

Government Decree No. 2016-1098 of August 15, 2016, establishing the organization and operating procedures of the Tunisian Financial Analysis Commission.

The Head of Government,

On the recommendation of the Minister of

Finance, Having regard to the Constitution,

Having regard to Law No. 90-67 of July 24, 1990, ratifying the United Nations Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of December 19, 1988,

Having regard to Law No. 2002-63 of July 23, 2003, on the approval of the United Nations Palermo Convention against Transnational Organized Crime of November 15, 2000,

Having regard to Law No. 2002-99 of November 25, 2002, on the ratification of the United Nations New York Convention for the Suppression of the Financing of Terrorism of December 9, 1999,

Having regard to Law No. 2008-16 of February 25, 2008, on the approval of the United Nations Merida Convention against Corruption of October 31, 2003,

Having regard to Organic Law No. 2015-26 of August 7, 2015, on combating terrorism and suppressing money laundering, and in particular Articles 118 and 119 thereof,

Having regard to Decree No. 2004-1865 of August 11, 2004, establishing the organization and operating procedures of the Tunisian Financial Analysis Commission, as supplemented by Decree No. 2011-162 of February 3, 2011,

Having regard to Presidential Decree No. 2015-35 of February 6, 2015, appointing the head of government and its members,

Having regard to Presidential Decree No. 2016-1 of January 12, 2016, appointing the members of the government,

Having regard to the opinion of the administrative court,

After deliberation by the Council of Ministers. Issues the following government decree:

Article 1 - This government decree establishes the organization and operating procedures of the Tunisian Financial Analysis Commission created by Article 118 of Organic Law No. 2015-26 of August 7, 2015, referred to above.

The Tunisian Financial Analysis Commission is hereinafter referred to as "the Commission."

Art. 2 - The members of the commission shall be appointed by government decree for a term of six years. In the event of a vacancy before the end of the term of office, the vacancy shall be filled for the remainder of the term, in accordance with the same conditions and procedures as for the initial appointment.

One-third of the members shall be renewed every two years. Exceptionally, the first two renewals of one-third of the members shall be by lot during the first term of office.

Art. 3 - The commission shall meet when convened by its chair, at least once a month and whenever necessary.

Notices of meetings shall be sent to members at least seven days before the date of the meeting, together with the agenda. Members are required to attend meetings in person.

Art. 4 - The deliberations of the committee members shall only be valid if at least six members are present.

Decisions shall be taken by a two-thirds majority of the members present.

Minutes shall be drawn up for each meeting, signed by the chairperson or his or her deputy and the members present, and entered in a special register.

The chair or his or her deputy may invite any person whose opinion is deemed useful to participate in the deliberations on the items on the agenda, without the right to vote.

Art. 5 - In addition to the tasks assigned to it by the aforementioned Organic Law No. 2015-26, the commission is responsible in particular for:

- monitoring the operational activity of financial analysis relating to reports of suspicious transactions and the action taken in response to them, on the basis of a quarterly report presented by the general secretariat referred to in Article 11 of this government decree,

- deciding on the proposals of the General Secretariat relating to the classification of suspicious transaction reports,

- approving the national money laundering risk assessment study prepared by the steering committee referred to in Article 7 of this government decree,

- coordinate with the national counterterrorism commission established by Article 66 of the aforementioned Organic Law No. 2015-26 and the relevant authorities to prepare a comprehensive national assessment of the risks of money laundering and terrorist financing and to update it periodically,

- forward to the relevant authorities and bodies the recommendations of the national risk assessment study on immediate, medium- and long-term measures to be taken to reduce risks,

- formulate recommendations, in light of reports prepared by the steering committee, to the authorities referred to in Article 115 of Organic Law No. 2015-26 mentioned above, in order to assist them in implementing programs to prohibit illicit financial circuits,

- ensure coordination at the national level with regard to reports assessing the compliance of the national system with international standards on combating money laundering and terrorist financing and related follow-up reports,

- issue and publish the guidelines referred to in the ^{first} indent of Article 120 of the aforementioned Organic Law No. 2015-26,

- approve the commission's strategic plan and annual action plan in light of the steering committee's proposals,

- approve the commission's rules of procedure,

- approve memoranda of understanding to be signed in the context of national and international cooperation,

- approve the commission's annual report.

Art. 6 - The chair of the commission or his or her deputy shall represent the commission before public authorities, its counterparts in foreign countries, and third parties in general.

Art. 7 - The chair of the commission or his or her deputy from among the members of the commission shall chair the meetings of the steering committee, which shall be attended by representatives of the general secretariat, public bodies involved in the fight against money laundering and terrorist financing, in particular the ministries of the interior, justice, finance, customs, and the parties referred to in Article 115 of the aforementioned Organic Law No. 2015-26.

The chair or his or her deputy may invite any person whose opinion is deemed useful to attend the deliberations on the items on the agenda.

Art. 8 - The committee shall meet every three months and whenever necessary, upon convocation by its chair or deputy chair. Notices of meetings shall be sent at least fifteen days before the date of the meeting, accompanied by the agenda.

Minutes shall be drawn up for each meeting, signed by the chair or his or her deputy, and a copy shall be sent to the commission's general secretariat.

Art. 9 - The steering committee shall be responsible for carrying out, in coordination with the public bodies involved in the fight against money laundering and terrorist financing, the following tasks in particular:

- preparing draft general guidelines to enable the persons referred to in Article 107 of the aforementioned Organic Law No. 2015-26 to detect and report suspicious operations and transactions,

- preparing and updating the national money laundering risk assessment study, in collaboration with the General Secretariat and the parties concerned, and submitting it for approval;

- develop a three-year strategic plan for the commission's activities and submit it to the commission members for approval;

- prepare the commission's draft annual action plan, including training programs, in coordination with the parties mentioned in Article

115 of the aforementioned Organic Law No. 2015-26 and the Tunisian Professional Association of Banks and Financial Institutions,

- prepare, in collaboration with the General Secretariat, reports on the main recommendations to be addressed to the parties referred to in Article 115 of Organic Law No. 2015-26 mentioned above,

- study draft memoranda of understanding in the context of national and international cooperation, propose recommendations concerning them, and submit them to the commission for approval.

Art. 10 - The operational unit is responsible for carrying out the following tasks under the authority of the General Secretariat:

- examining statements received by the commission and submitting proposals on how to respond to them to the secretary general,

- examine national and international requests for the exchange of information on the fight against money laundering and terrorist financing,

- preparing periodic reports, in particular on suspicious transaction reports and the action taken in response to them,

- set up and manage the database provided for in Article 123 of the aforementioned Organic Law No. 2015-26.

To carry out its tasks, the operational unit comprises units responsible in particular for financial investigations related to money laundering and terrorist financing offenses, database and information system management, and national and international cooperation.

One or more experts appointed by the Ministry of the Interior and one or more experts appointed by the Ministry of Finance from among customs officials are seconded to the operational unit.

Art. 11 - The commission's general secretariat is headed by a secretary general appointed by the commission's president from among the executives of the Central Bank of Tunisia.

The Secretary General is prohibited from holding any other position.

function with other functions at the Central Bank of Tunisia.

Art. 12 - The general secretariat of the commission is responsible for carrying out, under the authority of the commission's president, the following tasks in particular:

- receiving reports of suspicious operations and transactions, ruling on proposals from the operational unit concerning them and notifying the action taken in response to them,

- managing the administrative, financial, and technical affairs of the commission,

- submitting a quarterly report to the members of the commission on the operational activities of the operational unit,

- prepare the draft internal regulations of the

Commission,

- prepare the draft annual report of the commission.

Art. 13 - The commission's internal regulations establish the procedures manual and code of ethics.

Art. 14 - The chair of the commission shall appoint the permanent staff necessary for the functioning of the commission's services from among the employees of the Central Bank of Tunisia or elsewhere, within the framework of recruitment or secondment, and shall determine the related benefits.

The chair of the commission shall determine the organizational chart of its services.

Art. 15 - The commission shall be allocated the funds necessary to carry out its tasks. These funds shall be charged to the budget of the Central Bank of Tunisia.

Art. 16 - The provisions of Decree No. 2004-1865 of August 11, 2004, establishing the organization and operating procedures of the Tunisian Financial Analysis Commission, as amended by Decree No. 2011-162 of February 3, 2011, are hereby repealed.

Art. 17 - The Minister of Justice, the Minister of the Interior, the Minister of Finance, the Minister of Communication Technologies and the Digital Economy, and the Governor of the Central Bank of Tunisia shall be responsible, each in their respective areas of competence, for the implementation of this government decree, which shall be published in the Official Journal of the Republic of Tunisia.

Tunis, August 15, 2016.

The Head of Government

Habib Essid

For countersignature

The Minister of Justice

Omar Mansour

The Minister of the

Interior

Hédi Mejdoub

The Minister of Finance

Slim Chaker

Minister of

Communication

Technologies and the

Digital Economy

Noomane Fehri

MINISTRY OF HEALTH

By order of the Minister of Health dated August 18, 2016.

The exceptional class for the position of director of central administration is awarded to Mr. Mustapha Abdeljelil, general engineer, director of maintenance and technical studies at the "La Rabta" hospital in Tunis.