

PLENARY

Establishing the Rules of Procedure of the Task
Force on Money Laundering in Central Africa
(GABAC)

TASK FORCE ON MONEY LAUNDERING IN CENTRAL AFRICA,

Considering the Treaty establishing the Central African Economic and Monetary Community (CEMAC) and its Addendum regarding the Institutional and Legal system of the Community;

Considering the Convention governing the Economic Union of Central Africa (UEAC);

Considering the Convention governing the Monetary Union of Central Africa (UMAC);

Considering the Convention governing the Community Court of Justice;

Considering the Additional Act no. 6/99/CEMAC-024-CCE-02 of 17 December 1999, regarding the system of rights, immunities and privileges granted to the Community, institution members and its personnel;

Considering the Additional Act no. 9/00/CEMAC-086/CCE-02 of 14 December 2000 regarding the creation of the Task Force on Money Laundering in Central America (GABAC);

Considering the Additional Act no. 05/CEMAC-176-CCE-11 of 25 July 2012 regarding harmonisation of the terms of office of Heads of Institutions, Organs and Specialised Institutions of the CEMAC;

Considering the Additional Act no. 026/CEMAC-CCE-11 of 6 November 2012 regarding the appointment of **Mr MBOCK Désiré Geoffroy** as Permanent Secretary of the GABAC;

Considering the Additional Act no. 02/15-CEMAC-CCE-12 of 16 July 2015 regarding transfer of the headquarters of the GABAC;

Considering Regulation no. 001/05/CEMAC/UMAC/CM of 9 February 2005 regarding the Financial regulation of the Permanent Secretariat of the GABAC;

Considering Regulation no. 01/10/CEMAC/UMAC/CM of 2 October 2010 amending Regulation no. 02/CEMAC/UMAC/CM of 14 April 2002 regarding the Organisation and Operation of the Task Force on Money Laundering in Central Africa;

Considering Regulation no. 1/CEMAC/UMAC/CM of 11 April 2016 regarding the prevention and repression of money laundering and the financing of terrorism and proliferation in Central Africa;



Considering the Rules of Procedure of the Task Force on Money Laundering in Central Africa of 8 February 2005;

Considering the Recommendations of the FATF insofar as they constitute the benchmark regarding combating money laundering and the financing of terrorism and proliferation;

FOLLOWING A PROPOSAL BY THE PERMANENT SECRETARY, 

Having discussed the issue at its Plenary meeting on 5 September 2016 in Douala

HEREBY APPROVES THE FOLLOWING RULES OF PROCEDURE:

TITLE I GENERAL PROVISIONS

CHAPTER I: OBJECT

Article 1:

The object of these Rules of Procedure is to set out the organisation and operation procedures of the GABAC, in accordance firstly with the provisions of Regulation no. 01/CEMAC/UMAC/CM of 2 October 2010 amending Regulation no. 02/CEMAC/UMAC/CM of 14 April 2002 regarding the Organisation and Operation of the Task Force on Money Laundering in Central Africa and secondly, with the high-level principles and objectives of the FATF governing the FSRB.

CHAPTER II: DEFINITIONS

Article 2:

In these Rules of Procedure, the terms listed hereunder have the following meanings:

- **Additional act:** the Additional Act no. 9/CEMAC-086/CCE-02 regarding the creation of the Task Force on Money Laundering in Central America;
- **Associate members:** States or Institutions admitted to the GABAC in accordance with the dispositions of article 10 of these Rules of Procedure;
- **BEAC:** the Bank of Central African States;
- **CAEU:** The Central African Economic Union;
- **CAMU:** The Central African Monetary Union.
- **C.C.P.A.C:** the Central African Police Chiefs Committee;
- **CLAB:** the Anti-Money Laundering Liaison Committee of the Franc Zone;
- **COBAC:** the Central African Banking Commission;
- **Committee:** the Ministerial Committee of the Central African Monetary Union; 

- **Community or CEMAC:** the Central African Economic and Monetary Community;
- **Convention:** the Convention governing the Monetary Union of Central Africa;
- **Council:** the Council of Ministers of the Central African Economic Union;
- **ECG:** the Evaluations and Compliance Group;
- **FATF:** the Financial Action Task Force;
- **FSRB:** a FATF-Style Regional Body;
- **GABAC:** the Task Force for Money Laundering in Central Africa;
- **Governor:** the Governor of the BEAC;
- **IMF:** the International Monetary Fund;
- **Members:** persons with voting rights attending GABAC meetings;
- **Member States:** the States party to the Treaty establishing the Central African Economic and Monetary Community;
- **Mutual evaluations:** evaluations of the tools for combating money laundering and the financing of terrorism and proliferation conducted under the aegis of the GABAC;
- **NAFI:** the National Agency for Financial Investigation, Financial Intelligence Unit (FIU) of CEMAC countries;
- **Participants:** persons without voting rights attending the meetings;
- **Permanent Secretariat:** the Permanent Secretariat of the GABAC;
- **President of the Commission:** the President of the CEMAC Commission;
- **RTMG:** the Risks, Trends and Methods Group;
- **Technical Commission:** the Organ of the Permanent Secretariat, whose mission includes ruling on the mutual evaluation reports and the monitoring-evaluation of Member States and on typology exercises;
- **UNODC:** the United Nations Office on Drugs and Crime;

CHAPTER III: STATUS OF THE GABAC

Article 3:

The GABAC is a specialised Community institution, responsible firstly for promoting norms, instruments and standards for combating money laundering and the financing of terrorism and proliferation and secondly, for monitoring their coordinated implementation and effectiveness.

It is endowed with legal personality and financial autonomy.

Its headquarters are decided by an Act of the Conference of the Heads of State.

Article 4:

The GABAC logo comprises three (3) key elements, namely:

1. A group of texts that comprises two parts; the first part depicts the acronym "GABAC" and the second part defines said acronym: "TASK FORCE ON MONEY LAUNDERING IN CENTRAL AFRICA";
2. A succession of three concentric circles that refer to protection and a shield protecting a range of actions. The external circle is fluted, evoking gearing that is reminiscent of a repressive machine, which is the centrepiece of the functioning of an apparatus. The size of the fluting is reminiscent of the outside edge of the CFA coin used in the CEMAC and its layout symbolises protection. The circular shape is the symbol of harmony and plenitude;
3. An illustrative block formed firstly, in the centre, by a letter G symbolising a sickle, the weapon adopted by the institution to carry out the fight imposed by its missions and a human eye, the sign of surveillance and vigilance, and, secondly, three colours (gold and its variants, black and a touch of white). The predominance of the gold colour is reminiscent of a coin, justifying the field of action of the institution.

CHAPTER IV: ATTRIBUTIONS OF THE GABAC

Article 5:

The missions of the GABAC are those defined in the Additional Act, namely:

- combating money laundering and the proceeds of crime, together with the financing of terrorism and proliferation;
- promoting norms, instruments and standards for combating money laundering and the financing of terrorism and proliferation;
- the harmonised and concerted implementation of measures appropriate for this combat in the CEMAC and the monitoring of their effectiveness;
- evaluating the results and effectiveness of the measures adopted;
- assisting Member States with their policies for combating money laundering and the financing of terrorism;
- collaborating with similar structures existing in Africa and internationally, including the negotiation of cooperation agreements.

Article 6:

Within the framework of implementing its missions, the role of the GABAC is to:

- lead, coordinate and drive actions undertaken in Member States for combating money laundering and the proceeds of crime, together with the financing of terrorism and proliferation.
- promote cooperation between the NAFL in their actions aimed at preventing money laundering and the financing of terrorism and proliferation.


- contribute to knowledge of the specificities of money laundering and the financing of terrorism and proliferation in Central Africa;
- initiate and coordinate self-evaluations and mutual evaluations, using FATF methodology, to assess compliance of the tools of Member States with international standards, together with progress achieved and the effectiveness of measures taken within Member States;
- undertake all actions, with respect to identified risks, aimed at protecting the banking and financial systems from violations relating to money laundering and the financing of terrorism and proliferation;
- implement the Principles, Recommendations and Norms in the Community, as stipulated within international cooperation, in particular the Action Plan against money-laundering adopted by the United Nations General Assembly on 10 June 1998, the Recommendations drawn up by the FATF and other Conventions and Treaties pertaining thereto.

Article 7:

The GABAC takes the scaled measures detailed below, under a process of reinforced monitoring/evaluation, when, following an enhanced follow up process lasting eighteen (18) months, sufficient progress is not observed in bringing its laws and institutions into compliance with FATF recommendations:

- sending a letter to the Minister(s) concerned in the evaluated country, drawing their attention to the non-compliance of the country with FATF recommendations and the failure to meet its commitments as a member of the GABAC;
- organising a high-level mission in the evaluated country to reinforce this message. This mission aims to meet the ministers and senior representatives of the country concerned;
- putting these issues before the FATF International Corporation Review Group and publishing a formal GABAC declaration stating the lack of cooperation from this country and recommending that the international community takes all appropriate measures (in compliance with FATF recommendation 21);
- applying the sanctions provided for by article 75 of these Rules for Procedure.

Article 8:

GABAC working languages are French, English, Spanish and Arabic. The standard language used is French. However, for the purposes of extensive dissemination and the raising of awareness in States where the national language is not French, the GABAC shall translate relevant papers and acts relating to money laundering and the financing of terrorism into English, Spanish and Arabic. 

TITLE II ORGANISATION AND OPERATION

CHAPTER 1: STATUTORY BODY

Section 1: GABAC Members

Article 9:

The following are present or represented within the GABAC in their capacity as members during plenary meetings:

- Ministers of Member States for Finance, Justice, the Interior and Security;
- the President of the Commission;
- the Governor;
- the General Secretary of the COBAC;
- the President of the C.C.P.A.C;
- any country or institution that has acquired the status of associate member.

Article 10:

Any country or institution wishing to join the GABAC may send it a request for associate membership. The request shall then be passed on to the Committee, which makes a decision following a proposal from the GABAC.

Article 11:

Any country or institution thus wishing to become an associate member of the GABAC undertakes to comply with the provisions of Regulation no. 01/CEMAC/UMAC/CM of 2 October 2010 amending Regulation no. 02/CEMAC/UMAC/CM of 14 April 2002 regarding the Organisation and Operation of the Task Force on Money Laundering in Central Africa and Regulation no. 1/CEMAC/UMAC/CM of 11 April 2016 regarding the prevention and repression of money-laundering and the financing of terrorism and proliferation in Central Africa. This commitment in particular entails:

- undertaking all actions aimed at protecting the banking and financial systems from violations relating to money laundering and the financing of terrorism and implementing the principles, recommendations and norms as stipulated within international cooperation, in particular the Action Plan against money-laundering adopted by the United Nations General Assembly on 10 June 1998, the Recommendations drawn up by the FATF and other Conventions and Treaties pertaining thereto;
- submit itself to the prior mutual evaluation of the GABAC and the follow up process;
- participating in knowledge of the specificities of money laundering and the financing of terrorism and proliferation;
- contributing to the Financing of the GABAC.

Section 2: Other participants

Article 12:

The following are automatically admitted to GABAC meetings as observers:

- the UNODC;
- the FATF;
- the CLAB;
- the World Bank;
- the IMF;
- FSRBs;
- third-party States or institutions providing support for GABAC action or contributing to its financing;
- any State or institution invited by the President of the GABAC at his discretion;
- any country or institution that has acquired the status of observer following a Decision by the GABAC.

Article 13:

Any country or institution wishing to be associated with the activities of the GABAC in the capacity of an observer, may send a request to the GABAC.

The GABAC rules in first and last instance on the request sent to it in the absence of the country or institute concerned and subsequently informs the Committee.

Under the same conditions, the GABAC may end the capacity of an observer.

In order to be admitted as an observer of the GABAC, the candidate country or institution makes the same undertakings as those stipulated in article 11 above, except the undertaking regarding contributing to the financing of the GABAC.

Section 3: Presidency of the GABAC

Article 14:

The presidency of the GABAC is performed during each civil year by a President, assisted by a Vice-President.

Article 15:

The President of the GABAC is the Minister for Finance of the State presiding over the Committee.



Article 16:

The Vice-President is the Minister for Justice of the State following, in alphabetical order, the State of the serving President of the Committee.

Article 17: the President convenes and chairs the plenary meetings.

Article 18: The President is granted the widest powers to conduct the ongoing intersessional operations of the GABAC and implement its decisions.

The President signs the agreements negotiated by the Permanent Secretary. He or she may however delegate this power to the Permanent Secretary.

Section 4: Ad hoc commissions and working groups

Article 19:

The GABAC may create ad hoc commissions internally, comprising a selection of its members.

It may also constitute working groups, including persons that are not members of the GABAC that are appointed on the grounds of their expertise.

Article 20:

The forming of an ad hoc commission or working group is decided by the GABAC meeting in a plenary session, through a resolution specifying the names of its members, the issues to be addressed, the nature of the documents and reports to be produced and an indication of the frequency of meetings.

Each member of the ad hoc commission or working group is notified individually of this resolution.

In the event of an emergency or for service requirements, the President may, following a proposal from the Permanent Secretary, constitute the ad hoc commission or working group described in the previous article.

Article 21:

The proposals and guidelines drawn up by an ad hoc commission or working group are then submitted for approval by the GABAC plenary meeting.

CHAPTER II: PERMANENT SECRETARIAT

Section 1: Status of the Permanent Secretariat

Article 22:

The GABAC is endowed with an executive organ named the Permanent Secretariat.

The Permanent Secretariat is responsible for implementing community policy on money laundering and the financing of terrorism and proliferation in accordance with GABAC guidelines.

The Permanent Secretariat and its staff benefit from privileges and immunities stipulated in the Additional Act no. 6/99/CEMAC-024-CCE-02 of 17 December 1999 regarding the system of rights, immunities and privileges granted to the Community, institution members and its staff.

Section 2: Attributions

Article 23:

The attributions of the Permanent Secretariat are those defined by Regulation no. 01/CEMAC/UMAC/CM of 2 October 2010 amending Regulation no. 02/CEMAC/UMAC/CM of 14 April 2002 regarding the Organisation and Operation of the Task Force on Money Laundering in Central Africa. As such, it is responsible for:

- ensuring permanent representation of the GABAC;
- performing any task or mission assigned to it by the GABAC and examining any case brought before the GABAC;
- taking all necessary measures to enforce GABAC decisions;
- liaising with Member States and Institutions of the Community in collaboration with the Governor and the President of the Commission;
- preparing GABAC meetings;
- drawing up the working programme of the GABAC in compliance notably with the provisions of articles 4 and 5 of the aforementioned Regulation;
- determining requirements of the GABAC in terms of technical assistance;
- preparing the budget of the GABAC for approval by the Committee after an opinion has been issued by the GABAC, and ensuring its enforcement;
- drafting the GABAC annual report and financial report of each fiscal year.

Article 24:

The Permanent Secretariat ensures the legal and institutional instruments of the Community comply with international norms and standards.

It initiates any action for reviewing community instruments for combating money laundering and terrorism and proliferation.

It implements the high-level principles and objectives of the FATF applying to the FSRB.

Article 25:

The focal points of the Permanent Secretariat are the NAFI of Member States. It convenes them to a plenary meeting at least once every year.

Article 26:

The Permanent Secretariat implements the attributions of the GABAC, as defined in article 5 of these Rules for Procedure.



Article 27:

The Permanent Secretariat evaluates the legal and institutional tools of GABAC Member States regarding money-laundering and the financing of terrorism and proliferation, with a view to ensuring their compliance with international standards, in particular with FATF Recommendations.

It performs mutual evaluations and ensures the implementation of recommendations contained in mutual evaluation reports as part of a monitoring-evaluation process in accordance with FATF global methodology and community acts regarding the processes and procedures of GABAC mutual evaluations.

The FATF Recommendations and Methodologies specified in the above paragraphs are those in force during each cycle of FATF evaluations.

Article 28:

The Permanent Secretariat involves the FATF Secretariat, FATF members and observers, the FSRB and other institutions throughout the mutual evaluation and follow up process of Member States, prior to submitting reports pertaining thereto to the Technical Commission to seek their observations and contributions.

Article 29:

The Permanent Secretariat contributes to knowledge of the specificities of money laundering and the financing of terrorism and proliferation in Central Africa.

It analyses the existing threats and risks in the area with a view to ascertaining the various methods and techniques of money-laundering operations and the financing of terrorism and proliferation in the sub-region, by conducting typology exercises and other studies on the risks incurred by Member States.

Article 30:

The Permanent Secretariat submits the draft conclusions of typology exercises and the studies it conducts to the FATF Secretariat, FATF members and observers, the FSRB and other institutions, prior to the submission of reports pertaining thereto to the Technical Commission to seek their observations and contributions.

Article 31:

The Permanent Secretariat identifies the requirements of States in terms of technical assistance in non-exhaustive fields concerning:

- the operational capability of the NAFI;
- the enactment, dissemination and upgrading of instruments to combat money laundering and the financing of terrorism and proliferation;
- the creation and strengthening of national committees to combat money laundering and the financing of terrorism and proliferation and drawing up national evaluation strategies of the related risks;



- the promotion of strategic partnerships with the private sector, civil society and other stakeholders;
- national, sub-regional and international cooperation.

GABAC members and other participants may also identify requirements for technical assistance in any other field.

Article 32:

The Permanent Secretariat attends all international fora on combating money laundering and the financing of terrorism and proliferation to which the GABAC is invited.

In particular, it participates in plenary meetings and all projects organised by the FATF, the CLAB, the FIU Egmont Group and the Crans Montana Forum.

It involves the FATF Secretariat, FATF members and observers, the FSRB, sub-regional, regional and international institutions involved in combating money laundering and the financing of terrorism and proliferation with events it organises in this field.

It contributes to all discussions and actions regarding money laundering and the financing of terrorism and proliferation.

Section 3: Human resources

Article 33:

The Permanent Secretariat is endowed with its own personnel recruited by the Permanent Secretariat or provided with by the member States or institutions.

The personnel of the Permanent Secretariat are domiciled at the headquarters of the GABAC.

In addition to applicable community laws, the personnel of the Permanent Secretariat may be governed by specific by-laws adopted by the Plenary meeting following a proposal by the Permanent Secretary.

The specific by-laws aim to clarify community laws relative to the community personnel.

Article 34:

The organisation chart and operating rules of the Permanent Secretariat are those specified in the GABAC manual of administrative, financial and accounting procedures.

Article 35:

As regards the organisation chart mentioned in article 34 above and in accordance with the GABAC manual of administrative, financial and accounting procedures, the Permanent Secretariat is organised as follows:

1. services reporting to the Permanent Secretariat Cabinet, comprising a Linguistics Division, an IT Division and a mail office;
2. the Department of Administrative Affairs, Financial Affairs and Assets, comprising an Accounting and Assets Division and a Human Resources Department;

3. the Research and Forecasts Department, comprising a Money Laundering Division and a Financing of Terrorism and Proliferation Division;
4. the Legal Affairs and Litigation Department, comprising a Regulations Division and a Litigation and Cooperation Division;
5. the Financial Auditing Department.

Article 36:

Recruitment of personnel of the Permanent Secretariat is based on objective criteria, in accordance with the GABAC manual of administrative, financial and accounting procedures.

For each level of position, however, there must be a balance in representation from Member States within the Institution.

Personnel thus recruited are subject to CEMAC laws and regulations regarding the status of Community personnel and the specific status specified in article 33 above. As community officials, they cannot therefore claim to represent the countries from which they originate.

Article 37:

The plenary meeting appoints the Direction or equivalents following a proposal from the Permanent Secretariat.

Article 38:

The GABAC draws up a code of ethics applying to personnel of the Permanent Secretariat, technical assistants and any other person acting on its behalf.

Section 4: Working groups

Article 39:

The Permanent Secretary may submit the creation of working groups to the GABAC President.

Upon creation, working groups comprise persons appointed on the basis of their expertise in the field in question.

Article 40:

The creation of a working group is decided by the GABAC President, through an act specifying the names of its members, the issues to be addressed, the nature of the documents and reports to be produced and an indication of the frequency of meetings.

All members of the working group are notified individually of this decision.

The proposals and guidelines drawn up by a working group are submitted for approval by the GABAC plenary meeting.



Section 5: Pool of assessors

Article 41:

The Permanent Secretariat is endowed with a pool of assessors responsible for conducting, under its control, the mutual evaluations of Member States, in accordance with community acts regarding the GABAC mutual evaluation processes and procedures.

The Permanent Secretariat may require the provision of assessors by the FATF and other FSRB, wherever necessary.

Article 42:

Assessors are selected after training in FATF mutual evaluation global methodology and the implementation of the community acts specified in article 24.

Section 6: Technical Commission

Article 43:

The Permanent Secretariat is endowed with an organ named the "Technical Commission". This Commission examines issues listed on the agenda of its plenary meeting by the Permanent Secretariat.

It mainly deals with subjects relating to the fundamental missions of an FSRB.

It rules on mutual evaluations, follow up, typology exercises, strengthening and harmonisation of the laws for combating money laundering and the financing of terrorism and proliferation.

It may also issue an opinion on issues that the Permanent Secretariat wishes to bring to the attention of the GABAC plenary meeting.


Article 44:

The plenary meeting of the Technical Commission comprises the ECG and the RTMG.

The composition of the Technical Commission can be modified when necessary.

Article 45:

The plenary meeting of the Technical Commission specified in article 44 above proceeds as follows;

1. The ECG examines the mutual evaluation reports and follow up evaluation reports. It provides guidelines for the Technical Commission, making proposals regarding the decisions it should make in compliance with its conclusions;
 2. The RTMG chooses the subjects for typology exercises, examines the terms of reference of typology exercises and typology exercise reports. It provides guidelines for the Technical Commission, making proposals regarding the decisions it should make in compliance with its conclusions on the subjects examined.
- 

Notwithstanding the provisions of paragraphs 1 and 2 above, the Technical Commission working groups may be informed of all the subjects listed on the agenda of the Plenary Meeting requiring the opinion of the Technical Commission.

Article 46:

The Technical Commission plenary meetings and working groups are chaired by the NAFI of the country presiding the GABAC and co-chaired by the NAFI of the country granted the vice presidency of the GABAC.

Section 7: Permanent Secretary

Article 47:

The Permanent Secretariat is placed under the authority of a Permanent Secretary, appointed by the Conference of the Heads of States for a five year non renewable term.

Article 48:

The Permanent Secretary has the rank and prerogatives of a Head of Diplomatic Mission.

The status of the Permanent Secretary is governed by various regulatory texts, in particular the CAMU Convention and Additional Act no. 6/99/CEMAC-024-CCE-02 of 17 December 1999, regarding the system of rights, immunities and privileges granted to the Community, institution members and its personnel.

Article 49:

Before taking up office, the Permanent Secretary swears as follows before the CEMAC Court of Justice: *"I hereby swear to loyally and faithfully perform my duties in compliance with the rules and regulations governing the GABAC and in the interest of Member States of the Community"*.

**TITLE III
MEETINGS**

CHAPTER I: GABAC MEETINGS

Article 50:

The GABAC meets in an ordinary plenary session once a year as convened by its President.

The President of the GABAC may convene as many extraordinary sessions as necessary.

Extraordinary sessions may also be convened at the request of at least seven (7) members.

Article 51:

In the event of the President of the GABAC being unable to chair the meeting, it shall be chaired by the Minister for Justice or, in their absence, by the Minister for Security of the State granted presidency of the GABAC.

In cases where the State with presidency is not represented by any Minister, the meeting shall be chaired by the Vice President.

Article 52:

All GABAC plenary meetings must be the subject of notices of meeting sent to members and observers by any means with written proof of receipt at least thirty (30) days prior to the date of the meeting, including the draft agenda of the meeting.

This notice of meeting must also specify the date and place of the meeting.

In an emergency, the meeting may be convened with notice of a minimum of eight (8) days, either by the President of the GABAC or at the request of at least seven (7) members.

Article 53:

Members each have one vote.

The GABAC may hold valid deliberations when more than half of its members are present or represented.

Decisions are adopted with a two-thirds (2/3) majority of votes cast by members present or represented.

The GABAC takes decisions by means of resolutions.

Article 54:

The GABAC can make decisions on certain issues by means of written consultation in the following two cases:

- at the request of two-thirds of members present or represented at the plenary session;
- in the event of absolute emergency or force majeure, confirmed by the President.

In either of the above cases, the decision is deemed to have been taken on the basis of opinions expressed by at least two-thirds (2/3) of GABAC members.

Decisions made are recorded in minutes read out at the next meeting and are enforceable.

Article 55:

If a member is prevented from attending, voting powers may be granted in writing to another member of the GABAC. These powers must be presented to the Chair at the beginning of the meeting.

In all cases, members prevented from attending must ensure they are represented by a senior member.

Powers are valid for one meeting only.

No representative may be invested with more than two powers of representative.

Article 56:

The agenda for GABAC meetings is set by the President, following a proposal from the Permanent Secretary.

Each member may request the immediate listing of one or more issues on the agenda.

In cases where the GABAC meets at the request of at least seven (7) of its members under the conditions set out in article 50 above, a draft agenda is submitted by said members.

Article 57:

The Permanent Secretary acts as secretary at GABAC plenary meetings.

The Permanent Secretary verifies the quorum. If the quorum is met, the Chair opens the plenary session, has the agenda approved and invites the Permanent Secretary to introduce the items on the agenda.

The items are examined in the order in which they were included.

Article 58:

Persons attending GABAC meetings are bound to keep its deliberations secret.

Documents drafted for GABAC meetings are reserved for the exclusive use of persons participating and may not be reproduced or disclosed to third parties.

Article 59:

At the end of each session, minutes are drawn up by the Permanent Secretary and sent to the GABAC for approval at its following meeting.

The minutes must be sent by the Permanent Secretary to GABAC members within fifteen (15) days of the date of the meeting.

Minutes approved by the GABAC are initialled and signed by the President.

The Permanent Secretary keeps a register of the minutes of GABAC meetings.

Article 60:

At the end of each meeting, the Permanent Secretary sends a press release for approval by the GABAC, which is then disseminated in the press publications of Member States and on the GABAC website.

Article 61:

GABAC plenary meetings and the work of the ad hoc commissions and working groups created by the GABAC are financed by the GABAC budget.

Participants who are members of the GABAC and the staff of the Permanent Secretary are entitled to the *per diem* stipulated in annex 1 of these Rules of Procedure.

CHAPTER II: PERMANENT SECRETARIAT MEETINGS

Article 62:

The Technical Commission meets in a plenary session two (2) times a year, in March in the country of the headquarters of the GABAC and in September in the country holding the GABAC presidency.

Members of the FATF Secretariat, FATF members and observers, GABAC observers and the other FSRB automatically attend the Technical Commission plenary meetings.

Article 63:

All Technical Commission plenary meetings must be the subject of notices of meeting sent by the Permanent Secretariat to Member States and GABAC observers, the FATF, FSRB and observers, by any means with written proof of receipt at least thirty (30) days prior to the date of the meeting, including the draft agenda of the meeting.

This notice of meeting must also specify the date and place of the meeting.

In an emergency, the meeting may be convened with notice of a minimum of eight (8) days.

Article 64:

Each member of the Technical Commission has one vote.

Decisions are adopted by consensus or failing that, by a vote, with a simple majority of the votes cast by attending members.

Article 65:

The Technical Commission plenary meeting has the final ruling on mutual evaluation reports and typology exercises.

Article 66:

The agenda for Technical Commission meetings is set by the Permanent Secretariat.

Article 67:

The Secretariat for Technical Commission meetings is performed by the Permanent Secretariat.

Article 68:

Persons attending Technical Commission plenary meetings are bound to keep its deliberations secret.

Documents drafted for Technical Commission meetings are reserved for the exclusive use of persons participating, including FATF members, the FSRB and observers, and may only be reproduced or disclosed to third parties with express authorisation of the Permanent Secretariat.

Article 69:

At the end of each session, minutes of the deliberations of the Technical Commission are drawn up by the Permanent Secretary.

The Permanent Secretary then sends the minutes to the Technical Committee members and all other attendees, no later than fifteen (15) days after the date of the meeting.

The recipients must send their observations to the Permanent Secretariat within fifteen (15) days of receiving the minutes.

In addition to the minutes, the Permanent Secretary sends a statement of the decisions and recommendations within seven (7) days of the plenary meeting.

Article 70:

A final statement is disseminated on the GABAC website at the behest of the Permanent Secretary.

Article 71:

Costs relating to the Technical Commission plenary meetings, projects of the working groups formed by the Permanent Secretariat and the missions of assessors are financed by the GABAC budget.

Participants who are members of the Technical Commission and the staff of the Permanent Secretary are entitled to the *per diem* stipulated in the annex of these Rules of Procedure.

**TITLE IV
FINANCIAL PROVISIONS
SINGLE CHAPTER: FINANCING**

Article 72:

GABAC activities are financed by the contributions of Member States under the terms drawn up by the Committee, and by any financial assistance granted by donors, in particular States or national, regional or international institutions in the form of donations.

Article 73:

Budget forecasts pertain to the income and expenditure of the financial year concerned.

They cover all the income and expenditure of the Permanent Secretariat.

Article 74:

The Permanent Secretariat draws up the GABAC budget for approval by the Committee after an opinion has been issued by the GABAC, and ensures its enforcement.

Its income and expenditure must be balanced.

Article 75:

Budget appropriations are specialised and restrictive per chapter and per article. The chapter covers expenditure of the same type or same destination. Each article is subdivided into paragraphs and the paragraphs into sections.

During implementation of the budget, the allocation of appropriations cannot be amended by appropriation transfers or movements.

Transfers of appropriations may modify implementation of the expenditure, but do not change the type of expenditure. They occur from one paragraph to another within the same article, or from one article to another within the same chapter.

The Permanent Secretary of the GABAC may transfer appropriations from one paragraph to another within the same article, or from one article to another within the same chapter.

Transfers of appropriation modify the type of expenditure forecast by the budget. They occur from one chapter to another within the same title. In order to perform the transfers described above, the GABAC Permanent Secretary must request prior authorisation from the President of the GABAC.

In an emergency, however, the Permanent Secretary may act by means of a requisition sent to the Financial Controller.

In the cases specified in the first two paragraphs above, the Permanent Secretary requires prior consent from the Financial Controller.

Article 76:

The draft budget may be directly submitted for Committee approval in the following cases:

- when the plenary meeting has not been held before the last ordinary session of the Committee preceding the year in which the GABAC budget needs to be implemented;
- when the GABAC has been unable to rule on the draft budget in the absence of a quorum.

Article 77:

If the budget has not been approved prior to the start of the financial period concerned, revenue and expenditure operations are temporarily performed by provisional twelfths based on the budget of the previous financial period.

In this case, the Permanent Secretary initiates a draft Decision on renewing the GABAC budget by provisional twelfths and submits it to the acting Chairman of the Committee for signature.


The States must take all necessary measures to ensure the budget is fully available from the first month of the financial period concerned after approval by the Committee or, in cases where provision by provisional twelfths is automatic and regular every month, until the budget of the year in question is adopted.

Article 78:

The draft budget is accompanied by:

- financial statements detailing implementation of the budget in the previous year;
- an activity report for the ongoing year;
- the activity schedule for the following year.

Article 79:

Budget implementation procedures are those stipulated in Regulation no. 001/05/UMAC/CM of 9 February 2005 regarding the Financial regulation of the Permanent Secretariat of the GABAC and the GABAC manual of administrative, financial and accounting procedures. 

TITLE V SANCTIONS

SINGLE CHAPTER: SANCTIONS PROCEDURE

Article 80:

The following are considered failings liable to the sanctions provided for in article 81 below:

- failure by a Member State to pay its financial contribution to the GABAC for two (2) consecutive years;
- failure by a Member State to attend GABAC plenary meetings for two (2) consecutive years;
- refusal by a Member State to undergo the mutual evaluation process;
- refusal by a Member State that has been subject to a mutual evaluation, to take the measures enabling it to bring its instrument for combating money laundering and the financing of terrorism and proliferation into compliance with international standards pertaining thereto;
- refusal by a Member State to undertake any action to minimise the identified risks of exposing its security and banking and financial system to breaches related to money laundering and the financing of terrorism and proliferation;
- any act by a Member State that exposes the security and banking and financial systems of other members to breaches related to money laundering and the financing of terrorism and proliferation.

Article 81:

When breaches listed in article 80 above are identified against a State of the Community, the GABAC may, in addition to the measures stipulated in article 7 of these Rules of Procedure and without prejudice to those provided for by community laws, make a proposal to the Committee to enforce one of the following sections:

- issuance of a warning;
- withdrawal of voting rights;
- suspension from GABAC meetings.

The decision to suspend a State is forwarded to the FATF, the World Bank, the IMF and other international financial institutions.

Article 82:

In the event of a Member State or institution admitted as an associated member failing to comply with the provisions of article 11 of these Rules of Procedure, or in the event of said State proving guilty of the breaches specified in article 80 of these Rules, the GABAC may

propose to the Committee the same sanctions as those provided for by article 81 above, which extend to exclusion.

The Committee adjudicates the unanimity of its members in the absence of the State or the institution concerned.

TITLE VI FINAL PROVISIONS

Article 83:

These Rules for Procedure may be amended at the initiative of the Permanent Secretary or a two-thirds (2/3) majority of GABAC members.

Amendments take effect as from the date of their publication.

Article 84:

These Rules of Procedure were drafted in a single copy in French, English and Spanish; the French text being admissible in case of difference of interpretation.

Article 85:

These Rules for Procedure, which repeal and replace the Rules for Procedure of 8 February 2005, take effect as from the date of their adoption by the GABAC Plenary meeting and shall be recorded in the books of the GABAC and published in the Community journal. *JB*

Drawn up in Brazzaville

on **16 JAN. 2017**

