



Branqueamento de Capitais e Financiamento do Terrorismo

Prevenção e Combate Comissão de Coordenação

RECOMENDAÇÕES

SINOPSES E GRELHAS COMPARATIVAS

FEVEREIRO DE 2017

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Escala de Notações

A componente relativa à conformidade refere-se à resposta às exigências específicas das Recomendações do GAFI, incluindo o quadro de leis e de meios vinculativos e a existência, poderes e procedimentos das autoridades competentes.

Notação da conformidade		
Conforme	C	Não existem deficiências.
Conforme em larga escala	LC	Existem apenas deficiências pouco relevantes.
Parcialmente conforme	PC	Existem deficiências moderadas.
Não conforme	NC	Existem deficiências significativas.
Não aplicável	NA	Uma exigência não é aplicável, devido às características estruturais, jurídicas ou institucionais de um país.

C	<i>Compliant Conforme</i>	LC	<i>Largely Compliant Largamente Conforme</i>	PC	<i>Partially Compliant Parcialmente Conforme</i>	NC	<i>Not Compliant Não Conforme</i>	NA	<i>Not Applicable Não Aplicável</i>
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Tabela Comparativa Agregada

País	C	LC	PC	NC
ESPAÑA	25	12	3	-
NORUEGA	5	17	18	-
BÉLGICA	11	18	11	-
AUSTRÁLIA	12	12	10	6
MALÁSIA	16	21	3	-
ITÁLIA	10	26	4	-
ÁUSTRIA	12	14	14	-
CANADÁ	11	18	6	5
SUIÇA	6	25	9	-
EUA	9	21	6	4

Tabelas Comparativas Desagregadas

Recomendações 1 a 10

	R1	R2	R3	R4	R5	R6	R7	R8	R9	R10
ESPAÑA	C	LC	LC	C	LC	PC	PC	LC	C	LC
NORUEGA	PC	PC	C	LC	LC	PC	PC	LC	LC	PC
BÉLGICA	LC	LC	C	C	LC	PC	PC	PC	C	LC
AUSTRÁLIA	PC	LC	C	C	LC	C	C	NC	C	PC
MALÁSIA	LC	C	LC	LC	LC	C	PC	LC	LC	C
ITÁLIA	LC	LC	LC	C	C	LC	PC	LC	C	LC
ÁUSTRIA	PC	PC	LC	C	C	PC	PC	PC	LC	LC
CANADÁ	LC	C	C	LC	LC	LC	LC	C	C	LC
SUIÇA	LC	LC	LC	LC	LC	LC	C	PC	C	PC
EUA	PC	C	LC	LC	C	LC	LC	LC	C	PC

Quadros-Resumo por Recomendação

Recomendação 1 - Avaliação dos riscos e utilização de uma abordagem baseada no risco

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	---
NORUEGA	PC	<ul style="list-style-type: none"> Norway has not pursued a comprehensive process to assess current ML risks and develop a shared understanding of those risks. There are significant shortcomings in the NRA's assessment of ML/TF risks, although TF risk has been assessed in PST assessments. The mechanism used to develop the NRA did not co-ordinate actions to assess risks. The mechanisms to share ML/TF risk information with reporting entities are insufficient. The allocation of resources is not linked to ML/TF risks, other than for operational CFT activities. Exemptions from AML/CFT requirements are permitted, and simplified measures may be permitted (it is unclear) but this is not based on an assessment of risk, and the preconditions regarding risk have not been demonstrated. Supervisors do not ensure that financial institutions and DNFBPs are implementing their obligations to assess and mitigate their risks. The requirement on reporting entities to keep risk assessments updated is only partially and implicitly met, and there is no mechanism that ensures that risk assessment information held by reporting entities is provided to competent authorities and SRBs. There is no requirement that internal controls relating to risk be monitored.
BÉLGICA	LC	<ul style="list-style-type: none"> There is no formal mechanism for disclosing the non-confidential results of the risk assessment to the competent authorities and self-regulatory bodies as well as to the businesses and professions subject to the obligations. Situations in which exemptions from AML/CFT obligations are allowed, and in which simplified measures can be applied, are not based on assessments showing low or lower risk. Supervisors need to make more effort to ensure that obligated entities implement their AML/CFT obligations, taking risk into account.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> Measures have not been implemented to mitigate high risks identified in the NTA related to certain entities and services. Most main but not all ML risks were identified and properly assessed. Reporting entities are not required to mitigate or carry out enhanced measures for high risks, identified by the authorities. Exemptions and the application of simplified measures are not based solely on low risk but include other variables such as regulatory burden and the desirability of promoting the risk-based approach. Scope issue - accountants, lawyers, trust and company service providers, most dealers in precious metals & stones, and real estate agents are not reporting entities and thus not subject to risk mitigation requirements.
MALÁSIA	LC	<ul style="list-style-type: none"> There is insufficient detail available to non-government stakeholders in the assessment of TF risk. There are gaps with requirements on FIs and DNFBPs to take enhanced measures to manage and mitigate risks identified in the NRA.
ITÁLIA	LC	<ul style="list-style-type: none"> Exemptions regarding the application of CDD measures not based on an assessment of low risk.

		<ul style="list-style-type: none"> • GdF has had less success in ensuring that the persons/entities it supervises understand, assess and mitigate ML/TF risks. • Other than for PIE auditors, and notaries (for whom there is a guideline enforced by the profession), there is no secondary legislation for other DNFBPs regarding the application of RBA.
ÁUSTRIA	PC	<ul style="list-style-type: none"> • Austria did not properly identify all of its ML/TF risks. • There is no risk-based approach to allocating resources. • Specific measures to manage or mitigate risks identified through the risk assessment process have not yet been fully implemented. • There is no requirement for financial institutions and DNFBPs to ensure that the information on risks is incorporated into their risk assessments. • There is a blanket exemption from CDD requirements for lawyers and notaries in case of a number of designated types of customers without proper risk analysis of those customers (see R.22). • No requirements for certain financial institutions or any DNFBPs to document their risk analyses. • Not all financial institutions and DNFBPs are required to monitor implementation of their risk management systems and take enhanced measures if necessary (see R.18 and R.23).
CANADÁ	LC	<ul style="list-style-type: none"> • Lawyers, legal firms and Quebec notaries are not legally required to take enhanced measures to manage and mitigate risks identified in the NRA.
SUIÇA	LC	<ul style="list-style-type: none"> • The TF risk assessment is limited by the lack of available data. • There is no indication on the impact of the risk level on the resources allocated to counter these risks. • Exemptions and simplified measures apply to activities where the risks are not considered as low/lower. • The factors that casinos must take into account to prepare their risk assessments is not provided.
EUA	PC	<ul style="list-style-type: none"> • Lack of sufficient and effective mitigation measures against vulnerabilities of the high-end real estate agents, lawyers, accountants, trustees and CFAs due to non-coverage under comprehensive BSA AML/CFT regime. • Exemptions and thresholds not supported by proven low risk. • Scope issue: All investment advisers are not covered

Recomendação 2 - Cooperação e coordenação nacionais

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> There is inadequate cooperation and coordination between the competent authorities responsible for export control, and other competent authorities (such as SEPBLAC) who can add value to the detection and investigation of proliferation-related sanctions violations.
NORUEGA	PC	<ul style="list-style-type: none"> Norway does not have overarching national AML/CFT policies informed by the risks identified. Agency level priorities are not sufficiently informed by ML risk. Norway does not have a coordination mechanism that is responsible for national AML policies and priorities. Norway does not have adequate mechanisms in place to enable the various authorities at an operational level to cooperate and coordinate on AML.
BÉLGICA	LC	<ul style="list-style-type: none"> The principle of a national AML/CFT policy has been institutionalised but not yet put into effect.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> Australia does not have formalised AML/CFT policy that draws on risks identified in the NTA and NRA.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> A national strategy and prioritized action plan that is informed by the recently completed NRA has not yet been formulated. No explicit powers to the FSC to deal with PF issues.
ÁUSTRIA	PC	<ul style="list-style-type: none"> There is insufficient information concerning AML/CFT policies that are informed by the risks identified. There is no designated authority or mechanism that is responsible for national AML/CTF policies. Local district authorities responsible for DNFBPs supervision are not included in the regular cooperation and coordination mechanisms
CANADÁ	C	<ul style="list-style-type: none"> The Recommendation is fully met.
SUIÇA	LC	<ul style="list-style-type: none"> Switzerland does not currently have a national AML/CFT policy that would take into account all risks identified in the national risk assessment.
EUA	C	<ul style="list-style-type: none"> The Recommendation is fully met.

Recomendação 3 - Infração de branqueamento de capitais

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> Sanctions for professional gatekeepers (terms of disbarment) are not sufficiently dissuasive. Certain State-owned enterprises are exempt from criminal liability.
NORUEGA	C	<ul style="list-style-type: none"> ---
BÉLGICA	C	<ul style="list-style-type: none"> ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	LC	<ul style="list-style-type: none"> Predicates of environmental crime (illegal fishing), and counterfeiting and piracy of products (industrial designs) are not adequately covered.
ITÁLIA	LC	<ul style="list-style-type: none"> The amounts of the fines for ML and self-laundering for natural persons are not sufficiently dissuasive.
ÁUSTRIA	LC	<ul style="list-style-type: none"> Self-laundering does not apply to certain elements such as conversion and transfer of criminal proceeds. Available penalties for ML offences are not sufficiently dissuasive. It is not clear if a sufficient range of offences within tax crimes are ML predicates, which is particularly relevant given Austria's risk and context as an international financial centre.
CANADÁ	C	<ul style="list-style-type: none"> The Recommendation is fully met.
SUIÇA	LC	<ul style="list-style-type: none"> In certain cases, possessing the proceeds of a crime does not constitute an act of money laundering.
EUA	LC	<ul style="list-style-type: none"> Mere possession is not criminalised and mere acquisition through the commission of the predicate offense is not considered ML. Tax crimes are not specifically predicates for ML. The list of predicate offenses for ML does not explicitly extend to all conduct that occurred in another country.

Recomendação 4 - Perda e medidas provisórias

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • There is no mechanism to manage property that has been seized, whether before or after a confiscation order has been made.
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> • ---
MALÁSIA	LC	<ul style="list-style-type: none"> • Property of corresponding value to instrumentalities for predicate offences can only be confiscated with an ML or TF prosecution. • Instrumentalities intended to be used in the commission of an offence are not comprehensively covered. • Mechanisms for managing and, when necessary, disposing of property frozen, seized or confiscated have gaps.
ITÁLIA	C	<ul style="list-style-type: none"> • ---
ÁUSTRIA	C	<ul style="list-style-type: none"> • The Recommendation is fully met.
CANADÁ	LC	<ul style="list-style-type: none"> • The legal provisions do not allow for the confiscation of property equivalent in value to POC.
SUIÇA	LC	<ul style="list-style-type: none"> • The confiscation of instrumentalities used or intended to be used to commit an offence is possible only if the instruments are of a nature to compromise the security of persons, moral standards or public order.
EUA	LC	<ul style="list-style-type: none"> • The power to confiscated instrumentalities is not available for all predicate offenses. • There is no general provision to freeze/seize non-tainted assets prior to a conviction to preserve them in order to satisfy a value-based confiscation order.

Recomendação 5 - Infração de financiamento do terrorismo

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> The TF offence does not cover the financing of an individual terrorist (who is not part of a terrorist organisation/group) for purposes unrelated to the commission of a terrorist act. The TF offence in article 576bis only covers funds (not assets of every kind). Certain State-owned enterprises are exempt from criminal liability.
NORUEGA	LC	<ul style="list-style-type: none"> The collection of funds in the intention that they are to be used (for any purpose) by a terrorist organisation or an individual terrorist is not criminalised as a stand-alone offence.
BÉLGICA	LC	<ul style="list-style-type: none"> It does not appear to be an offence to supply funds to one or two persons without proof of a connection to a specific terrorist offence.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> The Australian definition of terrorist act is somewhat narrower than the definition in Articles 2(1)(a) and (b) of the CFT Convention. The provision or collection of funds to be used by an individual terrorist for any purpose is not covered.
MALÁSIA	LC	<ul style="list-style-type: none"> It is no clear that in every case the TF offence would extent to the conduct set out in the treaties annexed to the TF Convention.
ITÁLIA	C	<ul style="list-style-type: none"> ---
ÁUSTRIA	C	<ul style="list-style-type: none"> The Recommendation is fully met.
CANADÁ	LC	<ul style="list-style-type: none"> CC, s. 83.03 does not criminalize the collection or provision of funds with the intention to finance an individual terrorist or terrorist organization.
SUIÇA	LC	<ul style="list-style-type: none"> For TF offences that do not relate to the groups “Al-Qaida” and “Islamic State” and related organisations, minor deficiencies can be found in the requirement of a link (at least indirect) between the financing act on one hand and a criminal or terrorist act/activity on the other hand.
EUA	C	<ul style="list-style-type: none"> The Recommendation is fully met.

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	PC	<ul style="list-style-type: none"> For resolutions 1267/1989 and 1988, implementation of targeted financial sanctions does not occur “without delay”, which also raises the question of whether the freezing action, in practice, takes place without prior notice to the designated person/entity. For resolution 1373: <ol style="list-style-type: none"> there are no clear mechanisms at the EU level for requesting non-EU countries to give effect to the EU list and, no clear channels or procedures at the domestic level for requesting other countries to give effect to actions initiated under the Watchdog Commission freezing mechanism. listed EU internals are not subject to the freezing measures of EU Regulation 2580/2001, and domestic measures do not adequately fill this gap. the freezing obligation does not cover a sufficiently broad range of assets under the EU framework, and domestic legislation does not fill these gaps. the prohibitions are not sufficiently broad.
NORUEGA	PC	<ul style="list-style-type: none"> Norway has implemented only certain aspects of targeted financial sanctions pursuant to UNSCR 1373, as required by Recommendation 6, as the terrorist asset freezing mechanism under the CPA can only be used as part of an ongoing criminal investigation and does not establish a prohibition from making funds available to persons subject to a freezing action under this mechanism.
BÉLGICA	PC	<ul style="list-style-type: none"> Belgium is not yet able to apply the targeted financial sanctions of UNSCRs 1988 and 1989 without delay, which also compromises the application of sanctions without notice (de facto) to the entities concerned. There is no formal mechanism at EU level or in Belgian legislation to request that other countries give effect to freezing actions undertaken according to UNSCR 1373.
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> There is no system for active notification to financial institutions and DNFBPs of newly listed persons.
ÁUSTRIA	PC	<ul style="list-style-type: none"> Austria is not yet able to apply the targeted financial sanctions of UNSCRs 1988 and 1989 without delay, which also compromises the application of sanctions without notice (de facto) to the entities concerned. The EU framework currently does not apply to “EU internals”.
CANADÁ	LC	<ul style="list-style-type: none"> Persons in Canada are not prohibited from providing financial services to entities owned or controlled by a designated person or persons acting on behalf or at the discretion of a designated person. No authority has been designated for monitoring compliance by FIs and DNFBPs with the provisions of the UNAQTR, CC and RIUNRST.
SUIÇA	LC	<ul style="list-style-type: none"> In order for a freezing measure taken in response to a designation made by another country on the basis of UNSCR 1373 to be maintained longer than five days, the prosecution authority must impose a seizure in accordance with the provisions of the Criminal Code. Swiss legislation does not contain a provision protecting the rights of bona fide third parties in the context of designations concerning TF. No text defines precisely the conditions for applying sanctions, particularly with regard to degrees of control. There is no prohibition against making funds and other goods, economic resources or financial services and other related services available to persons designated in response to a designation request made by another country on the basis of UNSCR 1373. Since the blocking obligation applies only to financial intermediaries, its scope is limited to assets that are entrusted to such a financial intermediary.

		<ul style="list-style-type: none">• In the case of a freezing measure in response to a designation by another country on the basis of UNSCR 1373, only the third country can remove the name from the list.
EUA	LC	<ul style="list-style-type: none">• TFS have not been applied to all persons designated by the UN pursuant to UNSCRs 1267/1988/1989• Designations are not always implemented without delay.

Recomendação 7 - Sanções financeiras específicas relacionadas com a proliferação

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	PC	<ul style="list-style-type: none"> Delays in transposing the UN obligations into the EU legal framework mean that targeted financial sanctions are not implemented without delay, which also raises the question of whether the freezing action, in practice, takes place without prior notice to the designated person/entity.
NORUEGA	PC	<ul style="list-style-type: none"> Designations under the relevant UNSCRs are not implemented without delay. The FSA has adopted only very limited measures to monitor and ensure compliance with the targeted financial sanctions by financial institutions and DNFBPs.
BÉLGICA	PC	<ul style="list-style-type: none"> Belgium is not able to apply the targeted financial sanctions of UNSCRs 1718 and 1737 without delay, which also compromises the application of sanctions without notice (de facto) to the entities concerned. Sanctions for failure to comply with freezing obligations are not applied in a clear manner.
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	PC	<ul style="list-style-type: none"> There is a significant delay in transposing UN designations to domestic freezing obligations and prohibitions. Freezing and prohibitions are only enforceable in respect of the citizens of Malaysia and bodies incorporated in Malaysia. Further implementation guidance is needed.
ITÁLIA	PC	<ul style="list-style-type: none"> The legislation does not guarantee implementation without delay. There is no system for active notification to financial institutions and DNFBPs of newly listed persons.
ÁUSTRIA	PC	<ul style="list-style-type: none"> Austria is not able to apply the targeted financial sanctions of UNSCRs 1718 and 1737 without delay, which also compromises the application of sanctions without notice (de facto) to the entities concerned.
CANADÁ	LC	<ul style="list-style-type: none"> No mechanisms for monitoring and ensuring compliance by FIs and DNFBPs with the provisions of the RIUNRI and RIUNRDPRK. Little information provided to the public on the procedures applied by the Minister to submit delisting requests to the UN on behalf of a designated person or entity.
SUIÇA	C	<ul style="list-style-type: none"> Switzerland is compliant with R. 7.
EUA	LC	<ul style="list-style-type: none"> TFS have been not been applied to all persons designated by the UN pursuant to UNSCRs 1718 and 1737.

Recomendação 8 - Organizações sem fins lucrativos

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> Not all associations are subject to clear policies to promote transparency, integrity, and public confidence in their administration and management. Spain's extremely fragmented pattern of information held by different registries and authorities may make difficult the effective gathering of general information on the sector and might lead to uneven monitoring.
NORUEGA	LC	<ul style="list-style-type: none"> NPOs that are not in receipt of public funding are not required to implement controls and standards for NPOs. There is a lack of proportionate and dissuasive sanctions for violations of the standards for NPOs.
BÉLGICA	PC	<ul style="list-style-type: none"> There are shortcomings with regard to the initiatives to raise awareness and inform the NPO sector of TF risks. Controls regarding transparency do not cover all of the components of R 8. The proportionality of applicable sanctions has not been established.
AUSTRÁLIA	NC	<ul style="list-style-type: none"> No sectorial TF risk assessment. Subsequently, no relevant outreach to NPOs. Subsequently, no relevant measures applied to those NPOs that would be identified as high risk and that account for a significant portion of the financial resources and/or international activities.
MALÁSIA	LC	<ul style="list-style-type: none"> There are gaps in administrative sanctions for compliance failures with obligations on NPOs. There are gaps in explicit record keeping requirements.
ITÁLIA	LC	<ul style="list-style-type: none"> Fragmented monitoring system that is not focused on TF risks. Policies to promote transparency and integrity of the sector could be improved. No specific point of contact and procedure to respond to international requests of information related to NPOs.
ÁUSTRIA	PC	<ul style="list-style-type: none"> Austria has not reviewed the adequacy of laws and regulations that relate to entities that can be abused for TF, including NPOs. There are no clear policies to promote transparency, integrity, and public confidence in the administration and management of all NPOs. Austria has not undertaken a domestic sector review of its NPO sector or periodic reassessments in order to identify the features and types of subset of NPOs that are particularly at risk of being misused for TF. Competent authorities do not generally monitor the financial and accounting requirements in the Associations Act, unless the NPO has taxable activities.
CANADÁ	C	<ul style="list-style-type: none"> The Recommendation is fully met .
SUIÇA	PC	<ul style="list-style-type: none"> While the adequacy of laws and regulations relating to entities that can be used for TF purposes was examined, the conclusions of recent studies are contradictory and thus uncertain. The Swiss authorities have not conducted any outreach to the NPO sector concerning TF risks. The rules that apply to foundations and large associations do not cover all the obligations listed under c. 8.4 (including publication of annual financial statements and the rule to know beneficiaries and associated non-profit organisations) and do not include dissuasive sanctions in the event of breach of the obligations.
EUA	LC	<ul style="list-style-type: none"> The required 5 years retention period for records of domestic and international transaction and other information is not met in all circumstances. Not all houses of worship apply to IRS for preferential tax treatment and not all are subject to state requirements in terms of licensing/registration.

Recomendação 9 - Normas sobre segredo profissional das instituições financeiras

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • It is not clear in what circumstances reporting FIs can share CDD information, particularly within financial groups.
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> • ---
MALÁSIA	LC	<ul style="list-style-type: none"> • There are gaps in a narrow range of circumstances with LFSA's ability to share all necessary information.
ITÁLIA	C	<ul style="list-style-type: none"> • ---
ÁUSTRIA	LC	<ul style="list-style-type: none"> • FIs have the possibility to appeal law enforcement requests before the court, which inhibits the implementation of R.31 (c.31.1(a)) by causing delays in and impediments to the production of records.
CANADÁ	C	<ul style="list-style-type: none"> • The Recommendation is fully met.
SUIÇA	C	<ul style="list-style-type: none"> • Switzerland is compliant with R. 9.
EUA	C	<ul style="list-style-type: none"> • The Recommendation is fully met.

Recomendação 10 - Dever de diligência relativo à clientela

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> • There is no requirement to consider an STR in all cases where CDD cannot be completed, although the general STR and special review obligations do partially address this requirement.
NORUEGA	PC	<ul style="list-style-type: none"> • For occasional wire transfers between 1 000 EUR and 15 000 EUR there is no requirement to identify and verify the identity of the beneficial owner behind the payer (customer). • The process for certifying copies of original identity documents has limited safeguards in place to ensure the reliability of the information. • No clear obligation for reporting FIs to have a broad understanding of a customer's business and its ownership and control structure. • Customers that are listed public companies in EEA states (and other equivalent countries) are exempt from CDD requirements. There are no requirements to ensure that there is adequate transparency regarding beneficial ownership of such companies. • While Norwegian law does not recognise trusts, trustees of foreign trusts may operate in Norway, and the CDD requirements only cover beneficiaries with a defined/vested interest above 25%. • There are no CDD requirements regarding the beneficiaries of life or investment related insurance policies, nor in relation to any beneficial owners standing behind the beneficiary. • The FSA guidance creates exceptions to the requirement to conduct CDD before or during the establishment of the relationship e.g. for PEPs, which are not in line with the FATF Standards. • CDD on existing customers is not required to be conducted on the basis of materiality and risk. • Simplified CDD is allowed, but the defined categories of "simplified CDD" are in fact exemptions from CDD, and the preconditions for such exemptions have not been demonstrated. • Relationships can be continued even when it has not been possible to conduct adequate CDD. • No provision that allows reporting FIs not to perform CDD in situations where the customer would be tipped off. For occasional wire transfers between 1 000 EUR and 15 000 EUR there is no requirement to identify and verify the identity of the beneficial owner behind the payer (customer). • The process for certifying copies of original identity documents has limited safeguards in place to ensure the reliability of the information. • No clear obligation for reporting FIs to have a broad understanding of a customer's business and its ownership and control structure. • Customers that are listed public companies in EEA states (and other equivalent countries) are exempt from CDD requirements. There are no requirements to ensure that there is adequate transparency regarding beneficial ownership of such companies. • While Norwegian law does not recognise trusts, trustees of foreign trusts may operate in Norway, and the CDD requirements only cover beneficiaries with a defined/vested interest above 25%. • There are no CDD requirements regarding the beneficiaries of life or investment related insurance policies, nor in relation to any beneficial owners standing behind the beneficiary. • The FSA guidance creates exceptions to the requirement to conduct CDD before or during the establishment of the relationship e.g. for PEPs, which are not in line with the FATF Standards. • CDD on existing customers is not required to be conducted on the basis of materiality and risk.

		<ul style="list-style-type: none"> • Simplified CDD is allowed, but the defined categories of “simplified CDD” are in fact exemptions from CDD, and the preconditions for such exemptions have not been demonstrated. • Relationships can be continued even when it has not been possible to conduct adequate CDD. • No provision that allows reporting FIs not to perform CDD in situations where the customer would be tipped off.
BÉLGICA	LC	<ul style="list-style-type: none"> • Applicable provisions for determining beneficial ownership do not specify whether the financial institution must automatically consider the senior managing official as the beneficial owner when no natural person can be identified as such (and in cases where the administrator is separate from the senior managing official). • There is no explicit provision requiring financial institutions to systematically consider the beneficiary of a life insurance policy as a relevant risk factor in determining whether enhanced CDD measures apply.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> • The 2014 Rules which complement the requirements on beneficial ownership and ongoing due diligence are not yet enforced. • AML/CTF Act and Rules do not require that CDD apply in every situation envisaged by the standard (e.g., reloadable stored value cards; structuring; doubts about the veracity or adequacy of the previously obtained customer identification data) and the CDD measures required are not fully in line with the standard (i.e., in some cases, the reliable and independent documentation). • There are shortcomings in the obligation to identify legal persons and legal arrangements in relation to the nature of their business and ownership structure as well as the powers to bind the legal entity and its senior managers. • CDD measures for beneficiaries of life insurance only apply at the time of the payout.
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	LC	<ul style="list-style-type: none"> • No requirement to identify the settlor of a trust. • No requirement for insurers to identify the beneficial owner of higher risk beneficiaries that are legal persons or arrangements. • No requirement to implement specific risk management procedures in relation to transactions taking place before the verification of customer identity is completed. • Statutory exemptions from full CDD measures for a specified range of customers.
ÁUSTRIA	LC	<ul style="list-style-type: none"> • There is no explicit requirement to prohibit anonymous accounts (or similar business relationships) applicable to insurance undertakings and intermediaries • CDD requirements for wire transfers above the applicable threshold do not cover the full range of measures such as verifying whether a customer is acting on behalf of another person, or identifying and verifying the beneficial owner. • In the situation when one natural person is acting on behalf of another legally competent natural person, there is no requirement to verify that the former is so authorised • For customers that are legal persons or arrangements, there is no enforceable requirement covering the powers that regulate and bind the legal person or arrangement, as well as the names of the relevant person having a senior management position. • There are no specific requirements concerning the minimum set of information that should be collected for the purpose of identification of customers that are legal persons or legal arrangements applicable to insurance intermediaries. • There is no specific requirement to identify and verify the protector(s) of the trust, especially if they don't exercise any control over the trust.

		<ul style="list-style-type: none"> • There is no specific provision that would permit financial institutions, insurance undertakings or intermediaries not to identify customers when they suspect that a transaction relates to ML or TF and have a reason to believe that they would alert the customer by exercising their CDD process.
CANADÁ	LC	<ul style="list-style-type: none"> • Exclusion of financial leasing, factoring and finance companies from scope of AML/CTF regime. • Minor deficiency of existence of numbered accounts whose use is governed only by regulatory guidance. • Minor deficiency of limited application, to natural persons only, of requirements to reconfirm identity where doubts arise about the information collected. • No explicit legal requirements to check source of funds. • No requirement to identify the beneficiary of a life insurance payout. • Minor deficiency of exceptions to the timing requirements for verifying identity are not clearly justified in terms of what is reasonably practicable or necessary to facilitate the normal conduct of business. • Minor deficiency of the lack of a requirement to obtain the address and principal place of business of non-corporate legal persons and legal arrangements such as trusts.
SUIÇA	PC	<ul style="list-style-type: none"> • The threshold for occasional transactions is too high (CHF 25 000/USD 25 324/EUR 22 835). • The identity of the customer should be verified only for transfers abroad by affiliates of OARs. • There is no general and systematic obligation to take reasonable measures to verify the identity of the beneficial owners of customers. • There is no general and explicit obligation to ensure that the customer data remains up to date and relevant. • The identity of the beneficiary of an insurance contract is verified only if he is a politically exposed person. • The beneficiary of the life insurance contract is not systematically considered as a risk factor. • The conditions in which the identification documents that were not available when the business relationship was established have to be provided do not comply with the requirements for swiftness. Adequate risk management measures are not imposed on banks in these circumstances, neither on affiliates of certain OARs. • The application of measures introduced by the LBA of 2014 on existing customers does not prioritise the riskiest customers. • The application of simplified measures does not always correspond to situations where the risks are lower (copy of authentication documents in cases of new relationship established by mail). • The banks are not obliged not to establish the relationship or to terminate it when they cannot comply with their obligations for due diligence.
EUA	PC	<ul style="list-style-type: none"> • Lack of CDD requirements to ascertain and verify the identity of BO (except in very limited cases). • Scope issue: Not all investment advisers are covered. • FIs (other than in the securities and derivatives sectors) are not explicitly required to identify and verify the identity of persons authorized to act on behalf of customers • FIs are not explicitly required to understand and, as appropriate, obtain information on the purpose and intended nature of the business relationship, or understand the ownership and control structure of customers that are legal persons/arrangements. • Beneficiaries of a life insurance policy are not specifically required to be included as a relevant risk factor in determining whether enhanced CDD measures are applicable.

Recomendação 11 - Conservação de documentos

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> Records of analysis conducted are retained only for five years after the transaction is conducted, and not five years after the termination of a business relationship as required.
BÉLGICA	C	<ul style="list-style-type: none"> ---
AUSTRÁLIA	LC	<ul style="list-style-type: none"> Certain customer-specific documents are exempt from record-keeping requirements. There is no clear obligation in the AML/CTF Act that transaction records should be sufficient to permit reconstruction of individual transactions, although this is partly addressed by requirements in other legislation. No formal requirement for reporting to ensure that the records be available swiftly to domestic competent authorities upon appropriate authority.
MALÁSIA	LC	<ul style="list-style-type: none"> A threshold to be applied to certain record keeping requirements results in a minor gap.
ITÁLIA	C	<ul style="list-style-type: none"> ---
ÁUSTRIA	C	<ul style="list-style-type: none"> The Recommendation is fully met.
CANADÁ	LC	<ul style="list-style-type: none"> The legal obligation requiring REs to provide records to FINTRAC within 30 days does not constitute “swiftly”, as the standard specifies.
SUIÇA	C	<ul style="list-style-type: none"> Switzerland is compliant with R. 11.
EUA	LC	<ul style="list-style-type: none"> 5 year record retention requirement restricted to account files, business correspondence and results of any analysis that are supporting documentation for a SAR. Existence of thresholds for triggering the record-keeping requirement.

Recomendação 12 - Pessoas politicamente expostas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	---
NORUEGA	PC	<ul style="list-style-type: none"> The definition of foreign PEP is too narrow as it is restricted to people who have held a high public office in the past year, which is not in line with an RBA. The requirements for foreign PEPs in the MLA do not include PEPs that are the beneficial owners of individual customers. The measures relating to international organisation PEPs are limited as it only covers positions in international organisations that correspond to government positions listed. The list of government positions does not correspond well to the concept of senior management positions in an international organisation. There are no measures relating to domestic PEPs. The inclusion of family members and close associates in the definition of a PEP creates a confusing and circular definition.
BÉLGICA	PC	<ul style="list-style-type: none"> The definition of PEPs does not include domestic PEPs or persons entrusted with a prominent function by an international organisation, as only persons living abroad who are, or have been, entrusted with prominent public functions can be considered PEPs. The list of persons to be considered direct family members and close associates of PEPs is too restrictive and contrary to the open, nonrestrictive spirit of R 12. There is a time limit of one year, after which a PEP no longer exercising a prominent function should no longer be considered a PEP. In this case, the general principle applies, by which enhanced measures must be implemented if called for by the level of risk. There is no specific provision requiring the verification of whether the beneficiary of a life insurance contract or its beneficial owner are PEPs.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> The 2014 Rules which complement the requirements on PEPs are not yet enforced. The notions of close associate, which requires beneficial ownership of a legal person or arrangement, and of family members, which only apply to the spouse, parents and children, are too restrictive. Important officials of political parties are not covered. There is no specific requirement for life insurance.
MALÁSIA	LC	<ul style="list-style-type: none"> Directions to treat foreign PEPs as 'high risk' are only implicit, which results in a minor gap
ITÁLIA	LC	<ul style="list-style-type: none"> Obligations with respect to domestic PEPs not extended to DNFBPs. No requirements in relation to persons holding prominent positions in international organizations. No requirement to determine whether the beneficial owner of a beneficiary of a life insurance policy is a PEP.
ÁUSTRIA	PC	<ul style="list-style-type: none"> For insurance intermediaries, the requirements do not cover a foreign PEP residing in Austria. There is no specific requirement to obtain senior management approval to continue business relationships with persons who become politically exposed in the course of the existing business relationship. There are no requirements for financial institutions and insurance undertakings to identify domestic PEPs. There is no requirement to inform senior management before the pay-out of the policy proceeds.
CANADÁ	NC	<ul style="list-style-type: none"> Only one element of the FATF standard is currently largely met, although new legislation covering domestic PEPs will come into force in July 2016.
SUIÇA	LC	<ul style="list-style-type: none"> The detection of beneficial ownership of foreign PEPs among existing customers presents a problem in the application of the transition measures of the LBA of 2014.

		<ul style="list-style-type: none">• The verification of the PEP status of the beneficial owner of the beneficiary of insurance contract customers is not taken into account.
EUA	PC	<ul style="list-style-type: none">• Scope issue: MSBs, life insurance companies and all investment advisers are not covered.• Domestic and international organizations PEPs are not specifically covered.• The requirements of c.12.1 apply to family members and close associates of foreign PEPs but not those of domestic or international organizations.• Concerns about the scope of BO identification in case of foreign PEPs.

Recomendação 13 - Bancos correspondentes

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	PC	<ul style="list-style-type: none"> Core requirements for correspondent banking are limited to respondent credit institutions located outside the EEA.
BÉLGICA	PC	<ul style="list-style-type: none"> Specific CCD measures for cross-border correspondent banking do not extend to relations with financial institutions of the European Economic Area (EEA) or an equivalent third country
AUSTRÁLIA	NC	<ul style="list-style-type: none"> The obligations to gather and verify information on the AML/CFT regulation applicable to the correspondent bank; the adequacy of its internal controls; information on the ownership, etc. only apply based on the risk evaluated by the reporting entity. There are no specific obligations for payable through accounts.
MALÁSIA	LC	<ul style="list-style-type: none"> Obligations only apply to correspondent banks rather than 'respondent institutions'.
ITÁLIA	PC	<ul style="list-style-type: none"> Requirements do not apply with respect to EU-based correspondent institutions.
ÁUSTRIA	LC	<ul style="list-style-type: none"> The measures set out in R.13 apply to the correspondent banks in the EEA area only subject to their assessment as high risk, which is more restrictive than the FATF Standard.
CANADÁ	LC	<ul style="list-style-type: none"> No requirement for a FI to assess the quality of AML/CFT supervision to which its respondent institutions are subject.
SUIÇA	LC	<ul style="list-style-type: none"> There are no measures covering payable-through accounts.
EUA	LC	<ul style="list-style-type: none"> No specific requirement to obtain senior management approval before opening a new correspondent account. No explicit obligation to make a determination of a correspondent's reputation or quality of its AML controls and supervision.

Recomendação 14 - Serviços de transferência de fundos ou de valores

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> Norway has taken limited and ad hoc action regarding unauthorised MVTS providers. The agents in Norway of MVTS providers from other EEA countries are not monitored for AML/CFT compliance, nor are the MVTS providers located in other EEA countries that offer services in Norway monitored for AML/CFT compliance.
BÉLGICA	LC	<ul style="list-style-type: none"> There is no clear policy on sanctions applying to persons who provide MVTS without being certified or registered, which would enable the proportionality of these sanctions to be determined.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> There is no obligation for MVTS providers to include their agents in their AML/CFT programme, though it is permissible. MVTS providers are not required to monitor their agents' compliance with the AML/CFT programme.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	C	<ul style="list-style-type: none"> ---
ÁUSTRIA	C	<ul style="list-style-type: none"> The Recommendation is fully met.
CANADÁ	C	<ul style="list-style-type: none"> The Recommendation is fully met.
SUIÇA	C	<ul style="list-style-type: none"> The Recommendation is fully met.
EUA	LC	<ul style="list-style-type: none"> No formal agent monitoring requirements for MSBs.

Recomendação 15 - Novas tecnologias

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	PC	<ul style="list-style-type: none"> Although the NRA identifies ML/TF risks in relation to new technologies, there has not been a proper assessment of the risks. There are no specific requirements for reporting FIs to identify and assess the ML/TF risks in relation to new technologies. There are general requirements for institutions to conduct risk assessments and mitigate risks but as it is not referred to in the regulations or associated guidance. It is unclear whether this applies to ML/TF risks and therefore whether financial institutions are required to assess and mitigate ML/TF risks.
BÉLGICA	LC	<ul style="list-style-type: none"> Belgium has not developed a specific analysis of the ML/TF risks in the financial system due to the use of new technologies. However, the general AML/CFT framework does address these risks to some degree, through the application of enhanced due diligence rules applying to contracts entered into without face-to-face contact, and through the definition of 'specific risk criteria' which are the basis of the risk-based approach and for initial definition of the customer's risk profile.
AUSTRÁLIA	C	<ul style="list-style-type: none"> There is no obligation specific to the identification, mitigation and management of the ML/TF risks posed by new technologies to reporting entities.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> Although financial institutions covered by the BoI's March 2011 internal controls regulation are required to verify on an ongoing basis that their procedures are consistent with laws, regulations and the entity's own regulations, the AML law does not require institutions to identify the risk in new products and practices.
ÁUSTRIA	PC	<ul style="list-style-type: none"> There is no requirement for financial institutions to undertake risk assessments prior to launch of new products, practices or technologies. The requirement to establish adequate and appropriate policies and procedures to assess ML/TF risk and to develop appropriate strategies to prevent the abuse of new technologies for ML/TF does not apply to insurance intermediaries.
CANADÁ	NC	<ul style="list-style-type: none"> No explicit legal or regulatory obligation to risk assess new products, technologies and business practices, before or after their launch.
SUIÇA	LC	<ul style="list-style-type: none"> There is no obligation for the country to identify and assess risks related to new technologies. There are no obligations for all the non-banking intermediaries to assess the risks before using new technologies.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisers are covered. No explicit requirements for FIs to address the risks presented by new technologies, though, the NMLRA does address risk related to new technology, and measures in place in the FFIEC Manual relating to new products and services are frequently interpreted by FIs and supervisors to address the risk of new technologies, and some enforcement measures reflect this.

Recomendação 16 - Transferências eletrônicas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	PC	<ul style="list-style-type: none"> • Obligations on ordering FIs do not include requirements relating to information on the beneficiary of a wire transfer; • Obligations on beneficiary FIs do not include requirements relating to information on the beneficiary of a wire transfer; • Intermediary FIs are not required to <ul style="list-style-type: none"> • a) ensure that all beneficiary information received and accompanying a wire transfer, is kept with the transfer, • b) take reasonable measures to identify cross-border wire transfers that lack originator information or required beneficiary information, or • c) have risk-based policies and procedures for determining when to execute, reject, or suspend a wire transfer lacking originator or beneficiary information, and when to take the appropriate action.
NORUEGA	PC	<ul style="list-style-type: none"> • There are no requirements on financial institutions to include and maintain the required beneficiary information in cross-border and domestic wire transfers. • There is no requirement for intermediary institutions to take reasonable measures to identify cross-border wire transfers that lack originator or beneficiary information. • There is no requirement for intermediary institutions to have risk-based policies and procedures on when to execute, reject or suspend a wire transfer with missing information. • The definition of transfers within the EEA in the EU Regulation is wider than that permitted as a domestic transfer in R.16. • It is unclear whether the EU Regulation applies to cases where a credit or debit or prepaid card is used as part of a payment system to effect a person-to-person wire transfer.
BÉLGICA	PC	<ul style="list-style-type: none"> • The EC Reg. 1781/2006 does not stipulate the obligation of including information on the beneficiary of the transfer, and contains limited requirements for the obligations applying to intermediate financial institutions.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> • The obligations in relation to the intermediary and the beneficiary financial institutions have not been updated to reflect the 2012 Recommendation 16. • MVTS providers are not required to apply the requirements of R.16 in the countries in which they operate. • No freezing action is undertaken in the context of R.16.
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	PC	<ul style="list-style-type: none"> • No requirement to obtain, verify or record information on the beneficiary of a wire transfer. • Very limited requirements for intermediary institutions.
ÁUSTRIA	PC	<ul style="list-style-type: none"> • The EU regulation in force does not yet cover beneficiary information and contains limited requirements for intermediate financial institutions, which affects almost all the criteria in this Recommendation.
CANADÁ	PC	<ul style="list-style-type: none"> • No specific requirements for intermediary and beneficiary FIs to identify cross-border EFTs that contain inadequate originator information, and take appropriate follow-up action. These are significant deficiencies.
SUIÇA	PC	<ul style="list-style-type: none"> • For the FINMA intermediaries, there is no explicit obligation to verify the information concerning the originator. • Taking reasonable measures is not imposed to identify the isolated incomplete wire transfers lacking originator or beneficiary's information. • It is not specified how intermediate financial institutions should respond to a series of isolated incomplete wire transfers. • Certain regulations of OARs do not provide for: <ul style="list-style-type: none"> • when the OAR affiliate has the position of intermediary financial institution, reasonable measures for detecting wire transfers that do not contain all the

		required information, when the OAR affiliate has the position of financial institution of the beneficiary, the identification of occasional beneficiaries when the wire transfer is less than CHF 1 000 and the procedure to follow when an incomplete isolated wire transfer is received .
EUA	PC	<ul style="list-style-type: none"> • Requirements apply subject to a USD 3 000 threshold for both domestic and international wire transfers. • No explicit requirements to include all the originator and beneficiary information in the transmittal order; • No explicit requirements to verify originator and beneficiary information below the threshold in case of suspicion of ML/TF • No explicit requirements for MSBs to consider information from both the ordering and beneficiary sides for SAR determination • No explicit obligations for intermediary or beneficiary FIs on executing, rejecting or suspending transactions due to lack of required information.

Recomendação 17 - Recurso a terceiros

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> The level of country risk is not taken into account when considering whether reliance is permitted on a third party in another EU country.
NORUEGA	PC	<ul style="list-style-type: none"> There are no requirements for FIs to take steps to satisfy themselves that copies of identification data and other relevant documentation relating to CDD requirements will be made available from the third party upon request without delay. When relying on third parties, while third parties must be regulated and supervised for CDD and record keeping, FIs are not required to satisfy themselves that the third party has measures in place for compliance with these requirements in line with Recommendations 10 and 11. Norway does not give regard to information on the level of country risk when determining in which countries a third party can be based.
BÉLGICA	PC	<ul style="list-style-type: none"> It is not possible to verify whether the AML/ CFT measures carried out by institutions are adequate due to the exemption for third party introducers from the EEA or third country equivalents. The inclusion of a country on the list of third country equivalents covers risk-related elements (compliance with the main FATF Recommendations, the level of risk relating to the amount of crime in the country), but this analysis is not focused on ML/TF risks.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> It is not explicitly provided that the reporting entity relying on a third party remains ultimately responsible for CDD measures. There is no obligation to gather information in relation to the regulation and supervision of the third party located abroad or on the existence of measures in line with R.10 and 11 for the third parties located abroad and regulated by foreign laws. The geographic risk has not been taken into account when determining in which countries the third parties can be based.
MALÁSIA	LC	<ul style="list-style-type: none"> RIs relying on third parties are not required to immediately obtain the necessary CDD information.
ITÁLIA	LC	<ul style="list-style-type: none"> No proper assessment of country risk when determining in which countries a third party may be based.
ÁUSTRIA	LC	<ul style="list-style-type: none"> Reliance on members of the EU is not based on the level of country ML/TF risks but rather the presumption that all EEA Members states implement harmonized AML/CFT provisions.
CANADÁ	PC	<ul style="list-style-type: none"> No explicit requirements on life insurance entities and securities dealers in relation to either necessary CDD information to be provided by the relied-upon entity or supervision of that entity's compliance with CDD and record- keeping obligations. No requirements on life insurance entities or securities dealers to assess which countries are high risk for third party reliance.
SUIÇA	LC	<ul style="list-style-type: none"> The derogation scheme granted to issuers of means of payment does not ensure that they immediately receive the initial information from the delegating bank. The level of risk related to the country where the third parties may be established is restricted to aspects related to supervising and controlling the applicable AML/CFT requirements.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisers are covered. No specific obligations on relying FIs to immediately obtain core CDD information from the relied upon FI.

Recomendação 18 - Controlos internos e sucursais e filiais no estrangeiro

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	PC	<ul style="list-style-type: none"> FIs are not required to have screening procedures to ensure high standards when hiring employees (other than key functionaries), and the requirement to have an independent audit function to test the AML/CFT system only applies to certain types of FIs. Financial groups are not required to implement group-wide programmes against ML/TF. While the MLA contains provisions to satisfy the requirements of c.18.3, their scope of application is limited to branches and subsidiaries established in states outside the EEA but a large majority of branches and subsidiaries are located within the EEA.
BÉLGICA	PC	<ul style="list-style-type: none"> Only financial groups headed by a credit institution or investment firm are required by the law to develop a co-ordinated AML/CFT programme. Laws and regulatory measures do not specify the effective content of the obligations to be set out in this programme, nor do they stipulate that the branches and subsidiaries of groups are required to follow AML/CFT rules compatible with the level of risk in the home country.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> There is no obligation beyond the nomination at management level of a compliance officer, the audit function is limited and there is no indication of the frequency of the audit or guarantee of its independence. These deficiencies also apply at the group level. With respect to branches and subsidiaries located abroad, there is no obligation for financial institutions to apply the higher standard or Australia regime to the extent possible. There is no obligation to apply measures to manage ML/TF risks and to inform AUSTRAC when the host country does not permit the proper implementation of AML/CFT measures consistent with Australia's AML/CFT regime.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> There is no requirement for the screening of employees at hiring. Requirements for measures that should be in place at foreign branches and subsidiaries are limited to issues related to CDD and record keeping.
ÁUSTRIA	PC	<ul style="list-style-type: none"> There is no requirement to ensure high standards when hiring employees. No general requirements for financial institutions, insurance undertakings and intermediaries to implement group-wide programmes against ML/TF. For insurance intermediaries, there is no requirement to appoint a compliance officer or establish internal audits, or apply the higher standard when the requirements of Austria and another country differ.
CANADÁ	LC	<ul style="list-style-type: none"> No specific legal requirements in relation to screening procedures when hiring employees.
SUIÇA	LC	<ul style="list-style-type: none"> Certain regulations of OARs have no provision that the staff of affiliates must comply with the integrity criteria. There is no independent audit function to test the AML/CFT systems of directly supervised financial intermediaries (IFDSs) or affiliates of OARs; The measures for the AML/CFT programme of the group do not include all the requirements of c. 18.1.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisers are covered.

Recomendação 19 - Países que comportam um risco mais elevado

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> FIs are not automatically required to apply enhanced CDD, proportionate to the risks, to business relationships and transactions with natural and legal persons (including FIs) from countries for which this is called for by the FATF.
BÉLGICA	LC	<ul style="list-style-type: none"> Belgium does not have instruments at its disposal that allow it to take counter-measures against higher risk countries, except within the scope of an FATF decision.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> Reporting entities are required to apply enhanced due diligence to their relationships and transactions with DPRK despite the FATF's call to do so. Among the measures for enhanced due diligence listed in the Rules, some address normal due diligence rather than enhanced due diligence. See Recommendation 10.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	C	<ul style="list-style-type: none"> ---
ÁUSTRIA	C	<ul style="list-style-type: none"> The Recommendation is fully met.
CANADÁ	C	<ul style="list-style-type: none"> The Recommendation is fully met.
SUIÇA	PC	<ul style="list-style-type: none"> There are no mandatory provisions that require that all financial institutions apply enhanced measures to business relationships exhibiting links with countries considered at risk by FATF. The measures ensuring that all financial institutions are informed of the countries considered at risk for ML/TF have not been implemented.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisors are covered. EDD measures do not apply automatically to business relationships and transactions with natural persons in general from jurisdictions identified by FATF as having strategic AML/CFT deficiencies.

Recomendação 20 - Declaração de operações suspeitas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	C	<ul style="list-style-type: none"> • ---
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> • ---
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	LC	<ul style="list-style-type: none"> • Reporting of suspicious transactions does not extend to predicate offenses to ML.
ÁUSTRIA	C	<ul style="list-style-type: none"> •
CANADÁ	PC	<ul style="list-style-type: none"> • Minor deficiency that financial leasing, finance and factoring companies are not required to report suspicious activity to FINTRAC. • Lack of a prompt timeframe for making reports.
SUIÇA	LC	<ul style="list-style-type: none"> • The coexistence of a right and an obligation to report suspicious transaction may constitute a factor of legal uncertainty for financial intermediaries as to the mandatory nature of their report.
EUA	PC	<ul style="list-style-type: none"> • Scope issue: Not all investment advisers are covered. • Existence of thresholds for filing SARs. • Time allowed to file SARs (30 and 60 calendar days) does not meet the promptness criteria.

Recomendação 21 - Alerta ao cliente e confidencialidade

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • There is a tipping off prohibition, but there is no sanction applicable to individuals for breaching that prohibition and the only sanctions are those generally applicable to reporting entities.
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> • ---
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	LC	<ul style="list-style-type: none"> • Reporting of tipping-off and confidentiality do not extend to reporting related to predicate offenses to ML.
ÁUSTRIA	C	<ul style="list-style-type: none"> • ---
CANADÁ	LC	<ul style="list-style-type: none"> • The tipping off and confidentiality requirements do not explicitly extend to the reporting of suspicions related to ML predicate offenses.
SUIÇA	LC	<ul style="list-style-type: none"> • There are some limited exceptions to the confidentiality of suspicious transaction reports.
EUA	C	<ul style="list-style-type: none"> • ---

Recomendação 22 - Atividades e profissões não financeiras designadas: Dever de diligência relativo à clientela

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> The deficiencies identified in relation to R.10, relating to delayed verification and failure to complete CDD, also apply in the case of DNFBPs. The level of country risk is not taken into account when considering whether reliance is permitted on a third party in another EU country—a deficiency identified in relation to R.17 that is only relevant to some types of DNFBP.
NORUEGA	PC	<ul style="list-style-type: none"> Scope issue: certain ship- and internet-based casino gaming activities are not covered. The deficiencies identified in relation to R.10-12, R.15 & R.17 equally apply to DNFBPs.
BÉLGICA	LC	<ul style="list-style-type: none"> Trust and company service providers are not covered by Belgian AML/CFT measures. The limits identified under R 10, R 12, R 15 and R 17 affect DNFBPs. CDD requirements (R 10 rated LC) are central to R 22, but only moderate shortcomings were observed. Moreover, the weaknesses with regard to reliance on third parties (R 17 rated PC) have less impact in the context of DNFBP activities.
AUSTRÁLIA	NC	<ul style="list-style-type: none"> Scope issue: DNFBPs other than casinos and bullion dealers are not subject to AML/CFT obligations. Casinos: The identification threshold exceeds that set forth in the Recommendation 10. See Recommendations 10, 11, 12, 15 and 17.
MALÁSIA	LC	<ul style="list-style-type: none"> Scope issue: sole trader jewellers in East Malaysia are not covered. Gaps with record keeping and with reliance on 3rd parties.
ITÁLIA	LC	<ul style="list-style-type: none"> There is no requirement for the identification of domestic PEPs. There are no specific regulations or guidance for DNFBPs on new technologies.
ÁUSTRIA	PC	<ul style="list-style-type: none"> The requirement of the ongoing monitoring of the business relationship for casinos only applies to EU/EEA citizens. There is no direct obligation to identify the beneficial owner for casinos, except for certain specific cases. There is no requirement for casinos to verify that a person purporting to act on behalf on the customer is so authorised. There is no requirement for casinos to perform enhanced CDD where ML/TF risks are higher. No direct requirement for internet casinos to conduct CDD on their customers. For accountants, real estate agents, dealers in precious metals and stones, and business consultants, there are no specific provisions to: <ul style="list-style-type: none"> require the identification of customers that are legal persons or arrangements, identify and verify the settlor, trustee(s), or the protector of the trust, or permit them not to identify customers when they suspect that a transaction related to ML/FT and have reason to believe that they would alert the customer by exercising their CDD process. For lawyers and notaries, there are no requirements to <ul style="list-style-type: none"> understand the ownership and control structure of the customer, identify customers that are legal person or arrangements, identify and verify the protector(s) of a trust, apply CDD to the customers that existed before the entry into force of AML/CFT regulations permit them not to identify customers when they suspect that a transaction related to ML/FT and have reason to believe that they would alert the customer by exercising their CDD process,

		<ul style="list-style-type: none"> • For lawyers and notaries, there is a blanket exemption from CDD requirements for a number of designated types of customers. • For accountants, there are no requirements to <ul style="list-style-type: none"> ○ identify customers that are legal person or arrangements, ○ identify and verify the protector(s) of a trust, ○ permit them not to identify customers when they suspect that a transaction related to ML/FT and have reason to believe that they would alert the customer by exercising their CDD process • Record-keeping requirements for casinos do not include the business correspondence and results of analysis undertaken in the course of CDD • There is no requirement for casinos to ensure the availability of information to competent authorities. • There are no specific record-keeping requirements for internet casinos. • For lawyers, notaries and accountants there is no requirement that transaction records should be sufficient to permit reconstruction of individual transactions • No requirements concerning PEPs applicable to casinos (including internet casinos). • For real estate agents, dealers in precious metals and stones, and business consultants, the PEPs requirements do not cover foreign PEPs residing in Austria, domestic PEPs, or persons who have been entrusted with a prominent function by an international organisation. • For lawyers, notaries and accountants, there are no requirements for domestic PEPs, or persons who have been entrusted with a prominent function by an international organisation. <ul style="list-style-type: none"> ○ No requirements for any DNFBP with regard to ML/TF risk arising from new technologies.
CANADÁ	NC	<ul style="list-style-type: none"> • AML/CFT obligations are inoperative for legal counsels, legal firms and Quebec notaries. • On line gambling, TCSPs that are not trust companies are not obliged entities. • No requirement on beneficial owner, PEP, new technologies, reliance on third parties. With the exception of a limited set of transactions the fixed threshold (CAD 10,000) of cash financial transactions and casinos disbursement exceeds that provided in the Recommendation. • The circumstances in which accountants and BC notaries are required to perform CDD are not in line with the FATF requirement.
SUIÇA	PC	<ul style="list-style-type: none"> • The scope of the LBA does not cover all the activities targeted by R. 22 with regard to real estate agents, dealers in precious metals and precious stones, and lawyers, notaries, accountants, fiduciaries and trust and company service providers. • The deficiencies noted in regard to R. 10, 12, 15 and 17 are also applicable to DNFBPs.
EUA	NC	<ul style="list-style-type: none"> • Scope issues: <ul style="list-style-type: none"> ○ Other than casinos, DNFBPs are only subject to limited CDD obligations (R.10) when filing Form 8300 reports. ○ Other than casinos, R.11 only applies to DNFBPs on a very limited basis in relation to their obligation to file CTRs, and does not apply to company formation agents at all. ○ No DNFBPs are subject to R.12. DNFBPs are not subject to R.15, although the AML program requirements for casinos, and dealers in precious metals and stones may go some way towards meeting these requirements. • Where there is coverage, the deficiencies noted in relation to R10, • R.11 and R.12 flow through to R.22.

Recomendação 23 - Atividades e profissões não financeiras designadas: Outras medidas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> Scope issue: certain ship- and internet-based casino gaming activities are not covered. The deficiencies identified in relation to R.18-19, & R.21, equally apply to DNFBPs.
BÉLGICA	LC	<ul style="list-style-type: none"> The limits identified under R 18 and R 19 affect DNFBPs. In particular, there is no independent audit function for testing the AML/CFT system for any DNFBPs. However, because of the small size of the DNFBPs concerned, this shortcoming has a limited impact.
AUSTRÁLIA	NC	<ul style="list-style-type: none"> Scope issue: DNFBPs other than casinos and bullion dealers are not subject to AML/CFT obligations. See Recommendations 18, 19, 20 and 21.
MALÁSIA	LC	<ul style="list-style-type: none"> Scope issue: sole trader jewellers in East Malaysia are not covered.
ITÁLIA	LC	<ul style="list-style-type: none"> DNFBPs are not explicitly required to report suspicions related to predicate offenses associated to ML. The tipping off and confidentiality requirements do not explicitly extend to the reporting of suspicions related to the predicate offenses.
ÁUSTRIA	LC	<ul style="list-style-type: none"> The reporting requirement for casinos does not cover attempted transactions. For casinos, there are some deficiencies concerning the requirements for screening and training of employees; there is no requirement to have an independent audit function to test the system. For lawyers, notaries, real estate agents, dealers in precious metals and stones, and business consultants, there are no requirements to appoint a compliance officer, have screening procedures for employees, or establish an independent audit function. For accountants, there are no requirements that the compliance officer should be at the management level and to establish an independent audit function. No requirements for casinos (including internet casinos) to apply enhanced due diligence in case of high-risk countries.
CANADÁ	NC	<ul style="list-style-type: none"> AML/CFT obligations are inoperative for legal counsels, legal firms and Quebec notaries. TSCPs that are not trust and loan companies and on line gambling are not subject to the AML/CFT obligations; the circumstances under which accountants and BC notaries are required to comply with STRs are too limitative. Further deficiencies identified under R.20 for DNFBPs that are subject to the requirements.
SUIÇA	PC	<ul style="list-style-type: none"> Deficiency on the scope of R.23 similar to the one noted for R. 22. The deficiencies noted in regard to R. 18, 19, 20 and 21 are also applicable to DNFBPs.
EUA	NC	<ul style="list-style-type: none"> Scope issues: <ul style="list-style-type: none"> No DNFBPs (other than casinos) are subject to R.20. No DNFBPs (other than casinos and dealers in precious metals/stones) are subject to R.18. No DNFBPs (other than casinos, dealers and precious metals and stones) are subject to R.19. No DNFBPs (other than casinos) are subject to R.22 Where there is coverage, the deficiencies noted in relation to R18, R.19, R.20 and R22 flow through to R.23.

Recomendação 24 - Transparência e beneficiários efetivos de pessoas coletivas

País	Rating	Fatores subjacentes ao Rating
ESPANHA	LC	<ul style="list-style-type: none"> • There are no specific mechanisms to ensure the accuracy of declarations by customers, or of the records held by companies on beneficial ownership, such as inspections, or penalties for providing false or incomplete information. • For public companies (SA) which are not publicly listed on a stock exchange, there are insufficient transparency requirements on transfers of shares. • There is no specific liability or sanction in cases where a company fails to maintain accurate information on its beneficial ownership, or where it makes a false or incomplete declaration to a financial institution or DNFBPs, and sanctions for filing false information only exist with respect to information given to tax authorities, notaries, or the CNMV. • Only SEPBLAC assesses the quality of assistance it receives from other countries in response to requests for basic and beneficial ownership information, but the other authorities do not do this in a systematic way, and results are not collated.
NORUEGA	PC	<ul style="list-style-type: none"> • While Norway has a publicly available guide on the features and creation of the various types of legal entities, this does not extend to a description of the process for obtaining and recording basic and beneficial ownership information. • The ML/TF risks associated with legal persons have not been adequately assessed. • Norway does not have adequate mechanisms to ensure that competent authorities have timely access to beneficial ownership information on companies in Norway that have foreign ownership. • Norway takes limited measures to ensure that beneficial ownership information is accurate and up-to-date. • The measures to ensure that companies cooperate with authorities by making information available in Norway (by always having a natural person or DNFBP resident in Norway and representing the company), are inadequate, as it is possible that directors/management are resident elsewhere in the EEA. • There are no requirements on registries to keep records for 5 years after a company is dissolved. • Other than controls on the use of nominees for foreign investors in PLLCs, there are no measures in place to prevent the misuse of nominee shareholders and directors in Norway. • The level of fines for breaches of registration or other requirements is relatively low and not dissuasive. • There are no direct sanctions for the failure of legal persons to provide access to ownership information. • Norway does not adequately monitor the quality of assistance it receives from other countries in response to requests for basic and beneficial ownership information.
BÉLGICA	LC	<ul style="list-style-type: none"> • Belgium has not assessed horizontally the ML/ TF risks associated with the various categories of legal persons created on its soil up-to-date. • Legal persons (or their representatives) do not risk facing sanctions simply for submitting false or erroneous information when reporting their beneficial ownership to the professions concerned, but the consequences of these acts can be punishable by sanctions. It is difficult to assess the proportionality of the sanctions due to the absence of information on the sanction policy. • Mechanisms put into place by Belgium do not ensure that the information on beneficial ownership is correct and up-to-date. • The mechanism applicable in Belgium to nominee shares is insufficient to ensure that they are not misused.

AUSTRÁLIA	PC	<ul style="list-style-type: none"> • There is no clear process for the obtaining or recording of companies' beneficial ownership information. The processes for the creation and the public availability of information (including on beneficial ownership) relating to legal persons other than companies and incorporated at States and Territories levels vary throughout the country. • There is no mechanism to ensure that information on the registers kept by companies is accurate. • There is no requirement for companies or company registers to obtain and hold up-to-date information to determine the ultimate natural person who is the beneficial owner beyond the immediate shareholder. Companies are not required to take reasonable measures to obtain and hold this information. • Bearer share warrants are not prohibited and may be permissible. • There is not a general disclosure obligation regarding nominee shareholders. • Australia does not monitor the quality of assistance received from other countries in response to requests for basic and beneficial ownership information or requests for assistance in locating beneficial owners residing abroad.
MALÁSIA	PC	<ul style="list-style-type: none"> • Weaknesses with the assessment of risk with legal persons. • Some weaknesses in measures to ensure basic ownership information is accurate and up to date. • Reliance on CDD by RIs may mean that beneficial ownership information is not always available when foreign ownership is involved. • Share warrants are not suitably controlled for Labuan companies. • Available fines for breaches of various obligations on legal persons are not proportionate or dissuasive.
ITÁLIA	LC	<ul style="list-style-type: none"> • No mechanism for monitoring the quality of assistance received from other countries. • Minor deficiencies: No requirement to maintain relevant information in Italy, except for SRLs; no mechanism to ensure that transfers of shares conducted by banks and stockbrokers (even though there are no stockbrokers currently operating in Italy) are reflected in a timely manner; beneficial ownership of legal persons with foreign ownership cannot always be determined on a timely basis; possible delay in the filing of changes in the ownership of joint stock companies that are not listed; No obligation to maintain corporate books of associations, and foundations after dissolution; sanctions available for failure to comply with some but not all relevant obligations; possible delays in international cooperation.
ÁUSTRIA	PC	<ul style="list-style-type: none"> • There are no mechanisms in place that identify and describe the process for obtaining beneficial ownership information on legal persons. • There has been no formal risk assessment concerning the possible misuse of legal persons for ML/TF. • The register for associations does not contain information about their management. • There is no requirement for associations to maintain a list of their members. • There is no requirement for the cooperative societies and stock corporations that are not listed on a stock exchange that the share register be kept in Austria. • There is no general obligation to obtain and keep up-to-date beneficial ownership information. • Timely access by the competent authorities to the existing BO information held by FIs is not assured. • No requirement for companies to co-operate with competent authorities in determining the beneficial owner. • There are no specific provisions concerning the international exchange of information on shareholders.

CANADÁ	PC	<ul style="list-style-type: none"> • No appropriate mechanism to ensure that updated and accurate beneficial ownership information is collected for all legal entities in Canada, whether established under provincial or federal legislation. • Timely access by competent authorities to all beneficial ownership information is not warranted, in particular in cases where such information is held by a smaller or provincial FI, or a DNFBP. • Insufficient risk mitigating measures in place to address the ML/TF risk posed by bearer shares and nominee shareholder arrangements. • No obligation for legal entities to notify the registry of the location at which company records are held. • In some provinces, there is no legal obligation to update registered information within a designated timeframe. • No legal obligation on legal entities to authorize one or more natural person resident in Canada to provide to competent authorities all basic information and available beneficial ownership information; or to authorize a DNFBP in Canada to provide such information to the authorities.
SUIÇA	LC	<ul style="list-style-type: none"> • No assessment has been made of BC/FT risks of legal persons created in the country. • The mechanisms for listing in the commercial register, as well as modifications of these listings do not ensure that all the information is accurate and up to date. • There are no administrative or criminal sanctions for failure to meet the obligation to announce. • Application of the “customer procedure” may impact the speed of the international cooperation for information about beneficial owners.
EUA	NC	<ul style="list-style-type: none"> • Generally unsatisfactory measures for ensuring that there is adequate, accurate and updated information on BO as defined by the FATF, that can be obtained or accessed by competent authorities in a timely manner. • No mechanism to ensure accuracy of basic information being obtained by State registries and keep the information up-to-date. • Absence of licensing or disclosure requirements for nominee shareholders/directors. • No requirement for companies to maintain register of shareholders within the country

Recomendação 25 - Transparência e beneficiários efetivos de entidades sem personalidade jurídica

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> Specific sanctions for failing to comply with their obligations apply to professional trustees and fiduciarios, but do not apply to non-professional trustees.
NORUEGA	PC	<ul style="list-style-type: none"> There are no obligations (or associated sanctions) on trustees of foreign trusts to disclose their status to reporting entities, or to give authorities access to information held by them in relation to the trust. It is unclear whether the authorities rapidly provide international cooperation on information relating to trusts and other legal arrangements that may hold assets in Norway, or where the trustee resides in Norway.
BÉLGICA	LC	<ul style="list-style-type: none"> There is no clear policy on the sanctions applying to professional trustees who fail to meet their AML/CFT obligations that would allow the proportionality to be determined.
AUSTRÁLIA	NC	<ul style="list-style-type: none"> There is no obligation for trustees to hold and maintain information on trusts. There is no obligation for trustees to keep this information up-to-date and accurate. There is no obligation for trustees to disclose their status to financial institutions and DNFBPs. There are no proportionate and dissuasive sanctions available to enforce the requirement to exchange information with competent authorities in a timely manner.
MALÁSIA	PC	<ul style="list-style-type: none"> Reliance on CDD by RIs may mean that beneficial ownership information is not always available when foreign ownership is involved. AML obligations to identify and verify parties to the trust or other legal arrangements do not apply to trustees who do not otherwise meet the definition of FI or DNFBP. The obligations on trustees to disclose their status when forming a business relationship or carrying out an occasional transaction above the threshold only applies in the case of banks. Available fines for breaches of various obligations on legal arrangements are not proportionate or dissuasive.
ITÁLIA	LC	<ul style="list-style-type: none"> Insufficient sanctions for failing to grant competent authorities timely access to information.
ÁUSTRIA	PC	<ul style="list-style-type: none"> With the exception of lawyers and notaries, there are no requirements for trustees (Treuhänder) to obtain and hold information on parties to a trust, or keep information up accurate and up-to-date. There are no requirements for insurance intermediaries, or DNFBPs (other than lawyers and notaries) to ascertain whether a client is acting on his own behalf or in a capacity of trustee. Timely access by the LE to escrow registers of lawyers and notaries is not ensured; in case the trustee is not a lawyer or notary, it is virtually impossible to obtain the required information. Except for lawyers and notaries, there are no provisions concerning the liability of trustees in case of failure to comply with the obligations or sanctions for failing to grant competent authorities timely access to information on trusts.
CANADÁ	NC	<ul style="list-style-type: none"> No obligation for trustees to obtain and hold adequate, accurate and current beneficial ownership information for all legal arrangements in Canada, whether established under provincial or federal legislation, or basic information on other regulated agents or and service providers to the trust. Professional trustees, including lawyers, are not required to maintain beneficial ownership information for at least five years. Insufficient mechanism in place to facilitate timely access by competent authorities to all beneficial ownership information and any trust assets held or managed by the FI or DNFBP.

		<ul style="list-style-type: none"> • No requirement for trustees to proactively disclose their status to FIs and DNFBPs when forming a business relationship or carrying out a financial transaction for the trust. • Proportionate and dissuasive sanctions for a failure by the trustee to perform his duties are not available in most cases.
SUIÇA	LC	<ul style="list-style-type: none"> • Requirements relating to the obligation to maintain current data about trusts are insufficient. • Application of the “customer procedure” may impact the speed of the international cooperation anticipated in this field. • The deficiency concerning verification of beneficial ownership (R. 10) is applicable. • The deficiencies noted with regard to R. 31 and 35 are also applicable.
EUA	PC	<ul style="list-style-type: none"> • Although there are general fiduciary obligations imposed on trustees, these generally address trust law broadly; but do not appear to address obligations on trustees to obtain and hold adequate, accurate and current information on the identity of regulated agents of the trust, service providers, a protector, if any, all beneficiaries, or the identity of any natural person exercising ultimate effective control over the trust. • The obligations to keep information accurate and up-to-date only apply to trust companies. • Trust instruments that could block the ability of trustees to provide information about the trust to FIs and DNFBPs upon request are not prohibited. LEAs can obtain relevant information provided they know whether a person is a trustee, but there is no enforceable obligation on trustees to declare their status to FIs. • Due to the foregoing issues, it cannot be said that information will be provided to foreign authorities rapidly. • There are requirements in banking, trust, and tax law that, taken together, meet the 5 year records retention standard but these only apply to trust companies for the most part. • The UTC requires trustees to identify property subject to a trust, but that obligation can be overridden by the terms of the trust. • Information may not be obtained in a timely manner or at all in some cases.

Recomendação 26 - Regulação e supervisão das instituições financeiras

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> For core principles institutions, there are deficiencies in how some core principles relevant to AML/CFT are being implemented. The prudential supervisors in the insurance and securities sectors do not have a sufficiently well-developed RBA to supervision.
NORUEGA	PC	<ul style="list-style-type: none"> Although commercial banks, insurance and finance companies are required to ensure that fit and proper requirements are met at all time, there is no obligation to notify the FSA of any changes in key functionaries, nor is there an explicit obligation to conduct fit and proper tests on new functionaries. Supervision for AML/CFT of the insurance and securities sectors is very limited. MVTS providers authorised in other EEA countries operating in Norway are not monitored for AML/CFT compliance and no on-site supervision has been undertaken of any MVTS provider. The FSA does not determine the frequency and intensity of on-site and off-site AML/CFT supervision sufficiently on the basis of ML/TF risks. The FSA does not conduct a proper review of the ML/TF risk profiles of financial institutions and groups under its supervision.
BÉLGICA	PC	<ul style="list-style-type: none"> The BNB and the FSMA have set up processes and tools for defining the prudential risk profile of the institutions they regulate, of which ML/TF is one element. For the BNB, the share of ML/TF risk identified for each institution is not well-established. For the FSMA, with the exception of bureaux de change, the scope and frequency of ML/TF controls are not specifically formalised according to the type and level of risk identified for each institution. The BNB and the FSMA regularly review the risk profile of the institutions they regulate, but the extent to which ML/TF risk affects this revision is not specified. FPS Finance, which is tasked with supervising a major European payment institution for fund transmission services provided in Belgium via Bpost, does not specify the applied method of supervision. This is also the case for FPS Economy, although the sectors it supervises are lower risk sectors (consumer loan and direct financing lease providers).
AUSTRÁLIA	PC	<ul style="list-style-type: none"> Absence of licensing or registration requirements and fit & proper obligations for currency exchange businesses. AUSTRAC's risk-based approach is limited to the group level. The ML/TF risk profile relies too much on the amounts of the transactions reported.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> Supervisory tools currently in use do not provide comprehensive data on the inherent risk faced by institutions and the risk mitigants used.
ÁUSTRIA	C	<ul style="list-style-type: none"> ---
CANADÁ	LC	<ul style="list-style-type: none"> There are further fitness and probity controls needed for persons owning or controlling financial entities after market entry at provincial level.
SUIÇA	LC	<ul style="list-style-type: none"> Insurance companies and affiliates of OARs are not required to seek approval of changes in the conditions by which they were originally licensed, including changes in managing officials, administrators and holders of qualified shareholding. Sector-specific regulations allow consolidated supervision of financial groups, including for AML/CFT, but do not require it. For certain OARs, the criteria determining the revision of the risk profile of the affiliates are not satisfactory.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisers are covered. At the time of on-site, three States did not license MSBs, resulting in no background checks.

Recomendação 27 - Poderes das autoridades de supervisão

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> The sanctions for failure to comply with the AML/CFT requirements, both in the MLA and the FS Act, are not proportionate and dissuasive, especially for directors and senior management, and the range of sanctions is not sufficient.
BÉLGICA	LC	<ul style="list-style-type: none"> FPS Economy and FPS Finance can only impose the AML/CFT sanctions provided for by law, which are limited to disclosure measures and administrative sanctions.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> AUSTRAC's powers (inspection and production of documents) are conditional upon the consent of the reporting entity. In absence of such consent, a court order is needed. Sanctions for the violation of AML/CFT obligations are civil and criminal penalties (fines and imprisonment). Sanctions do not include the power to withdraw, restrict or suspend the reporting entity's licence, except for remitters.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> The inability to impose administrative sanctions on natural persons and to remove directors and managers and the relatively low level of sanctions that can be applied to legal persons are weaknesses in the sanctions regime.
ÁUSTRIA	C	<ul style="list-style-type: none"> ---
CANADÁ	C	<ul style="list-style-type: none"> ---
SUIÇA	LC	<ul style="list-style-type: none"> FINMA does not have the power to impose monetary sanctions.
EUA	C	<ul style="list-style-type: none"> ---

Recomendação 28 - Regulação e supervisão das atividades e profissões não financeiras designadas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> The powers to prevent criminals or their associates from being accredited, or from owning, controlling, or managing a DNFBP are limited.
NORUEGA	PC	<ul style="list-style-type: none"> Scope issue: certain casino gaming activities through the internet or on ships are not covered. Norway has no designated competent authority for AML/CFT monitoring and supervision of TCSPs and dealers in precious metals and stones. The sanctions for failure to comply with the AML/CFT requirements, both in the MLA and the FS Act, are not proportionate and dissuasive, especially for directors and senior management. The FSA and SRBs do not determine the frequency and intensity of on-site and off-site AML/CFT supervision on the basis of ML/TF risks. The FSA and SRBs do not conduct a proper review of the ML/TF risk profiles of DNFBPs under their supervision.
BÉLGICA	PC	<ul style="list-style-type: none"> There are no 'fit and proper' provisions that apply to diamond dealers and real estate agents. As a general rule, when supervision programmes exist, they have been established without assessing risk individually for the different professionals and without referring to the risk in the sector. There is no indication of how the risk profile of the entities concerned affects the scope and frequency of the controls.
AUSTRÁLIA	NC	<ul style="list-style-type: none"> Scope issue: Only casinos and bullion dealers are subject to AML/CFT obligations. Casinos: State and Territory licensing authorities do not have express AML/CTF responsibilities to qualify as competent authorities. In addition, not all legislation requires the licensing authority to consider the entourage of the applicants. See Recommendation 26.
MALÁSIA	LC	<ul style="list-style-type: none"> Scope issue: sole trader jewellers in East Malaysia are not covered. Gaps with the scope of market entry fit and proper controls over some DNFBPs.
ITÁLIA	LC	<ul style="list-style-type: none"> The absence of administrative sanctions for DNFBPs in general and for casinos with respect to the failure to meet record keeping requirements are weaknesses. The lack of a supervisory methodology that provides GdF with good quality and comprehensive information on persons' inherent ML/TF risk and risk mitigants used is also of concern.
ÁUSTRIA	LC	<ul style="list-style-type: none"> The requirements do not cover beneficial owners of a significant or controlling interest in a casino; it is not clear which regulatory measures are taken to prevent the associates of criminals from owning or operating casinos.
CANADÁ	PC	<ul style="list-style-type: none"> AML/CFT obligations are inoperative for legal counsels, legal firms and Quebec notaries. Online gambling, cruise ship casinos, TSCPs not included among trust and loan companies are not subject to AML/CFT obligations and thus not monitored for AML/CFT purposes. The entry standards and fit and proper requirements are absent in DPMS and TCSPs than trust companies, and they are not in line with the standards for real estate brokerage.
SUIÇA	LC	<ul style="list-style-type: none"> Certain OARs have a limited reference to risks for determining the extent of AML/CFT controls. The deficiencies noted with regard to FINMA not having the power to impose monetary sanctions (R. 27) and to R. 35 are also applicable.
EUA	NC	<ul style="list-style-type: none"> Scope issue: Other than for casinos, dealers in precious metals and stones, and in relation to examination for Form 8300 compliance, there are no competent

		authorities designated to supervise DNFBS' compliance with AML/CFT obligations.
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Recomendação 29 - Unidades de informação financeira

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • The FIU does not serve as the central agency for the receipt of disclosures filed by reporting entities regarding wire transfers reports and other threshold-based declarations. • The FIU has not produced any strategic analysis products since 2011. • The FIU's operational independence and autonomy is negatively impacted by the functions given to the Supervisory Board under the legal framework.
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	C	<ul style="list-style-type: none"> • ---
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	LC	<ul style="list-style-type: none"> • No power to access LEA information. • Narrow dissemination to a limited number of LEAs.
ÁUSTRIA	PC	<ul style="list-style-type: none"> • The A-FIU conducts only basic operational analysis and does not conduct any strategic analysis. • The A-FIU is not in charge of analysing FT-related STRs.
CANADÁ	PC	<ul style="list-style-type: none"> • FINTRAC is not empowered to request further information to REs. • FINTRAC has a limited or incomplete access to some administrative information (e.g. fiscal information), • FINTRAC is not able to disseminate upon request information to some authorities (e.g. Environment Canada, Competition Bureau)
SUIÇA	C	<ul style="list-style-type: none"> • ---
EUA	C	<ul style="list-style-type: none"> • ---

Recomendação 30 - Responsabilidades das autoridades de aplicação da lei e das autoridades de investigação

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	• ---
NORUEGA	C	• ---
BÉLGICA	C	• ---
AUSTRÁLIA	LC	• In Queensland, ML prosecutions need to be authorized by the Attorney-General.
MALÁSIA	C	• ---
ITÁLIA	C	• ---
ÁUSTRIA	C	• ---
CANADÁ	C	• ---
SUIÇA	C	• ---
EUA	C	• ---

Recomendação 31 - Poderes das autoridades de aplicação da lei e das autoridades de investigação

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • Norway's mechanism to identify whether natural or legal persons hold or control accounts is limited as the register is only updated annually.
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	LC	<ul style="list-style-type: none"> • There is no mechanism in place to identify in a timely manner whether natural or legal persons own or control accounts.
MALÁSIA	C	<ul style="list-style-type: none"> • ---
ITÁLIA	C	<ul style="list-style-type: none"> • ---
ÁUSTRIA	LC	<ul style="list-style-type: none"> • There are still some steps that impede LE's ability to identify, in a timely manner, whether natural or legal persons hold or control accounts.
CANADÁ	LC	<ul style="list-style-type: none"> • No mechanism in place to timely identify whether a natural or legal person holds / controls accounts • No power to compel a witness to give statement in ML investigation • Only LEAs can ask for designated information from FINTRAC
SUIÇA	LC	<ul style="list-style-type: none"> • Without concrete evidence that a person has or controls an account with a financial institution, Switzerland does not have mechanisms to determine the existence of current accounts in a timely manner.
EUA	LC	<ul style="list-style-type: none"> • While there are mechanisms in places to identify account holders and their assets, there is no general mechanism to do so. S.314(a) is powerful tool but available in limited circumstances.

Recomendação 32 - Transportadores de fundos

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	C	<ul style="list-style-type: none"> • ---
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	LC	<ul style="list-style-type: none"> • Lack of either dissuasive or proportionate sanctions for cash couriers, inconsistent with overall risk and context.
MALÁSIA	LC	<ul style="list-style-type: none"> • Minor deficiency with the extent of cooperation between RMP and RMC to support implementation.
ITÁLIA	LC	<ul style="list-style-type: none"> • The administrative sanctions do not appear to be dissuasive.
ÁUSTRIA	LC	<ul style="list-style-type: none"> • Available sanctions for non or false declarations/disclosures do not seem dissuasive. • There is not a specific provision enabling the authorities to seize cash and BNI if there is a suspicion of a predicate offence, or if there is a false declaration or disclosure.
CANADÁ	LC	<ul style="list-style-type: none"> • Administrative sanctions are not proportionate, nor dissuasive. • It has not been established that a clear process was in place to analyse or investigate cross-border seizures. • Cross-border currency reports are not retained by CBSA and can only be exchanged with foreign Customs authorities through FIUs' international cooperation.
SUIÇA	LC	<ul style="list-style-type: none"> • The applicable fine in case of a false declaration or refusal to make a declaration does not appear to be either dissuasive or proportionate. • According to the law in effect at the time of the visit, information sharing between AFD and MROS did not fully meet the requirements of the criterion.
EUA	C	<ul style="list-style-type: none"> • ---

Recomendação 33 - Estatísticas

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	PC	<ul style="list-style-type: none"> Norway does not keep comprehensive and reliable statistics on matters relevant to the effectiveness and efficiency of their AML/CFT systems, particularly: <ol style="list-style-type: none"> ML investigations, prosecutions and convictions; Property frozen; seized and confiscated; and Mutual legal assistance, extradition and other international requests for co-operation made and received by LEAs and supervisors.
BÉLGICA	PC	<ul style="list-style-type: none"> The statistical tools relating to STRs and investigations are good, but those for ML and TF prosecution and convictions are not up-to date. The data on property seized and confiscated are fragmented and unreliable. Statistics on international judicial co-operation are almost non-existent, even though ML/TF risks in Belgium are often international in nature.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> Statistics crucial to tracking the overall effectiveness and efficiency of the system related to investigations, prosecutions, convictions, and property confiscated are not maintained nationally reflective of the wide range of agencies involved at the Federal and State and Territory levels.
MALÁSIA	C	<ul style="list-style-type: none"> ---
ITÁLIA	LC	<ul style="list-style-type: none"> No statistics related to MLTF MLA and extradition. Not sufficiently comprehensive statistics related to ML investigations, prosecutions and convictions.
ÁUSTRIA	PC	<ul style="list-style-type: none"> Collection of statistics on MLA began only in 2015. Statistics on property and asset seizures and confiscations are not maintained.
CANADÁ	C	<ul style="list-style-type: none"> ---
SUIÇA	PC	<ul style="list-style-type: none"> The data available on prosecutions, confiscation and international cooperation is incomplete. More generally, the statistics presented are not organised in a way that would allow for an assessment of the efficiency and effectiveness of AML/CFT measures.
EUA	LC	<ul style="list-style-type: none"> The U.S. does not maintain comprehensive statistics on the investigations, prosecutions and convictions related to the State ML offenses, or statistics on the property frozen, seized and confiscated at the State level.

Recomendação 34 - Orientações e retorno da informação

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	LC	<ul style="list-style-type: none"> • The FSA's guidance issued in 2009 is not sufficiently detailed in some areas to assist the implementation of the key building blocks of Norway's AML/CFT regime, including the application of the RBA and the detection of suspicious transactions. • The FSA is not pro-actively engaged in providing feedback to the reporting entities it supervises.
BÉLGICA	LC	<ul style="list-style-type: none"> • The competent authorities, particularly the CTIF, disseminate AML/CFT-related information and establish guidelines for entities subject to the obligations. However, no recent specific measures have been taken by FPS Finance, FPS Economy or the authorities that regulate a number of DNFBPs. • The supervisory authorities do not take part or take the initiative in providing sectoral feedback in relation to the implementation of reporting obligations, on the basis of observations made during their inspections. Such actions might help reporting entities detect and report suspicious transactions.
AUSTRÁLIA	LC	<ul style="list-style-type: none"> • None of the guidance applies to most DNFBPs. • Limited guidance available for identifying high risk customers or situations.
MALÁSIA	LC	<ul style="list-style-type: none"> • Gaps in detailed guidance and 'red flags' to support implementation of preventative measures and STR reporting.
ITÁLIA	LC	<ul style="list-style-type: none"> • There is need for more guidance to DNFBPs from the UIF on STRs and from the Bol on ML/TF risk.
ÁUSTRIA	LC	<ul style="list-style-type: none"> • It is unclear if guidance has been issued to other DNFBP sectors apart from casinos, lawyers and notaries. • The FMA and the A-FIU provide good overall feedback but no methodical feedback is provided on STRs.
CANADÁ	LC	<ul style="list-style-type: none"> • There is more specific guidance needed in certain sectors such as DNFBPs to ensure that they are aware of their AML/CFT obligations, the risks of ML/TF and ways to mitigate those risks. There is also further feedback required arising out of the submitting of STRs.
SUIÇA	LC	<ul style="list-style-type: none"> • The feedback available to those covered by the LBA legislation is insufficient, particularly in the non-financial sector.
EUA	LC	<ul style="list-style-type: none"> • Sectors not subject to the comprehensive AML/CFT requirements are only covered to some extent because of the limited application of the Form 8300 reporting guidance related to cash transactions. • There is a case to align guidance more to vulnerabilities in minimally covered DNFBP sectors.

Recomendação 35 - Sanções

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	PC	<ul style="list-style-type: none"> Sanctions applicable to reporting entities, including their directors and senior management, for failure to comply with AML/CFT obligations are not proportionate (insufficient range of sanctions) or dissuasive. For example, the FSA has no power to impose administrative fines. Criminal penalties for both natural and legal persons in the MLA (fines and imprisonment) can only be applied for breaches of a specific subset of MLA provisions which do not cover several of the essential requirements underpinning Norway's preventive AML/CFT regime, including ongoing monitoring, certain aspects of CDD (e.g. timing and reliance on third parties), corresponding banking relationships, tipping off and internal control requirements. The coercive fines for breaching an order to stop contravening the MLA are not dissuasive in the absence of any amounts. In any event, coercive fines cannot be applied to directors and senior managers.
BÉLGICA	LC	<ul style="list-style-type: none"> A fairly diverse range of sanctions can be applied, within the specific framework of AML/ CFT supervision or in the course of prudential supervision. However, when and how these sanctions can vary in scale and nature depending on relevant criteria could not be determined, making it difficult to assess proportionality. When sanctions are imposed on legal persons, their directors can also be sanctioned. For some DNFBPs, this means a disciplinary penalty is imposed on the director.
AUSTRÁLIA	PC	<ul style="list-style-type: none"> The only sanctions available for violation of AML/CFT obligations are civil and criminal penalties (fines and imprisonment) imposed by a court. The range of fines is sufficiently broad to be viewed as allowing proportionate and dissuasive sanctions. Sanctions do not apply to most DNFBPs. Sanctions do not extend to directors and senior management.
MALÁSIA	LC	<ul style="list-style-type: none"> Gaps in relation to sanctions for NPOs. Some administrative fines may not be dissuasive for certain preventive measures and registration of legal persons.
ITÁLIA	PC	<ul style="list-style-type: none"> The monetary sanctions which can be applied by BoI are relatively low and unlikely to be dissuasive. Financial sector supervisors cannot impose pecuniary administrative sanctions in excess of \$200,000. (Sanctions in excess of this amount can be applied by the MEF subject to notice by supervisors.) The BoI's administrative sanctions can only be applied to legal persons but not to an institution's Board of Directors or senior management, and it does not have the direct power to remove these persons from office. There is uncertainty on whether sanctions available under the CLB can be applied to banks supervised by the ECB.
ÁUSTRIA	C	<ul style="list-style-type: none"> ---
CANADÁ	LC	<ul style="list-style-type: none"> The maximum threshold of administrative sanctions raises doubts about the dissuasiveness of sanctions for serious violations or repeat offenders.
SUIÇA	PC	<ul style="list-style-type: none"> With the range of sanctions available, it is not possible to impose measured sanctions on those covered who have not met their obligations. The applicable sanctions are not proportionate.
EUA	LC	<ul style="list-style-type: none"> Scope issue: Not all investment advisers are covered, and DNFBPs (other than casinos and dealers in precious metals/stones) are only partly covered.

Recomendação 36 - Instrumentos internacionais

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> • ---
NORUEGA	C	<ul style="list-style-type: none"> • ---
BÉLGICA	C	<ul style="list-style-type: none"> • ---
AUSTRÁLIA	LC	<ul style="list-style-type: none"> • Deficiencies in the TF offence (i.e. the scope of terrorist acts in the TF Convention covered) affect the implementation of this convention.
MALÁSIA	LC	<ul style="list-style-type: none"> • Gaps in relevant recommendations prevent full compliance with R.36 (including R.3, R.4, R.11, R.28, R.37, R.39)
ITÁLIA	C	<ul style="list-style-type: none"> • ---
ÁUSTRIA	LC	<ul style="list-style-type: none"> • Austria has reinforced its compliance with the provisions of the Vienna and Palermo Conventions but there are some deficiencies with regard to self-laundering (c.f. Recommendation 3).
CANADÁ	C	<ul style="list-style-type: none"> • ---
SUIÇA	LC	<ul style="list-style-type: none"> • Minor deficiencies remain concerning the implementation of certain key articles of the relevant instruments.
EUA	LC	<ul style="list-style-type: none"> • The U.S has minor deficiencies in its implementation of the Vienna and Palermo conventions (see R.3).

Recomendação 37 - Auxílio judiciário mútuo

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> MLA requests made directly to or from authorities other than the MoJ are not monitored in a case management system. MLA requests made directly to or from authorities other than the MoJ are not monitored in a case management system.
BÉLGICA	LC	<ul style="list-style-type: none"> Belgium lacks clear procedures for prioritizing and executing requests for mutual legal assistance. Moreover, the current system of managing cases does not allow for follow-up or monitoring the execution of rogatory commissions.
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	LC	<ul style="list-style-type: none"> Dual criminality is a mandatory ground for refusal in non-coercive actions and mandatory dual criminality requirements may affect Malaysia providing assistance in ML cases where the predicate offence is illegal fishing or piracy of products (industrial designs). The ground for refusal regarding 'insufficient importance' is unreasonable or unduly restrictive. MACMA does not authorize the search of a person.
ITÁLIA	LC	<ul style="list-style-type: none"> There is no case management system in place to monitor progress on requests.
ÁUSTRIA	LC	<ul style="list-style-type: none"> There are some issues with the scope of coverage of self-laundering which affects the scope of MLA that Austria can grant (c.f. Recommendation 3).
CANADÁ	LC	<ul style="list-style-type: none"> The MLACMA does not allow for the interception of communications (either telephone or messaging) based solely on a foreign request, what hampers foreign investigations.
SUIÇA	LC	<ul style="list-style-type: none"> Minor deficiencies observed in relation to R. 3 (regarding possession of the proceeds of crime) and 5 may restrict the range of mutual assistance in cases where dual criminality is required. Depending on the nature of the request, the conditions for maintaining confidentiality may seem unduly restrictive.
EUA	LC	<ul style="list-style-type: none"> Where dual criminality applies, the minor shortcomings noted in R.3 may be a barrier to granting MLA request. The interception of communications can only be undertaken as part of a U.S. investigation. The OIA case management does not currently allow the monitoring of the time taken to incoming and outgoing requests.

Recomendação 38 - Auxílio judiciário mútuo: congelamento e perda

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> In cases of requests that are not made under the Vienna, Merida or Strasbourg Convention, Norway must start its own confiscation proceedings, which could delay action. It has not been shown that NCB confiscation orders and related measures can be enforced in Norway. There are no mechanisms to manage seized and confiscated property. In cases of requests that are not made under the Vienna, Merida or Strasbourg Convention, Norway must start its own confiscation proceedings, which could delay action. It has not been shown that NCB confiscation orders and related measures can be enforced in Norway. There are no mechanisms to manage seized and confiscated property.
BÉLGICA	LC	<ul style="list-style-type: none"> The expeditious nature of measures taken in response to identification and confiscation requests could not be established (see R 37).
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	LC	<ul style="list-style-type: none"> It is not clear that Malaysia is able to comprehensively cooperate under MACMA for restraint /confiscation of instrumentalities and in non-conviction based matters, however in most circumstances a treaty, AMLA or DDFOPA provide for this. The concerns regarding dual criminality in R.37 also apply to R.38. Asset management guidelines are not comprehensive for MLA.
ITÁLIA	LC	<ul style="list-style-type: none"> There are no arrangements for coordinating seizure and confiscation actions with other countries.
ÁUSTRIA	LC	<ul style="list-style-type: none"> There is a lack of systemic way to manage and dispose seized or confiscated assets.
CANADÁ	LC	<ul style="list-style-type: none"> Canada cannot respond to requests for the seizure and confiscation of property of corresponding value.
SUIÇA	LC	<ul style="list-style-type: none"> Compliance with R.38 is limited by the minor deficiency observed as part of R. 4. The dual criminality condition, in conjunction with the minor deficiencies observed with regard to R. 3 and R. 5, may limit the scope of mutual assistance in the case of a freezing or confiscation request relating to certain ML/FT offences.
EUA	LC	<ul style="list-style-type: none"> In the context of dual criminality requirements, the gaps identified under R.3 may be a barrier to providing freezing and confiscation assistance, particularly when the predicate offense is not covered in the U.S.

Recomendação 39 - Extradução

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	LC	<ul style="list-style-type: none"> Because Spain has not criminalised the financing of an individual terrorist (who is not part of a terrorist organisation/group) for purposes unrelated to the commission of a terrorist act, extradition to non-EU countries would not be possible in such cases because the dual criminality requirement cannot be met.
NORUEGA	LC	<ul style="list-style-type: none"> Extradition requests made directly to or from authorities other than the MoJ are not monitored in a case management system.
BÉLGICA	LC	<ul style="list-style-type: none"> Because there is no tool for managing requests, extradition requests cannot be ranked according to priority. Moreover, as the procedures for extraditions outside the EU are complex and unwieldy, extraditions without delay cannot be guaranteed. When Belgium does not extradite its nationals based solely on their Belgian nationality, it is not guaranteed that these persons will be prosecuted.
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	LC	<ul style="list-style-type: none"> Deficiencies with respect to dual criminality (where the predicate offence is missing) and prosecution in lieu.
ITÁLIA	C	<ul style="list-style-type: none"> ---
ÁUSTRIA	C	<ul style="list-style-type: none"> ---
CANADÁ	C	<ul style="list-style-type: none"> ---
SUIÇA	LC	<ul style="list-style-type: none"> Certain minor deficiencies relating to ML/FT offences may impact the scope of extradition measures. The option of providing an alibi in response to an extradition request is an exception to the general principle whereby the merits should be decided on by the requesting State.
EUA	LC	<ul style="list-style-type: none"> The U.S. does not have multiple bilateral extradition treaties explicitly listing ML/TF as extraditable offenses.

Recomendação 40 - Outras formas de cooperação internacional

País	Rating	Fatores subjacentes ao Rating
ESPAÑA	C	<ul style="list-style-type: none"> ---
NORUEGA	LC	<ul style="list-style-type: none"> Customs authorities do not have secure gateways for the transmission and execution of requests.
BÉLGICA	LC	<ul style="list-style-type: none"> Two of the supervisors (FPS Economy and FPS Finance) are not able to cooperate with foreign authorities with comparable responsibilities. Belgium does not have an organized system for the exchange of information between non counterparts.
AUSTRÁLIA	C	<ul style="list-style-type: none"> ---
MALÁSIA	LC	<ul style="list-style-type: none"> The LFSA has some minor limitations with sharing information related to supervisory materials outside an investigation or in cases not involving a home supervisor or those supervisors who are party to an existing MOU
ITÁLIA	LC	<ul style="list-style-type: none"> UIF does not have explicit powers to share information related to the predicate offenses.
ÁUSTRIA	LC	<ul style="list-style-type: none"> There is a lack of information on DNFBPs and their supervisors.
CANADÁ	LC	<ul style="list-style-type: none"> The impediments raised in R.29 for FINTRAC, notably the fact that the FIU is not empowered to request further information from REs and the fact that some RE are not requested to fulfil STRs, impacts negatively the international cooperation with its counterparts. LEAs are not able to use a large range of powers and investigative techniques to conduct inquiries and obtain information on behalf of foreign counterparts.
SUIÇA	PC	<ul style="list-style-type: none"> Application of the “customer procedure” may delay the international cooperation granted by FINMA. MROS does not have the authority to request information from a financial intermediary on behalf of a foreign counterpart if there is no link with an STR sent to MROS by a Swiss financial intermediary. The conditions for supervising foreign groups with entities in Switzerland are insufficient to ensure effective supervision of these groups.
EUA	C	<ul style="list-style-type: none"> ---