



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR FINANCIAL STABILITY, FINANCIAL SERVICES AND CAPITAL MARKETS UNION

Director-General

Brussels
FISMA.D.2/LL

Mr Dr Gregoire Nimbtik
Director General & Chairman of the
AML/CTF National Committee
Prime Minister's office

Dear Mr Nimbtik,

I refer to your letters of 11 September 2020, one addressed to the President of the European Commission, who has asked me to reply on her behalf, and one replying to my letter of 14 August 2020. In the latter, I explained the reasons why Vanuatu is maintained on the EU list of high-risk third countries with regard to anti-money laundering and countering financing of terrorism, in accordance with the revised EU Methodology for identifying high-risk third countries adopted on 7 May 2020¹ and based on my services' draft preliminary assessment.

As already mentioned in my previous correspondence, the European Commission has a legal obligation under the EU Anti-Money Laundering Directive (AMLD) to identify high-risk third countries having strategic deficiencies in their regimes for anti-money laundering and countering financing of terrorism. The Commission is obliged to perform an EU autonomous assessment, which goes beyond simply replicating the FATF decisions.

The Commission has shared with you (in attachment to my letter of 14 August 2020) a preliminary draft of the proposed assessment and EU Benchmarks, in order to give you the opportunity to make written comments on the proposed EU Benchmarks, within 4 weeks at the latest. These draft benchmarks take into account information from the OECD Global Tax Forum report from July 2019², and focus on three main areas: (1) the legislative framework of Vanuatu on transparency of beneficial ownership information of legal arrangements, (2) the availability to competent authorities of accurate and timely

¹ SWD (2020) 99 final, available at

https://ec.europa.eu/info/sites/info/files/business_economy_euro/banking_and_finance/documents/200507-anti-money-laundering-terrorism-financing-action-plan-methodology_en.pdf

² Global Forum on Transparency and Exchange of Information for Tax Purposes: Vanuatu 2019 (Second Round) PEER REVIEW REPORT ON THE EXCHANGE OF INFORMATION ON REQUEST of July 2019

information on the beneficial ownership of legal persons and arrangements, and (3) the effective implementation by competent authorities of Vanuatu of their powers and procedures for the purposes of combatting money laundering and terrorism financing in particular with regard to transparency of beneficial ownership of legal persons and arrangements. My services are looking forward to discussing these issues with your experts as soon as possible, with a view to allowing you to provide further elements in order to address our concerns.

I trust that you share the sense of importance of engaging in a dialogue on the specific topics we raised. In the absence of such a dialogue, my services will have no choice but to consider the proposed draft preliminary EU Benchmarks as finalised, in accordance with the Commission's revised methodology of 7 May 2020.

Yours sincerely,

(e-signed)
John BERRIGAN

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