



**AMBASSADE
DE FRANCE
AU VANUATU
ET AUX ÎLES
SALOMON**

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Port-Vila, le 06/11/2023

L'AMBASSADEUR

REF : N°2023-0481943

Objet : le Vanuatu sur la liste AML-CFT de l'Union Européenne

Monsieur le Premier Ministre,

Lors de notre entretien du 19 octobre 2023, je vous avais promis des informations précises sur la présence du Vanuatu sur la liste de l'Union européenne contre le blanchiment de capitaux et le financement du terrorisme (AML-CFT). La responsabilité en incombe à l'Union européenne seulement mais, la France étant le seul Etat membre de l'UE présent au Vanuatu, je considère que j'ai aussi un rôle à jouer pour faciliter les relations et tenter de régler les différends. C'est dans cet esprit que je souhaite partager avec vous les informations suivantes, qui m'ont été transmises par ma collègue Barbara Plinkert, ambassadrice de l'Union européenne pour le Pacifique. Basée à Fidji, elle espère d'ailleurs pouvoir prochainement se rendre au Vanuatu pour y présenter ses lettres de créance.

Background

- Vanuatu was listed by the FATF in February 2016 and added to the EU list of high risk third countries by the Delegated Act of 14 July 2016. Vanuatu has been removed from the FATF's "grey list" in June 2018.

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- Vanuatu is still on the EU's high risk third countries list, as the assessment of Vanuatu AML/CFT framework performed by the Commission identified several remaining strategic deficiencies that can pose a risk to the integrity of the EU financial system. The country should address them before it can be delisted from the EU list, as provided for in the European Commission 2020 revised methodology for identifying high-risk third countries with strategic deficiencies.

- On 12 November 2021, the Commission shared with Vanuatu the EU benchmarks for the country to implement and address the remaining strategic deficiencies identified by the Commission. These benchmarks concern: (i) beneficial ownership information, (ii) application of sanctions in case of breaches of beneficial ownership requirement, and (iii) risk mitigating measures in the citizenship investment scheme.

- On 21 February 2022, at Vanuatu's request, the Commission (DG FISMA/D2) held a bilateral technical discussion with several representatives of the country (PM Office) to provide additional explanations about the scope of the EU benchmarks.

- On 16 March 2022, Vanuatu's Minister of Finance, Johnny Koanapo Nies Rasou, sent a letter to confirm Vanuatu's high level political commitment that the country would implement EU benchmarks. Vanuatu pointed out that they should reach out to the EU to share with the Commission the latest progress on these aspects in the next months.

- No contact was made to D.2 in the meanwhile. Still as of now, no further information from the country has been received.

- The three EU benchmarks are the following:

1. Vanuatu should ensure that accurate and up-to-date Beneficial Ownership (BO) information for all legal entities and legal arrangements is available and accessible in a timely way by competent authorities.
2. Vanuatu should also demonstrate that effective, proportionate and dissuasive sanctions are applied in case of breaches of BO requirements.

3. Vanuatu should demonstrate that the mitigating measures of the country's competent authorities regarding specific investment programs that could constitute a higher risk of money laundering and terrorism financing match the level of risk to which the country is exposed. Vanuatu should demonstrate in particular that the country implements relevant processes and controls in this regard.

Main points

- The European Union attaches great importance to the fight against money laundering and terrorist financing in cooperation with its international partners. Therefore, the European Union has considerably strengthened its legal framework on preventing money laundering and terrorist financing in recent years, in line with international standards adopted by FATF.
- We welcome very much the progress of your country and encourage you to keep up the good work on your AML/CFT regime, proved by the fact of having been de-listed by the FATF.
- We thank Vanuatu for the high-level commitment to address the remaining strategic deficiencies in its AML/CFT framework (letter received from Vanuatu's Minister of Finance, Johnny Koanapo Nies Rasou on 16 March 2022). These actions will be essential to ensure that the country has a robust AML/CFT framework.
- We would also like to thank the authorities of Vanuatu for their commitment to dialogue and mutual cooperation on this important topic.
- We want to reiterate that we are looking forward to receiving information reporting the effective progress made by Vanuatu to address its remaining AML/CFT strategic deficiencies. Once information is received, it would be checked for completeness. A possible de-listing also from the EU list of high risk third countries could follow.
- We would like to underline that there is also a possibility for solicitation of technical assistance with EU Global Facility on AML/CFT.

- When will Vanuatu be removed from the EU High Risk Third Countries list?

In line with our AML Directive and our methodology and as explained in previous exchanges, Vanuatu will have to address the EU benchmarks in order to be removed from the EU list. Again, we are looking forward to receiving information reporting the effective progress made by Vanuatu to address its remaining AML/CFT strategic deficiencies.

- To whom does Vanuatu have to send the information?

Please use the functional mailbox address FISMA-AML-THIRD-COUNTRIES@ec.europa.eu.

J'espère que ces informations permettront à vos services de mieux comprendre quelles sont les attentes de l'Union européenne. Je souligne le fait que Bruxelles propose une assistance technique qui se traduirait concrètement par l'envoi à Port-Vila d'un fonctionnaire européen pour aider le Vanuatu à prendre les mesures qui lui permettront d'être retiré de la liste AML-CFT. Je reste à votre entière disposition si vous souhaitez échanger davantage sur ce sujet.

Je vous prie de croire, Monsieur le Premier Ministre, à l'assurance de mes sentiments respectueux.


Jean-Baptiste JEANGENE VILMER



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