



Anti-money laundering and counter-terrorist financing measures

Côte d'Ivoire

1st Enhanced Follow-up Report & Technical Compliance Re-Rating

Follow-up Report



May 2024



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

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Republic of Côte d'Ivoire: 1st Enhanced Follow-up Report

I OBJECTIVE

1. In line with the Mutual Evaluation Process and Procedures (revised in 2020) applicable to the second round of GIABA mutual evaluations, this report presents the analysis of Cote d'Ivoire's 1st Follow-Up Report (FUR) carried out by the Reviewers with the support of the GIABA Secretariat.

II INTRODUCTION

2. The GIABA Plenary adopted the Mutual Evaluation Report (MER) for the Republic of Côte d'Ivoire in May/June 2023. This Follow up Report (FUR) analyzes the progress made by Côte d'Ivoire in meeting the Technical Compliance requirements of the Recommendations earmarked for re-rating. New Technical Compliance ratings are awarded where it is demonstrated that sufficient progress has been made.

3. This report does not analyze the progress made by Côte d'Ivoire to improve its effectiveness

4. The assessment of Cote d'Ivoire's request for re-rating of Technical Compliance and the drafting of this report were carried out by the following Expert Reviewers:

- a) *Mr. Cyprien Dabiré , Magistrate, Secretary General of the Court of Auditors of Burkina Faso; and*
- b) *Mr. Ait -Ahmed Djalim, Executive of the Central Bank and Secretary General of the Financial Intelligence Unit of the Comoros*

5. The Experts were assisted by Mr. Jean Abossuwè Anade and Ms. Gina Wood from the GIABA Secretariat.

6. Section III of this report summarizes the progress made in improving Technical Compliance. Section IV includes the conclusion and a table illustrating Côte d' Ivoire's current Technical Compliance ratings.

III CONCLUSIONS OF THE MUTUAL EVALUATION REPORT

7. The Table below provides a summary of the Technical Compliance ratings awarded to Côte d'Ivoire following the adoption of its MER.

Table 1: Côte d'Ivoire's TC Rating on the Adoption of the MER (June 2023)

Recommendation	Rating	Recommendation	Rating
1.	PC (2023 MER)	21.	LC (2023 MER)
2.	PC (2023 MER)	22.	PC (2023 MER)
3.	LC (2023 MER)	23.	PC (2023 MER)
4.	PC (2023 MER)	24.	PC (2023 MER)
5.	PC (2023 MER)	25.	NC (2023 MER)

6.	NC (2023 MER)	26.	PC (2023 MER)
7.	NC (2023 MER)	27.	PC (2023 MER)
8.	NC (2023 MER)	28.	NC (2023 MER)
9.	LC (2023 MER)	29.	LC (2023 MER)
10.	PC (2023 MER)	30.	C (2023 MER)
11.	PC (2023 MER)	31.	LC (2023 MER)
12.	PC (2023 MER)	32.	PC (MER2023)
13.	LC (2023 MER)	33.	PC (2023 MER)
14.	PC (2023 MER)	34.	PC (2023 MER)
15.	NC (2023 MER)	35.	PC (MER2023)
16.	PC (2023 MER)	36.	PC (2023 MER)
17.	NC (2023 MER)	37.	LC (2023 MER)
18.	PC (2023 MER)	38.	PC (2023 MER)
19.	PC (2023 MER)	39.	LC (2023 MER)
20.	PC (2023 MER)	40.	PC (2023 MER)

8. Based on the outcomes of the MER, Côte d'Ivoire was placed on the enhanced follow-up regime.

IV OVERVIEW OF PROGRESS MADE TO IMPROVE TECHNICAL COMPLIANCE

9. In line with the GIABA Mutual Evaluation Process and Procedures, this FUR takes on board the progress made by Côte d'Ivoire up to 24th December 2023. Under the current GIABA Mutual Evaluation Process and Procedures and the FATF Methodology, the analysis undertaken by the Reviewers has considered the progress made in resolving the deficiencies identified in the MER. The analysis covers the entirety (all criteria) of each Recommendation subject to re-rating. The analysis is less detailed where the legal, institutional or operational framework is still unchanged since the MER was adopted and there have been no changes to the FATF Standards or their interpretation.

10. This section provides a summary of the progress made by Côte d'Ivoire to improve its Technical Compliance by addressing the relevant deficiencies identified in its MER.

4.1 Progress made in addressing the Technical Compliance gaps identified in the MER

11. The main change in Côte d'Ivoire since the adoption of the MER in June 2023 is the adoption of Order n°2023-875 of November 23, 2023 relating to AML/CFT/FP (the "AML/CFT/FP Order"). AML/CFT/FP Order repeals and replaces Law n°2016-992 of November 14, 2016, and transposes the new AML/CFT uniform law of the West African Economic and Monetary Union (UEMOA) into the Ivorian legal framework. It was issued in accordance with the country's constitutional rules and was duly published in the Official Gazette of the Republic of Côte d'Ivoire and executed as a State law (Article 207 of the AML/CFT Order). This Order, which has the force of law, has taken over the achievements of Law 2016-992 and addressed most of the deficiencies identified by MER 2023 in Côte d'Ivoire's AML/CFT system, significantly

improving the country's technical compliance with FATF standards. Under the AML/CFT/FP Order, Côte d'Ivoire has made progress in bridging the Technical Compliance gaps identified in the MER regarding Recommendations 10, 11, 12, 16, 18, 19, 20, 22 and 23. Consequently, these Recommendations have been re-rated.

Recommendation 10 - (initially rated PC)

12. In the 2nd MER, Côte d'Ivoire was rated PC on Recommendation 10. The deficiencies identified included the following: Exemptions from the obligation to identify and verify the identity of the permanent customer provided for with regard to online payments; lack of obligation for FIs to understand the purpose and intended nature of the business relationship; inadequacy of due diligence measures required for legal persons, particularly identification requirements limited to partners and corporate officers and not extended to all relevant persons occupying management positions in the legal structure; unsatisfactory provisions for identifying BOs in the event of doubt or lack of identification; lack of customer due diligence (CDD) for legal persons; non-compliance with due diligence requirements for beneficiaries of life insurance policies; inadequate risk-based approach and enhanced or simplified due diligence requirements. The adoption of the AML/CFT/FP Order has enabled Côte d'Ivoire to address most of these deficiencies. The principle of customer due diligence is well established by the AML/CFT/PF Order, which is a legal instrument implemented as a law of the State.

13. **Criterion 10.1 [Met]** FIs are prohibited from opening anonymous accounts or accounts under fictitious names (article 20, para. 2 of AML/CFT/P Order).

14. **Criterion 10.2 [Met]** FIs are compelled to take certain due diligence measures with their customers when they establish business relationships (article 16, para. 1 of AML/CFT/P Order); they carry out occasional transactions with either an individual amount or, if related transactions are involved, a cumulative amount of more than 9 million XOF (approx. EUR 14,000) (article 16, para. 1 and article 17 of AML/CFT/P Order); transferring funds at the national or international level (article 16 and article 17 para.1f of AML/CFT/P Order); there is suspicion of ML and TF, or when the origin of funds is unknown for occasional customers (article 16 and article 17 para.1g of AML/CFT/P Order); they have suspicions as to the accuracy or relevancy of previously obtained customer identification data ((article 16, para.2 of AML/CFT/P Order).

15. **Criterion 10.3 [Mostly Met]** Financial institutions (FIs) are required to identify their customers, whether permanent or occasional, and whether it is a natural or legal person or a legal arrangement, and to verify their identity through independent and reliable documents, sources, data or information (Art.17 Par.1 of AML/CFT/P Order). However, exemptions from the obligation to identify and verify the identity of the permanent customer are provided for online payments whose funds originate from and are destined for an account opened in Côte d'Ivoire or in a country considered as a State imposing equivalent AML/CFT obligations by article 86 of the Order. This provision does not allow FIs to identify all customers, therefore it is inconsistent with the FATF standards as criterion 10.3 does not involve exemption from CDD measures.

16. **Criterion 10.4 [Partly Met]** FIs are required to verify that any person purporting to act on behalf of the customer is so authorised (article 17 para.1j) of AML/CFT/P

Order). However, this provision does not require FIs to identify and verify the identity of the person claiming to act for the customer.

17. **Criterion 10.5 [Met]** FIs are required to identify the beneficial owner and verify his identity using independent and reliable documents, sources, data or information (article 17 para.1 of AML/CFT/P Order).

18. **Criterion 10.6 [Met]** FIs are required to collect and analyze the information needed to understand their customer as well as the purpose and nature of the business relationship (Art. 16.c of AML/CFT/P Order).

19. **Criterion 10.7a [Met]** FIs are required to conduct ongoing due diligence on the business relationship, including scrutinising transactions undertaken throughout the course of that relationship to ensure that the transactions being conducted are consistent with the financial institution's knowledge of the customer, their business and risk profile, including where necessary, the source of funds (article 20 para.1 of AML/CFT/P order).

20. **Criterion 10.7b [Partly Met]** Throughout the duration of the business relationship, FIs must collect, update, and analyse elements of information, among those appearing on the list drawn up for this purpose by the supervisory authority, which promote appropriate knowledge of their customer. The collection and storage of this information must be undertaken in line with the objectives of the ML/TF risk assessment and supervision based on this risk. (article 19 of AML/CFT/P order). However, the list of information to collect as provided for by this provision has not been defined by the supervisory authority.

21. **Criterion 1 0.8 [Met]** FIs are required to understand the nature of activity as well as the ownership structure and control of their customers who are legal persons or legal arrangements (article 26 of AML/CFT/P Order).

22. **Criterion 10.9 [Met]** FIs are required to identify and verify the identity of customers that are legal persons or legal arrangements by obtaining the following information: a) the name, legal form and constitutive texts; b) the identity and powers of the partners and corporate managers of the legal persons and the agent of the legal arrangements as well as the names of the relevant persons occupying management positions within the legal person or legal arrangement or who have a power of control over it; (c) the address of its head office and its main centre of transactions, if different from that of the head office (article 26 para.1 of AML/CFT/P Order).

23. **Criterion 10.10 [Met]** FIs are required, with regard to customers who are legal persons, to identify and take reasonable measures to verify the identity of the beneficial owners by obtaining the following information: a) the identity of the natural person(s) who ultimately hold a controlling interest in the legal person; b) the identity of the natural person(s) exercising control of the legal person by other means, where: i. there are doubts following the verification provided for in point a), as to whether the persons with a controlling interest are the beneficial owners; ii. no natural person exercises control over the legal entity through participation; (c) the identity of the relevant natural person occupying the position of Managing Director, where no natural

person is identified during the implementation of the requirements outlined in points (a) or (b) (article 26 para.2 of AML/CFT/P Order).

24. **Criterion 10.11 [Met]** FIs are required, with regard to customers who are legal arrangements, to identify the beneficial owners and take reasonable measures to verify the identity of the latter by means of the following information: (a) for trusts, the identity of the settlor of the trust, the trustee(s), the protector, the Beneficiaries or the class of beneficiaries and any other natural person last exercising effective control over the trust, including through a chain of control or ownership; b) for other types of legal arrangements, the identity of persons occupying positions equivalent or similar to those listed in point a) (article 26 para.3 of AML/CFT/P Order).

25. **Criterion 10.12 [Met]** FIs are required to implement the following due diligence measures with regard to beneficiaries of life insurance contracts and other investment products associated with insurance, as soon as these beneficiaries are identified or designated: a) note the name of the beneficiaries, in the case where they are natural or legal persons or legal arrangements named by name; (b) obtain sufficient information on the Beneficiaries so that the FI has the assurance that it can establish their identity at the time of payment of benefits in cases where the beneficiaries are designated by characteristics, categories or other means; c) in the cases referred to in points a) and b) above, verification of the identity of the beneficiaries must take place at the time of payment of benefits(article 28 para.1 of AML/CFT/P Order).

26. **Criterion 10.13 [Met]** FIs are required to treat the Beneficiary of the life insurance policy as a relevant risk factor, where determining whether due diligence measures enhanced are applicable. If they establish that the Beneficiary who is a legal person or legal arrangement presents a higher risk, then the enhanced due diligence measures they take must include reasonable measures to identify and verify the identity of the Beneficial owner at the time of payment of the funds (article 28 para.2 of AML/CFT/P Order).

27. **Criterion 10.14 [Met]** FIs may complete the verification after the establishment of the business relationship provided that: a) this occurs as soon as possible and at the latest before the completion of the first transaction; b) it is essential so as not to interrupt the normal course of business; c) the risks of money laundering, terrorist financing and proliferation (ML/TF/PF) are effectively managed (Article 18, para.2 of AML/CFT/P Order).

28. **Criterion 10.15 [Met]** FIs are required to adopt risk management procedures regarding the conditions under which a customer could benefit from the business relationship before verification (article 18 para.3 of AML/CFT/P Order).

29. **Criterion 10.16 [Mostly Met]** Where FIs have good reason to believe that the information previously obtained during the implementation of CDD obligations are no more accurate or relevant, they will update them as quickly as possible. These provisions are to be understood as including the case of existing customers on the date of entry into force of the new national provisions (article 16 para.2 of AML/CFT/P Order). This requirement is implemented on the basis of materiality and risk (article 6 of AML/CFT/P Order). Although the risk-based approach requires, among other things,

that existing customer files be updated in line with the due diligence measures enacted by a new law, the provisions of article 16 do not allow this to be done systematically.

30. **Criterion 10.17 [Met]** FIs are required to implement enhanced due diligence measures where the risk of ML/TF is higher (article 84 para.1 of AML/CFT/P Order).

31. **Criterion 10.18 [Met]** FIs are authorised to apply simplified due diligence measures where the ML/TF risk is identified as lower, through an analysis of risks carried out by them or by the competent authorities. Simplified due diligence measures must be adapted to lower risk factors. Simplified due diligence measures must be enhanced where there is a suspicion of ML/TF/PF or in specific cases of higher risks (Article 84, para.2 & 3 of AML/CFT/P Order).

32. **Criterion 10.19 [Mostly Met]** Where the FI cannot comply with the obligations on due diligence measures, it shall implement the following measures: a) avoid opening the account where it involves entering into a business relationship; b) refuse to carry out the transaction where it is a one-off transaction; c) terminate the business relationship where it concerns a customer with an account. In all cases, the FIs must file a suspicious transaction report (STR) concerning the customer (article 25 para.1 & 2 of AML/CFT/P Order). However, this obligation to systematically report suspicious transactions ignores the flexibility given to FIs to judge the appropriateness of such a report.

33. **Criterion 10.20 [Met]** FIs may refrain from implementing due diligence obligations where they suspect that a transaction relates to ML/TF/PF and can reasonably believe that in fulfilling their duty of due diligence, they would alert the customer. In this case, they shall file an STR to the FIU (Article 25, para.3 of AML/CFT/P Order).

Weighting and conclusion

34. The adoption of AML/CFT/FP Order enabled Cote d'Ivoire to largely meet the requirements of the standards on customer due diligence. However, there are outstanding minor gaps. FIs are not required to identify and verify the identity of the person claiming to act for the customer. The list of information to be collected by FIs under CDD process has not been defined by the supervisory authority. Exemptions from the obligation to identify and verify the identity of the permanent customer are provided for online payments whose funds originate from and are destined for an account opened in Côte d'Ivoire or in a country considered as a State imposing equivalent AML/CFT obligations by article 86 of the AML/CFT Order. The provisions of the AML/CFT/PF Order do not allow for the systematic reconsideration of the case of existing customers when new national provisions providing for more stringent due diligence measures come into force. No flexibility is left to FIs to judge the appropriateness of a STR when they are unable to implement the due diligence measures.

35. **On this basis, Recommendation 10 is re-rated LC.**

Recommendation 11- (initially rated PC)

36. In the MER, Côte d'Ivoire was rated PC on Recommendation 11 due to the following deficiencies: record-keeping obligations were limited to the identity of customers and not extended to all information obtained within the framework of the due diligence process nor to the BO and agents designated by the customer; the information that could be made available to the competent authorities was restricted. The adoption of the AML/CFT/FP Order has enabled Côte d'Ivoire to address these deficiencies. The principle of record keeping is well established by the AML/CFT/PF Order, which is a legal instrument implemented as a law of the State.

37. **Criterion 11.1 [Met]** FIs must keep, without prejudice to provisions prescribing more binding obligations, for a period of ten years after the execution of a transaction, records and documents pertaining to the performed transactions (article 23 of AML/CFT/P Order). Records keeping obligation covers both domestic and international transactions, insofar as the aforementioned provision makes no distinction between these transactions.

38. **Criterion 11.2 [Met]** FIs are required to keep for a period of 10 years all information and documents obtained as part of CDD measures, account books and commercial correspondence, as well as the outcomes of any analysis carried out from the end of the business relationship or the date of the occasional transaction (Art. 23, 40 and 79 of AML/CFT/P Order). This information and record-keeping obligation has been extended to BOs and all agents designated by the customer (Art. 13.e, 26 par.1b, 78 and 79 of AML/CFT Order).

39. **Criterion 11.3 [Met]** FIs are required to ensure that the documents and documents they hold allow the reconstruction of individual transactions to provide, where necessary, evidence during prosecution on criminal activity (Art. 23 par. 3 and Art. 24 of AML/CFT/P Order).

40. **Criterion 11.4 [Met]** FIs are required to ensure that all CDD information and transaction records are available swiftly to domestic competent authorities upon appropriate authority (Articles 23, 24 and 40 of AML/CFT/P Order). FIs have the obligation to communicate these documents within the deadlines set by the competent authority in its request, therefore as quickly as the competent authority wants (Art.103 par.1 and 109 of AML/CFT/P Order).

Weighting and Conclusion

41. The adoption of AML/CFT/P Order enabled Cote d'Ivoire to meet the requirements of the Standards on record-keeping. All gaps identified in the MER under Recommendation 11 have been addressed.

42. **On this basis, Recommendation 11 is re-rated C.**

Recommendation 12 - (initially rated PC)

43. In the MER, Côte d'Ivoire was rated PC on Recommendation 12 due to the following deficiencies: the Law was limited to requiring authorization "from an appropriate level of hierarchy before establishing a business relationship with such customers" and not that of senior management; the definitions of national politically

exposed person (PEPs) and international organization PEPs do not cover their family members or persons known to be closely associated with them; people who had not held a significant public position for a period of at least one year were not considered as PEPs (excluding the insurance sector). The adoption of the AML/CFT/FP Order has enabled to consolidate the achievements of the previous law and to address most of these deficiencies. Indeed, for all the criteria below, the definition of PEPs is in line with that of the FATF Glossary (article 2.50 of the AML/CFT/PF Order). Henceforth, in accordance with article 29 of the Order, the handling of a client who is no longer entrusted with a prominent public function is based on an assessment of risk and not on prescribed time limits.

44. **Criterion 12.1 [Mostly Met]** FIs are required, when they establish business relationships or when they carry out transactions with or on behalf of foreign PEPs, to: (a) establish risk management systems to determine whether the customer or beneficial owner is a PEP; (b) obtain approval from senior management before establishing such business relationships. However, FIs are not required to obtain this authorization before continuing a business relationship with an existing customer who becomes a PEP; (c) take reasonable steps to establish the source of wealth and source of funds of customers and beneficial owners identified as PEPs; and (d) ensure enhanced continuous monitoring regarding the business relationship (Art. 2.50 a) and 29 par.1 of AML/CFT/P Order).

45. **Criterion 12.2 [Mostly Met]** FIs are required, where they establish business relationships or where they carry out transactions with or on behalf of national PPEs or persons who exercise or have held an important position in or on behalf of an international organization, to: (a) take reasonable steps to determine whether the customer or beneficial owner is such a person; and (b) apply the measures provided for in criteria 12.1 (b) to (d) where business relationships with such persons present a higher risk (Art. 2.50 b) and c) and 29 par.1 of AML/CFT/P Order). However, FIs are not required to obtain authorization from senior management before continuing a business relationship with an existing customer who becomes a PEP (see the analysis of Criterion 12.1.b).

46. **Criterion 12.3 [Mostly Met]** FIs are required, when establishing business relationships or when carrying out transactions with or on behalf of family members of foreign PEPs, nationals or persons who exercise or have exercised an important position within or on behalf of an international organization and to persons closely associated with them, to apply the relevant obligations of criteria 12.1 and 12.2 (art. 2.50 and art. 29 of AML/CFT/P Order) to them. The deficiencies identified in criteria 12.1 and 12.2 are applicable here.

47. **Criterion 12.4 [Mostly Met]** FIs are required, with regard to life insurance policies, to take reasonable measures to determine the beneficial ownership of an insurance policy is a PEP. This determination must be made at the latest at the time of pay-out. Where higher risks are identified, they are required to obtain authorization from their senior management before payment of policy proceeds, to carry out an enhanced review of the entire business relationship with the policy holder. They are required to file an STR to the FIU in case of suspicion (Art. 29 par.2 of AML/CFT/P Order). However, the expression “beneficial ownership of an insurance policy” used

by the Order is restrictive and apparently fails to cover both the beneficiaries of the policy and the beneficial owner of the beneficiary of the policy.

Weighting and conclusion

48. The adoption of AML/CFT/P Order enabled Cote d'Ivoire to largely meet the requirements of the standards on politically exposed persons. However, minor residual gaps remain. FIs are not required to obtain senior management approval before continuing a business relationship with an existing customer who becomes a PEP. With regard to life insurance, FIs are not required to apply the PEP requirements to the beneficiaries of the policy and the beneficial owner of the beneficiary of the policy.

49. **On this basis, Recommendation 12 is re-rated LC.**

Recommendation 16 - (initially rated PC)

50. In the 2023 MER, Côte d'Ivoire was rated PC because there was no provision indicating that the originator's FI should not be authorized to execute wire transfers if they are not in compliance. Furthermore, the AML/CFT Law did not require FIs to have risk-based policies and procedures to implement these obligations. There was no explicit requirement for beneficiary FIs to take reasonable steps to detect cross-border wire transfers that are missing the required originator or beneficiary information. There was no provision requiring the beneficiary's FI to verify, in the case of cross-border transfers of an amount higher than or equal to USD/EUR 1,000, the identity of the beneficiary who had not been previously identified.

51. **Criterion 16.1 [Met]** Cross-border wire transfers must include the information required by this criterion, both for the originator and the beneficiary (article 39 of AML/CFT/P Order).

52. **Criterion 16.2 [Met]** Requirements on the collection, verification and accuracy of the information required from the originator and the beneficiary apply where several wire transfers, emanating from the same principal, are transmitted in batches to the beneficiaries. The batch file must contain the required and accurate information on the originator and complete information on the beneficiary. The route of information on the originator and the beneficiary must be able to be entirely traceable by the FI of the beneficiary in the receiving country. FIs are required to include the originator's account number or unique transaction reference number (article 39 of AML/CFT/P Order).

53. **Criteria 16.3 and 16.4 [Not Applicable]** Côte d'Ivoire does not apply any minimum threshold. The measures provided for under Article 39 of Order No. 2023-875 are applicable to all wire transfers.

54. **Criterion 16.5 [Met]** Domestic transfers must contain the same information on the originator within the conditions specified by criterion c.16.1 (article 39 of AML/CFT/P Order).

55. **Criterion 16.6 [Mostly Met]** FI of the Ordering party may accompany the transfer only with the account number or a unique reference number of operation, where the following conditions are met: a) the information referred to in the first and

second paragraphs of this Article (required and accurate information from the originator and information required from the beneficiary), which must accompany the wire transfer, may be made available from the beneficiary's Fland relevant authorities by other means; b) the account number or the unique reference number files it possible to reconstruct the route of the operation to the originator or beneficiary (article 39 of AML/CFT/P Order). Article 40 paragraph 2 of the same Order requires the provision of this information by the FI of the Ordering party, within three working days following receipt of the request from the FI of the beneficiary. In addition, the FIU is empowered to request that the records, in application of the provisions of Article 23 (keeping and disclosure of documents on identity, customer transactions, etc.) are communicated to it, whatever the medium used for their keeping, and within the deadlines it sets (article 103 of AML/CFT/P Order). Law Enforcement Authorities have the power to compel FIs to immediately produce such information (article 64, criminal justice code). However, there is no provision for the FI to make this information available to the appropriate competent authorities, particularly CENTIF, within three working days of receiving the request.

56. **Criterion 16.7 [Met]** The ordering FI is required to maintain all originator and beneficiary information collected, in accordance with Recommendation 11 (article 40 of AML/CFT/P Order).

57. **Criterion 16.8 [Met]** For failure to have the information provided for under Article 39 (obligations to collect, verify and transmit the required information) as required by criteria 16.1 to 16.7, the FI of the originator must refrain from executing the transfer (article 42 of AML/CFT/P Order).

58. **Criterion 16.9 [Met]** FIs acting as intermediaries during cross-border wire transfers (intercommunity and international within the meaning of Article 39) shall ensure that the latter are accompanied by all information on the originator and the beneficiary (article 43 and 39 of AML/CFT/P Order).

59. **Criterion 16.10 [Met]** Where technical limits prevent the information referred to under Article 39 (obligation to collect, verify, transmit information required) on the originator or the beneficiary, contained in a cross-border wire transfer, are transmitted with the corresponding wire transfer, the intermediary FI is required to keep under the conditions provided for in Article 23 (record-keeping for a period of 10 years), information received from the Ordering FI or another intermediary FI (article 44 of AML/CFT/P Order).

60. **Criterion 16.11 [Met]** Intermediary FIs are required to take reasonable measures, consistent with end-to-end processing, to identify cross-border wire transfers (intercommunity and international within the meaning of Article 39) for which information is missing referred to under Article 39, on the originator or beneficiary (article 45 of AML/CFT/P Order).

61. **Criterion 16.12 [Met]** Intermediary FIs are required to have formalized risk-based policies and procedures to decide: a) whether to execute, reject or suspend wire transfers which do not include the information referred to under Article 39 on the originator or beneficiary; b) appropriate follow-up actions (article 43 of AML/CFT/P Order).

62. **Criterion 16.13 [Met]** The beneficiary's FI takes reasonable measures, which may include a posteriori monitoring or real-time monitoring where possible, to detect wire transfers for which the information referred to under Article 39 on the originator or the beneficiary is missing (article 46 para.2 of AML/CFT/P Order).

63. **Criterion 16.14 [Met]** The FI of the beneficiary verifies the identity of the beneficiary where this has not been done previously and keeps this information under the conditions provided for under Article 23 on the keeping of records and documents for a period of 10 years in accordance with Recommendation 11 (article 46 Para.2 of AML/CFT/P Order).

64. **Criterion 16.15 [Met]** Requirements outlined under Article 43 (see analysis of Criterion 16.12) are applicable to the beneficiary's financial institution (article 47 of AML/CFT/P Order).

65. **Criterion 16.16 [Met]** MVTS providers are required to comply with all of the relevant requirements of R.16 in the countries in which they operate, directly or through their agents (article 34 of AML/CFT/P Order).

66. **Criterion 16.17 [Partly Met]** Where a money transfer service provider controls both the placing of an Order and the receipt of a wire transfer, he must: a) take into account all information emanating from the originator and the beneficiary in Order to determine whether a suspicious transaction report must be made; b) file a suspicious transaction report to the FIU, where applicable (article 34 para.2 of AML/CFT/P). However, there is no provision requiring them to file STRs in all countries affected by the suspicious wire transfer as required by Criterion 16.17(b).

67. **Criterion 16.18 [Partly Met]** The measures referred to under Articles 89 to 92 and Articles 175 to 181, on the freezing and the prohibition of carrying out transactions with persons and entities designated in line with the obligations established under United Nations Security Council Resolutions are applicable to wire transfers (article 41 of AML/CFT/P Order). According to Article 89 cited, it is strictly prohibited for reporting entities to file, directly or indirectly, any assets and funds subject to the freezing measure available to natural or legal persons, entities or organizations designated in the lists referred to under article 124, persons or entities controlled by them or acting on their behalf or on their directives as well as any other natural or legal person. However, the freezing obligation still does not extend to funds or other property of persons and entities acting on behalf of or on the directives of the designated persons or entities as required by Criterion 6.5.b.iv).

Weighting and conclusion

68. The AML/CFT/P Order enabled Cote d'Ivoire to largely address the gaps on wire transfers. However, there are outstanding deficiencies such as the lack of obligation, where a fund or value transfer service provider controls both the placing of an Order and the receipt of any wire transfer, to file a STR in all countries affected by the suspicious wire transfer, where applicable. The ordering party's FI is not required to provide a wire transfer information to the appropriate competent authorities, particularly CENTIF, within three working days of receiving the request. Also, during

the processing of wire transfers, the freezing obligation does not extend to funds or other property of persons and entities acting on behalf of or on the directives of the designated persons or entities.

69. **On this basis, Recommendation 16 is re-rated LC.**

Recommendation 18 - (initially rated PC)

70. In the 2023 MER, Côte d'Ivoire was rated PC because FIs were not required to implement selection procedures guaranteeing the recruitment of employees based on requisite credentials. Furthermore, it is not specified that the policies and procedures that FIs must implement at the level of their branches and subsidiaries must be adapted to these branches and subsidiaries. Branches and subsidiaries that are part of a group were not required to make available customer, account and transaction information where necessary for AML/CFT purposes, compliance positions, audit, and/or AML/CFT at group level.

71. **Criterion 18.1a [Met]** FIs are required to develop and implement harmonized ML/TF prevention programs, which take into account ML/TF risks and the size of the business they are required to have in place an internal controls system to ensure compliance, observance, and effectiveness of the measures adopted in view of the implementation of the AML/CFT Law, as well as the appointment of a compliance officer at the management level, in charge of applying the AML/CFT system (article 12 of AML/CFT/P Order).

72. **Criterion 18.1b [Met]** FIs apply selection procedures guaranteeing the recruitment of their staff based on requisite credentials considering their money laundering and terrorist financing risk profile (article 13 para.g of AML/CFT/P Order).

73. **Criterion 18.1c [Met]** FIs are required to develop and implement ML/TF prevention programs which include an ongoing employee training programme, in order to help them identify transactions and behaviours likely linked to ML/TF (article 12 para.1i of AML/CFT/P Order).

74. **Criterion 18.1d [Met]** FIs must implement an internal controls system to verify compliance, observance, and effectiveness of measures taken in application of the AML/CFT law. Internal controls are implemented by an independent audit function (article 13 para.1d of AML/CFT/P Order).

75. **Criterion 18.2 [Met]** Financial groups are required to implement group-wide programmes against ML/TF. These programmes are adapted to all the entities making up the group. These programs include: a) policies and procedures for sharing the information required for the purposes of implementing the CDD and ML/TF/PF risk management; b) the provision of information on customers, accounts and transactions from the entities making up the group, in particular branches and subsidiaries, to compliance, audit and AML/CFT/PF positions at the level of the group where they are necessary for AML/CFT/PF purposes. This information includes data and analyzes of transactions or activities which appear unusual, including reports of suspicious transactions and information relating thereto or the fact that they have been carried out, without prejudice to the provisions of Article 63. (confidentiality of the suspicion

report). Similarly, where relevant and appropriate for risk management, the entities making up the group, including branches and subsidiaries, receive this information from the group's compliance positions; (c) satisfactory guarantees regarding confidentiality and use of the information exchanged, including guarantees to prevent data disclosure (article 14 para.1 & 2 of AML/CFT/P Order).

76. **Criterion 18.3 [Met]** Reporting entities shall ensure that their foreign branches and subsidiaries apply AML/CFT/PF measures consistent with those of the home country, where the minimum AML/CFT/PF obligations of the host country are less restrictive than those of the home country of origin. Where the legislation of the host country does not allow branches or subsidiaries to implement the requirement referred to in the previous paragraph, the groups apply appropriate additional measures to manage the risks of ML/TF/PF. They inform the supervisory authorities of the country of origin (article 14 para.4 & 5 of AML/CFT/P Order).

Weighting and conclusion

77. The AML/CFT/P Order enabled Côte d'Ivoire to address all the deficiencies identified in the MER.

78. **On this basis, Recommendation 18 is re-rated C.**

Recommendation 19 - (initially rated PC)

79. Côte d'Ivoire received a PC rating for Recommendation 19 due to the following deficiencies: No provision requires FIs to apply enhanced due diligence measures regarding natural and legal persons from countries for which the FATF calls for them to do so. There is no provision to oblige FIs to apply countermeasures proportionate to the risks where the FATF requires them to do so.

80. **Criterion 19.1 [Met]** FIs are required to apply enhanced due diligence measures, proportionate to the risks, in their business relationships and transactions with natural and legal persons, notably financial institutions as well as the legal arrangements of countries required to do so by the FATF (article 30 para.1 of AML/CFT/P Order).

81. **Criterion 19.2 [Mostly Met]** Competent authorities are required to apply effective countermeasures proportionate to the risks where the FATF calls them to do so or independently of any call from the FATF (article 30 para.2 of AML/CFT/P Order). However, this provision does not indicate whether FIs are required to apply countermeasures. Also, countermeasures that be applied are not indicated.

82. **Criterion 19.3 [Met]** Competent authorities must put in place measures to ensure that FIs are informed of concerns about deficiencies in AML/CFT/PF systems of other countries (article 30 para.1 of AML/CFT/P Order). FIs are informed through press releases and letters sent by the competent authorities.

Weighting and conclusion

83. Some deficiencies identified in the MER have been addressed. However, there are outstanding minor deficiencies. Countermeasures to be applied are not indicated. It is uncertain FIs are required to apply countermeasures.

84. **On this basis, R. 19 is re-rated LC.**

Recommendation 20 - (initially rated PC)

85. In the MER, Côte d'Ivoire was rated PC on Recommendation 20 because the obligation to report suspicions was limited to ML and TF offences and case files made no reference to the proceeds of criminal activity constituting a predicate offence under ML, apart from tax evasion. The adoption of the AML/CFT/FP Order has enabled Côte d'Ivoire to address these deficiencies. The principle of suspicious transactions reporting is well established by the AML/CFT/PF Order, which is a legal instrument implemented as a law of the State.

86. **Criterion 20.1 [Met]** FIs are required to immediately report to the FIU any transactions involving sums that they suspect or have good reason to suspect that they are derived from ML/TF/PF offences or predicate offences including tax fraud (Art. 60(1) of AML/CFT/P Order).

87. **Criterion 20.2 [Met]** Financial institutions are required to report all suspicious transactions, including attempted transactions. The AML/CFT Law does not set a reporting threshold and FIs must report regardless of the amount of the transaction (article 60 Para.1 of AML/CFT/P Order).

Weighting and conclusion

88. Côte d'Ivoire meets all the requirements of R. 20.

89. **On this basis, R. 20 is re-rated C.**

Recommendation 22 - (initially rated PC)

90. In its 2023 MER, Côte d'Ivoire was rated PC on Recommendation 22 due to (a) the deficiencies identified on criteria 10.2, 10.3, 10.5, 10.7, 10.16 to 10.18; (b) lack of provision imposing the obligations of criteria 10.19 and 10.20 on DNFBPs; (c) lack of obligation for DNFBPs to keep records obtained as part of CDD measures; and (d) lack of obligation for DNFBPs to comply with the requirements of R.15 and R.17.

91. **Criterion 22.1 [Mostly Met]** DNFBPs are subject to the due diligence obligations provided for under Articles 16 to 26 (CDD obligation); 28 to 30 (specific due diligence measure for beneficiaries of life insurance policies, PEPs and higher-risk countries) and 35 to 38 (implementation of CDD obligations by a third party) of AML/CFT/PF Order No. 2023-875 (Article 48).

- a. **Casinos:** In addition to the obligations provided for under Article 48 above subjecting all DNFBPs to due diligence measures regarding their customers, casinos are required to identify their occasional customers and the beneficial owners of the transactions as well to verify the elements of their identification

where the amount of the operation or related transactions exceeds the threshold of 1,000,000 CFAF(1,300 EUR) (Article 49 of AML/CFT/P Order and Article 5 of decision No. 021 of 12/21/2023 /CM/UMOA). Furthermore, Article 50 of the Order and Article 6 of decision No. 021 of 12/21/2023/CM/UMOA set the threshold at 1,000,000 CFAF (1,300EUR) for which the identification of players who purchase, bring or exchange tokens or plates is mandatory.

- b. Real estate agents:** Real estate agents, which carry out, monitor or advise customers on real estate transactions, are required to implement due diligence obligations on the customers referred to under Article 48 above, where they are involved in transactions relating to the purchase or sale of real estate. CDD apply for both purchasers and vendors of properties (article 55 of AML/CFT/P Order).
- c. Dealers in precious metals and stones (DPMS):** DPMS are required to implement the CDD obligations referred to under Article 48 (see above), where they carry out a cash transaction with a customer for an amount greater than or equal to 9,000,000 CFAF (13,720 EUR) (article 54 of AML/CFT/P Order, article 5 of Decision No. 021 of 12/21/2023 /CM/UMOA).
- d. Lawyers, notaries, other independent legal and accounting professions :** Independent legal and accounting professions are required to implement due diligence obligations with regard to the customers referred to under Article 48 where they prepare or carry out transactions for their customers concerning the following activities: a) the management of capital, securities or other assets; b) the management of bank, savings or securities accounts; c) the organization of contributions for the creation, operation or management of companies; d) the creation, operation or administration of legal persons or legal arrangements and the purchase and sale of commercial entities (article 51 of AML/CFT/P Order). The implementation of CDD obligations referred to under Article 48 is mandatory for DNFBPs, in particular independent legal and accounting professionals, where they are involved in purchase or sale transactions of real estate (Article 55).
- e. Company and Trust Service Providers** implement the CDD obligations provided for under Article 48 of the Order, where they provide, on a commercial basis, to third parties, the related services with the activities cited in criteria 22.1.e (Article 53 of AML/CFT/P Order).

92. For all points a) to e) above, the relevant gaps identified under Recommendation 10 are applicable here. DNFBPs are not required to identify and verify the identity of the person claiming to act for the customer. The list of information to be collected by DNFBPs under CDD process has not been defined by the supervisory authority. Online payments whose funds originate from and are destined for an account opened in Côte d'Ivoire or in a country considered as a State imposing equivalent AML/CFT obligations by article 86 of the AML/CFT Order are exempted from CDD measures. The provisions of the AML/CFT/PF Order do not allow for the systematic reconsideration of the case of existing customers when new national provisions providing for more stringent due diligence measures come into force. No

flexibility is left to DNFBPs to judge the appropriateness of a STR when they are unable to implement the due diligence measures.

93. **Criterion 22.2 [Met]** DNFBPs are subject to the provisions of Article 48 of Order No. 2023-875 which refers to the document record-keeping obligations provided for under Article 23 (see analysis of Recommendation 11).

94. **Criterion 22.3 [Mostly Met]** DNFBPs are subject to the provisions of Article 48 of Order No. 2023-875 which refers to the obligations regarding relationships with PEPs provided for under Article 29 (see analysis under R.12).

95. **Criterion 22.4 [Mostly Met]** As reporting entities, DNFBPs must identify and assess the ML/TF/PF risks inherent in: a) new products and new commercial practices, including new distribution mechanisms; b) the use of new or developing technologies in connection with new or pre-existing products. This risk assessment must be carried out prior to the launch or use of these products, practices and technologies. DNFBPs are to implement appropriate measures to manage and mitigate these risks. (article 15 of AML/CFT/P Order). While these provisions meet the requirements of criterion 15.2, the gap noted in the analysis of 15.1 (lack of an assessment of ML/TF/PF risks associated with new technologies) adversely impacts the rating of this criterion.

96. **Criterion 22.5 [Mostly Met]** DNFBPs are subject to the provisions of Article 48 of AML/CFT/P Order, particularly those on the implementation of the due diligence obligations by a third party provided for under Articles 35 to 38. Where a DNFBP uses a third party for the execution of due diligence obligations (identification of the customer; identification of the beneficial owner and understanding of the nature of the activity), it is still ultimately responsible for compliance with said obligations of due diligence (art 35). The third party which DNFBPs may use must be an FI or DNFBP and as such is required to immediately obtain the necessary information concerning the identification of the customer; the identification of the beneficial owner and the understanding of the nature of the activity (Art 36 of the Order). The third party which fulfills the due diligence obligations, immediately makes available to the DNFBPs, information on the identity of the customer and the beneficial owner as well as on the purpose and nature of the relationship. The third party transmits to the DNFBP, at its first request, a copy of the identification documents of the customer and the beneficial owner as well as any relevant document to ensure these procedures (Art.37). Article 38 of the Order takes on board all the requirements of Criterion 17.3 on the use of third parties belonging to the same group. Côte d'Ivoire determines the countries in which third parties that comply with the conditions can be established by requiring that such countries impose equivalent obligations (to those of Côte d'Ivoire) with respect to AML/CFT/PF, without regard to available information on the level of risk associated with the countries.

Weighting and conclusion

97. The AML/CFT/P Order enabled Cote d'Ivoire to resolve most of the deficiencies identified in the MER under Rec 22. Some minor deficiencies remain. Indeed, the deficiencies identified under Recommendations 10, 12, 17 and Criterion 15.1 are applicable here.

98. **On this basis, R. 22 is re-rated LC.**

Recommendation 23 - (initially rated PC)

99. In its 2023 MER, Côte d'Ivoire was rated PC on Recommendation 23 due to the following deficiencies: The deficiencies identified in the analysis of R.20 and 21 are also applicable to DNFBPs. No obligation for DNFBPs to put in place measures on higher risk countries established in R.19. Business agents are not subject to the AML/CFT Law and the measures in place are not applicable to this profession.

100. **Criterion 23.1 [Met]** DNFBPs, as reporting entities, are required to immediately declare to the FIU, all sums entered in their books, all transactions, or attempted transactions on sums which they suspect or have good reason to suspect that they are derived from an offence of ML, predicate offence, TF/PF (article 60 para.1 of AML/CFT/FP Order). This obligation is applicable to all DNFBPs under the circumstances outlined in points a, b and c of criterion 22.1 as detailed below. a) Lawyers, notaries, other independent legal professionals, and accountants when, in the name of or on behalf of a customer, they carry out a financial transaction in connection with the activities described in criterion 22.1(d) (articles 2.26(d) and (e) and 60 of the AML/CFT/FP Order). b) DPMS - when they carry out cash transactions with a customer equal to or greater than 9, 000,000 FCFA (approx. 13,720 EUR) (article 5 of decision N°021 of 21/12/2023/CM/UMOA, articles 2.26(c) and 60 of the AML/CFT/FP Order). c) Trust and company service providers - when, in the name of or on behalf of a customer, they carry out a transaction in connection with the activities referred to in criterion 22.1(e) (articles 2.26(f) and 60 of the AML/CFT/FP Order).

101. **Criterion 23.2 [Mostly Met]** DNFBPs must have formalized policies, procedures and control measures to effectively identify, mitigate and manage the risks of money laundering, terrorist financing and proliferation identified at their level as well as at the national, regional and international levels (Art.12(1), of AML/CFT/FP Order). Generally, DNFBPs are bound by internal control obligations as reflected in the analysis under Recommendation 18 (Articles 12 and 14 of the Order). However, they are not required to include in their AML/CFT/PF programs selection procedures guaranteeing the recruitment of employees based on requisite credentials.

102. **Criterion 23.3 [Mostly Met]** DNFBPs are subject to the due diligence obligations on countries presenting a higher risk provided for under Article 30 of AML/CFT/FP Order (Article 48) (see the analysis under R. 19).

103. **Criterion 23.4 [Met]** DNFBPs are subject to the obligations on disclosure and confidentiality provided for under Articles 63 and 67 to 69 of AML/CFT/FP Order in line with the requirements of Recommendation 21.

Weighting and conclusion

104. The AML/CFT/FP Order enabled Cote d'Ivoire to resolve most of the deficiencies identified in its MER concerning the application by DNFBPs of other AML/CFT measures. However, the Ivorian legal system still has minor gaps: DNFBPs are not required to include in their AML/CFT/PF programs selection procedures

guaranteeing the recruitment of employees based on requisite credentials as required under Criterion 18.1.b). Gaps identified under R.19 are applicable.

105. **On this basis, R. 23 is re-rated LC.**

V CONCLUSION

106. Overall, Côte d'Ivoire has made significant progress in addressing the technical compliance gaps identified in Recommendations 10, 11, 12, 16, 18, 19, 20, 22 and 23 with only minor gaps remaining. Côte d'Ivoire has been re-rated Compliant on Recommendations 11, 18, and 20 and LC on Recommendations 10, 12, 16, 19, 22 and 23.

107. Table 2 below shows Côte d'Ivoire's MER ratings and reflects the progress the country has made, including any re-ratings based on this report:

Table 2. Technical Compliance Ratings¹ (May 2024)

Recommendation	Rating	Recommendation	Rating
1.	PC (2023 MER)	21.	LC (2023 MER)
2.	PC (2023 MER)	22.	PC (2023 MER) ↑ LC (2024 FUR)
3.	LC (2023 MER)	23.	PC (2023 MER) ↑ LC (2024 FUR)
4.	PC (2023 MER)	24.	PC (2023 MER)
5.	PC (2023 MER)	25.	NC (2023 MER)
6.	NC (2023 MER)	26.	PC (2023 MER)
7.	NC (2023 MER)	27.	PC (2023 MER)
8.	NC (2023 MER)	28.	NC (2023 MER)
9.	LC (2023 MER)	29.	LC (2023 MER)
10.	PC (2023 MER) ↑ LC (2024 FUR)	30.	C (2023 MER)
11.	PC (2023 MER) ↑ C (2024 FUR)	31.	LC (2023 MER)
12.	PC (2023 MER) ↑ LC (2024 FUR)	32.	PC (2023 MER)
13.	LC (2023 MER)	33.	PC (2023 MER)
14.	PC (2023 MER)	34.	PC (2023 MER)
15.	NC (2023 MER)	35.	PC (2023 MER)
16.	PC (2023 MER) ↑ LC (2024 FUR)	36.	PC (2023 MER)
17.	NC (2023 MER)	37.	LC (2023 MER)
18.	PC (2023 MER) ↑ C (2024 FUR)	38.	PC (2023 MER)
19.	PC (2023 MER) ↑ LC (2024 FUR)	39.	LC (2023 MER)
20.	PC (2023 MER) ↑ C (2024 FUR)	40.	PC (2023 MER)

108. Côte d'Ivoire has 18 Recommendations rated C/LC. The country will remain Enhanced follow-up based on its performance on technical compliance and the ratings for effectiveness. Côte d'Ivoire's next enhanced FUR is due in May 2025.

¹Note: There are four possible levels of Technical Compliance: Compliant (C), Largely Compliant (LC), Partially Compliant (PC) and Non-Compliant (NC).

Appendix to the FUR

Summary of Technical Compliance - deficiencies underlying the ratings

Recommendations	Rating	Factor(s) underlying the rating
1. Risk assessment and Implementation of a Risk-based Approach	PC	<ul style="list-style-type: none"> • Inadequacies of the NRA which does not examine in detail both financial flows associated with corruption, although considered one of the main threats of ML, nor cross-border flows. • The AML/CFT Law provides for exemptions which are not based on a risk assessment and whose scope is very broad.
2. National Cooperation and Coordination	PC	<ul style="list-style-type: none"> • The existence of operational cooperation or coordination mechanisms with regard to AML/CFT, PADM or even the protection of personal data has not been established.
3. Money Laundering Offence	LC	<ul style="list-style-type: none"> • Neither insider trading nor market manipulation are criminalized under Ivorian Law and cannot therefore be considered predicate offences under ML.
4. Confiscation and Provisional Measures	PC	<ul style="list-style-type: none"> • Moderate deficiencies on bona fide third parties, confiscation of property arising from predicate ML offences and confiscation in equivalent value which weaken the scope of the provisions on confiscation. • The provisions on the possibility of relying on third parties in good faith do not are applicable to property confiscated during ML proceedings or predicate offences.
5. Terrorist Financing Offence	PC	<ul style="list-style-type: none"> • Moderate gaps on the partial criminalization of acts cited in the conventions constituting the Appendixes to the TF Convention. • Financing a terrorist organization for any purpose is not criminalized.
6. Targeted Financial Sanctions related to Terrorism and Terrorist Financing	NC	<ul style="list-style-type: none"> • Sanctions under the provisions of UNSCR 1267 are not implemented or are not implemented without delay and the obligation to freeze the funds of persons and entities included in List 1267 does not are applicable to all persons physical and moral in Cote d'Ivoire. • Neither the freezing measures nor the "continuing ban" extend to (funds or other property of) persons and entities acting on behalf of or at the direction of the designated persons or entities and the criteria for designation are unduly limited.
7. Targeted Financial Sanctions related to Proliferation	NC	<ul style="list-style-type: none"> • The TFS are not implemented without delay and the freezing measures do not extend to funds or other property of persons and entities acting on behalf of or on the directives of the designated persons or entities. • No supervisory authority or self-regulatory body regulates and/or monitors compliance by FIs, VASPs and DNFBPs with their obligations (or even obligations they may have in the future) in terms of implementation. implementation of TFS associated with the fight against PFWMD.
8. Non-profit Organizations	NC	<ul style="list-style-type: none"> • Lack of identification of all NPOs in Côte d'Ivoire, in-depth analysis of the risks of operating NPOs for TF purposes, and ongoing awareness-raising activities on issues on TF.

Recommendations	Rating	Factor(s) underlying the rating
		<ul style="list-style-type: none"> • Lack of targeted risk-based surveillance or control of NPOs and of effective and dissuasive sanctions against the large number of NPOs that ignore their AML/CFT obligations. • Lack of investigative skills regarding NPOs suspected of being exploited for TF purposes.
9. FI professional secrecy Laws	L.C.	<ul style="list-style-type: none"> • It could not be determined that there is a wide range of mechanisms to exchange information between all competent authorities at the operational level. • Limitations on information sharing between competent authorities internationally.
10. Customer Due Diligence	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> • FIs are not required to identify and verify the identity of the person claiming to act for the customer. • The list of information to be collected by FIs under CDD process has not been defined by the supervisory authority. • Exemptions from the obligation to identify and verify the identity of the permanent customer are provided for online payments whose funds originate from and are destined for an account opened in Côte d'Ivoire or in a country considered as a State imposing equivalent AML/CFT obligations by article 86 of the AML/CFT Order. • The provisions of the AML/CFT/PF Order do not allow for the systematic reconsideration of the case of existing customers when new national provisions providing for more stringent due diligence measures come into force. No flexibility is left to FIs to judge the appropriateness of a STR when they are unable to implement the due diligence measures.
11. Record-keeping	PC ↑ C (2024 FUR)	<ul style="list-style-type: none"> • All criteria are met.
12. Politically Exposed Persons	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> • FIs are not required to obtain senior management approval before continuing a business relationship with an existing customer who becomes a PEP. • With regard to life insurance, FIs are required to apply the PEP requirements only to the Beneficial owner of an insurance policy and not to the beneficiaries of the contract and the Beneficial owner of the beneficiary of the contract.
13. Correspondent banking	L.C.	<ul style="list-style-type: none"> • Non-evaluation of the AML/CFT system put in place by the establishment. • The decision to enter into a business relationship is not made by a member of the executive body. • No obligation to understand the AML/CFT responsibilities of each institution.
14. Money or value transfer services	PC	<ul style="list-style-type: none"> • Lack of measure aimed at identifying persons, natural or legal, who operate funds or value transfer services without authorization. • The measures which oblige banks and MFCs to communicate the list of their (sub)agents once a year only partly meet the requirements of the Recommendation. • No obligation for banks and MFIs engaged in the rapid money transfer activity and using (sub)agents to monitor compliance by these agents with AML/CFT programs.

Recommendations	Rating	Factor(s) underlying the rating
15. New technologies	NC	<ul style="list-style-type: none"> No specific assessment of ML/TF risks associated with new technologies and arising from activities associated with virtual assets or VASP transactions. No provisions have been issued regarding virtual assets and VASPs.
16. Wire transfers	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> There is no obligation where a fund or value transfer service provider controls both the placing of an Order and the receipt of any wire transfer to file a suspicious transaction report in all countries affected by the suspicious wire transfer, where applicable. There is no provision for the ordering party's FI to provide a wire transfer information to the appropriate competent authorities, particularly CENTIF, within three working days of receiving the request. During the processing of wire transfers, the freezing obligation does not extend to funds or other property of persons and entities acting on behalf of or on the Directives of the designated persons or entities.
17. Reliance on third parties	NC	<ul style="list-style-type: none"> No text provides for an obligation for FIs that use third parties to take measures to ensure that the third party can provide, on request and without delay, a copy of the identification data and other relevant documents on the Customer due diligence. The Law allows FIs to use third parties that are DNFBPs, which is contrary to Recommendation 17.
18. Internal controls and foreign branches and subsidiaries	PC ↑ C (2024 FUR)	<ul style="list-style-type: none"> All criteria are met.
19. Higher-risk countries	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> Countermeasures to be applied are not indicated. It is uncertain FIs are required to apply countermeasures.
20. Suspicious Transactions Reporting	PC ↑ C (2024 FUR)	<ul style="list-style-type: none"> All criteria are met.
21. Disclosure and confidentiality	L.C.	<ul style="list-style-type: none"> The wording of the <i>tipping -off provision</i> does not clarify that this prohibition is not intended to prevent the sharing of information under R.18.
22. Designated Non-financial Businesses and Professions: Customer due diligence	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> The deficiencies identified under Recommendations 10, 12, 17 and Criterion 15.1 are applicable here.
23. Designated Non-Financial Businesses and Professions: other measures	PC ↑ LC (2024 FUR)	<ul style="list-style-type: none"> DNFBPs are not required to include in their AML/CFT/PPF programs selection procedures guaranteeing the recruitment of employees based on requisite credentials as required by Criterion 18.1.b). See gaps under R19.

Recommendations	Rating	Factor(s) underlying the rating
24. Transparency and Beneficial Ownership of Legal Persons	PC	<ul style="list-style-type: none"> • Côte d'Ivoire has not assessed the ML/TF risks associated with the different categories of legal persons. • Basic information recorded in certain files is not made available to the public. • No obligation to inform the RCCM in the event of a change of partners or shareholders and no mechanism to ensure that basic information is accurate and up to date. • Lack of mechanism to ensure that information on BOs held by legal persons or by the tax administration is accurate and kept up to date. • Lack of mechanism to prevent the misuse of legal persons which can have directors acting on behalf of another person.
25. Transparency and Beneficial Ownership of Legal Arrangements	NC	<ul style="list-style-type: none"> • No obligation for the trustees of any Trust governed by Ivorian Law to update and retain information on the identity of the settlor, the trustee(s), the protector, the beneficiaries or the category of beneficiaries and any other natural person ultimately exercising effective control over the Trust. • Trustees are not specifically required to declare their status to FIs and DNFBPs when establishing a business relationship or executing an occasional transaction. • Lawyers, notaries and other trust service providers are subject to the AML/CFT Law but not subject to AML/CFT supervision.
26. Regulation and supervision of FIs	PC	<ul style="list-style-type: none"> • The frequency of AML/CFT controls is not determined based on the risks for several categories of FIs. • Lack of supervisory authority for Forex Dealers • Gaps in controls on shareholdings and changes of management in several categories of FIs.
27. Powers of Supervisory Authorities	PC	<ul style="list-style-type: none"> • Limits to the control and sanction powers of DecFinEX regarding Forex Dealers. • Gaps on the sanctioning powers of the competent authorities, regarding the managers of EMIs and regional capital market players.
28. Regulation and supervision of Designated Non-Financial Businesses and Professions	NC	<ul style="list-style-type: none"> • Lack of competent authorities or SRBs in AML/CFT matters for certain categories of DNFBPs (dealers in precious stones and metals, real estate agents and developers, business agents). • The powers of the Gambling Regulatory Authority do not extend to AML/CFT supervision of casinos. • Gaps in the measures in place to prevent criminals or their accomplices from holding or becoming the BO of a significant or controlling interest, from occupying a management position or from being the BO, particularly in the gambling sector and concerning real estate agents and developers.
29. Financial Intelligence Units (FIUs)	LC	<ul style="list-style-type: none"> • The obligation for FIs and DNFBPs to report suspicions does not comply with the requirements of R.20 and 23 which has a cascading effect on several criteria of R.29 • The transmission of information to the Public Prosecutor and other competent authorities is not ensured via dedicated, secure and protected channels.

Recommendations	Rating	Factor(s) underlying the rating
		<ul style="list-style-type: none"> The FIU has no written rules on data protection and consultation.
30. Responsibilities of Law Enforcement Authorities	C	<ul style="list-style-type: none"> All criteria are met.
31. Powers of Law Enforcement Authorities	LC	<ul style="list-style-type: none"> The deficiency on the scope of the STRs, as identified in c.20.1, c.23.1 and c.29.1, technically limits the power of the FIU to communicate, at their request, information on the predicate offences to the authorities of investigation and prosecution.
32. Cash Couriers	PC	<ul style="list-style-type: none"> Travelers coming from or going to a WAEMU member country are not required to file a declaration. The only rules applicable to transport by mail and freight have nothing to do with imports or bank notes issued by the BCEAO. The competent authorities can seize the entire amount of undeclared cash but not the INP
33. Statistics	PC	<ul style="list-style-type: none"> Lack of comprehensive and consistent data allowing an assessment of the efficiency and effectiveness of AML/CFT efforts.
34. Guidance and Feedback	PC	<ul style="list-style-type: none"> Neither the BCEAO and the CB, nor the FIU have issued guidelines or provided feedback.
35. Sanctions	PC	<ul style="list-style-type: none"> Criminal sanctions do not target non-compliance with all the obligations provided for by R. 6 and 9 to 23, some of which have not been fully implemented. Breaches of the obligations imposed by R.8 are only criminally punishable if they are unintentional and cannot be sanctioned administratively. The scope of sanctions applicable to managers does not include all sectors and types of breaches.
36. International instruments	PC	<ul style="list-style-type: none"> Gaps remain regarding the definition of offences, penalties and confiscations and international cooperation procedures in drug trafficking and terrorist financing. deficiencies on the status of PEPs and the transparency of legal persons in the fight against corruption and money laundering also affect compliance with this Recommendation.
37. Mutual Legal Assistance	L.C.	<ul style="list-style-type: none"> There is no procedure and file management system to ensure the efficiency of the execution of requests. Lack of express provision excluding the principle of double criminality, which creates a risk of divergent interpretation by courts and tribunals.
38. Mutual legal assistance: freezing and confiscation	PC	<ul style="list-style-type: none"> Mutual legal assistance for predicate offences is only possible during a ML investigation, except in relation to corruption offences or for all offences under the ECOWAS Mutual Assistance Convention. judiciary of 1992, but only between the signatory States. Confiscation decisions taken by an authority other than the judicial authority cannot therefore be the subject of a mutual assistance measure. Cote d'Ivoire has not signed an agreement with neighboring or other countries to coordinate seizure and confiscation.

Recommendations	Rating	Factor(s) underlying the rating
39. Extradition	LC.	<ul style="list-style-type: none"> Minor deficiencies linked in particular to the lack of a system for managing extradition requests to ensure their follow-up and to the simplified extradition procedure.
40. Other forms of international cooperation	PC	<ul style="list-style-type: none"> The FIU cannot grant assistance to any counterpart authority where a criminal procedure is underway and does not have the power to exchange with any counterpart outside the UEMOA zone all the information it would be in a position to transmit to any counterpart within this zone. The FI supervisory authorities have not demonstrated that they exchange all information covered under R.40 and are not authorized to exchange information with non-peer authorities.



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Follow-up Report & Technical Compliance Re-Rating

**This FUR analyses the progress of Côte d'Ivoire in
addressing the technical compliance requirements of
the FATF Recommendations being re-rated since their
Mutual Evaluation in June 2023.**

Follow-up Report