**Resolution CM/Res(2013)13**[[1]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36" \l "_ftn1" \o ") **on the statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)**

*(Adopted by the Committee of Ministers on 9 October 2013 at the 1180th meeting of the Ministers’ Deputies
and amended on 27 September 2017 at the 1295th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Articles 15.*a* and 16 of the Statute of the Council of Europe,

Having regard to the Declaration and Action Plan adopted at the Third Summit of Heads of State and Government of the Council of Europe (Warsaw, 16-17 May 2005), in particular to the Heading II.2 of the Action Plan commending the work undertaken by the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) to monitor anti-money laundering measures, including the financing of terrorism;

Recognising the importance of the fight against money laundering, the financing of terrorism and other forms of serious proceeds-generating crimes for the purpose of which the Council of Europe has adopted a variety of instruments, in particular the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (ETS No. 141) and the 2005 Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198);

Recalling the status of the Council of Europe/MONEYVAL since June 2006 as an associate member of the Financial Action Task Force (FATF) and underlining the importance of MONEYVAL as a leading international partner in the global network of anti-money laundering and combating the financing of terrorism (AML/CFT) assessment bodies;

Having consulted MONEYVAL on ways to reinforce its action;

Deeply convinced that fighting organised crime effectively requires sustained action to combat money laundering;

Deeply convinced of the need to fight the financing of terrorism;

Noting that, since its creation by the Committee of Ministers in 1997 as an expert committee subordinated to the European Committee on Crime Problems (CDPC), MONEYVAL has developed its activities in a step‑by‑step fashion, giving priority to achieving concrete results;

Considering that the strengthening of MONEYVAL should take as its starting point the work already done and that MONEYVAL should consolidate and develop this work,

Decides to adopt the amended statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), which will henceforth regulate its activities, as appended hereto.

*Appendix to Resolution CM/Res(2013)13*

**Statute of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL)**

**Article 1 – Aim and status of MONEYVAL**

1.         MONEYVAL shall be a monitoring body of the Council of Europe entrusted with the task of assessing compliance with the principal international standards to counter money laundering and the financing of terrorism and the effectiveness of their implementation, as well as with the task of making recommendations to national authorities in respect of necessary improvements to their systems.

2.         Through a dynamic process of mutual evaluation, peer review and regular follow-up of its reports, MONEYVAL shall aim to improve the capacities of national authorities to fight money laundering and the financing of terrorism more effectively.

**Article 2 – Scope of activities of MONEYVAL**

1.         Taking into account the AML/CFT evaluation procedures and practices used by the FATF, the International Monetary Fund (IMF) and the World Bank, MONEYVAL shall develop appropriate documentation, including questionnaires for self-evaluation and mutual evaluation, and follow up and assess, by means of such questionnaires and/or other tools and periodic on-site visits, the compliance with the relevant international AML/CFT standards[[2]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36#_ftn2) of States falling into any of the categories specified in Article 2.2 below.

2.         Evaluation by MONEYVAL shall cover:

*a*.         member States of the Council of Europe which are not members of the FATF;

*b.*         member States of the Council of Europe which become members of the FATF and request to continue to be evaluated by MONEYVAL;

*c.*         member States of the Council of Europe which are members of the FATF and which request to be evaluated by MONEYVAL as regards European standards not already covered by the FATF or any other evaluation body;

and, subject to a decision by the Committee of Ministers,

*d.*         member States of the Council of Europe which are members of the FATF, with respect to the territory(ies) for whose international relations they are responsible or on whose behalf they are authorised to give undertakings, provided these territories are not evaluated by the FATF, upon the relevant member State’s request that its territory(ies) be evaluated by MONEYVAL;

*e.*         any applicant State for membership of the Council of Europe and any other non-member State of the Council of Europe which is not a member of the FATF, provided the interested State makes a request in writing to the Secretary General in which it undertakes to participate fully in the evaluation procedure, to comply with its results and to contribute to its costs.

3.         A non-member State of the Council of Europe, non-member of the FATF, which is subject to evaluation by MONEYVAL in pursuance of the above may at any time declare, by means of a notification to the Secretary General, that it decides to interrupt its participation in the evaluation.

4.         MONEYVAL shall adopt reports covering:

- the features and magnitude of money laundering and the financing of terrorism, including typologies;

- the efficiency of measures taken to combat money laundering and the financing of terrorism in the legislative, financial regulatory, law enforcement and judicial sectors, with recommendations to improve the domestic system to combat money laundering and the financing of terrorism.

5.         MONEYVAL shall conduct regular thematic typologies research in respect of all evaluated States on the features, techniques, trends and magnitude of money laundering and the financing of terrorism.

6.         MONEYVAL may conduct other research into issues relating to money laundering and the financing of terrorism, including horizontal reviews of the progress of evaluated States in meeting the international standards in each evaluation round.

7.         MONEYVAL may, after consultation with the European Committee on Crime Problems (CDPC), propose recommendations for adoption by the Committee of Ministers which would improve the international fight against money laundering and the financing of terrorism.

8.         MONEYVAL shall raise awareness of major global policy and operational initiatives to counter money laundering and the financing of terrorism.

9.         MONEYVAL shall contribute actively to the global fight against money laundering and the financing of terrorism by working closely with other key international partners, including the FATF, the IMF, the World Bank, the United Nations, the European Union and other FATF-Style Regional Bodies (FSRBs) in the global network of AML/CFT assessment bodies.

**Article 3 – Composition**

1.         Meetings of MONEYVAL shall consist of delegations designated by each Council of Europe member State which is subject to evaluation by MONEYVAL in pursuance of Article 2.2, paragraphs *a*, *b*, *c* and *d* above.

2.         Delegations designated in pursuance of paragraph 1 above shall consist of not more than three representatives. One representative shall be appointed as head of the delegation. Representatives shall have particular knowledge and experience of their domestic AML/CFT regimes and should have profiles in each of the following areas:

*a.*         senior officials and experts with responsibility for regulation and supervision of financial institutions;

*b.*         senior officials in law enforcement and financial intelligence units;

*c.*         senior legal experts from Ministries of Justice and/or judicial and prosecutorial bodies.

3.         The presidency of the FATF shall appoint to the meetings of MONEYVAL, two delegations from among two States members of the FATF, each composed of one representative appointed for a renewable term of office of two years.

4.         The Council of Europe shall support the costs related to the participation of the delegations of Council of Europe member States which are evaluated in pursuance of Article 2.2, paragraphs *a* and *b*, above.

5.         The FATF shall support the costs related to the participation of the delegations designated in pursuance of paragraph 3 above.

**Article 4 – Participation**

1.         The Parliamentary Assembly of the Council of Europe, the Council of Europe Development Bank, the CDPC and the Conference of the Parties of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, may each send one representative to the meetings of MONEYVAL, without the right to vote and at the charge of their administrative budget.

2.         The European Commission and the Secretariat General of the Council of the European Union may send a representative to the meetings of MONEYVAL, without the right to vote or defrayal of expenses.

3.         States with observer status of the Council of Europe may each send one representative to the meetings of MONEYVAL, without the right to vote or defrayal of expenses.

4.         The following international organisations and institutions may send representatives to the meetings of MONEYVAL, without the right to vote or defrayal of expenses:

- Secretariat of the Financial Action Task Force on Money Laundering (FATF);

- International Criminal Police Organization (ICPO) – Interpol;

- Commonwealth Secretariat;

- International Monetary Fund (IMF);

- United Nations International Drug Control Programme (UNDCP);

- United Nations Counter-Terrorism Committee (CTC);

- United Nations Crime Prevention and Criminal Justice Division;

- World Bank;

- European Bank for Reconstruction and Development (EBRD);

- Offshore Group of Banking Supervisors (OGBS);

- Organisation for Security and Co-operation in Europe (OSCE);

- Egmont Group of Financial Intelligence Units;

- Eurasian Group on Combating Money Laundering and Financing of Terrorism (EAG);

- any other FATF style regional body (FSRB) which is or becomes an associate member of the FATF, on the basis of reciprocity.

5.         Any member of the FATF which is not represented in MONEYVAL in pursuance of Article 3.3 may send a representative to the meetings of MONEYVAL, without the right to vote or defrayal of expenses.

6.         Any non-member State of the Council of Europe which is subject to evaluation by MONEYVAL in pursuance of Article 2.2, paragraph *e*, may send a representative to the meetings of MONEYVAL, without defrayal of expenses.

7.         When deciding whether requests shall be granted under Article 2. 2 paragraph *d* or Article 2.2 paragraph *e*, the Committee of Ministers may also decide to grant voting rights.

8.         MONEYVAL shall be assisted in its meetings by no more than five scientific experts appointed by the Secretary General, without the right to vote and at the charge of the Council of Europe budget.

**Article 5 – Operation**

1.         MONEYVAL shall draw up its own rules of procedure.

2.         MONEYVAL shall hold at least two plenary meetings a year and may decide to set up working groups and sub-groups whenever necessary.

3.         MONEYVAL shall hold its meetings in camera.

4.         Each delegation designated in pursuance of Articles 3.1 and 3.2 shall dispose of one vote. Delegations designated in pursuance of Article 3.3 shall each dispose of one vote.

5.         The State of Israel and the Holy See (including Vatican City State) are entitled to dispose of one vote each.

6.         The United Kingdom Crown Dependencies of Guernsey, Jersey and the Isle of Man subject to MONEYVAL mutual evaluation processes and procedures and by virtue of [CM/Res(2012)6](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Res(2012)6) shall dispose of one vote collectively[[3]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36#_ftn3) and count, solely for the purposes of the calculation of the quorum, as one delegation.

7.         The State of Israel, the Holy See (including Vatican City State) and States and territories which are evaluated by virtue of Article 2.2 paragraph *d* or Article 2.2 paragraph*e* may have their voting rights suspended if the payment of contributions has not been made within a reasonable time on a proposal made by the Bureau with a two-thirds majority.

8.         A quorum shall be reached when the majority of delegations with voting rights are present.

9.         Decisions in procedural matters, in respect of the election of the Chair, Vice-Chairs or Bureau members, or in respect of the adoption of the rules of procedure, shall be taken by voting. Any other decision, including decisions on issues arising in mutual evaluation reports, progress reports and compliance reports, shall be taken without a vote and shall be reached by consensus.

10.       Procedural matters shall be settled by a majority of the votes cast, with the exception of proposals to amend the statute which will require a two-thirds majority.

11.       Where the question arises as to whether or not a matter is procedural in nature, it may not be so regarded unless MONEYVAL decides to that effect by a majority of two thirds of the votes cast.

12.       For these purposes, “votes cast” shall mean the votes of delegations cast for or against. Delegations abstaining shall be regarded as not having cast a vote.

13.       All reports adopted by MONEYVAL shall be public.

**Article 6 – Chair, Vice-Chair and Bureau**

1.         There shall be a Bureau composed of the Chair, two vice-chairs and two other persons elected by MONEYVAL from among the representatives of the delegations designated in pursuance of Articles 3.1 and 3.2 and representatives of other delegations enjoying voting rights. The term of office of the members of the Bureau shall be two years, renewable once.

2.         The Bureau shall carry out the following functions:

- assist the Chair;

- supervise the preparation of meetings;

- ensure continuity between meetings as necessary.

The Bureau shall carry out any other functions assigned to it by MONEYVAL.

**Article 7 – Evaluation procedure and follow-up**

1.         The evaluation procedures shall be divided into rounds. At the beginning of each round, MONEYVAL shall select the specific issues on which the evaluation procedure shall be based.

2.         During an evaluation round, MONEYVAL shall conduct on-site visits in all the States participating in its evaluation process in conformity with Article 2.2 and decide the order of visits.

3.         National authorities shall co-operate to the fullest possible extent in the evaluation procedure, within the limits of the applicable legislation.

4.         MONEYVAL will monitor progress and developments through the regular follow-up of adopted evaluation reports. As provided in its rules of procedure (Compliance Enhancing Procedures), MONEYVAL may take steps, at any time, in respect of States which are not in compliance with the relevant international AML/CFT standards, including with the recommendations made in the mutual evaluation reports.

**Article 8 – Budget**

1.         MONEYVAL’s activities shall be financed by the Ordinary Budget of the Council of Europe.

2.         MONEYVAL may receive additional voluntary contributions from evaluated States, States and bodies participating in its meetings, as well as from any other international institution.

**Article 9 – Secretariat**

1.         MONEYVAL shall be assisted by a secretariat provided by the Secretary General of the Council of Europe.

2.         The MONEYVAL secretariat shall be headed by an Executive Secretary appointed by the Secretary General of the Council of Europe.

**Article 10 – Reporting to the Committee of Ministers**

The Chair of MONEYVAL and the Executive Secretary shall present an annual activity report to the Committee of Ministers, including information on the state of compliance with AML/CFT international standards in the States that have been evaluated in the previous year by MONEYVAL.

**Article 11 – Amendments**

1.         The Committee of Ministers may adopt, after consulting MONEYVAL, amendments to this statute by the majority foreseen at Article 20.*d* of the Statute of the Council of Europe.

2.         MONEYVAL may propose amendments to this statute to the Committee of Ministers, which shall be decided by the above-mentioned majority.

[[1]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36#_ftnref1) As amended on 27 September 2017 at the 1295th meeting of the Ministers' Deputies ([CM/Del/Dec(2017)1295/10.6](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Del/Dec(2017)1295/10.6))

[[2]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36#_ftnref2) Such standards are those contained in the recommendations of the FATF, including the Special Recommendations on Terrorist Financing, the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the United Nations Convention against Transnational Organised Crime, the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism, the Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing and the relevant implementing measures and the 1990 Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, concluded within the Council of Europe.

[[3]](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680759b36#_ftnref3) That part of [CM/Res(2012)6](https://search.coe.int/cm/Pages/result_details.aspx?Reference=CM/Res(2012)6) which deals with voting rights is hereby abrogated.