourteen (14) of the eighteen (18) remaining Registered Agent/ Trustee licensed entities. Four (4) Registered Agents were visited prior to the IMF's visit.</p> <p>The purpose of the visits were to review and assess the company's</p>

		<p>more complex international business relations.</p>	<p>more frequent and thorough, especially for RAs and trustees;</p> <ul style="list-style-type: none"> • Some arrangement should be introduced for inspection of lawyers for compliance. Other DNFBPs should be subject to spot checks of files; • Additional training should be undertaken, particularly for lawyers but also for RAs in their procedures for relying on third-parties for CDD compliance 	<p>compliance with the Act and Regulations and the proper implementation of procedures stipulated in the Proceeds of Crime and Money Laundering (Prevention) Act, 2001. A list of International Business Companies and other entities files were examined to ascertain customer due diligence procedures and proper record keeping of their client's files. It was found that the large majority of the Registered Agents/Trustees records adhered to proper procedures such as completing due diligence questionnaire and obtaining identification on their client. Of note also is that the Registered Agents/ Trustees kept all their client's records in St. Vincent and the Grenadines. Issues of non compliance were discussed and directives given to the RA to rectify the problem.</p> <p>Follow up examinations for certain RAs are being scheduled.</p> <p>As of 30th March, 2011 the number of RAs licensed and operating have been further reduced to 16 as a result of IFSA's efforts to have only fully compliant RAs. IFSA completed a full on-site visit of all its licensed RAs in 2010 and has already commenced another round of onsite visits for the current year.</p> <p>To date IFSA has completed the second round of onsite examinations of nine (9) out of sixteen (16) Registered Agents/Trustees. The remaining onsite examinations are scheduled to be completed by January 2012.</p> <p><u>Update:</u></p> <p>IFSA has undertaken onsite inspections of fourteen (14) Registered Agents as at the 16th January, 2012. These entities have been found to have made significant progress since the last round of onsite inspections which were undertaken between late 2009 and 2010.</p> <p>IFSA is expected to complete onsite inspections of the final two (2) Registered Agents/ Registered Trustees, during the second quarter of this year.</p> <p>Altogether, IFSA has undertaken 2 rounds of onsite inspections of RAs in the past 3 and a half years. The number of Registered Agents operating is SVG has reduced from 28 at the time of the assessment to 16 at present owing to efforts by IFSA to monitor and ensure full compliance of the law by Registered Agents.</p> <p><u>Update- August 2012</u></p> <p>The onsite inspection of the St. Vincent Trust Service Limited and the St. Vincent Trust Company Limited is scheduled to take place from September 24th to September 27th at the companies' head office in</p>
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				<p>Liechtenstein. Two members of IFSA's staff will comprise the inspection team.</p> <p><u>Update October 2012</u> The onsite inspection of the Two Registered Agents and Trustees was completed at their European offices as scheduled. As such, the 16 Registered Agents and Trustees licensed in SVG have undergone a second round of onsite inspections in four years.</p> <p><u>Update-February 2013</u> The Consultant provided a draft of the Proceeds of Crime and Money Laundering Regulations, which includes PEPs and terrorist financing, to the SVG FSA and FIU for review. The draft contains all recommended amendments made by the IMF as well as the FATF recommendations. The Consultant is working on bringing DNFBNs within the scope of the POCA Regulations. The list of "Financial Institutions" that will be subject to the AML/CFT obligations is intended to be amended to include DFNBNs. As such, they will be subject to undergo onsite examination to test their CDD and AML/CFT procedures The Consultant is progressing with completing both the POCA Regulations and the Guidance Notes. The Consultant is working closely with the relevant stakeholders to complete the GN's by March 31, 2013.</p> <p><u>Update-August 2013</u> The FSA has commenced another round of onsite inspection of International Banks and Registered Agents. There are currently 17 Registered Agents and 5 international Banks in SVG. Most Lawyers who operate in the international financial services sector are holders of Registered Agent and Trustee Licences and are subject to the enhanced onsite inspection carried out by the FSA every 12-18 months. The FIU has continued to conduct training in AML/CFT with the DNFBNs and other financial institutions in SVG. The FIU, FSA and the National Anti-Money Laundering Committee have completed review of the draft POCA Bill and AML/CFT</p>
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				<p>Regulations.</p> <p>Provision has been made for the FIU to assume responsibility for monitoring and enforcing AML/CFT compliance by those DNFBPs that are not now subject to supervision by the FSA. This will require a further amendment to the FIU Act in the future as the FIU does not currently engage in supervisory functions.</p>
13. suspicious transaction reporting	PC	<ul style="list-style-type: none"> The two-part threshold for filing of SARs does not meet the requirement of R.13; Offshore insurance and banks are reporting at a very low level; SAR filing guidance is outdated, the last update was in 2004, contributing to low quality SARs. 	<ul style="list-style-type: none"> Amend POCA (Section 46(3)) to require FIs to report all suspicion with respect to funds that are the proceeds of criminal conduct, not only those described under Section 46(2). Either POCA or UNATMA should be amended to require the filing of SARs for transactions or financial activities that are suspected to constitute or be related to the financing of individual terrorists or terrorist organizations; 	<p>Amendments to POCA have been drafted and submitted to the Hon. AG for consideration. It is however intended that all amendments to POCA can be taken to Parliament together. The UNODC has endeavoured to provide technical assistance to redraft UNATMA and is in consultation with the Hon. AG on this matter.</p> <p>This matter is presently before the Hon. Attorney General.</p> <p>The Attorney General has indicated that these amendments would be enacted by the end of the first quarter 2012.</p> <p><u>Update:</u></p> <p>Having reviewed POCA, it is felt that the current wording of Section 46(3) is sufficient to require the reporting of all suspicion and not only those specified in Section 46(2). Subsection (3) is as follows:</p> <p><i>“Upon suspicion that the transactions described in subsection (2) or any other transaction or financial activity could constitute or be related to money laundering or the proceeds of criminal conduct, a financial institution or person engaged in a relevant business activity shall report the suspicious transactions to the FIU.....”</i></p> <p>The <i>Proceed of Crime (Money Laundering) Act</i> Chapter 181 of the Revised Laws of St. Vincent and the Grenadines, 2009 (attached hereto) includes the amendment to section 46(3). This amendment was made by Act No. 25 of 2002.</p> <p><u>Update-August 2013</u></p> <p>The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA.</p> <p>It is anticipated that the new legislation will contain provision requiring the filing of SARs for transactions or financial activities that are suspected to constitute or be related to the financing of</p>

				individual terrorists or terrorist organization.
14. rotection & no tipping-off	NC	<ul style="list-style-type: none"> • UNATMA and/or POCA do not prohibit tipping off of the filing of SARs related to terrorist financing; • POCA Section 45 does not explicitly prohibit tipping off of the fact of filing of the SAR itself. 	<p>POCA Section 45 should be amended to prohibit tipping off of the fact of the filing of the SAR itself;</p> <p>The defense in POCA Section 45(4) should be removed;</p> <p>UNATMA and/or POCA should be amended to prohibit the tipping of the filing of SARs and any related disclosure of information to a police officer of suspected terrorist financing activities or transactions.</p>	<p>Amendments to POCA have been drafted and submitted to the Hon. AG for consideration. It is however intended that all amendments to POCA can be taken to Parliament together.</p> <p>This matter is still pending as the Bill has not yet been tabled as envisioned. The matter is presently before the Hon. Attorney General.</p> <p><u>Update:</u></p> <p>Amendments to POCA have been finalized, including an amendment to Section 45 to prohibit tipping-off of the fact of the filing of a SAR itself. The Bill was tabled before Parliament at its sitting on February 28, 2012 and was passed. It is currently awaiting the Governor General's Assent which should take place shortly.</p> <p><u>Update- August 2012</u></p> <p>See Act No. 3 of 2012 (Proceed of Crime Amendment (2)) as attached.</p> <p><u>Update-August 2013</u></p> <p>The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA.</p> <p>It is anticipated that the new legislation will contain provision requiring the filing of SARs for transactions or financial activities that are suspected to constitute or be related to the financing of individual terrorists or terrorist organization.</p>
15. nternal controls, compliance & audit	PC	<ul style="list-style-type: none"> • Insufficient provisions for comprehensive policies; • No requirements to train staff on current ML and FT trends, typologies, techniques, etc; • No requirements to screen FI employees to ensure high standards; • Insufficient time and seniority of compliance officers devoted to AML/CFT functions by some FIs, including inherent conflicts in multi-task responsibilities; • Lack of specific training in on AML/CFT for high risk areas e.g. money remittance business, correspondent accounts, wire transfers, back-to- 	<ul style="list-style-type: none"> • Enhance the requirements for FIs to have comprehensive policies, and consider revising the compliance and independent audit requirements under POCA Regulations 8 (narrower) to make them consistent with those under Section 46 of the POCA (broader); • Require FIs to train staff on current ML and FT trends, typologies, techniques, etc.; 	<p>In the revised Guidance Notes there are special chapters which allow for the establishment and maintenance of procedures to prevent ML and TF which includes internal controls, risk assessment and management, the monitoring and management of compliance with such policies and procedures and internal communication of such policies and procedures. It also requires senior management accountability including allocation to a director or senior management, the overall responsibility for the establishment and maintenance of effective AML systems and controls and the appointment of a person with adequate seniority and experience as the Compliance officer or reporting officer.</p> <p>There is also a chapter on staff awareness that emphasizes the need for regulated entities to ensure that staff is competent, remains so and is</p>

		back loans, and credit card operations.	<ul style="list-style-type: none"> Clarify the scope of the training requirement to ensure that the term “relevant” employees, i.e., to those that have/may have access to information that can be relevant to determine the existence of ML, does not restrict the training requirement; Require FIs to properly screen employees for fit and proper criteria to ensure high standards; Supervise and require FIs to ensure that compliance officers devote sufficient time and seniority to AML/CFT, and avoid inherent conflicts when multi-tasking such officers; FIs, especially banks, should emphasize AML/CFT training for high risk areas e.g. money remittance business, correspondent accounts, wire transfers, back-to-back loans, and credit card operations. 	<p>appropriately supervised and that their competence is regularly reviewed and they are trained in AML and CFT. This includes systems of ongoing monitoring of staff and proper screening that should go beyond simple reference checks. There are consequences for breaching these policies.</p> <p>There are specific chapters in the Guidance Notes that tell DNFBSs how to keep records and identify suspicious transactions.</p> <p>The said Notes are at the stage where they are being informally reviewed by the IMF Team Leader and upon feedback being obtained, the Guidance Notes will be circulated to the industry.</p> <p>The IMF team leader regrettably was unable to undertake an informal review of the Guidance Notes, and also indicated that the IMF is unable to undertake such review owing to other commitments and constraints. He has recommended that the CFATF or certain CFATF countries be approached to obtain technical assistance in this regard. This process is currently being undertaken.</p> <p><u>Update:</u></p> <p>The CFATF has agreed to assist with the finalization of SVG’s AML/CFT Guidance Notes by sourcing a consultant. Dialogue is ongoing with Mr. Calvin Wilson (CFATF) in relation to technical assistance which may be given to SVG for this project, from the Commonwealth Secretariat.</p> <p>The CFATF has agreed to provide technical assistance in the finalization of SVG’s AML/CFT Guidance Notes. A suitable consultant has been sourced and the agreed target date for completion is June 2012.</p> <p><u>Update -August 2012</u></p> <p>The Risk and Compliance Department of the Bank of Saint Vincent and the Grenadines (formerly National Commercial Bank (SVG) Limited) designated the month of June 2012 as AML/CFT month. During this month a number of activities were undertaken with a view to increasing employees’ awareness on AML/CFT issues. In addition the FIU was invited to participate in a panel discussion on the topics of the FATF and its Recommendations and AML/CFT Regulations and Guidance Notes.</p> <p>Additionally the FIU has also engaged in AML/CFT Training exercises</p>
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				<p>with more financial institutions, credit unions, money remitters and insurance agencies during the months March-July 2012. Training will continue through the end of 2012.</p> <p>The AML/CFT Guidance Notes are not yet completed. The consultant is expected to come to SVG to consult on the Guidance Notes. The Consultant has extended his completion date for review of the AML/CFT Guidance Notes to the end of August 2012.</p> <p><u>Update October 2012</u></p> <p>The main problem with the re-drafting of SVG's Guidance Notes (GN) is that the first Consultant appointed to update and revise the GN produced work which was incomplete and inadequate to be proposed for implementation. Another Consultant had to be retained after very extensive but inadequate GN were produced.</p> <p>Another external Consultant was retained to draft the Guidance Notes and his recommendation was for a new draft to be produced. This Consultant has worked successfully in other jurisdictions and has provided comprehensive details on his work and also provided updates on his progress. He has however exceeded the stipulated deadline for completion and explained that the undue delay is as a result of a 'prolonged unforeseen circumstance'. SVG has already gone through certain stages in the process of having the Guidance Notes redrafted by this Consultant and it would be very inconvenient to change yet another Consultant at this stage. The Consultant has committed to providing a revised draft of the Guidance Notes by end of October 2012. The Consultant is simultaneously providing draft amendments to the AML Regulations to more fully capture all Core FATF Requirements and taking into consideration the FATF Revised Recommendations of 2012.</p> <p><u>Update-February 2013</u></p> <p>The Consultant has provided a draft of the Proceeds of Crime and Money Laundering Regulations, which includes PEPs and terrorist financing, to the SVG FSA and FIU for review.</p> <p>The draft contains all recommended amendments made by the IMF as well as the FATF recommendations.</p> <p>The Consultant is progressing with completing both the POCA Regulations and the Guidance Notes. The Consultant is working closely with the relevant stakeholders to complete the GN's by March 31st, 2013.</p>
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16. NFBP-R.13-15 & 21	NC	<ul style="list-style-type: none"> Minimal SAR reporting; No compliance supervision of most DNFBPs. 	<ul style="list-style-type: none"> While the overall volume of business conducted by DNFBPs is low, many transactions, particularly cross-border transactions, are vulnerable to ML and FT risk. In this context, SAR reporting by DNFBPs is very low, suggesting a need for additional training and/or stricter oversight of compliance in this area; Need to strengthen internal compliance programs and supervision of the same, especially with respect to the larger DNFBPs. With the limited exception of some RAs, the adequacy of internal compliance programs has not been examined by supervisors; Need to assign responsibility for oversight of the reporting and internal AML/CFT compliance programs of lawyers, accountants, real estate agents, jewelers and car dealers. 	<p>Revised Guidance Notes tells all institutions that they need to have the proper compliance structure in place and requires them to conduct risk assessments and put systems in place to protect against the identified vulnerabilities.</p> <p>There is also included a self assessment questionnaire which allows entities to evaluate their compliance systems.</p> <p>IBID – re: Status of AML/CFT Guidance Notes.</p> <p>As part of its mandate for training and awareness-raising, the FIU periodically sends out newsletters to financial institutions and DNFBPs on trends and typologies on ML and TF offences.</p> <p>In addition, the FIU intends to conduct onsite training with DNFBPs within the last quarter of 2011.</p> <p><u>Update:</u></p> <p>In the latter half of 2011 the FIU sent letters to all Financial Institutions and Relevant Businesses including DNFBPs to ascertain their training needs and to coordinate proposed dates and topics for training. While not all entities have responded, the FIU has commenced training in February 2012 and has conducted training to date with a local Bank, a Credit Union, an Insurance Company and a Money Remitter. Training will continue into 2012 until every Scheduled business and institution under POCA has received AML/CFT training.</p>

				<p><u>Update -August 2012</u></p> <p>The FIU has engaged in AML/CFT Training exercises with more financial institutions, credit unions, money remitters and insurance agencies during the months March-July 2012. Training will continue through the end of 2012.</p> <p><u>Update-October 2012</u></p> <p>In response to the examiners comments Paragraph 16 above, the training conducted by the FIU includes training of all Registered Business as listed in Schedule 1 of POCA which includes DNFBPs. It is anticipated that additional training of this sector will lead to increased SAR reporting.</p> <p><u>Update-August 2013</u></p> <p>The FIU, FSA and the National Anti-Money Laundering Committee have completed review of the draft POCA Bill and AML/CFT Regulations.</p> <p>Provision has been made for the FIU to assume responsibility for monitoring and enforcing AML/CFT compliance by those DNFBPs that are not now subject to supervision by the FSA. This will require a further amendment to the FIU Act in the future as the FIU does not currently engage in supervisory functions.</p>
17. anctions	NC	<ul style="list-style-type: none"> Regulatory laws lack the full range of administrative sanctions for non-compliance with POCA and the POCA Regulations; Regulatory laws lack explicit linkages between sanctions and non-compliance with POCA and the POCA Regulations; POCA and the POCA Regulations lack legal authority to regulators to impose sanctions for non-compliance; Regulatory laws do not have effective, proportionate and dissuasive administrative fines and criminal penalties; Regulatory laws lack authority for regulator to initiate a referral to the DPP for serious violations of POCA, UNATMA and the POCA Regulations; 	<ul style="list-style-type: none"> Amend regulatory laws to ensure that the full range of administrative sanctions powers for violations of POCA and the POCA Regulations are available to regulatory bodies; such sanctions powers should be harmonized across regulatory laws to ensure consistency. Administrative sanctions should include, at a minimum: written warnings; orders or directives to comply with specific instructions; removal of controlling shareholders, directors and senior management officials; ordering regular reports; administrative fines for non-compliance (possibly on a daily basis); 	<p>The offences under POCA are set out in the proposed Guidance Notes highlighting the sanctions for failure to comply. Consideration is being given in the Guidance Notes to authorize competent authorities to impose administrative sanctions for failure to adhere to the requirements. In particular, a single regulatory unit is being established whereby IFSA, the Supervisory and Regulatory Division of the Ministry of Finance and the Co-operatives Division will be merged. This unit entitled the 'Financial Services Authority' has not yet been established but is expected to be established before the end of 2011. The Financial Services Authority Bill governing the establishment, structure and functions of the FSA is in its final stage of review.</p> <p><u>Update:</u></p> <p>The Financial Services Authority (FSA) Act was enacted on November</p>

		<p>and</p> <ul style="list-style-type: none"> Regulators, including IFSA and the Ministry of Finance, have imposed few, if any, administrative sanctions for non-compliance with AML/CFT measures even when authorized by law to do so. 	<p>barring individuals from employment within any regulated sector; replacing or restricting powers of managers, directors, or controlling owners; imposing conservatorship; and suspension, revocation or withdrawal of the license;</p> <ul style="list-style-type: none"> Amend POCA and the POCA Regulations to explicitly authorize all regulatory bodies and agencies, including IFSA with respect to international banks, mutual funds, insurance companies and RAs; the Ministry of Finance with respect to local banks, MSBs and insurance companies, and the Comptroller of Cooperatives with respect to credit cooperatives, to impose administrative sanctions referred to above for violations of POCA and the POCA Regulations; Amend regulatory laws to authorize regulators to recommend to the DPP that a criminal proceeding be initiated for serious violations of POCA and the POCA Regulations; and Amend regulatory laws to ensure that civil fines and criminal penalties are substantially increased along the lines of those found in the Banking Act (see chart above) or in Section 47 of POCA. 	<p>22nd 2011. The formal establishment of the FSA is targeted for April 2012. The Act provides for administrative sanctions as well as criminal sanctions.</p> <p>An Amendment to Section 23 of the International Banks Act to include POCA regulations and to initiate enforcement for breaches of AML/CFT legislation has been sent to AG for consideration.</p> <p>Recommended administrative sanctions for violations of POCA and POCA regulations have been sent to AG for consideration.</p> <p>General recommendations made by IMF assessors have been submitted to the AG for consideration under the FSA Act.</p> <p>There has been a delay in the establishment of the FSA owing to national general elections in SVG which took place in December 2010. There were therefore disruptions in how quickly this entity could be established due to delays prior to and subsequent to elections when other matters of State took priority.</p> <p>The Financial Services Authority (FSA) has not yet been established but is expected to be established before the end of 2011. The Financial Services Authority Bill governing the establishment, structure and functions of the FSA is in its final stage of review. There is still strong commitment to establish the FSA. The lease arrangement for the targeted premises for the FSA is being finalized.</p> <p>The Bill was presented in Parliament on October 18th 2011 and is slated to be enacted by November 18th 2011 after a Select Committee Review. The Minister of Finance has confirmed publicly that the FSA would be set up thereafter in January 2012. The lease arrangement for rental of premises for the FSA has been finalized.</p> <p><u>Update:</u></p> <p>The Financial Services Authority (FSA) Act was enacted on November 22nd 2011. The formal establishment of the FSA is targeted for April 2012. The physical location of the FSA has already been finalized as well as lease arrangements previously mentioned.</p> <p>Meetings are ongoing with the Director General/Finance and Planning and other representatives of the Ministry of Finance (Single Regulatory Division (SRD)) to address all logistics of the establishment of the FSA.</p>
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				<p>however, is temporarily being occupied by the Ministry of Finance due to a fire in the latter's premises. The Ministry of Finance will be in a position to vacate the said premises in December 2012. The design for the physical premises of the FSA has been accepted and can readily be adapted to what already exists. The FSA will operate from the departments of the three regulatory bodies with IFSA being the main office until the physical move is made.</p> <p>All logistical details relevant to the FSA's formal establishment on November 1st are being addressed – official seals, stamps, stationery, websites, email and IT and other like matters, are all being purpose enhanced for the FSA.</p> <p>The groundwork for the liquidation of IFSA is also ongoing.</p> <p><u>Update February 2013</u></p> <p>The Financial Services Authority (FSA) Act was proclaimed on November 12th, 2012. The FSA is now fully functional.</p> <p>Section 5(1) (g) of the FSA Act requires the FSA to monitor and ensure compliance by financial entities and registered entities and by such other persons as are subject to them, with such Act, Regulations, Codes or Guidelines relating to Money Laundering or the financing of terrorism.</p> <p>(The FSA Act is hereto attached for information)</p> <p><u>Update-August 2013</u></p> <p>Two and a half months after its establishment, the FSA intervened and took management and control the only building society in SVG, the largest and most iconic non bank financial institution. Prior to intervention, this financial institution was experiencing severe liquidity problems and poor management. The FSA has seconded some of its staff to assist with the day to day activities of the institution , which is now well on its way to financial stability. This intervention has been a test of the FSA's capabilities and capacity, both at a legislative and human resources level, and has illustrated that the FSA is well equipped to carry out its very important regulatory functions. Notwithstanding the ongoing crisis management in relation to the building society being undertaken by the FSA, the FSA has simultaneously also undertaken extensive work in the Credit Union Sector to ensure that the sector is effectively</p>
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				<p>supervised and that the financial condition of all the country's credit unions is intact. Onsite examinations of all credit unions have now been undertaken.</p>
18. shell banks	NC	<ul style="list-style-type: none"> Two offshore banks were identified as not having meaningful mind and management/significant physical presence in SVG; No prohibitions against entering into, or continuing correspondent banking relationships with shell banks; No requirements for FIs to satisfy themselves that respondents in other countries are not used by shell banks; <ul style="list-style-type: none"> Offshore shell banks maintain correspondent accounts locally, contrary to Rec.18, the GNs, and ECCB's prudential regulations. 	<ul style="list-style-type: none"> Review the physical presence of all offshore banks against the meaningful mind and management criteria of FATF Rec. 18 above and prohibit the continuation of any shell banks; Introduce explicit prohibitions against entering into, or continuing correspondent banking relationships with shell banks, consistent with the ECCB's prudential guidelines; Require FIs to satisfy themselves that respondents in other countries are not used by shell banks; Require domestic banks to comply with Rec. 18, the ECCB's prudential guidelines and the GNs with respect to correspondent banking facilities; 	<p>All six banks in operation at the time of the Mission have been reviewed in keeping with the recommendation of the Assessors.</p> <p>At present only two active (2) international banks remain operating in SVG as one is in liquidation, two went into voluntary liquidation (liquidator approved by IFSA) and one is in controllership.</p> <p><u>Update</u></p> <p>There are currently four (4) international banks in SVG. Two (2) licences were approved in 2010 and 2011 respectively, but these Banks became operational in the latter half of 2011.</p> <p>SVG shall continue to closely monitor all international banks operating in SVG and submit that there are no shell banks so operating.</p> <p>The other aspects of the IMF's Recommendations under Rec. 18 need to be addressed by amendment and this will be part of the revision of the POCA Regulations and Guidance Notes.</p> <p>At present there are still only two active (2) international banks which remain in operation in SVG as <u>two</u> are in liquidation and two went into voluntary liquidation (liquidator approved by IFSA).</p> <p>SVG continues to closely monitor all international banks operating in SVG and reiterates that there are no shell banks so operating. Enhanced monitoring of existing international banks and enhanced vetting of applications are being diligently carried out by IFSA.</p> <p><u>Update:</u></p> <p>IFSA has undertaken 3 rounds of onsite inspections all offshore banks operating in SVG in the past three and a half years as a result of enhanced monitoring.</p> <p>Altogether, IFSA has undertaken 2 rounds of onsite inspections of RAs in the past 3 and a half years. The number of Registered Agents operating in SVG has reduced from 28 at the time of the assessment to 16 at present</p>

				<p>owing to efforts by IFSA to monitor and ensure full compliance of the law by Registered Agents.</p> <p><u>Update- August 2012</u></p> <p>The number of Registered Agents has arisen in the past month to 17, with the licensing of one new Registered Agent in July, 2012.</p> <p><u>Update – October 2012</u></p> <p>IFSA continues to closely supervise the operations of all its international banks and confirms that there are no shell banks operating in SVG.</p> <p><u>Update February 2013</u></p> <p>The fourth round of onsite inspection of international banks is scheduled to commence during the second quarter of 2013.</p> <p><u>Update-August 2013</u></p> <p>The FSA has commenced another round of onsite inspection of International Banks and Registered Agents. There are currently 17 Registered Agents and 5 international Banks operating in SVG.</p>
19. Other forms of reporting	C			
20. Other NFBP & secure transaction techniques	C		The authorities should keep under review evolving opportunities for reducing the use of cash in the economy.	
21. Special attention for higher risk countries	NC	<ul style="list-style-type: none"> No requirement to pay special attention to transactions and relationships with persons from countries that do not or insufficiently apply the FATF Recommendations; No formal mechanism to advise FIs of AML/CFT concerns with other countries and no such advisories have been issued to date; <ul style="list-style-type: none"> No provisions to apply counter-measures against countries that do not or insufficiently apply the FATF Recommendations and no such measures 	<ul style="list-style-type: none"> Require FIs to pay special attention to transactions and relationships with persons from countries that do not or insufficiently apply the FATF Recommendations; Implement a formal mechanism to advise FIs of AML/CFT concerns with other countries and where necessary advise FIs of 	<p>The Guidance Notes instructs the Compliance Officer to take account of FATF reports whether it be MEV or findings of the IMF or World Bank, to assess the ML and TF risk posed by jurisdictions that they may be dealing with and that high risk jurisdictions or jurisdictions with outstanding advisory notices and that they should take account of the risk associated with these jurisdictions.</p> <p>Notifications received by the FIU with reference to releases and advisories and updates on jurisdictions or persons of interest from FATF or other similar bodies are forwarded to those institutions regulated under the <i>Proceeds of Crime and Money Laundering Prevention</i> and the</p>

		have been applied.	<p>such concerns;</p> <ul style="list-style-type: none"> Introduce provisions and procedures that would require SVG to apply counter-measures against countries that do not or insufficiently apply the FATF Recommendations. 	<p><u>United Nations Anti-Terrorism Measures</u> legislation.</p> <p>IFSA has updated its website to direct visitors to the <u>News and Events</u> section of the FATF's website where all publications and notices will be readily available to them for perusal. These would include advisories on jurisdictions and persons of interests.</p> <p><u>Update-August 2013</u> The Authorities have completed review of the draft POCA Bill and AML/CFT Regulations. This recommendation is adequately provided for in the scope of the AML/CFT Regulations which states that any financial institution with foreign branches or subsidiaries should comply with SVG's Regulations for the purpose of any business conducted within SVG by the local branch.</p>
22. oreign branches & subsidiaries	LC	<ul style="list-style-type: none"> No requirements for FIs to apply AML/CFT measures to their foreign branches and subsidiaries; No requirements for FIs to inform their supervisors when their foreign branches and subsidiaries cannot observe appropriate AML/CFT laws or measures. 		<p>The relevant amendments are being investigated under the revision of the POCA Regulations.</p> <p><u>Update February 2013</u> The draft POCA Regulations and Guidance Notes are currently being revised to include these matters.</p> <p><u>Update-August 2013</u> The Authorities have completed review of the draft POCA Bill and AML/CFT Regulations. This recommendation is adequately provided for in the scope of the AML/CFT Regulations which states that any financial institution with foreign branches or subsidiaries should comply with SVG's Regulations for the purpose of any business conducted within SVG by the local branch.</p>

23. Regulation, supervision and monitoring	NC	<ul style="list-style-type: none"> • Ownership structures of some offshore institutions reduce transparency and may limit ability of regular review fit and proper criteria; • Systemically large building society not subject to effective AML/CFT supervision; • Generally inadequate supervision for AML/CFT across all sectors; • Infrequent focus on inherently high risk business areas such as e.g. correspondent banking, money remittance services and back-to-back loans; • Insufficient supervisory resources and understaffing to conduct effective ongoing supervision across all sectors, particularly in the non-domestic banking sector; • No AML/CFT inspections/supervision of the international mutual fund and insurance sectors; • Lack of detailed AML/CFT inspection procedures for the non-domestic bank sectors; • No AML/CFT supervision of money services business and possible existence of one unauthorized activity; <ul style="list-style-type: none"> • Lack of authorization and AML/CFT supervisory regime for money lending businesses covered by the AML/CFT laws. 	<ul style="list-style-type: none"> • Enhance supervision of ownership and control structures of some offshore institutions to increase transparency of fit and proper criteria; • Implement enhanced AML/CFT supervision of the systemically large building society and credit union; • Strengthen onsite inspections FIs across all sectors, particularly in the non-domestic banking sectors; • Enhance oversight of inherently high risk business areas across all the relevant sectors esp. correspondent banking, money remittance services, wire transfers and back-to-back loans; • Increase supervisory resources and understaffing to conduct effective ongoing supervision across all sectors including through the use of external auditors/consultants, particularly in the non-domestic banking sector; • Prioritize development and implementation of a comprehensive AML/CFT inspections/supervision program for the international mutual fund and insurance sectors, including through development of cross-border supervisory cooperation mechanisms; • Develop detailed sector-specific AML/CFT inspection procedures for the non-domestic bank sectors; • Implement AML/CFT supervision of money services business and review and enforce licensing laws with respect to possible existence of one unauthorized activity; • Review and if necessary implement an authorization and AML/CFT supervisory regime for the existing money lending businesses covered by the AML/CFT laws. 	<p>IFSA has been involved in a full scope review of all its regulated entities. Extensive work has been done at IFSA with the assistance of three Consultants under the auspices of a Technical Assistance Project sponsored by the European Union. Please see Appendix 1 for a summary of this regulatory and institutional capacity building project.</p> <p>The Building and Loan Society as well as all credit unions will be regulated by the FSA which is scheduled to be established by January 2011. This legislation is currently being refined by the Legal Drafter of the Hon. Attorney General's Chambers as relevant stakeholders have already reviewed the draft Bill and made their contributions.</p> <p>The intention is to hire skilled and qualified staff so as to ensure high level staff and of note is that the transition of IFSA's staff into the FSA is automatic while staff from the merging entities will be vetted to ensure that they possess the requisite capabilities to meet the staffing requirements of the FSA.</p> <p>Of note too is that the insurance sector will be regulated by the FSA.</p> <p>The Financial Services Authority (FSA) has not yet been established but is expected to be established before the end of 2011. The Financial Services Authority Bill governing the establishment, structure and functions of the FSA is in its final stage of review.</p> <p>The FSA Bill was presented in Parliament on October 18th 2011 and is slated to be enacted by November 18th 2011 after a Select Committee Review. The Minister of Finance has confirmed publicly that the FSA would be set up thereafter in January 2012. The lease arrangement for rental of premises for the FSA has been finalized.</p> <p><u>Update:</u></p> <p>The Financial Services Authority (FSA) Bill was enacted on November 22nd 2011. The formal establishment of the FSA is targeted for April 2012.</p> <p>Meetings are ongoing with the Director General/Finance and</p>
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				<p>Planning and other representatives of the Ministry of Finance (Single Regulatory Division (SRD)) to address all logistics of the establishment of the FSA. The IFSA, SRD and Cooperatives Division are expected to be merged into the FSA and upon the request of the Director General, has now each assessed its human resources to determine competency of staff in order to facilitate the transition of competent staff and requisite skills into the FSA.</p> <p>A World Bank Consultant has been assigned to assist SVG in the establishment of the FSA, has met with IFSA, SRD and the Cooperatives Division, to give strategic direction to the commencement phase of the FSA and work in ongoing to finalize Business Plan for the first year of operation of the FSA. The first annual Budget is also being finalized and the organizational chart has been finalized.</p> <p><u>Update- August 2012</u></p> <p>The FSA Board of Directors and Executive Director have been appointed by Cabinet. A three (3) year Strategic Plan and Budget have been prepared. Other logistics are being sorted pending the imminent establishment of the FSA. The FSA is expected to be established during the latter half of 2012.</p> <p><u>Update October 2012</u></p> <ul style="list-style-type: none"> • The FSA Board has been working on logistical and administrative matters with respect to the establishment of the FSA. • -The FSA Board has held several meetings and made significant progress in finalizing administrative matters to ensure the smooth transition of three distinct regulatory bodies into the FSA and to ensure that the FSA would be fully operational on the date the FSA Act is proclaimed. The date set for proclamation is November 1st 2012. • Extensive work was carried out to finalize a comprehensive Strategic Plan including an Organizational Structure and Plan, and a Three Year Operating Budget. Salary Scales for the FSA are included in the said Budget and this required in depth research and discussions locally
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				<p>with relevant stakeholders.</p> <ul style="list-style-type: none"> • Formal recommendations by heads of the three regulatory bodies have been made and accepted for the transition of staff into the FSA. • Recruitments for additional staff required as per a finalized Organization Chart, is ongoing. • The location of the FSA is very appropriate and has been secured however, is temporarily being occupied by the Ministry of Finance due to a fire in the latter's premises. The Ministry of Finance will be in a position to vacate the said premises in December 2012. The design for the physical premises of the FSA has been accepted and can readily be adapted to what already exists. The FSA will operate from the departments of the three regulatory bodies with IFSA being the main office until the physical move is made. • All logistical details relevant to the FSA's formal establishment on November 1st are being addressed – official seals, stamps, stationery, websites, email and IT and other like matters, are all being purpose enhanced for the FSA. • The groundwork for the liquidation of IFSA is also ongoing. <p><u>Update February 2013</u></p> <p>The Financial Services Authority (FSA) Act was proclaimed on November 12, 2012. The FSA is now fully functional.</p> <p>The FSA is responsible for, among others, AML/CFT supervision of the international financial services sector, financial institutions such as money services businesses and the non- bank domestic institutions such as Credit Unions and Building Societies.</p> <p><u>Update August-2013</u></p> <p>Two and a half months after its establishment, the FSA intervened and took management and control the only</p>
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			<p>building society in SVG, the largest and most iconic non bank financial institution. Prior to intervention, this financial institution was experiencing severe liquidity problems and poor management. The FSA has seconded some of its staff to assist with the day to day activities of the institution , which is now well on its way to financial stability. This intervention has been a test of the FSA's capabilities and capacity, both at a legislative and human resources level, and has illustrated that the FSA is well equipped to carry out its very important regulatory functions. Notwithstanding the ongoing crisis management in relation to the building society being undertaken by the FSA, the FSA has simultaneously also undertaken extensive work in the Credit Union Sector to ensure that the sector is effectively supervised and that the financial condition of all the country's credit unions is intact. Onsite examinations of all credit unions have now been undertaken.</p> <p>IFSA has been involved in extensive and comprehensive AML/CFT training through the auspices of the EU Technical Assistance Programme and specifically the services of an AML/CFT Consultant. Programs and operating procedures have been developed for inspections and ongoing supervision through this training for all regulated entities – banks, mutual funds, international insurance and the registered agents. AML/CFT training has also focused on trusts and the use of international business companies. Since IFSA will be spearheading the FSA, all work with respect to AML/CFT will be shared with all staff and entities which will be part of the FSA. It is expected that the FSA in implementing the new AML.CFT Guidance Notes and training received, would address all AML/CFT concerns in the DAR with respect to the inspection and supervision of international banks and non bank financial institutions. The ECCB will continue to regulate the local banking sector.</p> <p>International Insurance Companies:</p> <p>Extensive training was provided to the Authority in the area of insurance through the initiative of an EU Technical Assistance programme for a four month period (May to August 2010). This was facilitated through case studies, class-room style presentations and role playing. IFSA's capacity for insurance supervision was heightened tremendously from this project including through the enhancement of its AML/CFT approach to insurance, its onsite and offsite supervisory techniques and the areas of focus such as</p>
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				<p>risk management.</p> <p>IFSA has been approved as a member of the International Association of Insurance Supervisors opening training opportunities and assistance with the further building of its supervisory capacity.</p> <p>The Authority has since strengthened its supervision of these entities by ensuring that all outstanding non compliance issues were addressed in a timely manner. The Authority has been working along with each Insurance Company to ensure that these are complied with and deadlines were given for same. It was also required that a standard questionnaire seeking additional information on each entity be completed to update the Authority on the International Insurance environment it regulated. Financial data is also being reviewed. The Authority continues to work assiduously to ensure that all Insurance Companies are fully compliant.</p> <p>At October 2010, there are six active (6) insurance companies, one insurance broker and manager. One insurance company is in the process of winding up its operations.</p> <p>The liquidation of the previously mentioned insurance company has been completed with no outstanding/unresolved claims. One (1) insurance company has been suspended.</p> <p><u>Update:</u></p> <p>As at March 30th, 2012, there are four (4) International Insurance Companies, one (1) Insurance Broker, one (1) Insurance Manager licensed in SVG.</p> <p><u>Mutual Funds:</u></p> <p>Extensive training was also provided to the Authority in the area of mutual funds through the initiative of the EU Technical Assistance Project.</p> <p>The Authority has been closely monitoring its Mutual Fund entities. This includes ensuring compliance with the legislation and the review of financial data. A data base of Mutual Fund entities has been created to facilitate continuous follow up with outstanding matters.</p>
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24. DN FBP - regulation, supervision and monitoring	NC	<ul style="list-style-type: none"> No regulation or supervision of casinos; Gaps/inconsistencies in the RAs and Licensed Trustees Act; Confidentiality provisions of RAs Act are a potential impediment to effective 	<ul style="list-style-type: none"> Procedures for licensing casinos should be regularized and regulation of casinos should be introduced; A regulator with the adequate skills and capacity should be assigned to oversee and enforce compliance by casinos with 	<p>The Registered Agents and Trustees (Licensing) Act, 1996 is being reviewed in its entirety to update same as well as to address the recommendations of the DAR.</p> <p>IFSA policies and procedures for on-site examination and supervision of RAs' compliance with AML/CFT obligations has been considerably enhanced. A full scope review of all RAs</p>

		<p>supervision;</p> <ul style="list-style-type: none"> • Gaps in the oversight of RAs; • Inadequate supervision of the immobilization of bearer shares; • Weak arrangements for supervising large overseas activities of RAs; • No effective arrangements for overseeing and enforcing AML/CFT obligations of other DNFBPs. 	<p>their AML/CFT obligations;</p> <ul style="list-style-type: none"> • The apparent exemption in the RAs Act barristers and solicitors and accountants from being licensed for Overseas Representation services should be eliminated; • Section 4 of the RAs Act should be repealed; • IFSA policies and procedures for on-site examination and supervision of RAs' compliance with AML/CFT obligations should be enhanced, including additional staff and additional training; • Given its responsibilities for regulation of the entire international sector, the number of IFSA examiners –four–is too few; • Authority of the IFSA Executive Director to delegate examination responsibility should be included in the Overseas Finance Authority Act; • IFSA should adopt written internal policies and procedures for approving approved custodians; • Policies and procedures should be put in place by IFSA for retrospectively approving bearer share custodians who were authorized by RAs between 2002 and 2007, or for revoking such custodianship and establishing new, approved arrangements; • Policies and procedures, including if necessary, changes in laws or regulation, should be adopted to ensure that the extensive overseas business activities of some RAs do not create structures not subject to effective supervision. A variety of approaches are possible; • A supervisory authority (or authorities), with adequate powers and capacity, should be appointed to monitor and enforce compliance by other DNFBPs 	<p>against the compliance requirements of the The Registered Agents and Trustees (Licensing) Act, 1996 as well as AML/CFT Requirements was undertaken following the IMF evaluation and IFSA has been involved in ongoing discussions with the RAs on same . Since the Mission's visit, the remaining onsite examinations of all RAs were completed. Licenses were suspended or revoked by IFSA or surrendered by the RA when RAs could not meet certain obligations. Consequently out of 28 RAs at the time of the Mission, 18 RAs are in operation.</p> <p>On-site inspections of RAs for 2011 have commenced in keeping with IFSA's increased and comprehensive review of RAs. An On-site checklist is being utilized and particular focus being placed on ensuring evidence of bearer share immobilization being verified.</p> <p>As of 30th March, 2011 the number of RAs licensed and operating have been further reduced to 16 as a result of IFSA's efforts to have only fully compliant RAs. IFSA completed a full on-site visit of all its licensed RAs in 2010 and has already commenced another round of onsite visits for the current year.</p> <p><u>Update:</u></p> <p>(1) IFSA has undertaken onsite inspections of fourteen (14) Registered Agents as at the 16th January, 2012. These entities have been found to have made significant progress since the last round of onsite inspections which was undertaken between late 2009 and 2010.</p> <p>IFSA is expected to complete onsite inspections of the final two (2) Registered Agents/ Registered Trustees, during the second quarter of this year.</p> <p><u>Update – August 2012</u></p> <p>The number of Registered Agents has arisen in the past month to 17, with the licensing of one new Registered Agent in July, 2012.</p> <p>The onsite inspection of the St.Vincent Trust Service Limited and the St. Vincent Trust Company Limited is scheduled to take place from September 24th to September 27th at the companies' head office in Liechtenstein. Two members of IFSA's staff will comprise the inspection team.</p> <p><u>Update October 2012</u></p>
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			with their AML/CFT obligations;	<p>The onsite inspection of the Two Registered Agents and Trustees was successfully completed at their European offices as scheduled. As such, the 16 Registered Agents and Trustees licensed in SVG have undergone a second round of onsite inspections in four years.</p> <p>(2) The FSA Act was enacted in November 2011 and this Act contains comprehensive oversight powers for the regulatory authority and requirements on the registered and regulated entities, including DNFBPs. The FSA is expected to be operational by April 2012.</p> <p>Additional staff has been undertaken by IFSA (refer to Appendix 2 for IFSA's updated Organizational Chart) and appropriate additional training has been given to staff of IFSA as well as staff of the RA by IFSA.</p> <p>The IFSA Act will be repealed by the FSA Act and the appropriate powers for the Authority to access information are addressed in this said Act. The FSA shall have appropriate sanctioning powers with respect to AML/CFT oversight.</p> <p>IFSA has addressed the issue of approval of Custodians of bearer shares by implementing a standard operating procedure for such approval.</p> <p>A review of the position taken between 2002 – 2007 under the old legislation is still to be completed.</p> <p>Of significance is that a three year TA project has begun, spearheaded by the ECCB and funded by the World Bank, with respect to strengthening accountability in the non-bank financial sector in all OECS countries. IFSA and the Ministry of Finance have been actively participating in discussions with ECCB in keeping with the Action Plan pertaining to this Project.</p> <p><u>Update February 2013</u></p> <p>The Financial Services Authority (FSA) Act was proclaimed on November 12, 2012. The FSA is now fully functional.</p> <p>The FSA is responsible for , among others, AML/CFT supervision of the international financial services sector, financial institutions such as money service businesses and the non- bank domestic institutions such as Credit Unions and Building Societies.</p>
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				<p><u>Update-August 2013</u></p> <p>Two and a half months after its establishment, the FSA intervened and took management and control the only building society in SVG, the largest and most iconic non bank financial institution. Prior to intervention, this financial institution was experiencing severe liquidity problems and poor management. The FSA has seconded some of its staff to assist with the day to day activities of the institution , which is now well on its way to financial stability. This intervention has been a test of the FSA’s capabilities and capacity, both at a legislative and human resources level, and has illustrated that the FSA is well equipped to carry out its very important regulatory functions. Notwithstanding the ongoing crisis management in relation to the building society being undertaken by the FSA, the FSA has simultaneously also undertaken extensive work in the Credit Union Sector to ensure that the sector is effectively supervised and that the financial condition of all the country’s credit unions is intact. Onsite examinations of all credit unions have now been undertaken.</p> <p>The Authorities have completed review of the draft POCA Bill and AML/CFT Regulations. Provision has been made for the FIU to assume responsibility for monitoring and enforcing AML/CFT compliance by those DNFBPs that are not now subject to supervision by the FSA. This will require a further amendment to the FIU Act in the future as the FIU does not currently engage in supervisory functions.</p>
25. Guidelines & Feedback	LC	<ul style="list-style-type: none"> Need for updated guidance with more attention to sector specific issues, especially for DNFBPs. 	Updated guidance should be issued, with additional material applicable to the operations of DNFBPs	<p>Revised Guidance Notes stipulate to all institutions that they need to have the proper compliance structure in place and requires them to conduct risk assessments and put systems in place to protect against the identified vulnerabilities.</p> <p>There is also included a self assessment questionnaire which allows entities to evaluate their compliance systems.</p>
Institutional and other measures				
26. The FIU	LC	<ul style="list-style-type: none"> Implementation of its analytical function is under pressure; The FIU has not directly developed a single case for prosecution of an ML or predicate offense originating from a SAR filed; 	<ul style="list-style-type: none"> The FIU should strengthen its analytical function including through enhanced staff capacity; The FIU Act should provide broad based authority to obtain information from 	<ul style="list-style-type: none"> The FIU has undertaken several measures to enhance its analytical capacity including providing additional analytical software. Further the FIU is likely to take up an offer from the Bermuda FIU of a secondment program for analyst.

		<ul style="list-style-type: none"> • Insufficient legal authority in the FIU Act for general access to law enforcement information. <p>to obtain information from other governmental bodies to support its intelligence analysis;</p> <ul style="list-style-type: none"> • The FIU does not issue additional and comprehensive guidance to reporting parties on SAR completions and filings; • The ability of the FIU to obtain additional information from reporting parties is subject to a threshold requirement that allows for reporting entities to reject additional requests on the basis that the information sought is not sufficiently correlated to a particular stated offense; • The FIU does not publish an annual report on trends and typologies. 	<p>other governmental authorities to conduct analysis for financial intelligence purposes;</p> <ul style="list-style-type: none"> • The FIU should issue additional and comprehensive guidance to reporting parties on SAR filings to increase the quality and consistency of reports; • The FIU should publish an annual report on its operations. In this regard, sanitized information on trends and typologies should be regularly included in a public document. The FIU should consider creating a website with information on its operations, SAR forms and instructions for reporting entities, and information for requesting authorities on the FIUs exchange of information procedures; • The FIU should consider entering into MOUs with counterparts in other countries, especially where SVG registered institutions and entities operate. 	<p><u>Update:</u></p> <p>While the Secondment of the analyst to the Bermuda FIU has not yet taken place, it is an opportunity which the FIU hopes to be able to utilize in the near future.</p> <ul style="list-style-type: none"> • While the FIU considers its authority far reaching. Consideration has been given to an amendment to the legislation to provide more explicit powers. <p><u>Update:</u></p> <p>Amendments have been drafted to the FIU Act which provides the FIU with authority to obtain information from governmental authorities. Amendments to the FIU Act are expected to be tabled in Parliament in April 2012.</p> <ul style="list-style-type: none"> • The FIU continues to undertake training sessions with Regulated Financial Institutions and Businesses including providing guidance on circumstances under which SARs should be filed. Information is also readily available on the website svgfiu.com • Since the report the annual and quarterly reports all include trends and typologies. Further, a newsletter with trends and typologies was also published in 2010. - The FIU's website, in operation since May 2010, is updated periodically with trends and typologies. The website also provides downloadable SAR forms and information on identifying suspicious transactions which is sector specific. - Newsletters are also periodically sent to all entities-financial institutions and persons engaged in relevant business activities. - In 2010 the FIU signed MOUs with its counterparts in San Marino, Grenada and Barbados. In 2011 to date the FIU has signed MOUs with its counterparts in St. Lucia and Poland. An MOU is expected to be executed in the coming months between the FIU and its counterparts in Australia and Cayman Islands. <p><u>Update:</u></p> <p>To date, the FIU has finalized an MOU with its counterpart in the Cayman Islands. An MOU has been recently signed by the FIU and sent via courier for signature by the Turks & Caicos FIU. The</p>
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27. Law enforcement authorities	PC	<ul style="list-style-type: none"> Authority for applying POCA investigative and prosecutorial measures for FT is not explicitly included in law; Law enforcement authorities' integration into the AML/CFT framework needs to be detailed and formalized. Inadequate resources for the DPP's office affects implementation. 	<ul style="list-style-type: none"> Specific FT-related authority should be incorporated either in UNATMA or by amending POCA to directly include any FT offense; Law enforcement authorities' designation and integration into the AML/CFT framework, including relative to the FIU, should be detailed and formalized; Resources for the DPP's office should be enhanced and consideration should be given to formally deputizing FIU lawyers as assistant DPPs. 	<ul style="list-style-type: none"> The Office of the DPP has received an additional Attorney-at -Law, who before his admittance to the Bar was a member of the Royal St. Vincent and the Grenadines Police Force. The Office of the DPP is presently staffed with 4 lawyers. <p><u>Update -August 2012</u></p> <p>An additional Crown Counsel has been appointed to the Office of the DPP which is now staffed with five (5) lawyers.</p> <p><u>Update-February 2013</u></p> <p>An Assistant Director of Public Prosecution was appointed in December 2012 to the Office of the DPP.</p> <p>The office of the DPP is now staffed with six (6) Crown Counsels and the DPP and the Assistant DPP.</p>
28. Powers of competent authorities	C			

29. Supervisors	Sup PC	<ul style="list-style-type: none"> • No explicit link between the application of supervisory and administrative sanctioning powers in the financial laws and the AML/CFT legislation; • There are no powers or mechanisms to supervise, inspect and enforce AML/CFT compliance with respect building societies and money lending operations; • Except for international banks and money services business, no explicit provisions for other regulators (functionally the ECCB, IFSA, Ministry of Finance), to supervise, inspect and enforce compliance by FIs of the POCA, POCA Regulations and anti-terrorism legislation, particularly the power to initiate enforcement proceedings under these laws; • AML/CFT compliance obligations under the International Banks Act and Money Services Business Act do not extend to the POCA POCA Regulations, limiting the scope of monitoring and enforcement; • No regulation and supervision of mutual fund underwriters; • Limitations under Section 8 of the IFSA Act could limit the scope of IFSA's supervisory and enforcement powers; • Section 19(9) of the International Banks Act restricts access to the names, titles and confidential information about customers' accounts to the Executive Director of IFSA who does not have the power of delegation with respect to this function; • IFSA is constrained in its capacity to effectively supervise mutual funds, administrators and managers, and insurance companies and their managers, in cases where the books, records and information are held outside the SVG; • No supervisory powers in either the AML/CFT legislation or the financial and regulatory laws, to enforce, sanction, or 	<ul style="list-style-type: none"> • Make explicit provision for regulators to supervise and enforce compliance with the AML/CFT legislation including the application of administrative sanctioning powers in the financial laws; • Develop the legal and regulatory regime for regulators to supervise, inspect and enforce AML/CFT compliance for building societies and presently unauthorized money lending operations; • Introduce explicit legal provisions for other regulators (functionally the ECCB, IFSA, Ministry of Finance), to supervise, inspect and enforce compliance by FIs broadly similar to those for international banks and money services business, in the POCA, POCA Regulations and UNATMA. These should include the power to initiate enforcement proceedings under these laws; • Extend the AML/CFT compliance obligations under the International Banks Act and Money Services Business Act to the POCA Regulations in order to provide broader regulatory scope for monitoring and enforcing compliance; • Develop and implement a regulatory and supervisory regime for mutual fund underwriters that would include AML/CFT, similar to that for fund administrators; • Review the possible limitation under Section 8 of the IFSA Act with respect to scope of IFSA's supervisory and enforcement powers; • Remove the technical restrictions under Section 19(9) of the International Banks Act that limit access to the names, titles and confidential information about customers' accounts to the Executive Director; • Review and as appropriate revise the 	<p>A single regulatory unit is being established whereby IFSA, the Supervisory and Regulatory Division of the Ministry of Finance and the Co-operatives Division will be merged. This unit entitled the 'Financial Services Authority' is expected to be established by January 2011. A Bill to establish the FSA has been drafted and clear provisions are contained to give the FSA the power to impose administrative sanctions. This Bill is expected to be enacted in November 2010.</p> <p>AML/CFT oversight is expected to be strengthened as a result of a unified, consistent and more comprehensive AML/CFT approach under the FSA. The Building and Loan Society will fall under the regulatory ambit of the FSA, hence subject to a higher level of AML/CFT supervision.</p> <p>The proposed FSA Act also provides for access to information by the Authority.</p> <p>AML/CFT oversight has been strengthened resulting from implementation of recommendations from the DAR and training obtained from IFSA's EU TA Project (already reported on in the last Follow Up Report) with the enhanced and more comprehensive approach to on-site inspections.</p> <p>Relevant amendments to the International Bank's Act regarding IMF recommendations have been submitted to the AG for consideration.</p> <p>The revised Mutual Fund Act, Regulations and a new Code are to be received by IFSA on 18th April 2011 which would capture amendments relating to IMF DAR recommendations.</p> <p>The Financial Services Authority (FSA) has not yet been established but is expected to be established before the end of 2011. The Financial Services Authority Bill governing the establishment, structure and functions of the FSA is in its final stage of review.</p> <p>The FSA Bill was presented in Parliament on October 18th 2011 and is slated to be enacted by November 18th 2011 after a-Select Committee Review. The Minister of Finance has confirmed publicly that the FSA would be set up thereafter in January 2012. The lease arrangement for rental of premises for the FSA has been</p>
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		<p>initiate proceedings for, violations of the AML/CFT legislation per se;</p> <ul style="list-style-type: none"> • Ability of IBC mutual funds to issue bearer shares (not immobilized) may limit CDD and exercise of powers of supervision; • Section 35 of the Mutual Funds Act can exempt FIs from supervision and enforcement under the Act with implications for AML/CFT; <ul style="list-style-type: none"> • Limited access to records by Registrar of credit unions. 	<p>legal and operational framework for mutual funds, administrators and managers, and insurance companies and their managers, to ensure that IFSA has efficient and timely access to books, records and information of such institutions to enable effective AML/CFT supervision;</p> <ul style="list-style-type: none"> • Review and if necessary amend the Mutual Funds Act and Regulations to deal with the ability of IBC funds to issue bearer shares (not immobilized) as this may limit CDD and compliance supervision; • Review/amend Section 35 of the Mutual Funds Act that can exempt FIs from supervision and enforcement under the Act with implications for AML/CFT; • Amend the credit unions law to ensure full access to records by Registrar. 	<p>finalized.</p> <p><u>Update:</u></p> <p>The Financial Services Authority (FSA) Bill was enacted on November 22nd 2011. The formal establishment of the FSA is targeted for April 2012.</p> <p>Meetings are ongoing with the Director General/Finance and Planning and other representatives of the Ministry of Finance (Single Regulatory Division (SRD)) to address all logistics of the establishment of the FSA. The IFSA, SRD and Cooperatives Division are expected to be merged into the FSA and upon the request of the Director General, has now each assessed its human resources to determine competency of staff in order to facilitate the transition of competent staff and requisite skills into the FSA.</p> <p>A World Bank Consultant has been assigned to assist SVG in the establishment of the FSA, has met with IFSA, SRD and the Co-operatives Division, to give strategic direction to the commencement phase of the FSA and work in ongoing to a Business Plan for the first year of operation of the FSA. The first annual Budget is also being finalized and the organizational chart has been finalized.</p> <p><u>Update- August 2012</u></p> <p>The FSA Board of Directors and Executive Director have been appointed by Cabinet. A three (3) year Strategic Plan and Budget have been prepared. Other logistics are being sorted pending the imminent establishment of the FSA. The FSA is expected to be established during the latter half of 2012.</p> <p><u>Update October 2012</u></p> <p>See update on the FSA above</p> <p><u>Update February 2013</u></p> <p>The Financial Services Authority (FSA) Act was proclaimed on November 12th, 2012. The FSA is now fully functional.</p> <p>The FSA is responsible for, among others, AML/CFT supervision of the international financial services sector, financial institutions such as money service businesses and the non- bank domestic</p>
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				<p>institutions such as Credit Unions and Building Societies.</p> <p>Two and a half months after its establishment, the FSA intervened and took management and control the only building society in SVG, the largest and most iconic non bank financial institution. Prior to intervention, this financial institution was experiencing severe liquidity problems and poor management. The FSA has seconded some of its staff to assist with the day to day activities of the institution, which is now well on its way to financial stability. This intervention has been a test of the FSA's capabilities and capacity, both at a legislative and human resources level, and has illustrated that the FSA is well equipped to carry out its very important regulatory functions. Notwithstanding the ongoing crisis management in relation to the building society being undertaken by the FSA, the FSA has simultaneously also undertaken extensive work in the Credit Union Sector to ensure that the sector is effectively supervised and that the financial condition of all the country's credit unions is intact. Onsite examinations of all credit unions have now been undertaken.</p>
30. Resources, integrity, and training	PC	<p>Supervisors: NC</p> <ul style="list-style-type: none"> Understaffed and need for additional AML/CFT training for IFSA's and the Ministry of Finance-SRD supervisory staff; Registrar of credit unions generally understaffed and under-resourced; No supervisory regime and resources as yet for the systemically important building and loan society. <p>DNFBPs: NC</p> <ul style="list-style-type: none"> No supervisory regime or resources for oversight of DNFBPs other than RAs. <p>FIU: LC</p> <ul style="list-style-type: none"> The FIU does not have a full complement of analytical and investigative staff to assess the SARs and other financial intelligence 	<p>Supervisors:</p> <ul style="list-style-type: none"> There is a need to strengthen the supervisory staff of IFSA's and the Ministry of Finance-SRD supervisory staff, including enhanced training on supervision and AML/CFT in particular; The planned transfer of supervision for credit unions and building societies to the SRD will require enhanced resources and training for supervisors in these new sectors; Supervisory authorities with adequate staff and resources should be assigned responsibility for monitoring and enforcing AML/CFT compliance by those DNFBPs that are not now subject to supervision by IFSA. <p>FIU:</p> <ul style="list-style-type: none"> FIU needs additional training and resources to conduct core analytical functions, including 	<p>A single regulatory unit is being established whereby IFSA, the Supervisory and Regulatory Division of the Ministry of Finance and the Co-operatives Division will be merged. This unit entitled the 'Financial Services Authority' is expected to be established by January 2011. A Bill to establish the FSA has been drafted and clear provisions are contained to give the FSA the power to impose administrative sanctions. This Bill is expected to be enacted in November 2010.</p> <p>The Building and Loan Society will fall under the FSA's supervisory regime.</p> <p>There has been a delay in the establishment of the FSA owing to national general elections in SVG which took place in December 2010. There were therefore disruptions in how quickly this entity could be established due to delays prior to and subsequent to elections when other matters of State took priority.</p> <p>The Financial Services Authority (FSA) has not yet been established but is expected to be established before the end of 2011. The Financial Services Authority Bill governing the</p>

		<p>collected.</p> <p>DPP: NC</p> <ul style="list-style-type: none"> DPP does not have sufficient staff to handle prosecutions of ML cases. <p>Police: LC</p> <ul style="list-style-type: none"> Police do not require regular, specialized training in AML/CFT; training on AML/CFT is only provided regularly to new recruits during their Police academy sessions. <p>Customs: LC</p> <ul style="list-style-type: none"> Need for additional AML/CFT training. <p>Judiciary: PC</p> <ul style="list-style-type: none"> Use of short-term contracts compromises independence and results in turnover that diminishes effectiveness of judiciary; Need for additional AML/CFT training for judges and magistrates. 	<p>accounting and forensic skills.</p> <p>DPP:</p> <ul style="list-style-type: none"> Additional resources and training needed. <p>Police:</p> <ul style="list-style-type: none"> Police officers should receive regular and comprehensive training on ML and FT offenses and their linkages to predicate offenses; RSVGPF should have additional resources for technological and communication to improve the predicate crimes, ML and FT investigations. <p>Customs:</p> <ul style="list-style-type: none"> Additional AML/CFT training focusing on red flags and typologies should be provided to all Customs Department employees amounting to a total of at least two full days of training per year. The Department should consider coordinating with the FIU in researching, designing, and providing such additional training; Consideration should be given to adding airport scanners and permanent trace detector, as well as mobile canine squads for ET Joshua Airport and the main seaport. <p>Law Judiciary:</p> <ul style="list-style-type: none"> Consider longer term contracts for magistrates of at least five and up to ten years be used. 	<p>establishment, structure and functions of the FSA is in its final stage of review.</p> <p>The FSA Bill was presented in Parliament on October 18th 2011 and is slated to be enacted by November 18th 2011 after a Select Committee Review. The Minister of Finance has confirmed publicly that the FSA would be set up thereafter in January 2012. The lease arrangement for rental of premises for the FSA has been finalized.</p> <p><u>Update:</u></p> <p>Financial Services Authority (FSA) Bill was enacted on November 22nd 2011. The formal establishment of the FSA is targeted for April 2012.</p> <p>Meetings are ongoing with the Director General/Finance and Planning and other representatives of the Ministry of Finance (Single Regulatory Division (SRD)) to address all logistics of the establishment of the FSA. The IFSA, SRD and Cooperatives Division are expected to be merged into the FSA and upon the request of the Director General, has now each assessed its human resources to determine competency of staff in order to facilitate the transition of competent staff and requisite skills into the FSA.</p> <p>A World Bank Consultant has been assigned to assist SVG in the establishment of the FSA, has met with IFSA, SRD and the Co-operatives Division, to give strategic direction to the commencement phase of the FSA and work in ongoing to finalize a Business Plan for the first year of operation of the FSA. The first annual Budget is also being finalized and the organizational chart has been finalized.</p> <p>The FSA Act: a Brief Oversight:</p> <ul style="list-style-type: none"> 'Financial entities' and 'registered entities' are clearly distinguished, as would be expected. The FSA has responsibility for the regulation and supervision of financial entities (international banks, mutual funds, insurances, money service businesses, registered agents and trustees, building and friendly societies and credit unions) and for the administration of registered entities (trusts, IBCs and LLCs).
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31. National co-operation	LC	<ul style="list-style-type: none"> The FIU does not have specific FIU authority to obtain appropriate law enforcement and other governmental information needed to develop intelligence and analysis; The NAMCL does not have a statutory role for policy coordination; Domestic regulatory authorities do not have uniform bases upon which to cooperate among each other and with law enforcement. 	FIU Act should be amended to specify the FIU authority to obtain appropriate law enforcement and other governmental information needed to develop intelligence and analysis.	<p>An appropriate amendment submitted to Hon. AG for consideration.</p> <p>The NAMLC continues to play a strong/integral role as a forum for national co-operation of the competent authorities in SVG. Policy continues to be formulated at a national level and it is being considered by the authorities whether a statutory role is necessary for policy to be made and implemented.</p> <p>Domestic regulatory cooperation will be enhanced legally and formally under the FSA. The FIU is in the process of establishing MOUs with IFSA and will be seeking to do same with the proposed FSA.</p> <p>The FIU has already signed MOUs locally with the Royal St. Vincent and the Grenadines Police Force and the Immigration Department.</p> <p>Draft MOUs between the FIU and IFSA, the FIU and the Customs and Excise Department, the FIU and the Inland Revenue Department, the FIU and the National Insurance Services have been sent to the Hon. AG for her advice and attention. These are expected to be signed in the coming months.</p> <p><u>Update:</u></p>

				<p>The Hon AG's office is still in the process of reviewing the local MOUs as mentioned above. It is expected that they will soon be finalized for signature.</p> <p><u>Update-August 2013</u> The FIU Act has been amended as stated above (Act No. 7 of 2013) and now specifies the FIU's authority to obtain appropriate law enforcement and other governmental information needed to develop intelligence and analysis.</p> <p>The Hon AG has completed her review of the local MOUs and as such it is anticipated that the FIU will sign local MOUS with the following governmental departments within the next month:</p> <ul style="list-style-type: none"> -Customs and Excise Department -Financial Services Authority -Inland Revenue Department -National Insurance Service -Electoral office -Commerce and Intellectual Property Office
32. Statistics	LC	<p>Supervisors: LC</p> <ul style="list-style-type: none"> • Inadequate and untimely statistics obtained by insurance supervisors with respect to e.g. life and investment linked insurance policies; • Insufficient financial statistics received and generated by financial sector supervisor to assist them in risk-profiling FIs for ML/FT risks, including with respect to their money remittance business, back-to-back loans, etc. <p>FIU: LC</p> <ul style="list-style-type: none"> • Statistics on ML and FT vulnerabilities and trends are lacking. <p>Law Enforcement: PC</p> <ul style="list-style-type: none"> • Most AML/CFT statistics are maintained by the FIU and the crime trend statistics on predicate offenses are not analyzed alongside or synthesized with AML/CFT-specific trends. 	<p>Supervisors:</p> <ul style="list-style-type: none"> • Inadequate and untimely statistics obtained by insurance supervisors with respect to e.g. life and investment linked insurance policies; • Insufficient financial statistics received and generated by financial sector supervisor to assist them in risk-profiling FIs for ML/FT risks, including with respect to their money remittance business, back-to-back loans, etc. <p>FIU/Police:</p> <p>The FIU and Police should maintain statistics on trends, vulnerabilities and typologies of ML and FT offenses, and predicate offenses that analyze and synthesize the information obtained separately by each agency.</p>	<p>IFSA has been reviewing all of its databases to ensure the maintenance of up to date and accurate statistics. IFSA shall soon be concluding a Full Scope Review of all its registered entities to ensure the accuracy and adequacy of its records. Additional staff and up dated software were sourced to properly carry out this task. A full audit of IFSA's IT systems was also completed and the recommendations of same are being implemented, also with the aim of maintaining, generating and utilizing accurate records and reports, to be used among other things, in various analyses.</p> <p>The Full Scope Review of all registered entities has been successfully completed and the objectives of undertaking this task were achieved (ref: Rec. 23 above).</p> <p>The FIU maintains statistics on trends and typologies and regularly includes same in its quarterly and annual reports post mission.</p> <p>With the implementation of its website in May 2010 the FIU periodically inputs statistics on trends and typologies of ML and FT offences.</p> <p><u>Update -August 2012</u></p>

				<p>The FIU continually updates its website and continues to post trends and typologies of ML and TF offences. These are also included in newsletters which are sent to all financial institutions and relevant businesses, and continue to be included in quarterly and annual reports.</p> <p><u>Update-August 2013</u> Trends and typologies continue to be published in the FIU's quarterly reports as well as monthly newsletters.</p>
33. Legal persons–beneficial owners	PC	<ul style="list-style-type: none"> • Bearer shares in IBCs are not properly immobilized since some are in hands of custodians that have not been approved by IFSA; • With respect to IBCs, onsite inspection procedures of IFSA not sufficient to ensure that adequate, accurate and complete information about beneficial owners is being collected and maintained by RAs; • For local companies, the Companies Registrar does not have legal authority to ensure that adequate, accurate and complete information about beneficial owners is available to them or to law enforcement authorities; • For local companies, there is no restriction on the use of nominee shareholders and directors in Companies Act nor is it possible for Companies Registrar to determine if nominees are being used. 	<ul style="list-style-type: none"> • With respect to IBCs: (i) relevant laws should be amended to provide (a) that only RAs and approved custodians may immobilize bearer shares, (b) IFSA with the authority to strike off an IBC under Section 172 of the IBC Act for reasons of public policy along the lines of its authority under Section 34(1)(a) of the Insurance Act; (ii) measures should be taken by IFSA to verify, at a minimum, that (a) information about beneficial ownership of legal persons in the IBC Register is adequate, accurate and current, and consistent with such information about legal persons held by RAs, (b) AML/CFT procedures of both RAs and approved custodians are effective and comply with the laws of their home country as well as those of SVG, and (c) bearer shares are held in “safe custody” under the IBC Act and therefore have been properly immobilized by RAs and approved custodians, and that only approved custodians as defined by the IBC Act are authorized to immobilize bearer shares; • Consideration should be given to amending relevant laws administered by IFSA to require a wide range of effective, dissuasive and proportionate administrative and criminal sanctions against controlling shareholders, directors, officers and companies for failure to disclose material information to IFSA or to RAs or for misuse of any company in respect to ML, FT or any other predicate crime; • IFSA's onsite inspection procedures should be revised to ensure that it has access to and is 	<p>Section 30 (1) of the International Business Companies (Amendment and Consolidation) Act, 2007 requires that the Registered Agent and Approved Custodian keep in their safe custody all share certificates issued in respect of all bearer shares and that the said certificates cannot be distributed. The Act also provides for the following:</p> <ol style="list-style-type: none"> a. A penalty of EC\$10,000.00 for the unauthorized issue of, or conversion to or exchange for bearer shares by an IBC; b. A penalty of EC\$20,000.00 for the unauthorized issue of, or conversion to or exchange for bearer share by segregated cell company and; c. A penalty of EC\$10,000.00 for failure to notify registrar of IBCs, failing or refusing to comply with immobilization provisions. <p>Of the onsite inspections conducted since January 2009, seven were confirmed to be duly authorized to have issued bearer share certificates. All agents, inclusive of those who do not issue the said shares, have been made fully aware of their obligations in accordance with the Act. Any Agent who is found to be in breach of the Act would be fined accordingly if steps have not been taken to address the said matter.</p> <p>Procedure for Approving Custodians</p> <p>The Authority has approved one custodian - this was done in October, 2008. The procedure is as follows:</p> <ul style="list-style-type: none"> • The Registered Agent makes a request to the Registrar of IBCs who then conducts in

			<p>verifying that adequate, accurate and complete information with respect to beneficial ownership of IBCs is being collected and maintained by RAs;</p> <ul style="list-style-type: none"> • IFSA should develop policies and procedures for approving custodians to hold immobilized bearer shares; • With respect to local companies, the Companies Act should be amended to (i) provide the Companies Registrar with the requisite legal authority to ascertain the beneficial ownership of all companies registered in SVG, and to ensure that information about beneficial ownership of legal persons in the Local Companies Registry is adequate, accurate and current, and (ii) consideration should be given to including a wide range of effective, dissuasive and proportionate administrative and criminal sanctions against controlling shareholders, directors, officers and companies for failure to disclose material information to the Companies Registrar and for misuse of any company in respect to ML, FT or any other predicate crime; • The use of nominee and non-SVG corporate directors and shareholders should be prohibited in the IBC and Companies Acts unless measures are taken to ensure that adequate, accurate and complete beneficial information is made available to IFSA and the Companies Registrar respectively and that the IBC and Companies Registers so reflect; and • The Mutual Funds and International Insurance Acts should be amended to prohibit the use of bearer shares by licensees, and the Mutual Funds Regulations revised to reflect this change. 	<p>house due diligence checks using the search engines World compliance and World Check. The individuals CV and supporting evidence is also perused to fulfill the fit and proper test.</p> <ul style="list-style-type: none"> • A summary report is then submitted to the Executive Director who further discusses the said matter with the Registrar. The Executive Director would the conduct further investigations with governing regulatory bodies to ensure that the individuals are indeed befitting the custody of the said certificates. • After this has been done, the Executive Director would submit her findings to the Board of Directors of IFSA. The application would be subject to additional scrutiny and after careful deliberations and consideration of the jurisdiction of the applicants the Board would vote on whether the application is to be approved or declined. • After this process has been done the Executive Director advised the Registrar of the decision and the Registrar or the Executive Director informs the Registered Agent of the approval or dis-approval of the Custodian. <p>This procedure requires the Board of Directors approval. The Board of Directors of IFSA is quite aware of the AML/CFT expertise required as the Executive Director, the Chairman and the Director of Finance and Planning are members of the National Anti- Money Laundering Committee.</p> <p>Amendments to the law so as to reflect recommendations of the IMF Assessors are being considered against a full scope review of all laws applicable to the IFS industry.</p> <p>Amendments have been submitted to the Hon. AG which addresses the deficiencies identified by the DAR under this section. For example:</p> <p>-Recommendation to amend the IBC Act to reflect the</p>
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				<p>recommendations of the IMF assessors has been sent to the AG for consideration save for that of immobilizing bearer shares as this is already captured under the law.</p> <p>-Recommendation to amend definitions, Section 4 of the International Insurance Act and to amend Regulation 11 sent to AG for consideration.</p> <p><u>Update February 2013</u></p> <p>The amendments to the IBC Act and the Insurance Act are at the draft stage.</p> <p>IFSA's onsite examination procedures have been enhanced owing to implementation of recommendations of the IMF Assessors and further training carried out under the EU TA Project (previously reported upon). An essential component of every on site examination of registered agents is verification of procedures for the immobilization of bearer shares. This issue is ventilated with the RA and procedures verified on site and against IFSA's records.</p> <p>Proper immobilization of bearer shares is part of IFSA's written standard approach as a necessary check in a RA onsite examination.</p> <p>Another round of onsite examinations has commenced and Registered agents are currently being reviewed with particular emphasis being placed on evidencing the custody of bearer shares.</p> <p><u>Update February 2013</u></p> <p>The second round of onsite inspections of Registered Agents in four years was completed in September, 2012. Most Registered Agents were found to have proper AML/CFT procedures in place</p> <p><u>Update-August 2013</u> The third round of onsite inspection has commenced for 2013 and is ongoing.</p>
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<p>34. Legal arrangements – beneficial owners</p>	<p>NC</p>	<ul style="list-style-type: none"> • With respect to ITRs, no laws, regulations or other enforceable means requiring registered trustees to identify beneficial ownership of trusts (e.g. the settlor, trustee, beneficiaries and protector of the trust) and allowing IFSA access to such information; • With respect to ITRs, IFSA does not conduct sufficient inspections of registered trustees so as to ensure that beneficial owners of trusts have been identified; • With respect to local trusts, no laws, regulations or other enforceable means are in place to: (i) ensure that beneficial owners are identified; (ii) provide a mechanism so that competent authorities have access to adequate, accurate and complete information about beneficial owners of local trusts; and (iii) prevent misuse of local trusts for purposes of ML and FT; <ul style="list-style-type: none"> • With respect to both ITRs and local trusts, no restrictions on use of companies as settlors, trustees or beneficiaries. 	<ul style="list-style-type: none"> • With respect to ITRs, relevant laws, regulations or other enforceable means should be amended to require registered trustees to identify beneficial owners of trusts (e.g. the settlor, trustee, beneficiaries and protector) and the IT Act should be amended to make clear that IFSA has the authority to request books, records and other information about beneficial owners of trusts; • With respect to ITRs, IFSA should conduct sufficient inspections of registered trustees so as to ensure that beneficial owners of trusts are identified; • With respect to local trusts, measures, including laws, regulations and other enforceable means, should be adopted to: (i) ensure that competent authorities have access to adequate, accurate and complete information about beneficial owners of trusts; (ii) prevent misuse of local trusts for purposes of ML and FT; and (iii) prevent use of companies as settlors, trustees or beneficiaries of trusts unless they can be adequately identified; • With respect to both ITRs and local trusts, relevant laws should be amended to prohibit use of companies as settlors, trustees or beneficiaries; and • With respect to both ITRs and local trusts, consideration should be given to amending relevant laws to provide competent authorities with effective, dissuasive and proportionate sanctions to ensure that requisite information on beneficial owners is being disclosed and that corporate vehicles are not being used for ML or FT. 	<p>All Registered Agents are also Registered Trustees and as such are subject to on-site inspections. The Authority has conducted onsite inspection of fourteen (14) Registered Agents over the period January 2009 to October, 2010. The Registered Trustee in accordance with the 63 (1) International Trust (Amendment) Act, 2002 is required to keep the following:</p> <ul style="list-style-type: none"> (a) a copy of the instrument creating the trust and copies of any other instrument amending or supplementing such instrument; (b) a register in which the following information is set out: <ul style="list-style-type: none"> (i) The name of the settlor and the name of the beneficiary or the beneficiaries and the names of the trustee or trustees and where applicable the name of the protector. (ii) if a purpose or charitable trust, a summary of the purposes of the trust and the name of the protector(s) of the trust, and (iii) Such documents as are necessary to show the true financial position of the trust, which shall be current as of one month following the close of each fiscal quarter. <p>Section 55 A & B the International Trust (Amendment) Act, 2002 has given the Registrar of Trust the power to do the following:</p> <ul style="list-style-type: none"> a) Require the Registered Trustee to provide the Authority; or any person acting on behalf of the Authority, at a time as may be specified, any information which the Registrar of Trusts may reasonably require for ensuring that the Trust complies with the provisions of this Act and any code of practice; b) Require the Registered Trustee to provide the Registrar of Trusts with a report prepared by the auditor or accountant of the Trust or any other person with the relevant professional skill, on a matter which the Registrar of Trusts may require under part (a) and the report must be prepared on a form as specified by the
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				<p>notice.</p> <p>In addition the Registrar of Trust has the power to require the production of documents as follows:</p> <p>The Registrar of Trusts may by notice in writing served on the Registered Trustee of the trust require the Registered Trustee:</p> <p>a) to produce within a time and place as may be specified in the notice, any document of a description as may be so specified;</p> <p>b) to provide to an officer, servant or agent of the Authority any information, or to produce to him any documents as he may specify which the Registrar of Trusts may reasonably require for ensuring that the Trust is complying with the provisions of this Act and any code of practice.</p> <p>While the Registrar may require the above information, the names of the settlor, beneficiaries and trust protectors are provided upon registration of all International Trusts.</p> <p>Amendments to the law so as to reflect recommendations of the IMF Assessors are being considered against a full scope review of all laws applicable to the IFS industry.</p> <p>Requests for amendments as outlined above have been sent to the Hon. Attorney General.</p> <p>IFSA has completed inspections of all its RAs in 2010 and commenced its 2011 RA on-site inspections.</p> <p><u>Re: Registered Agents and Trustees:</u> As at September 28th 2011, nine on site inspections were completed and the remaining five are expected to be completed by January 2012.</p> <p><u>Update:</u></p> <p>IFSA has undertaken onsite inspections of fourteen (14) Registered Agents as at 16th January, 2012. These entities have been found to have made significant progress since the last round of onsite inspections which was undertaken between late 2009 and 2010.</p> <p>IFSA is expected to complete onsite inspections of the final two (2) Registered Agents/ Registered Trustees, during the second</p>
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				<p>quarter of this year.</p> <p><u>Update – August 2012</u></p> <p>The onsite inspection of the St.Vincent Trust Service Limited and the St. Vincent Trust Company Limited is scheduled to take place from September 24th to September 27th at the companies' head office in Liechtenstein. Two members of IFSA's staff will comprise the inspection team.</p> <p><u>Update October 2012</u></p> <p>The onsite inspection of the Two Registered Agents and Trustees was completed at their European offices as scheduled. As such, the 16 Registered Agents and Trustees licensed in SVG have undergone a second round of onsite inspections in four years.</p> <p><u>Update-August 2013</u> The third round of onsite inspection has commenced for 2013 and is ongoing.</p>
International Cooperation				
35. Conventions	LC	<ul style="list-style-type: none"> The SFT and Palermo Conventions have not been ratified. Section 5 of the Palermo Convention has not been implemented and the SFT Convention has not been fully implemented with regard to the application of offenses in UNATMA to terrorist acts, terrorist organizations and individual terrorists. UNATMA does not include two of the 	<ul style="list-style-type: none"> SFT and Palermo Conventions should be ratified and fully implemented; UNATMA should be amended to include all conventions that define offenses to which the SFT Convention applies; <p>Legal provisions and other measures should be adopted in order to implement the requirements in UNSCRs 1267 and 1373. In particular, a mechanism for freezing funds, assets, and other financial or</p>	<p>Between 25th and 29th May 2010 there was a Specialized Workshop on the Prevention and Fight against Terrorism and its financing facilitated by the UNODC and the Government of St. Vincent and the Grenadines. The UNODC has endeavoured to provide technical assistance to redraft UNATMA and is in consultation with the Hon. AG on this matter.</p> <p>The consultation process between the Hon. AG and the UNODC continues with a view to redrafting the UNATMA.</p>

		conventions which define terrorist offenses that are listed in the annex to the SFT convention.	economic resources of terrorists and terrorist organizations.	<p>Update-August 2013</p> <p>Both Palermo and the SFT Convention have been ratified by St. Vincent and the Grenadines.</p> <p>The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA.</p> <p>It is anticipated that the new POCA and CFT legislation will more fully implement the provisions of both Conventions and UNSCRs 1267 and 1373.</p>
36. MLA	LC	<ul style="list-style-type: none"> Bilateral treaties on MLA do not have the force of law. 		
37. Dual criminality	C			
38. MLA on confiscation and freezing	C			
39. Extradition	C			
40. Other forms of co-operation	C			<p>SVG has to date signed 20 Tax Information Exchange Agreements with several more in the pipeline widening its scope of international cooperation. Double Taxation Agreements are currently under consideration with Turkey and will be targeted for establishment with other countries.</p> <p>Negotiations are ongoing for the establishment of TIEAs with the Slovak Republic, Portugal, Spain and Romania.</p> <p>SVG is set to undergo its Global Forum Phase 1 peer review in the 2nd half of 2011 and are currently preparing. In preparing, it is reviewing all relevant legislation relating to the availability of information, access to information and the exchange of information as it relates to transparency for tax purposes which opens doors to greater access to information. This will provide the opportunity to further ensure that there are no legal or other impediments to access to relevant information.</p> <p>Update:</p> <p>SVG has completed Phase I of the OECD Phase 1 Peer Review. Two members of IFSA's staff (Executive Director and the Senior Analyst) attended the Meeting of the Peer Review Group of the</p>

				<p>OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes, in Brazil from February 27th - March 2nd 2012, on behalf of SVG to defend the Country's report. The country's legislative and regulatory framework for the availability, access and exchange of information for tax purposes was evaluated in this Phase 1 Review. Out of nine elements assessed, SVG was found to have 8 elements in place. The Phase 1 Review Report on SVG will be published on the OECD website on April 5th 2012, having been formally adopted on March 30th 2012.</p> <p>SVG has successfully completed this Phase 1 Review and as such, moves to a Phase 2 Review in the latter half of 2013.</p> <p>Further, SVG is considered to have a favourable Phase 1 Review Report, as out of nine elements assessed, eight were found to be in place. Work is already ongoing to address the missing element and the other recommendations of the Report.</p> <p>SVG is presently undergoing its OECD Phase I Peer Review of its legal and regulatory framework for the transparency and exchange of tax information. SVG submitted the duly completed Questionnaire required for this Peer Review, to its Peer Assessors on October 28th 2011, thus meeting the stipulated deadline. A draft Phase 1 Peer Review Report was submitted to SVG on December 22nd 2011 which SVG has responded to, and which will be presented at a Meeting of the Peer Review Group of the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes, in Brazil from February 27th - March 2nd 2012. Two members of IFSA's staff will be representing SVG at the said Meeting when SVG's report is expected to be finalized.</p> <p>In order to strengthen its tax information exchange regime, SVG enacted the International Co-operation (Tax Information Exchange) Act 2011 on November 25th 2011. This Act focuses on ensuring that the appropriate legislative framework exists for giving effect to Tax Information Exchange Agreements and any other international arrangement for tax information exchange (for example, Double Taxation Agreements 'DTAs') which SVG enters into.</p> <p>Main Provisions of the Act</p> <ol style="list-style-type: none"> 1. The Act ensures that the competent authority in SVG,
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				<p>namely the Minister of Finance or his authorized representative, has the necessary powers to access information requested pursuant to a TIEA or any other tax arrangement, and to exchange that information with the requesting country. It is obligatory for the person from whom information is requested, to make that information available to the competent authority.</p> <ol style="list-style-type: none"> 2. Procedures relative to the execution of requests for information and the instances when such requests may be declined by the competent authority are stipulated. 3. Safety mechanisms for preserving the confidentiality of information received by the requesting country and by SVG are outlined. 4. The Act seeks to ensure compliance by criminalizing two offences: failure to provide the information required, and tampering with or altering the information to be received by the competent authority. 5. The rights of any person aggrieved by a decision of the competent authority are preserved by specifically referencing the facility of judicial review. <p>SVG is pursuing the establishment of 3 DTAs with the UK, USA and Canada.</p> <p>The TIEAs being pursued with the Slovak Republic, Portugal, Spain and Romania have not yet been finalized.</p> <p>SVG was removed from France's 'Blacklist' of non cooperative tax jurisdictions or 'tax havens' as of January 2012. SVG had been removed from the OECD's Grey List of countries which had committed to the international tax standards but had not demonstrated its commitment, since March 2010. At that time, SVG had completed 18 TIEAs. At present, SVG has signed Exchange of Information agreements with 31 jurisdictions of which 22 have been brought into force. SVG has completed its internal procedures for the entry into force of all these EOI agreements. Those are not in force is due to the other party to the agreements not yet completing its own internal procedures.</p>
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Nine Special Recommendations				
SR.I Implement UN instruments	NC	<ul style="list-style-type: none"> No legal framework implemented to comply with UNSCRs 1267, 1373 and 1455. The SFT Convention has not been fully implemented and the relevant law, UNATMA, does not include two of the conventions listed in the annex to the SFT Convention. 	<ul style="list-style-type: none"> SFT and Palermo Conventions should be ratified and fully implemented; UNATMA should be amended to include all conventions that define offenses to which the SFT Convention applies; Legal provisions and other measures should be adopted in order to implement the requirements in UNSCRs 1267 and 1373. In particular, a mechanism for freezing funds, assets, and other financial or economic resources of terrorists and terrorist organizations. 	<p><u>Update-August 2013</u> Both Palermo and the SFT Convention have been ratified by St. Vincent and the Grenadines.</p> <p>The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA.</p> <p>It is anticipated that the new POCA and CFT legislation will more fully implement the provisions of both Conventions and UNSCRs 1267 and 1373.</p>
SR.II Criminalize terrorist financing	LC	<ul style="list-style-type: none"> The Convention on the Physical Protection of Nuclear Material (1980) and the International Convention for the Suppression of Terrorist Bombings (1997) are not included in the list of Conventions that define one aspect of the definition of terrorist act in UNATMA; Under Section 3(4) of UNATMA, the offenses under Secs. 3(1) and 3(3) do not apply to individual terrorists; <ul style="list-style-type: none"> POCA Regulations do not sufficiently cover identification of FT offenses. 	<ul style="list-style-type: none"> The laws of SVG should be strengthened as follows: Schedule II to UNATMA should be amended to add two conventions that are listed in the annex to the SFT Convention, as follows: The Convention on the Physical Protection of Nuclear Material (1980); and the International Convention for the Suppression of Terrorist Bombings (1997); Section 3(4) of UNATMA should be amended to apply to individual terrorists, and not just terrorist acts and terrorist groups; and The POCA Regulations should be amended to cover FT offenses. 	<p>Between 25th and 29th May 2020 there was a Specialized Workshop in the Prevention and Fight against Terrorism and its financing facilitated by the UNODC and the Government of St. Vincent and the Grenadines. The UNODC has endeavoured to provide technical assistance to redraft UNATMA and is in consultation with the Hon. AG on this matter.</p> <p>The Hon. AG and the UNODC are still in consultation with respect to the re-drafting of the UNATMA.</p> <p>The Attorney General has indicated that these amendments would be enacted by the end of the first quarter 2012.</p> <p><u>Update-February 2013:</u></p> <ul style="list-style-type: none"> The Hon Attorney General is presently reviewing a draft Anti-Terrorism bill with a view of repealing and replacing the UNATMA with one that is more current

				<p>and adheres to all amended recommendations proposed by the IMF.</p> <ul style="list-style-type: none"> • See update to POCA Regulations above. <p><u>Update-August 2013</u> The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA. It is anticipated that the new legislation will include all the recommendations made herein including the application to individual terrorists.</p> <p>The new draft AML/CFT Regulations adequately addresses FT.</p>
SR.III Freeze and confiscate terrorist assets	NC	<ul style="list-style-type: none"> • Statutory provisions implementing relevant UNSCRs are largely absent. 	<p>The authorities in SVG should take immediate action to implement the relevant UNSCRs, including, but not limited to UNSCRs 1267, 1373 and 1455, and any such provision of law should be flexible enough to apply as well to similar designations by other states as well as any future UNSCRs that require UN member states to freeze, seize and confiscate the assets of designated terrorists and terrorist organizations, as well as such designations by other member states in the future.</p>	<p><u>Update-August 2013</u> The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA. It is anticipated that provision will be made therein which allows for the implementation of UNSCRs 1267,1373 and 1455 and any future UNSCRs which require action in relation to terrorists and their assets.</p>
SR.IV Suspicious transaction reporting	NC	<ul style="list-style-type: none"> • There is no requirement in UNATMA or POCA to file SARs for transactions or financial activities that could constitute or be related to financing of individual terrorists or terrorist organizations. 		<p><u>Update February 2013</u></p> <p>This issue is addressed in the revised draft of the POCA Regulations and will be elaborated upon in the Guidance Notes.</p> <p><u>Update-August 2013</u> The Consultant who has drafted the POCA and AML/CFT Regulations has been engaged to draft new Counter-Financing of Terrorism legislation to repeal and replace the UNATMA. It is anticipated that a requirement to file SARs for transactions or financial activities that could constitute or be related to financing of individual terrorists or terrorist organizations will be included in the new legislation.</p>
SR.V International	LC	<ul style="list-style-type: none"> • The legal basis for conducting investigations and related prosecutorial measures for FT on 	<ul style="list-style-type: none"> • The legal basis for conducting investigations and related prosecutorial measures for FT directly on behalf of 	

cooperation		behalf of foreign law enforcement is not specified in law.	<p>foreign law enforcement should be specified in law;</p> <ul style="list-style-type: none"> The scope and definition of financial intelligence information that is subject to sharing by the FIU to foreign counterparts and to foreign law enforcement needs to be clearly defined. Specific procedures should be established for expediting extradition requests. Pursuant to MACMA, SVG should adopt regulations that will allow for bilateral MLA treaties to have the effect of law; the AG should issue a legal opinion that the discretion to reject requests for MLA in the absence of dual criminality would not be exercised in respect to ML, predicate offense and FT requests. 	
SR.VI	PC	<ul style="list-style-type: none"> Lack of AML/CFT compliance monitoring and supervision of business conducted outside of banking sector. 	<ul style="list-style-type: none"> The Ministry of Finance should quickly develop policies, procedures and capacity for on-site compliance examinations and begin such examinations; Investigate the existence of unlicensed money remittance operations and take appropriate action 	<p><u>Update October 2012</u></p> <p>Money remitters will be subject to closer supervision and regulation by the FSA.</p> <p><u>Update-August 2013</u> The Authorities have completed review of the draft POCA Bill and AML/CFT Regulations. Provision has been made for the FIU to assume responsibility for monitoring and enforcing AML/CFT compliance by those DNFBPs that are not now subject to supervision by the FSA. This will require a further amendment to the FIU Act in the future as the FIU does not currently engage in supervisory functions.</p>
SR.VII Wire transfer rules	NC	<ul style="list-style-type: none"> No wire transfer requirements; Partial implementation of SR.VII standards by banks and money transmitters. 	<ul style="list-style-type: none"> Binding regulations should be adopted requiring all wire transfer service providers, including banks, money transmitters, and other FIs, to adhere to the wire transfer recommendations of FATF SR.VII; All FIs subject to wire transfer requirements should be monitored for compliance by a supervisor with the authority and capacity to enforce compliance. 	<p><u>Update-August 2013</u> The AML/CFT Regulations contain extensive provisions on wire transfers in keeping with Recommendation 16 (formerly SR VII). All institutions which engage in wire transfers will be legally bound by the provisions of the Regulations and will face criminal sanctions for failing to do so.</p>

SR.VIII s NPO	LC	<ul style="list-style-type: none"> No review of NPO sector laws and regulations; <ul style="list-style-type: none"> Limited monitoring of NPO financial activities. 	<ul style="list-style-type: none"> The authorities should undertake a review of its laws and regulations as they relate to AML/CFT and the NPO sector; The Registrar of companies should establish policies and procedures to monitor financial filings of NPOs to verify that funds are being raised and disbursed in a manner consistent with the NPOs stated purpose; Financial reporting requirements should be broadened to including information on domestic and international sources of funds and applications of funds. 	<p><u>Update-August 2013</u> The Authorities intend to implement Regulations which may be annexed to the AML/CFT Regulations and which will, inter alia, extend the powers of the Registrar of Companies to cover AML/CFT supervision of NPOs</p>
SR.IX s-Border Declaration & Disclosure Cros	LC	<ul style="list-style-type: none"> The administrative process by which the Customs Department imposes a fine, accepts an admission of wrongdoing, and discharges the liability of the suspect does not allow the DPP, with the assistance of the FIU, to investigate, develop and prosecute criminal cases against suspects caught with undisclosed, suspicious or concealed currency; Administrative fines are not effective, dissuasive or proportionate; and <ul style="list-style-type: none"> A long-pending proposed MOU between the Customs Department and the FIU has not been signed. 	<ul style="list-style-type: none"> The administrative process should be changed to allow the DPP, with the assistance of the FIU, to investigate, develop and prosecute criminal cases against suspects caught with undisclosed, suspicious or concealed currency; CCMA should be amended to increase administrative fines so that they are effective, dissuasive and proportionate; MOU between the Customs Department and the FIU should be signed. 	<p><u>Update -August 2012</u> All outstanding MOUs between the FIU and its local stakeholders have been sent to the Honourable Attorney General for her input and advice prior to execution.</p> <p><u>Update-August 2013</u> The FIU Act has been amended as stated above (Act No. 7 of 2013) and now specifies the FIU's authority to obtain appropriate law enforcement and other governmental information needed to develop intelligence and analysis.</p> <p>The Hon AG has completed her review of the local MOUs and as such it is anticipated that the FIU will sign local MOUS with the following governmental departments within the next month:</p> <ul style="list-style-type: none"> -Customs and Excise Department -Financial Services Authority -Inland Revenue Department -National Insurance Service -Electoral office -Commerce and Intellectual Property Office