



**ESAAMLG PROCEDURES FOR CONDUCTING OF MUTUAL
EVALUATIONS DURING THE COVID-19 PANDEMIC**

5 September 2020

ESAAMLG Procedures for Conducting Mutual Evaluations during the COVID-19 Period

The following detailed procedures are set out in terms of Articles VII(2), VII(4)(p), IX(2), IX(4)(q) and X of the ESAAMLG Memorandum of Understanding (MoU) to provide for conducting of ESAAMLG mutual evaluations (MEs) during the COVID-19 Pandemic

1. During exceptional times of COVID-19 pandemic, it might not be possible for all assessment team members to travel to the assessed country and attend the onsite-visit.¹ To enable the ESAAMLG to continue with the mutual evaluation work as required by its mandate, the following procedures provide further flexibility on the composition of the onsite team which is to be physically on-site. This is to allow for the virtual attendance of assessors and supporting Secretariat staff who are unable to attend in person because of the COVID-19 situation. To allow for this flexibility and minimise prejudice to the assessed country:
 - a. at least four assessors should attend the on-site visit in person and be experts in financial, legal, law enforcement and FIU issues;
 - b. at least two Secretariat staff should attend the on-site visit in person to support the assessed country and assessors; and
 - c. all assessors who are unable to attend the on-site visit in person should be able to participate in the on-site visit virtually.
2. During exceptional times in the pandemic crisis, the ESAAMLG may need to postpone a mutual evaluation because the on-site visit cannot take place due to impact of the crisis response measures (meaning travel restrictions, quarantine measures or country-wide lockdowns). In principle:
 - a. postponements should occur only when absolutely necessary and should not be used as a means to delay implementation of the FATF Standards or gain unfair advantage in the assessment process;
 - b. where they are necessary, postponements should be as brief as possible to minimise the impact on the assessment;
 - c. a physical on-site visit is an essential part of the mutual evaluation process which means, at a minimum, most of the relevant parties should be physically present for meeting at an on-site visit in the assessed country, as outlined under paragraph 1. In principle, this means that the on-site visit should be postponed automatically, if travel is impossible or not practicable for the majority of assessors or the Secretariat staff; and

¹ An assessment team usually consists of five to six expert assessors.

- d. the criteria for postponing and resuming an assessment should be objective and apply equally to all countries impacted by the COVID-19 crisis.
3. To ensure a level playing field, the following objective criteria and procedures shall be applied to all assessments during the crisis.

Objective criteria

4. At least seven weeks prior to the on-site visit, the Secretariat, in consultation with the assessed country and assessors, should make inquiries, as to whether any of the following objective criteria appear to be met and, if so, should gather relevant supporting information as needed²:
 - a. The head of delegation for the assessed country has written to the President of the Council of Ministers or Chairperson of the Task Force, depending on the situation, confirming that the national authorities are unable to host the on-site visit due to the impact of crisis response measures. In doing so, the Head of Delegation should give a full and detailed explanation of how and to what extent the crisis response measures are negatively impacting their ability to proceed. This request must include reference to the specific governmental measures³ that are objectively preventing the country from hosting the on-site visit, including any official documents related to those measures.
 - b. The assessors identified above [in paragraph (4a)] are unable to travel to the assessed country because:
 - travel restrictions prohibiting or strongly discouraging travel to the assessed country have been publicly announced on an official government website of their home country or the assessed country;
 - quarantine measures have been publicly announced on an official government website of their home country or the assessed country, and would apply on the assessor's arrival in the assessed country or on return to their home country;
 - their health insurance would not provide adequate cover in the event of travel to the assessed country;
 - a doctor has advised against their travel to the assessed country for medical reasons; or
 - other circumstances occur that represent similar burdens as the conditions set out above and are related to the

² The onus is on the affected party to provide the Secretariat with supporting information that shows their inability to host or travel to the on-site visit.

³ For example, lockdowns, travel restrictions, transportation restrictions, restrictions on the number of meetings, etc.

COVID-19 pandemic.

- c. For any of the reasons set out in b) above, less than two of the Secretariat staff supporting the mutual evaluation are unable to travel to the assessed country.
5. Where any of the objective criteria cited in paragraph 4 appear to be met, the Secretariat shall inform the ECG Co-Chairs and provide them with any relevant supporting documentation (e.g. a letter from the assessed country's head of delegation confirming their inability to host the on-site visit, relevant communications from the assessors about their inability to travel or relevant information from the Secretariat about the inability of its staff to travel).⁴

Process for determining whether an on-site visit can take place

6. The Co-Chairs in consultation with the Executive Secretary, will review the information referred to in paragraph 5 to determine whether *prima facie* any of the objective criteria set out in paragraph 4 are met, in which case the on-site visit cannot proceed. The Co-Chairs will then consult with the Chairperson of Task Force and Executive Secretary who will make the final determination, based on the objective criteria in paragraph 4. This determination should be made six weeks before the on-site visit.
7. Where the on-site visit cannot proceed as scheduled, the delay may significantly impact the ability of the Task Force Plenary to discuss the Mutual Evaluation Report (MER) in a meaningful way. This is because the Schedule of Evaluations has been prepared so as to allow enough time between the onsite visit and the Plenary discussion. Consequently, where the on-site visit must be postponed, the President of the Council or Chairperson of Task Force depending on the situation will write to the assessed country's Head of Delegation informing of the reasons why the on-site visit cannot proceed as scheduled and the need to defer discussion of the Mutual Evaluation Report. The Chairperson may advise the Task Force Plenary of the reasons for the postponement and the Secretariat proposes new dates so that the Plenary may approve rescheduling discussion of the MER. This request should be made in line with paragraph 6 of the *ESAAMLG ME Procedures and Follow Up Process*.
8. If none of the objective criteria set out in paragraph 4 are met, the President of the Council or Chairperson of Task Force depending on the situation may write to the head of delegation confirming that the on-site visit will proceed as scheduled. The Secretariat will advise the assessors accordingly, on behalf of the President of the Council or Chairperson of Task Force, depending on the situation. In such cases, the assessed country, assessors and Secretariat should maintain an ongoing dialogue on the sanitary precautions and

⁴ In the interests of data protection and privacy concerning an individual's medical situation, medical or personal documents should not be shared with the Co-Chairs or President. It is sufficient for the Secretariat to confirm that they have received proper notification of the medical reason or health insurance coverage.

expectations that will be in place during the on-site visit to safeguard the health of all participants (e.g. regular cleaning of meeting rooms, expectations concerning the wearing of masks, arrangement to enable social distancing, etc.).

Process for determining whether an ME may resume

9. Where an on-site visit has been postponed and the Plenary discussion of the Mutual Evaluation Report rescheduled in line with paragraph 7 above, the procedures outlined in paragraphs 4 to 8 should be applied again (beginning at least seven weeks prior to the new date of the on-site visit) to determine whether or not the on-site visit may take place or should be postponed further.

Process for handling these situations on short notice

10. Because the COVID-19 situation is rapidly evolving, circumstances may change at any time leading up to the on-site visit and on very short notice. If any of the circumstances foreseen in paragraph 4 arise after the Secretariat has made its inquiries⁵, the affected party should immediately inform the Secretariat and provide the relevant supporting information. In such cases, the procedures outlined in paragraphs 4 to 8 should be applied on an urgent basis.

⁵ Which occurs at least seven weeks prior to the on-site visit.