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INTER-AMERICAN DRUG ABUSE
CONTROL COMMISSION

CICAD

Secretariat for Multidimensional Security

XXXIX GROUP OF EXPERTS FOR THE CONTROL OF MONEY LAUNDERING
September 25-26, 2014
Montevideo, Uruguay

OEA/Ser.L/XIV. 4.39
CICAD/LAVEX/ 1/14
27 March 2014
Original: Spanish

TERMS OF REFERENCE

Working Group:

Group of Experts for the Control of Money Laundering (LAVEX)
Subgroups of FIU and Law Enforcement Agencies (LEA) and Forfeiture and International Cooperation

Source of the Terms of Reference:

Executive Secretariat of the Inter-American Drug Abuse Control Commission (ES/CICAD)

Organization:

Organization of the American States (OAS)

According to:

- The recommendations of the Group of Experts in its meeting on September 17-18, 2013 in Brasilia, Brazil (LAVEX XXXVII).
- The Working Plan approved at the Fifty-Fourth Regular Session of CICAD held in Bogota, Colombia, December 11-13, 2013.
- The recommendations of the Sub-Working Groups of FIU and Law Enforcement Agencies; and Forfeiture and International Cooperation; in their meeting on May 22-23, 2014, in Washington D.C., United States.

Considering that:

- CICAD, at its forty-second regular session held in Santa Marta, Colombia, agreed on the working basis for the Group of Experts for the Control of Money Laundering (GELAVEX). The areas of action identified by the GELAVEX at its XXIV plenary session held in Santiago, Chile November 7-9, 2007, are as follows: forfeiture, *In-Rem* forfeiture, Asset Recovery Agencies, coordination and integration between Financial Intelligence Units (FIU) and Law Enforcement Agencies (LEA), and terrorism financing.

- CICAD, at its forty-second regular session held in Santa Marta, Colombia, agreed that GELAVEX will hold two annual meetings; one during the first half of the year exclusively for the Sub Working Groups (Subgroup of FIU and Law Enforcement Agencies and Subgroup of Forfeiture), and another during the latter half of the year which will feature a plenary session as well as an additional meeting for the Sub Working Groups.
- The Meeting for the Group of Experts for the Control of Money Laundering held in San Jose, Costa Rica September 2-3, 2010 decided that, starting 2010-2011, the plenary would adopt the regularization of the sessions in relation to its *pro-tempore* chairs. To this end, the Group of Experts recommends that the *pro-tempore* chair is assumed during the next plenary session. This recommendation was approved during the forty-eighth regular session of CICAD held in Washington, D.C. December 6-8, 2010.
- The Group of Experts recommended in its meeting held in Caracas, Venezuela, September 27-28, 2011 the approval, by the Commission, of the proposal for the development of a planning process for the Group of Experts for the Control of Money Laundering. This proposal was approved by CICAD with the modifications proposed by Mexico and Canada in the fiftieth regular session of CICAD held in Buenos Argentina, November 2-4, 2011.
- According to the Working Plan 2013-2014 approved by CICAD, the International Cooperation and Forfeiture Subgroup will: (1) **Develop a comparative report among work plans, developed products and contacts of strategic partners** in order to find possible synergies; and (2) **Develop a complementary study on the procedures and/or criteria for international cooperation in assets sharing**. To this end, the Subgroup Coordination will be supported by the ES and by the delegations of the United States and Uruguay. Also according to the Working Plan approved by the Commission, the Sub-Working Group of Financial Intelligence Units and Law Enforcement Agencies will: 1) **Analyze the impact of the new 40 FATF Recommendations**, particularly regarding the formation of multi-disciplinary teams, and deepen the **Methodological Guide of Asset Investigation**, presenting tools to its implementation; and 2) To present the points that should be addressed in a document about **security and integrity of officials responsible for combating money laundering and related offenses**, which will be presented at the next GELAVEX sub-working groups meeting.
- The Sub-Working Groups of FIU and Law Enforcement Agencies; and Forfeiture and International Cooperation meeting held on May 2014, in Washington D.C., recommended: 1) Presenting the “Guide to Administration Seized Companies” and recommended its study, discussion and eventual adoption as a reference document; 2) Submitting for approval the Complementary Study on the Procedures and/or Criteria for International Cooperation on Sharing of Goods; 3) Approving the “Comparative Report among work plans, developed products and strategic business partner contacts AML/CFT”; 4) Presenting the proposed “Technical Assistance Program on International Cooperation in Asset Recovery” for discussion and eventual adoption, elaborated on by the ES/CICAD; 5) Submit for consideration and approval a final version of the “Document on the matter in which the 40 new recommendation of the FATF impact an Asset Investigation and its analysis”; 6) Submit for consideration and approval a final version of the document “Recommendations for the security and integrity of officers in charge of combating money laundering crimes and related crimes”; and 7) To agree, keeping in mind that the three-year Strategic Plan will be finalized in 2014, on the development of a new Strategic Plan for the period of 2015-2018, based on the topic proposals to be included, contributed by the delegation of the Member States accredited to this Expert Group.

Profile of the delegates to the Experts' Group:

1. Be a representative of an OAS Member State.
2. Desirable qualifications of the delegates: experts in criminal law, international cooperation, asset administration agencies and/or financial intelligence.
3. The following countries, international organizations and/or entities participate as observers: United Nations Office on Drugs and Crime (UNODC), Global Program for Money Laundering (GPML/UN), Council of Europe, Spain, Financial Action Task Force (FATF), Caribbean Financial Action Task Force (CFATF), Financial Action Task Force of South America (GAFISUD), Inter-American Committee against Terrorism (CICTE – OAS), Inter-American Development Bank (IADB), The World Bank, International Monetary Fund (IMF), Egmont Group.

In order to keep the work continuity of the Group of Experts Meeting for the Control of Money Laundering (GELAVEX), the Executive Secretariat kindly requests, if possible, that countries participating in subgroups preserve the delegates who have attended previous meetings. Consecutively, for better results at the working sessions, the Executive Secretariat suggests to those countries participating in more than one subgroup, according to its possibilities, designate an expert for each subgroup.

Structure and Working Methodology:

The Executive Secretariat of CICAD will provide administrative and professional support in the design and development of the final report and other documents, as well as to facilitate the subgroups discussions providing technical support as requested. Once they are agreed upon, these documents will be submitted to Member States for their review and comments in the following 30 days. By the end of the mentioned deadline the Secretary will circulate within 15 days the final document.

Financial Support:

In accordance with the decision of the Commission at its twenty-first regular session, the Groups of Experts are open to all Member States of CICAD and financial assistance to the delegates to attend the event may be provided under exceptional circumstances and based upon the existence of funds for this purpose. Those delegations that would like to request financial assistance should do so expressly and not presume that funds will be provided automatically by the Executive Secretariat.