

Journal Special- officially number 20 January 2013

407

INSTRUCTION No # 5

(Amendment No. 2)

Concerns: Standards for the fight against money laundering and terrorist financing

The Central Bank of Congo, in accordance with Articles 6 and 31 of Law No. 02/S/2007 on its constitution, its organization and its operation, 75 of Law No. 03/2002 on the activity and supervision of credit institutions and Law No. 04/16 of 19 July 2004 on the fight against money laundering and terrorist financing

adopt the following standards:

TITLE I: ER:

The scope

Article 1:

Are subject to this statement:

- Credit institutions; - Financial messaging; - Exchange offices; - The micro finance institutions,

The term subject refers to the result of the four categories mentioned above instruction,

Article 2:

For the purposes of the application of this Directive, are considered as constituting capital blanchiment, the following acts committed intentionally:

{, Conversion, transfer or manipulation of property for the purpose of concealing or disguising the illicit origin of the property or of helping any person who is involved in the commission of the offense main escape

the legal consequences of his actions:

ia concealment or disguise the nature, source, location, disposition, movement or ownership of real property;

3, acquisition, possession or use of property by a person who knows, who suspect or should have known that such well are a product of an offense.

Within the meaning of the abovementioned Act, the offense of terrorist financing is the provision, collect, gather or managing by any means, directly "or indirectly, funds, securities or property in intention of used or knowing that they will be used, in whole or in part to commit an act of

terrorism regardless of

Occurrence of an act Tei.

Article 3:

The taxable persons referred to in Article 1 of the

This Instruction should contribute

fully in the implementation of Law No. 04/016 of 19 July 2004 by the implementation of the necessary means to prevent money laundering acts and terrorist financing.

Journal Special- officially number 20 January 2013

TITLE II ; OBLIGATIONS OF VIGILANCE AND MONITORING

Article 4:

CDD provisions on transparency; çe in financial transactions require taxable persons to:

- Ensure that the identity and address of the customer at the time of entry in connection with the presentation of any documentary proof. They ensure under the same conditions of the identity of occasional customer who feur asked to do the operations whose nature and amount are set by Law No. 04/016 of 19 July 2004;
- Monitor its operations.

At the end of this Instruction, by the customer occasionnet means any person having no account in a credit institution and which, therefore the identification formalities and possible capacity to act have not previously met. .

THE GUESTS OF IDENTIFICATION

Article 5:

I.1.

Taxable persons must ensure the identity and address of their coefficients and, if applicable, their beneficial owners in the following situations:

- Before entering into a contractual relationship f 路 己 possibly taking into account, for

occasional customers, the provisions of Article 9 of Law No. 04/016 dü 19 July 2004; - As soon as possible for customers

existing, and at the very least:

"When a significant transaction

intervenes:

408

when the standards for customer identification documents change substantially;

When a significant change occurs in how the account works;

when the subject realizes that he has no information about an existing customer; -

- When they have doubts about the veracity or adequacy of previously obtained.

Article 6:

Verifying the identity of an individual is made by the control of a national identity card or any original document in lieu thereof, in

valid and photograph, which a copy is made.

Verification of address

£ profession and the donaici} iaire is performed by controlling all documents required to produce evidence. If it is a commercial person, it is further required to provide any documentation attesting to its registration in the commercial register.

Article 7:

The identification of a body corporate or legal structure that does not have legal

personality is made on the basis of the original or a certified copy of any act or extract of the register noting his name, form legal, registered office and the powers of persons acting on its behalf.

The subject will provide the same conditions as those laid down in paragraph 2 of the previous article of the identity and the true address of persons authorized to act on their behalf.

Journal Special- officially number 20 January 2013

The subject must have the necessary information to understand the ownership and control structure of such legal persons and legal entities that do not have legal personality and determine the natural persons who ultimately own or control them.

Article 8:

In executing their client identification obligations, taxpayers must take all appropriate measures to prohibit the opening of anonymous accounts or accounts under false names or pseudonyms.

Article 9:

Pursuant to Article 10 of Law No. 04/016 of 19 July 2004, in case the customer does not appear to act on its own account, the taxable person for information, by any means, the identity of the person on behalf of which it acts. After verification, if doubt persists about identity

of the beneficial owner, it needs to

terminate the banking relationship and, if necessary, proceed as provided by Article 20 of the Law of 04/016. 19 July 2004, the declaration of suspicion.

Article 10:

Where a taxable person has the ability to open an account or perform other remote operation, it must put in place appropriate measures to ensure the identification of the customer.

These measures may include the authentication of identification documents presented, request additional documents, the possibility of independent verification of the situation of the client by a confirmed reputation of others, the requirement of a first payment by the via an account in the name of the customer with a bank subject to international standards of lutte against the

409

money laundering and terrorist financing or sending a letter with acknowledgment of receipt to the customer's address.

By international standards it means the recommendations of the Financial Action Task Force, FATF acronym

Article III:

Taxpayers may use third parties to ensure the identification of some of their clients, in all cases, they shall be responsible for the identification of their customers, taxpayers must:

- Immediately obtain third party information necessary for the identification of each client, beneficial owner and purpose of the nature of the business relationship;
- Ensure that the third party may provide, upon request and in the shortest time possible, copies of identification data and other documents: Relevant related to due diligence relative to customer:

- Ensure that the third party is subject to regulation and supervision in the fight against money laundering and terrorist financing at least equivalent to the taxable person and he does apply,

Of the SURVEILLANCE SPECIAL OPERATIONS

Article 12:

Taxpayers must exercise constant vigilance with regard to all of their operations and their clients. The duty of constant vigilance includes the duty to verify and update the information relating to the identification of the customer.

ii.2.

Taxable persons must in particular ensure that the operations and assets that

Official newspaper. Special- number 20 January 2013

they are entrusted to people to whom they maintain a business relationship are related to economic activities and heritage. To do this, they must have a permanent understanding of expected normal and reasonable account activity of their various types of customers in order to identify atypical transactions. They should for this purpose have the systems necessary for all accounts, detect atypical transactions using for example to limit account per class or category or by identifying repetitive operations even for small amounts. Surveillance the device must be adapted to the level of risk.

Article # 3:

Taxpayers should define
clear procedures policies
acceptance of new clients
including in particular the description of the different types of customers likely to represent for them a greater risk to the
average, .

These different types of customers must be distinguished taking into account the nature and extent of the risk of money laundering and financing of terrorism incurred. Factors such as the backgrounds of customers, countries of origin or residence, the origin of their funds, links between accounts, types of transactions they perform their bank accounts or professional activities can be used for this purpose.

The admission of new clients requires approval of the supervisor in charge of customer relations,

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especially

Article 14:

Taxpayers must specify in writing for their employees, the appropriate criteria enabling them to determine the operations that require special attention, steps to be taken towards the past and the required procedure for transmission in, in regulated time, written reports to the head of the prevention of money laundering and financing of terrorism. In emergencies, a
oral statement may precede
transmission of written report cited above,
Policies and procedures

effect in an institution must effectively protect its employees against any threat or sanction that would follow the written or oral transmission of reports of suspected money laundering and terrorist financing,

The review includes the operations of their economic justification and their apparent legitimacy.

The subject also specify in writing for their servants responsible for monitoring, the necessary procedure for the transmission in the regulated délais, written reports to the head of the prevention of money laundering and terrorist financing .

Article 1.5:

The monitoring system must:

- Cover all accounts

clients and their operations;

- Be based on precise and relevant criteria set by each subject in particular taking into account the characteristics of services and products it offers and those of the customers to whom it is addressed. These criteria should be further sufficiently discriminating to

Journal Special- officially number 20 January 2013

able effectively to detect atypical transactions; - Produce written reports describing the atypical transactions detected and the criteria on which they are, after analysis, considered atypical; these reports are transmitted to the head of the prevention of money laundering and terrorist financing; - Enable rapid identification and reporting of these operations within the establishment and, in case of suspicion afford to make a suspicious transaction report to the National Financial Intelligence Unit before performing the operation.

As used in this article constitutes such an atypical operation, a transfer or a transfer of received funds for a client and for which accurate and useful information on the payer is missing. .

Article 16:

When the subject can not perform their due diligence in respect of a counterparty iis can not establish or maintain a business relationship with the latter, in this case, they enjoy under the provisions of Article 20 of Law No. 04/0 i 6 of 19 July 2004 is necessary to inform the National Financial Intelligence Unit.

- *Article i 7:*

Taxpayers pay special attention to financial transactions on behalf of their natural and legal persons customers including notaries, lawyers, accountants, businesses that perform as usual occupation GJE intermediation, advice and assistance wealth management matters.

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Article 18:

Taxpayers must exercise greater vigilance in respect of operations by people whose mail is domiciled in a third, in a post box at the counters of a credit institution or who change frequently address.

Article! 9:

The subject must have appropriate risk management systems to determine whether a potential customer, a customer or beneficial owner is a politically exposed person.

They must learn to identify the source of wealth and source
fund economic and eligible customers as politically exposed persons.

They should apply enhanced due diligence vis-à-vis persons
politically exposed i'égard especially those holding functions
government level
national.
first of all plane

By politically exposed person (PEP), means a person who holds or has held public functions such as Head of State or Government of ranking politician, officer of a public company or party official policy. Business relationships with family members of a PEP or the persons closely associated with it have in terms of reputation risks similar to those related to PE? E themselves.

Article 2 {}

The subject must have risk management systems to identify all the transactions of their group with a client Where required, the subject must also be able to freeze

Journal Special- officially number 20 January 2013

all the assets held by the same person in their books.

Article 2 I:

Prior to a transaction with a correspondent bank located abroad, a taxable person must take adequate steps to gather enough information on the correspondent bank in order to understand the nature of its activities and assess, based on information publicly available, the reputation of the institution and the quality of supervision, including whether the institution concerned has been the subject of an investigation or intervention of the supervisory authority relating to money laundering and terrorist financing,

It must further assess the controls put in place by the correspondent bank in terms of the fight against money laundering and terrorist financing and specify in writing the respective responsibilities of each institution. ..

The authorization of the Directorate General is required before establishing new correspondent banking relationships,

The plant must not establish or continue a correspondent banking relationships with shell banks say that is incorporated and licensed in countries and jurisdictions in which they have no effective surveillance on a consolidated basis for money laundering and terrorist financing .

Article 22:

Taxpayers must obtain and retain information on the donor di'ordre wire transfer and check the accuracy of information意总\$. They need to include all of this information in the message or payment form accompanying the wire transfer.

412

Article 23:

Taxpayers are implementing policies and procedures at the parent sors ensuring that subsidiaries and branches are prérmunissent effectively against the risks of transactions used for money laundering and terrorist financing. These policies and procedures are subject to adjustment to take account of each entity specificities (impiantation countries, nature of the duties acticités ...). They include provisions for communicating information to

the headquarters for the effective prevention of money laundering and terrorist financing in the whole group.

Taxpayers with subsidiaries or branches set up in offshore areas or countries without regulations for prevention of money laundering and terrorist financing at least equivalent to that applicable in

Democratic Republic of Congo or sleeps

the regulations are not effectively implemented, should ensure that such entities have a vigilance device at least as strict as that provided by this instruction.

Branches and subsidiaries abroad notify their headquarters provisions of the host country who oppose the implementation of all or part of the recommendations of the seat. It shall inform the National Financial Intelligence Unit and the competent supervisory authority,

|| TITLE I:

CONSERVATION AND UPDATING OF DOCUMENTATION

Article 24:

Taxpayers are obliged to keep for; 0 years related documents:

Journal Special- officially number 20 January 2013

- The identification of the customer and, after closing the accounts of the latter;
- The identification of the persons referred

Articles 6, 7, 9 and [1 above;

- Of transactions with their customers and that, as of their date of execution,

Article 25:

The organization records retention must in particular reconstruction of individual transactions (amount and nature of the operation) and to communicate, in due time, the information requested by any authority empowered by law to know, of the National Celtaie Financial information, the Central Bank of Congo and officials responsible for detention and suppression of money laundering and crimes related to it, acting in a judicial trandat and judicial authorities,

Article 26:

Taxable persons must ensure regular updating of information about their clients.

Title IV:

INTERNAL CONTROL PROVISIONS AND OE |. || DELEGATION DECLARATION OF SOUP CONS

Article 27;

The subject must establish an internal control system by setting up an appropriate organization and formalization of internal procedures that allow detection of indications of money laundering and the subsequent declaration of suspicion,

Article 28:

Taxpayers are required;

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- Adopt internal written rules outlining steps to be taken for the implementation of the above legal texts and provisions of this Instruction and providing guidance on the amounts and nature of the operations that must be special vigilance , particularly in view of the activity

performed by the subject. The rules on steps to be taken can be tailored to the nature of the contracting of the taxable person; - Establish a monitoring system to check compliance with internal procedures provided above; u: C) 1 1 3 IV 3 I information, statements and documents relating to the operations referred to in Articles 11 and 20 of the 04/016 Act of 19 July 2004 by means appropriate to preserve confidentiality and to facilitate the communication as soon as possible mentionfié service in Article 17 of the Act or the competent supervisory authority, at its request.

Article 29:

The conditions for opening new accounts and the significance of movements of funds should be centralized controls to ensure that all relevant customer information is available and that these movements do not involve d 'operations inhabituei character or suspect.

Article 3 ():

For the purposes of section 11 of the Law 04/016 of 19 July 2004, taxable persons should make a particular examination of any transaction that satisfies the requirements defined by that article, including transactions that:

Journal Special- officially number 20 January 2013

- Does not seem to have justification:

economic or visible lawful purpose;

- Relate to amounts without

o o 11111 1 o道重意S工リ念3W3C Ce X usually made by the customer;

- Occur in conditions

unusual complexity,

Following this review, a report is prepared by confidentiei among other state information collected below:

- the origin and destination of money and the purpose of the

transaction :

was the identity of the originator and

or beneficiaries;

"The characteristics of the operation against the criteria set out in paragraph 1 of this Article;

ië appropriate, the terms and conditions of operation of accounts (date, origin of the account, agents, 篷机器movement accounts).

{This report can not be communicated in any written form or by telephone to confirm in writing within the shortest possible time, qu, & Ceiluie the National Financial Intelligence and the competent supervisory authority, at its request.

Article 3 I:

The internal rules under Article 28 of this Instruction must specify the procedure in case a sum or transaction appears likely to be the subject of a suspicious transaction report pursuant to Article 20 of Law No. 04/016 of 19 July 2004,

This procedure providing for:

must include

- Transmission to the designated for this purpose the characteristics of the already executed transaction or

run, in the latter case, the time limit should be specified; - Recording and conservation documents relating to the operations that led to declaration under the conditions defined by Articles 20 and 2i of the 04/016 Act of 19 July 2004.

Article 32:

The effectiveness of the prevention device

the blanchiment laundering and terrorist financing must be regularly evaluated, especially in view of the changing activities

the establishment and trends in money laundering and terrorist financing.

It must be realized at least annually to the Board the results of the money laundering prevention system and the financing of terrorism.

All components of this device · must also be subject to regular independent audits (including the work of those responsible for the prevention of money laundering and terrorist financing).

TITLE V:

THE DESIGNATION AND ROLE OF RESPONSIBLE PREVENTION

Article 33:

Taxpayers are required to appoint one or more persons responsible for the prevention of money laundering and terrorist financing within them or within their group.

Where a taxable person has filiales Gu branches, it means an official of the fight against money laundering and financing of terrorism competent for the whole group.

Official Journal. Special- number 20 January 2013

In contrast, when the size of a subject does not justify entrusting the responsibility of laundering prevention device and terrorist financing in a specially designated person, the management provides, under the control of the Board, the coordination all arrangements contributing to the performance of this mission.

These people are responsible for ensuring the coherence and effectiveness of the money laundering prevention system and the financing of terrorism. They are particularly charged:

- The establishment of policies and

applicable procedures and internal controls to be conducted;

- The special monitoring of operations

considered atypical;

- Centralization of information to identify and prevent the

transactions linked to money laundering and terrorist financing; - Regular information of the hierarchy on the riskiest customers; - Ensure that all officials concerned have the

knowledge required to exercise appropriate vigilance and, if necessary, report the

Suspecies transactions: - the relationship between subject, the supervisor and the National Celule Financial Information.

Article 34:

The officers of the prevention of money laundering and terrorist financing are designated by the management body of each institution taking into account criteria such as reputation, professional experience and moral integrity.

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The competent supervisory authority and

National Financial Intelligence Unit are informed of their appointment.

The officials tutte against money laundering and terrorist financing must be invested adequate hierarchical level and have the resources and independence required for the performance of the missions assigned to them,

To this end, the whole of their functions and those of their employees must be precisely formalized and prevent any conflict of interest. They must have access to all the information they consider necessary to carry out their missions.

Title VI:

THE SANSIBILISATION AND TRAINING OF THE PERSON.

Article 35:

Taxable persons must ensure that their employees directly or indirectly involved in the implementation of the provisions of this instruction, receives appropriate training.

The content and timing of these must be tailored to the nature of risk assets by the taxable person and the sensitivity of positions held by various newly hired employees, recruited for a fixed period and those in contact clienfèle. -

Article 36:

Training, awareness and regular information for staff aim to:

and critical

knowledge

the mind

- Acquire the develop

Journal Special- officially number 20 January 2013

necessary to detect atypical transactions; - Master the necessary procedures to respond effectively to teljes operations.

TITLE VI:

SANCTIONS

Article 3 7:

Without prejudice to the sanctions provided for in Title IV of Law 04/016 of 19 July 2004, the centrate Bank may, in case of non compliance with the provisions of this Instruction by taxpayers, impose one of the disciplinary sanctions provided by Article 77 of Law No. 003/2002 of 2 February 2002 on the activities and supervision of Credit Institutions and pursuant to its tariffs and Conditions.

In addition, the Central Bank of Congo may, instead or in addition to these sanctions:

1)

which can not be less than 5000 and greater than US \$ 100,000;

2) proceed with the publication of the

penalty imposed.

impose an administrative sanction

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Article 38:

In case of repetition, the disciplinary sanction pronounced hierarchically higher than previously will be applied.

By cons, as regards administrative sanctions, double the songmēs provided in the preceding Article will be applied.

TTRE Vii;

FINAL PROVISIONS**Article 3}**

Taxable persons must, within six months from the publication of this statement, update the files relating to the identification of their customers,

Article 4 }

This Instruction shall enter into force on the date of signature and repeals

- All previous provisions which it
contrary,

Done at Kinshasa, December 15, 2006 Jean (Claude MASANGU Mulong () Governor

Journal Spéciai- officially number 20 January 2013

INSTRUCTION No. 15bis

(Amendment No. 2)

Concerns: Derogation legal provisions prohibiting any payment by cash or bearer a sum in Congolese francs equal to or exceeding USD 10,000

The Central Bank of Congo, in accordance with Articles 6 and 3 1 of Law No. 005/2002 concerning its constitution, its organization and its operation, Article 75 of Law No. ({3} / 2002 U2 February 2002 concerning the activity and supervision of credit institutions and Articles 5 and 6, paragraph 2 of Law No. 04 016 of 19 July 2004 on the fight against blanchiment laundering and terrorist financing, adopt following provisions:

Article 1;

Any payment by cash or bearer a sum in Congolese francs or other generally equal or greater than US \$ 10,000 is allowed in the following conditions:

- When the payment is intended to unravel the lawful operations in unserved by credit institutions zones;

- When payment was subject to particular scrutiny on the part of credit taking into account établissement obligations to him by Law No. 04/016 of 19 July 2004 on the fight against money laundering and financing

terrorism. In ɛʒɛ CaS, l'établissement is obliged to inform the National Cell of

Financial information;

- When payment is made by the Central Bank to the Treasury account of Congo or in favor of a credit institution after completing the procedures required by law.

Article 2:

This exemption applies until further notice, the cash settlement of transactions carried out by people both physical and moral regularly established in the areas served or not by the credit institutions are operating legally.

Article 3:

Any transaction made in accordance with Article 1, paragraph 1 of this Instruction shall be evidenced in writing.

Article 4:

This Instruction shall enter into force on the date of signature.

Done at Kinshasa, December 15, 2006 Governor Jean Claude MASANGU MULONGO