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NATIONAL PLAN AGAINST MONEY LAUNDERING AND TERRORIST FINANCING 2018-2021

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NATIONAL POLICY
AGAINST MONEY LAUNDERING AND
TERRORIST FINANCING

PRESENTATION

The National Plan against Money Laundering and Terrorist Financing was approved by Supreme Decree 057-2011-PCM, dated July 1, 2011, which also created the Multi-sectorial Executive Commission Against Money Laundering and Terrorist Financing (CONTRALAFT) initially ascribed to the Presidency of the Council of Ministers. Currently by Supreme Decree 061-2016-PCM, CONTRALAFT is ascribed to the Ministry of Justice and Human Rights, and the Vice-presidency and Technical Secretariat functions are under the Superintendency of Banking, Insurance, and Private Pension Funds of Peru (SBS) through the Peruvian Financial Intelligence Unit. Pursuant to Article 2 of Supreme Decree 057-2011-PCM, the main function of CONTRALAFT is *“to monitor the implementation, enforcement, and updating of the National Plan against Money Laundering and Terrorist Financing”*.

In 2014, as a part of its work following up on the compliance of actions set forth in the National Plan Against Money Laundering and Terrorist Financing, CONTRALAFT identified the need to design a state policy that defines the criteria to guide the institutions' actions and which transcends the government administrations in office, enabling state participation to be focused on priority areas of action permanently to achieve effective results in combating money laundering and terrorist financing.

In this context, after a broad analysis and validation process with the participation of 34 public and private sector authorities and their overall consensus, this National Policy against Money Laundering and Terrorist Financing was designed (hereinafter, the National Policy), constituting the first public policy that responds to these illegal activities.

The National Policy contains a general objective, seven principles, 3 strategic lines of action (“Prevention”, “Detection”, “Investigation and Sanction”) and one (1) cross-cutting line, “Articulation”. Furthermore, within these lines of action, four (4) Specific Targets (ST) have been set, as well as one goal per ST, the responsible parties for each ST, sixteen (16) guidelines and eighteen (18) mandatory national standards. Based on the National Policy, the development of national plans that define concrete actions will be required to allow for the adequate implementation of the policy in the short and medium terms.

This policy would not have been possible without the commitment and valuable contribution of the professionals who participated in its design, particularly that

of the Technical Secretariat team under the SBS and CONTRALAF's Sub-group 4 "Establishment of AMLCTF Policies" which consists of representatives from the the Judiciary, the Office of the Attorney General, the Ministry of Justice and Human Rights, the Ministry of Economy and Finance and the SBS. Our special gratitude to the German Cooperation for Development implemented by GIZ, for the assistance provided for the development of this policy.

Ministry of Justice and Human Rights
Presidency of CONTRALAF

ACRONYMS

AML/CFT:	Anti Money Laundering /Countering Terrorist Financing.
DNFBP:	Designated Non-Financial Businesses and Professions.
IDB:	Inter-American Development Bank.
CAC:	Credit Unions.
CEPLAN:	National Center for Strategic Planning.
CONTRALAFIT:	Multi-sectorial Executive Commission against Money Laundering and Terrorist Financing.
FISLAAPD:	Division of the Prosecutor's Office against Money Laundering and Confiscation of Illegal Assets.
TF:	Terrorist Financing.
FATF:	Financial Action Task Force.
GAFILAT:	Financial Action Task Force of Latin America (formerly South American Financial Action Task Force – GAFISUD).
GIZ (o Deutsche Gesellschaft für Internationale Zusammenarbeit):	German Government Agency specialised in technical cooperation for sustainable development.
ML:	Money Laundering.
ML/TF:	Money Laundering and/or Terrorist Financing.
MINJUS:	Ministry of Justice and Human Rights.
UN:	United Nations Organisation.
OAS:	Organisation of American States.
NPO:	Non-Profit Organisations.
PEP:	Politically Exposed Persons.
PNP:	Peruvian National Police.
PRONABI:	National Program of Confiscated Assets under the MINJUS.
STR:	Suspicious Transaction Report.
SBS:	Superintendency of Banking, Insurance, and Private Pension Funds of Peru.
SECO:	Swiss Agency for Development and Cooperation.
SMV:	Peruvian Securities Market Regulator.
RE:	Reporting entities.
SUNAT:	National Superintendency of Tax and Customs Administration.
FIU-Peru:	Peruvian Financial Intelligence Unit, a specialised division of the SBS.

GLOSSARY

Beneficial owner: natural person in whose name the transaction is made and/or who effectively and finally owns or controls a legal person.

Culture of legality: the set of beliefs, values, rules, and actions that demands from citizens a conduct of lawfulness, in harmony with the cultural convictions and traditions; and of non-tolerance towards illegality¹.

Confiscation: an action to recover products and instruments resulting from the crime, to compensate the victim, be it the State or an individual. It requires a criminal conviction and forms part of the Court sentence².

Predicate offence: the underlying crime that generates the illegal proceeds or assets, which are subsequently laundered. In the legislation, said crimes are foreseen in the second paragraph of Article 10, Legislative Decree N° 1106.

Terrorist financing: crime defined in Article 4-A of Decree Law N° 25475, Decree Law that establishes the punishment for terrorist crimes and the procedures for the investigation, indictment and trial, and amendments thereto, as well as Article 297, last paragraph, of the Criminal Code and amendments thereto.

Involved: natural and/or legal persons investigated and/or prosecuted for ML/TF.

Money laundering: crime defined in Legislative Decree N° 1106, Legislative Decree for combating money laundering and other crimes related to illegal mining and organized crime, and amendments thereto.

Suspicious transactions: operations of a civil, commercial or financial nature that have an unusual turnover magnitude or speed, or conditions of uncommon or unjustified complexity, that are presumed to have their origin in some illegal activity or which, for any reason, do not have neither a lawful nor an apparent economic basis (Article 11 of Law N° 27693).

Non-profit organisations: natural or legal person that raise, transfer, and disburse funds, resources or other assets for charity, religious, cultural, educational, scientific, artistic, social, recreational or solidarity purposes or for the execution of other types of altruistic or beneficial actions. It includes the facilitation of loans, micro loans or any other type of economic funding (Article 3, item 3.2.2 of Law N° 29038).

1 Source: adapted from Godson, Roy. (2000). *Symposium on the Role of Civil Society in Countering Organized Crime: Global Implications of the Palermo, Sicily Renaissance*. Palermo, Italy. Available at: <http://www.culturadelalegalidad.org.mx/Qu%C3%A9-es-Cultura-de-la-Legalidad-c53i0.html>

2 Source: Stolen Asset Recovery Initiative - STAR (World Bank). *Stolen Asset Recovery- Good Practices Guide for the Non-Conviction based Confiscation of Assets*. Theodore S. Greenberg, Linda M. Samuel, Wingate Grant and Larissa Gray. 2009. Pages 9 and 10. Available at: https://star.worldbank.org/star/sites/star/files/NCB_Spanish.pdf

Politically Exposed Persons: national or foreign individuals who hold or have held in the past five (5) years prominent public functions or a prominent position in an international organisation, whether in the national territory or abroad and whose financial circumstances may merit public interest. The direct assistant of the highest authority of the institution is also considered a PEP (Article 2 of SBS Resolution 4349 – 2016).

Asset confiscation (also known as criminal forfeiture or non-conviction based confiscation): it is a legal-financial consequence through which the ownership of objects, instruments, effects, and proceeds of the crime are declared in favour of the State by the ruling of the judicial body through due process (Article 2, item 2.1, of Legislative Decree N° 1104).

National Policy: it defines the prioritized objectives, the guidelines, the main contents of the public policies, the mandatory national standards and the provision of services that must be reached and supervised to ensure the normal course of public and private activities (Article 4, item 1 of Law 29158, Organic Law of the Executive Power).

Asset recovery: it refers to the legal mechanisms, such as confiscation or criminal forfeiture, that allow for depriving the offender from the assets used for the execution of the crime (instruments) or from the products obtained as a result of the crime (effects and profits) to achieve their restitution to the State.

Civil redress: it is the compensation for the asset or indemnity that whoever caused the damage resulting from the crime must grant in favour of the victim (the State in ML/TF cases); and, pursuant to Article 93 of the Criminal Code, it includes: a) restitution of the asset or, if not possible, payment of its value; and b) compensation for damages incurred. It is joint and several if there is more than one offender and is enforceable on successors³.

Suspicious Transaction Report: confidential document prepared and reported by the reporting entities or by a supervising agency to the FIU-Peru, when ML/TF signs are detected.

Private sector: it comprises companies of all kinds, such as microbusinesses, small and medium-sized companies, savings associations, social economy organisations, corporations, limited liability corporations, multinational companies or any other form of legal person that exercises business activities⁴.

Real sector: it refers to all activities of our economy, with the exception of those performed within the financial sector.

³ Source: The Judiciary
Available at: http://historico.pj.gob.pe/servicios/diccionario/diccionario_detalle.asp?codigo=772

⁴ Source: Observatory of Multinationals in Latin America (OMAL).
Available at: <http://omal.info/spip.php?article4817>

Civil society: it refers to citizens in general, who collectively or otherwise, participate in public life and/or play a mediation role between individuals and the State.

Reporting Entities: public entity, natural or legal person that has the obligation to provide information to the FIU-Peru, designated as such in Article 3 of Law 29038.

I. BASIC CONCEPTS

Money Laundering (ML): is an autonomous offence that originates in a predicate offence and which consists in giving legal appearance to illegal funds or assets resulting from such crime, so that they may circulate without any problem in the economic-financial system.

Offence:

- Illegal Mining
- Corruption
- Illegal Drug Trafficking
- Among others



Product:

is laundered through the financial system or real sector

Terrorist Financing (TF): an autonomous offence consisting in raising legal or illegal funds to finance terrorists, terrorist organisations or terrorist acts, in accordance with the regulations and international treaties in force.

Raising funds or assets by natural or legal persons, which origin may be legal or illegal.



Used to finance terrorist acts, or terrorist organisations, through the financial system or real sector.

II. PARTICIPATORY PROCESS FOR THE ELABORATION OF THE NATIONAL POLICY

The National Policy was elaborated within a participatory process framework with the collaboration of various public authorities and actors of the private sector, whose competences are directly or indirectly circumscribed to the adoption of measures against ML/TF. This process had four (4) phases:

PHASE 1: IDENTIFICATION AND INFORMATION GATHERING

It allowed for the identification and recollection of information sources.

Responsible parties: Presidency and Technical Secretariat of CONTRALAFI.

Date: January 2 to 31, 2017.

PHASE 2: PREPARATION OF THE PRELIMINARY PROPOSAL

The information sources gathered were assessed and a preliminary proposal was formulated based on the result of this analysis.

Responsible parties: Presidency and Technical Secretariat of CONTRALAFI.

Date: February 2 to 10, 2017.

PHASE 3: FORMULATION OF THE FINAL PROPOSAL

The preliminary proposal was evaluated in seven (7) workshops, with the participation of a total of 34 entities of the public and private sectors and 73 professionals (ANNEX 1). Based on the contributions and comments received, a final proposal of the National Policy was formulated. Worth noting during this phase is the technical assistance of the German Cooperation implemented by GIZ and the methodological contribution of CEPLAN.

Responsible parties: public and private sectors.

Date: February 13 to March 13, 2017.

PHASE 4: PRESENTATION AND APPROVAL OF THE FINAL PROPOSAL BY CONTRALAFT

The final project of the National Policy was presented at a CONTRALAFT session held on March 16, 2017, and was unanimously approved (Agreement No. 5-2017-CONTRALAFT) leaving the Presidency and Technical Secretariat to carry out the formalities before the Executive Branch for its approval through a Supreme Decree.

Responsible parties: CONTRALAFT.

Date: March 16, 2017.

III. INFORMATION SOURCES SUPPORTING THE POLICY

3.1. NATIONAL REGULATORY FRAMEWORK

1. The Political Constitution of Peru.
2. Law N° 29158, Organic Law of the Executive Power.
3. Law N° 27693, Law that creates the Financial Intelligence Unit-Peru (FIU-Peru), and its amending regulations.
4. Law N° 26702, General Law of the Financial and Insurance Systems and Organic Law of the SBS.
5. Law N° 30424, Law that regulates the administrative responsibility of legal persons for transnational active bribery, as amended by Legislative Decree N° 1352 that broadens the administrative responsibility of legal persons.
6. Supreme Decree N° 017-93-JUS, Single Structured Text of the Organic Law of the Judiciary.
7. Legislative Decree N° 52, Organic Law of the Office of the Attorney General.
8. Legislative Decree N° 1267, Law of the Peruvian National Police Force.
9. Legislative Decree N° 1106, Legislative Decree for the Effective Combat against Money Laundering and other Crimes Related to Illegal Mining and Organized Crime, and its amending regulations.
10. Legislative Decree N° 1249, legislative decree that sets out measures to strengthen prevention, detection and sanctioning of money laundering and terrorism.
11. Decree Law N° 25475, Decree Law that sets out the sanction for terrorist crimes and the procedures for investigation, indictment and trial, and its amending regulations.

12. Supreme Decree N° 027-2007-PCM, that defines and sets out National Policies of mandatory compliance for National Government authorities.
13. Supreme Decree N° 057-2011-PCM, approves the National Plan to Combat Money Laundering and Terrorist Financing and creates CONTRALAFT.
14. Supreme Decree N° 018-2006-JUS, Regulation of Law N° 27693 that creates the Peruvian Financial Intelligence Unit, FIU - Peru.
15. SBS and SMV Regulations.

3.2. INTERNATIONAL STANDARDS

Within the UN framework, Peru has ratified four treaties that establish binding-nature standards that must be implemented to strengthen the fight against ML/TF. These treaties are described below:

Treaty			Ratification instrument by Peru
Adopted by the UN	Name	Validity	
12.20.1998	Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances – Vienna	11.11.1990	Legislative Resolution N° 25352, dated 11.23.1991
12.09.1999	International Convention for the Suppression of the Financing of Terrorism	04.10.2002	Supreme Decree N°. 084-2001-RE, dated 11.05.2001.
11.15.2000	Convention against Transnational Organized Crime - Palermo	09.29.2003	Supreme Decree N° 088-2001-RE, dated 11.19. 2001.
10.31.2003	Convention against Corruption - Merida	12.14.2005	Supreme Decree N° 075-2004-RE, dated 10.19.2014.

Furthermore, the resolutions issued by the UN Security Council within this framework, such as Resolution 1267 (1999) and Resolution 1373 (2001) and any subsequent, amending or superseding resolutions related to terrorism financing, are binding as well.

Within the scope of the OAS, Peru has ratified two treaties that establish binding standards against ML/TF: the Inter-American Convention against Corruption and the Inter-American Convention against Terrorism. Both instruments have been ratified by Peru in 1997 and 2003, respectively.

On the other hand, the 40 Recommendations made by FATF, updated in February 2012, and supported by the above-mentioned UN Conventions and UN Security Council resolutions constitute the international standard in ML/TF matters. Peru, through a Memorandum of Understanding signed on December 8, 2000⁵, accepted such standards and committed itself to apply them as founding member

⁵ Memorandum of Understanding between the Governments of the Member States of the Financial Action Task Force of South America (GAFISUD)

of the Financial Action Task Force of South America- GAFISUD (now Financial Action Task Force of Latin America- GAFILAT.) It is worth noting that while these are international standards not considered in binding international conventions, denominated Soft Law, in practice, due to the consequences caused by not complying with such recommendations, they are Hard Law⁶. Currently, Peru is ready to be evaluated by GAFILAT (September 2017-2018) within the framework of the Fourth Round of Mutual Assessments, and it has already been assessed in 2003, 2005, and 2008.

3.3. RELATED NATIONAL POLICIES, PLANS AND STRATEGIES

The National Policy falls within the framework of the National Accord (State Policy 26 and 30)⁷ and is aligned with the following National Policies, strategies and Plans addressing issues in connection with ML/TF:

1. National Plan for Strategic Development - Peru towards 2021 (Line of Action 3: State and Governance).
2. National Policy Regarding Financial Crimes (2014).
3. National Policy against Human Trafficking and its exploitation forms (2015).
4. National Penitentiary Policy (2016).
5. National Policy of Integrity and Fight against Corruption (2017)⁸.
6. National Plan of Action against Human Trafficking in Peru 2011-2016.
7. National Plan Against Corruption 2012-2016 (currently being updated).
8. National Plan for Citizen Security 2013-2018.
9. National Plan on Human Rights 2014-2016.
10. National Strategy for Interdiction of Illegal Mining (2014).
11. Strategy to legitimize Small-Scale Mining and Artisanal Mining (2014).
12. National Plan Regarding Penitentiary Policy 2016-2020.
13. National Anti-Drug Strategy 2017-2021⁹.

It is worth noting that seven of the indicated instruments make express reference to ML: three regarding concept level and the remaining four regarding action level (See ANNEX 2.)

⁶ Among the consequences generated by a deficient evaluation are: (i) Country risk; (ii) Cost increase of credit lines; (iii) Difficulties in foreign trade operations; (iv) Limits and filters in financial operations; and (v) Correspondent banking.

⁷ State Policy 26. Promotion of ethics and transparency and eradication of corruption, money laundering, tax evasion and smuggling of any kind; and, State Policy 30. Eradication of terrorism and assertion of the National Reconciliation.

⁸ While approved by the High Level Anticorruption Commission by an accord adopted at the 27th session held on February 13, 2017, it is undergoing a revision process and awaiting approval by the Executive.

⁹ While approved by the Managing Board of DEVIDA by Accord N° 1 adopted at a session held on April 6, 2017, it is undergoing a revision process and awaiting approval by the Executive.

IV. DIAGNOSIS

FATF's Recommendation 1 sets out that "countries should identify, assess and understand their money laundering/terrorist financing risks, and should take action, including designating an authority or mechanism to coordinate actions to assess risks, and apply resources aimed at ensuring the risks are mitigated effectively." FATF Recommendation 2 sets out that "countries should have national AML/CTF policies, informed by the risks identified, which should be regularly reviewed, and should designate an authority or have a coordination or other mechanisms that is responsible for such policies."

In the case of Peru, the National ML/TF Risk Assessment (November 2016), prepared with the technical assistance of the IDB, identified five (5) threats¹⁰ and 43 vulnerabilities¹¹. Resulting from the evaluation of the vulnerabilities that could prompt the materialization of such threats, 43 risks have been established in terms of ML/TF, 32 of which have a direct impact over said matters¹².

The following, among others, are some of the aforementioned 32 risks identified: (i) weakness of the sanctioning system in matters of ML/TF over financial institutions as reporting entities; (ii) difficulty from the FIU-Peru in accessing information affected by the regulations of banking and tax secrecy; (iii) inadequate control system of cross-border transportation of currency and no limits on internal transfers; (iv) lack of information regarding practical application of the recent reform of ML/TF crime definitions; (v) difficulty of the Office of the Attorney General in the investigation and prosecution of ML/TF; (vi) evidence of deficiencies in the Judiciary affecting the criminal repression system; (vii) low effectiveness of the PNP in ML/TF investigation and prosecution; (viii) difficult information exchange between public institutions; and, (ix) lack of social awareness over the consequences of ML/TF.

Furthermore, sectorial evaluations in the mining and fisheries sectors have been developed to date with the technical assistance of the German Cooperation implemented by GIZ, which has allowed for the identification of the main ML/TF risks within the aforementioned sectors.

Finally, regarding the implementation of the 40 FATF Recommendations, the Final Project Report "Implementation of Measures and Actions for Compliance of the 40 Recommendations made by FATF", developed with the technical assistance of SECO (March 22, 2016) lists the following aspects, among others, as key areas of improvement or potential strengthening in matters of ML/TF: (i) ML/TF prevention regulations; (ii) material, technological, and human resource allocation to develop

¹⁰ According to the FATF Guide for the elaboration of NER/ENR (February 2013) threat is defined as the "individual, group of persons, object or activity with enough potential to cause any detriment to the State, the society, the economy or any other essential element for the life of a country."

¹¹ According to the FATF Guide for the elaboration of NRA (February 2013) vulnerability is defined as the "inherent nature and characteristic of a product, service, distribution channel, client groups, institution, system, structure or country (including weakness in the systems, controls and measures) that facilitates the successful accomplishment of operations linked to money laundering and/or terrorist financing."

¹² The 11 remaining risks are already being addressed by other public authorities within the framework of other instruments (policies, plans, and strategies,) such as the ones indicated in ANNEX 1.

criminal and financial investigations; (iii) procedures for exchange of information; (iv) creation and dissemination of statistics to show the effectiveness of the system, and, (v) training on all aspects associated to combating ML/TF.

Based on the above, and understanding the complex nature of the problem ML/TF represents in the country, the need to strengthen the national system against ML/TF arises, thus requiring a national policy to set out priorities for the achievement of specific results on these matters, as well as to strengthen actions of the authorities involved in the prevention, detection, investigation, and sanctioning of ML/TF.

See ANNEX 3 for further details on ML/TF risks and the supporting findings, established in the ML/TF National Risks Assessment and the Sectorial Assessments above mentioned, and see ANNEX 4 regarding the degree of compliance with the 40 FATF Recommendations.

V. NATIONAL POLICY AGAINST MONEY LAUNDERING AND TERRORIST FINANCING

Based on the detailed diagnosis in point IV, and, after the participatory process, this National Policy guides the State's actions to counteract the ML/TF criminal phenomenon that is affecting the country, setting the goal that is sought to be achieved, the main areas on which it must focus its intervention, the authorities required to assume a role, as well as the set of guidelines conducting their actions towards achieving the objective and the mandatory standards.

5.1. GENERAL OBJECTIVE

“Prevent, detect, investigate, and sanction money laundering and terrorist financing effectively and articulately to contribute to economic, political, and social stability in Peru”

The objective is for Peru to consolidate a proper national system against ML/FT within the framework of the democratic and social State, such as ours, where the rule of law prevails¹³ (articles 3 and 43 of the Political Constitution of Peru), and, based on the active and coordinated participation of all the competent actors.

¹³ A State where the rule of law prevails is defined as a set of structures, practices and legal and political systems that rule the actions of a government in order to protect the citizens' rights and freedoms, keep public order and promote the effective operation of the country. Source: Transparencia Internacional. (2009). *Clear language Guide on the fight against corruption: International Secretariat - Transparencia*. Page. 41. Available at: <http://transparencia.org.es/wp-content/uploads/2014/10/Gu%C3%ADa-de-lenguaje-claro-sobre-lucha-contra-la-corrupci%C3%B3n.pdf>

5.2. PRINCIPLES

PRINCIPLE 1: LEGALITY AND DUE PROCESS

The conduct of all citizens in the fight against ML/TF must be developed with respect and observance of the Political Constitution of Peru, its laws, international treaties ratified by Peru, sectorial regulations, and binding national and international jurisprudence.

PRINCIPLE 2: EFFICIENCY

The public and private entities involved in the fight against ML/TF must optimize the available resources, while seeking innovation and continuous improvement.

PRINCIPLE 3: EFFECTIVENESS

The action of competent public and private entities in the fight against ML/TF must be focused on the compliance of goals and attainment of results.

PRINCIPLE 4: INTER-INSTITUTIONAL COOPERATION

The adoption of mechanisms to promote mutual assistance at the technical and operational levels between public and private entities to strengthen the fight against ML/TF.

PRINCIPLE 5: INTERNATIONAL COOPERATION

The public authorities responsible for prevention, detection, investigation, and sanctioning of ML/TF must use and/or implement mutual cooperation mechanisms with their counterparts or similar authorities abroad; and, make use of the international judicial cooperation, as applicable.

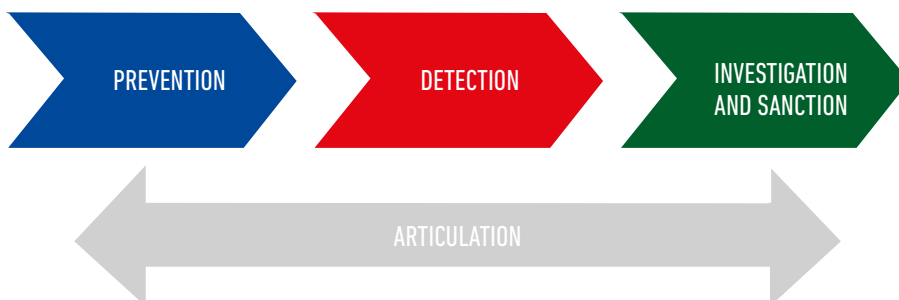
PRINCIPLE 6: TRANSPARENCY AND ACCOUNTABILITY

The rules, policies, plans, processes, actions, and the progress and results achieved in the fight against ML/TF, must be strategically and communicated in a timely manner, safeguarding the statutory secrecy, as applicable.

PRINCIPLE 7: PARTICIPATION OF THE CIVIL SOCIETY AND PRIVATE SECTOR

The civil society and private sector must have certain spaces to guarantee and promote their participation in combating ML/TF.

5.3. POLICY LINES OF ACTION



STRATEGIC LINE OF ACTION 1: PREVENTION

Includes the identification of ML/TF risks, operation of the ML/TF prevention system (regulation, supervision, and sanctioning) and the proper communication of suspicious transactions to the FIU-Peru.

STRATEGIC LINE OF ACTION 2: DETECTION

Groups the administrative analysis and investigation performed to detect or disregard a case related to ML/TF, the administrative control that must be exercised to detect such cases and their subsequent report to the competent authorities.

STRATEGIC LINE OF ACTION 3: INVESTIGATION AND SANCTIONING

Includes the criminal investigation and sanction of ML/TF crimes, whose responsibility falls on the authorities that constitute the legal administration system, and that have the collaboration of other public institutions.

TRANSVERSAL LINE OF ACTION 4: ARTICULATION

Has an impact over the entire national system against ML/TF and seeks to generate synergies between the public authorities that are involved in the prevention, detection, and investigation and sanctioning of ML/TF, the civil society, and the private sector.

5.4 SPECIFIC TARGETS, GOALS, RESPONSIBLE AUTHORITIES, GUIDELINES, AND MANDATORY STANDARDS BY LINE OF ACTION

The National Policy contains four (4) Specific Targets – ST, one goal per each ST, the responsible authorities for each ST, sixteen (16) guidelines and eighteen (18) mandatory national standards (hereinafter standards) according to the following details:

Line of Action	Specific Target (ST)	Guidelines	Standards
Prevention	1 ST	4	4
Detection	1 ST	3	4
Investigation and Sanctioning	1 ST	4	5
Articulation	1 ST	5	5

STRATEGIC LINE OF ACTION 1: PREVENTION

SPECIFIC TARGET 1: *“Properly identify and control the activities that make ML/TF possible.”*

GOAL

Peru has an effective ML/TF prevention system (regulation, supervision, and sanctioning) designed with a risk-based approach.

RESPONSIBLE AUTHORITIES

1. Reporting entities in matters of ML/TF prevention, as detailed in article 3 of Law N° 29038.
2. Supervisors in matters of ML/TF prevention, as detailed in article 9-A of Law N° 27693.
3. Regulatory authorities in matters of ML/TF: SBS and SMV.

GUIDELINES

1. Carry out sector evaluations of financial or non-financial activities for possible ML/TF risks.
2. Adopt and/or suggest regulatory improvements to enable proper regulation of activities with potential ML/TF risks; as well as the identification of the beneficial owner.
3. Effectively adopt and/or comply with regulatory, supervision, and sanctioning measures against ML/TF applicable to financial and non-financial reporting entities.
4. Guarantee quality reports on suspicious transactions and feedback from the FIU-Peru.

STANDARDS

In order to properly monitor the Strategic Line of Action 1, "Prevention", of the National Policy, the competent national public authorities and government authorities on all levels must establish concrete goals and indicators in line with the following mandatory national standards:

1. Percentage of sectors of reporting entities with ML/TF risk assessment.
2. Number of rules that regulate potential ML/TF risk activities properly and allow for the identification of the beneficial owner.
3. Number of ML/TF prevention rules that are applied by reporting entities and supervisors, respectively.
4. Percentage of STRs that are used as input for the detection work by the FIU-Peru.

STRATEGIC LINE OF ACTION 2: DETECTION

SPECIFIC TARGET 2: *"To timely detect and report ML/TF-related activities"*

GOAL

Peru has an efficient and timely administrative detection process of cases connected to ML/TF that allows reporting the results to the responsible authorities for their criminal prosecution.

RESPONSIBLE AUTHORITIES

1. SBS, through FIU-Peru.
2. SUNAT.
3. Ministry of Internal Affairs - PNP.
4. Office of the Attorney General.

GUIDELINES

1. Strengthen the ability of authorities responsible for detection and financial intelligence to access reliable information in a timely manner, safeguarding its confidential nature.
2. Improve control countrywide and along the borders to detect illegal activities that may generate ML/TF.
3. Ensure that competent authorities on ML/TF-related activities are timely informed, safeguarding their confidential nature.

STANDARDS

In order to properly monitor the Strategic Line of Action 2, “Detection” of the National Policy, national public authorities and government authorities on all levels must set concrete goals and indicators in order to be aligned with the following mandatory national standards:

1. FIU-Peru access, within the legal timeframes, to information kept under banking and tax secrecy.
2. Number of cash currency control operations and/or pay-to-bearer negotiable financial instruments, carried out in ports, airports, and border service centres.
3. Number of joint operations between national authorities for cash currency control and/or pay-to-bearer negotiable financial instruments, carried out in ports, airports and border service centres.
4. Number of protocols or agreements allowing the exchange of information, safeguarding their confidential nature.

STRATEGIC LINE OF ACTION 3: INVESTIGATION AND SANCTIONING

SPECIFIC TARGET 3: “*Effectively and timely investigate and sanction those involved in ML/TF crimes at the national and international level*”.

GOAL

Peru has a strengthened judicial administration system (criminal investigation and sanctioning), in order to prevent impunity of natural and/or legal persons that perpetrate ML/TF crimes with national and/or international impact, which also demands strengthening all the authorities that grant key support to this system.

RESPONSIBLE AUTHORITIES

1. Ministry of Internal Affairs - PNP
 2. Office of the Attorney General
 3. Attorney General Offices
 4. The Judiciary
 5. Ministry of Justice and Human Rights
- All public authorities that can grant key support to the justice administration system (Ministry of Foreign Affairs, among other).

GUIDELINES

1. Strengthen the operating and management capacities of the criminal investigative and sanctioning authorities on ML/TF.
2. Guarantee the payment of civil redress and the recovery of assets.
3. Promote regulatory improvements to enable an adequate administration, execution, and distribution of the civil redress and recovery of assets.
4. Strengthen the international cooperation system in the police, criminal investigation, and judicial fronts in regards to ML/TF.

STANDARDS

For due monitoring of the Strategic Line of Action 3, “Investigation and Sanction” of the National Policy, the relevant national public authorities from the different government levels must establish specific goals and indicators in line with the following mandatory national standards:

1. Percentage of increase of resources assigned to the divisions in charge of criminal investigation and sanction in ML/TF cases.
2. Percentage of investigations for ML/TF cases initiated under the new Criminal Procedural Code.
3. Design a statistics data system to produce indicators about the effective collection of civil redress and assets recovered in ML/TF cases.
4. Number of regulations aimed at improving the administration, execution, and distribution of the civil redress and recovery of assets.
5. Number of international cooperation channels or spaces in police, control, and judicial areas in regards to ML/TF.

CROSS-CUTTING LINE OF ACTION: ARTICULATION

SPECIFIC TARGET 4: *“Strengthen the active and articulated participation of the State, the civil society, and the private sector in the fight against ML/TF”.*

GOAL

Peru has a national articulated system to fight ML/TF that involves the active participation of public authorities, the civil society, and the private sector at a national level.

RESPONSIBLE PARTIES

All actors in the national system against ML/TF: public authorities, civil society, and competent entities of the private sector.

GUIDELINES

1. Strengthen the coordination between the competent authorities, as well as the different commissions and/or inter-sectorial work groups connected to ML/TF.
2. Optimize the exchange of reliable, timely, and safe information on ML/TF matters, as well as the joint work of the competent public authorities in regards to ML/TF.

3. Promote a culture of legality with the participation of the State, the civil society, and the private sector.
4. Strengthen the capacities of all actors in the fight against ML/TF.
5. Adequate the regulations to the international instruments and/or standards in matters concerning the fight against ML/TF.

STANDARDS

In order to properly monitor the Cross-cutting Line of Action 4, “Articulation”, of the National Policy, the competent national public authorities at the different government levels must establish specific goals and indicators in line with the following mandatory national standards:

1. Number of existing inter-sectorial commissions and/or work groups in connection with ML/TF, in which the presidency of CONTRALAFIT or its members participate, collaborate or contribute.
2. Number of joint projects and/or activities performed by CONTRALAFIT with other existing inter-sectorial commissions and/or work groups in connection with ML/TF.
3. Number of dissemination actions aimed at promoting a culture of legality with the participation of the State, the civil society, and the private sector.
4. Number of training programs aimed at actors involved in the prevention, detection, investigation, and sanction of ML/TF.
5. Number of international standards in the fight against ML/TF, implemented on a national level.

ANNEX 1 PARTICIPATING ENTITIES

Private Entities	<ul style="list-style-type: none"> • Association of Micro Finance Institutions of Peru (ASOMIF) • Banco de Crédito del Peru (BCP) • CHUBB SEGUROS • National Association of Mining, Petroleum and Energy (Compañía BuenaVentura) • Cooperativa ABACO • DHL Express • National Federation of Credit Unions of Peru (FENACREP) • HDI SEGUROS • JET PERU • MAPFRE • Carnero Avalos Notary Public • Gonzales Loli Notary Public • WESTERN UNION
Public Authorities	<ul style="list-style-type: none"> • Peruvian Agency for International Cooperation (APCI) • High Level Anticorruption Commission (CAN) • National Intelligence Bureau (DINI) • National Centre for Strategic Planning (CEPLAN) • National Program of Confiscated Assets (PRONABI) • National Commission for Development and Life without Drugs (DEVIDA) • Ministry of Economy and Finance (MEF) • Ministry of Women's Affairs and Vulnerable Populations (MIMP) • Ministry of Foreign Trade and Tourism (MINCETUR) • Ministry of Internal Affairs (MININTER) • Office of the Attorney General • Ministry of Justice and Human Rights (MINJUS) • Peruvian National Police (PNP) • The Judiciary • Division of the Solicitor's Office for Terrorism Matters • Peruvian Securities Market Regulator (SMV) • National Superintendency of Tax and Customs Administration (SUNAT) • Superintendencia Nacional de Aduanas y Administración Tributaria (SUNAT) • Superintendency of Banking, Insurance, and Private Pension Funds of Peru (SBS)
Cooperation	<ul style="list-style-type: none"> • German Cooperation implemented by GIZ

ANNEX 2 RELATED POLICIES, PLANS, AND STRATEGIES¹⁴

Policies or Plans	Specific Reference to ML or to TF
1. National Policy against Human Trafficking and its exploitation forms (2015)	The conceptual framework points at Human Trafficking as one of the source crimes of ML, as it is committed in a context of organized crime that generates illegal profits.
2. 2011-2016 National Action Plan against Human Trafficking in Peru	The conceptual framework specifies that many human trafficking victims are used to perpetrate or participate in criminal acts such as ML.
3. 2012-2016 National Anticorruption Plan (currently being updated)	Under Objective 3, "Investigation and timely and effective sanction of corruption in the administrative and judicial areas", Strategy 3.2: "Strengthen procedures for timely application of the rules that sanction corruption in the administrative and judicial areas" proposes as an action in connection with ML: "To develop tools – in line with the National Plan against Money Laundering and Terrorist Financing – to determine presumed money laundering crimes originated from corruption crimes."
4. National Strategy for Interdiction of Illegal Mining (2014)	<p>Within Strategic Line of Action 2, "Actions for the eradication or reduction of crimes related to illegal mining", Strategic Objective 4: "Strengthen and maintain multi-sectorial control, supervision and sanction actions for the eradication or reduction of crimes related to illegal mining", proposes the following action in connection with ML, to be under the FIU-Peru:</p> <p>"17. Sectorial and relevant agencies' actions</p> <p>(...) j. FINANCIAL INTELLIGENCE UNIT; will contribute with the Office of the Attorney General in the investigation of the financial resources, preliminarily identifying the criminal subjects and organisations connected to the crime of illegal mining and money laundering, so as to be able to lodge the corresponding criminal actions".</p>

¹⁴ These instruments address 4 of the 5 threats identified in the ML/TF National Risk Assessment: 1 "Existence of coca crops, first drug trafficking link"; 3 "Increase in the past years of public corruption activities"; 4 "High incidence in the country, of certain crime types: illegal mining, illegal logging, human trafficking, smuggling and extortions and murder-for-hire" and 5 "Existence in the region of countries with high degree of criminality" and they have a direct impact on ML/TF Risks, 5 "Tolerance and permissibility of public corruption", 7 "Excessive bureaucratic paperwork to formalize economic, commercial and mercantile activities", 8 "Weakness of procurement processes in public administration" and 12 "Inexistence of a professional and stable public civil service system".

<p>5. Strategy to legitimize small-scale and artisanal mining (2014)</p>	<p>Strategic Line of Action 2 “Supervision and Control” provides under Item 2.10 “COMBATING MONEY LAUNDERING” the following as actions to be consolidated:</p> <ol style="list-style-type: none"> 1. Approval of Bill 2569/2013-CR, that modifies Law N° 26702, Law on the Financial and Insurance System and Organic Law of the SBS and the Tax Code, Single Structured Text (TUO) approved by D.S. 135-99-EF, to provide access to bank secrecy and tax secrecy, to the FIU-Peru, for its financial analysis and intelligence functions, respectively. 2. Bill that would insert a Supplementary Provision to Law N° 27693 (Law on the Creation of the FIU-Peru) creating the obligation to use the financial payment means as provided in Law 28194. 3. Bill to ban import of used machinery and equipment comprised in Import Tariff Headings 84.29, 85.02, 85.02 and 87.01 and Sub-Heading 84.74.20.12. 4. Include as new reporting entities to report suspicious transactions to the FIU-Peru, natural and legal persons engaged in the import, export, and trade and operating leasing of machinery and equipment included in the Import Tariff Headings 84.29, 85.02, 85.02 and 87.01 and Sub-Heading 84.74.20.12. It would also include as new reporting entities in the obligation to report to the FIU-Peru, the laboratories and companies that produce and/or sell controlled chemicals. Currently the obligation to report to the FIU-Peru is only for “laboratories and companies that produce and/or sell chemicals used for the manufacturing of drugs and/or explosives.” 5. Implementation of the registration of mining machinery with the SUNARP will generate positive effects for the work of the FIU-Peru, as it will enable relating persons with such assets, as it occurs at present with vehicles and real estate properties.
<p>6. 2013-2018 National Citizen Security Plan</p>	<p>The conceptual framework (1.1 Approach to the citizen security concept) includes ML as a criminal mode pertaining to organized crime.</p>
<p>7. 2017-2021 National Anti-Drug Strategy</p>	<p>Under the Line of Action corresponding to Supply Control, Intermediate Objective 2 “Reduce illegal drug production and traffic, as well as the related crimes. Dismantling, prosecuting, and penalizing organized crime associations”, proposes as one of its Specific Targets (ST) under the Money Laundering and Organized Crime heading, “Combating the fragility of the State to increase the risk to criminal behaviours: money laundering and illegal drug trafficking” and within this ST, a series of actions aimed at strengthening the fight against ML in the country.</p>

ANNEX 3 ML/TF RISKS IN THE COUNTRY

1. National ML/TF Risk Assessment

The National ML/TF Risk Assessment, prepared within the framework of a participatory process¹⁵, identified *five (5) threats*¹⁶ and *forty-three (43) vulnerabilities*¹⁷; and, based on the evaluation of those vulnerabilities that could materialize such threats, forty-three (43) ML/TF risks are established, classified as: (i) very high risk: very high priority, urgent need for mitigation, (ii) high risk: high priority, less urgent need for mitigation, (iii) moderate risk: moderate priority, average need for mitigation, (iv) low risk: residual need for mitigation.

In order to prepare the National Policy and its respective Plan for its implementation, only 32 risks that have a direct impact on ML/TF matters were taken into account. The remaining 11 risks are already being addressed by other public authorities within the framework of other instruments (policies, plans, and strategies) for example, those detailed in ANNEX 1.

Threats (5)

Threat 1: Existence of coca crops, first link in drug trafficking

Finding:

Peru is one of the countries with the largest coca production in the world, which places it as a first link for drug trafficking in the region.

Threat 2: Remnants of the terrorist organisation Sendero Luminoso (Shining Path)

Finding:

- There is a link (strategic alliance) between terrorist remnants with drug trafficking and other criminal activities. Although initially a large part of the funds that supported the terrorist activity came from abroad, the origin is currently internal and comes from the illegal trafficking of drugs, illegal logging, illegal mining, and the extortion of companies in the VRAEM area (as, for example, the mining and gas companies), to whom they charge a quota.

Threat 3: Increase of state corruption activities in recent years

Finding:

Perception that there is no adequate prosecution of this type of crime, which, in addition to serving as an incentive to their perpetration and contributing to the drain of public resources, generates a sense of impunity among the population.

¹⁵ Its elaboration demanded the following activities: (i) several bilateral meetings with representatives of public and private organisations, (ii) the study and analysis of reports of national and international entities, and, (iii) the specific questionnaires that were cleared by the competent authorities

¹⁶ The FATF Guide for the elaboration of the NRA (February, 2013) defines a threat as the "person, group of persons, object or activity with sufficient potential to cause damage to the State, society, the economy or other fundamental elements of the life of a country"

¹⁷ The FATF Guide for the preparation of the NRA (February, 2013) defines a vulnerability as the "nature and intrinsic characteristics of a product, service, distribution channel, customer groups, institution, system, structure or country (including weakness in systems, controls or measures) that facilitates the successful execution of money laundering and/or terrorist financing operations."

Threat 4: High incidence of certain criminal types in the country: illegal mining, illegal logging, human trafficking, smuggling and extortion and hired murder

Findings:

- Illegal mining as the second predicate offence in terms of the amount of financial intelligence reports issued from 2003 to 2015. This offence is associated with a series of related offences.
- Illegal logging has many similarities with illegal mining because its commission involves damage to natural resources, to the characteristics of the areas where it takes place (abundance of forest and territorial control problems for the authorities) and being associated with other related offences.
- Human trafficking is one of the most salient problems, both from the social repercussion point of view and its profitability. This offence is associated with the commission of other offences linked to the exploitation of natural resources in an illegal manner.
- With respect to extortion and murder-for-hire, this type of offences, committed by local gangs, is having an increasing incidence in Peru, perhaps due to the contagion effect of other countries in the region where it has been occurring for some time. The most usual way of acting is the articulation of extortion systems to the most unprotected population and to small merchants who lack the means to defend themselves (collection of quotas), as well as the provision of hired assassins who work for those who perpetrate the crimes.
- Regarding smuggling, the problem to control the borders of Peru derived from its extent and orography, together with the existence of organized networks and mobility routes used for other types of illegal traffic, facilitates the entry of goods illegally in the country, mainly by the borders with Chile, Bolivia, and Ecuador.

Threat 5: Existence in the regional environment of countries with a high degree of criminality

Findings:

- The regional context of Peru (Ecuador, Colombia, Brazil, Bolivia and Chile) suffers for the most part from serious crime problems linked to drug trafficking, organized crime and illegal trade networks, with an important number of people belonging to terrorist groups located in Colombia.
- The processes to legitimize illegal returns do not occur only in the countries where the crimes have been committed or where the criminals reside, but to make it more difficult to monitor them, they are carried out in different countries.
- The situation is aggravated by the globalization of the economy, the economic informality in Peru and some of the surrounding countries, and the fact that the Andean Community nationals can move freely in those territories (without the need for a passport or visa).

Vulnerabilities (32):

2	<p>Extension and porosity of the Peruvian borders.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - Impossibility to have a rigorous control of the land and maritime borders of Peru. - Commission of criminal activities in border areas.
4	<p>Lack of social awareness about the consequences of money laundering and/or terrorist financing.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - Lack of clear rejection of the population to ML/TF criminal activities. - Misunderstanding by the population of the seriousness of the activities indicated, due to the high degree of economic informality.

14	Weakness of controls in the movements of people and merchandise in the countries within the Andean Community.
	<i>Finding:</i> The process of integration brings with it a greater freedom of movement of people and merchandise, there being less controls between the countries that are a part of the Andean Community.
15	Difficulty in access by the FIU to the information affected by the regulation of bank secrecy and the confidentiality of tax information.
	<i>Finding:</i> While Legislative Decree N° 1249 gave the FIU-Peru access to banking and tax information with prior judicial authorization, its impact must be assessed at the time of application.
16	Difficulty on the part of the FIU for the preparation of the strategic analysis due to lack of access to information protected by bank secrecy and tax information confidentiality.
	<i>Finding:</i> Difficulty in detecting patterns used for ML/TF and in discovering the trends in said offences.
17	Unawareness of the degree of compliance of lawyers and accountants in their new status as reporting entities.
	<i>Finding:</i> In view of the new regulation (Legislative Decree N° 1249), which incorporates lawyers and accountants as RE, it is necessary to assess its application and determine whether the scope attributed to the exception "information subject to professional secrecy" allows the flow of communications.
18	No obligation for reporting entities to send to the FIU information on operations carried out in cash in amounts exceeding a certain threshold.
	<i>Finding:</i> - Only some RE have the obligation to notify the FIU-Peru on a regular basis of those operations registered in the Registry of Operations that exceed a certain threshold, that is, those transactions that are made in cash above a certain amount. - Lack of information as indicated in the hands of FIU-Peru that may be important for the detection of money laundering activities and/or terrorist financing.
19	Lack of knowledge about the practical application of the recent reform of the definition of money laundering and terrorist financing offences.
	<i>Finding:</i> It is necessary to verify the practical application of the amendments to the criminal legislation of ML/TF.
20	Lack of prior authorization for the operation of credit unions and weakness of their prudential supervision and in matters of money laundering and/or terrorist financing.
	<i>Finding:</i> - The CACs may start their activity from their registration in the Public Registry (they do not require prior authorization). - In the Alto Huallaga and VRAEM areas, where there is little economic development, there is a fairly high number of CACs with no objective reason to justify them.
21	Absence of prudential regulation of natural and legal persons engaged in money and currency changing activities and in lending and pawning activities.
	<i>Finding:</i> This sector lacks prudential regulation (they do not require authorization to start the activity) so there is no oversight, even beyond ML/TF.

22	<p>Lack of feedback from the FIU regarding the compliance of RE.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - There is no feedback system to enable the FIU-Peru to inform the RE about aspects to improve their communications or if the information they are sending is really useful for the investigation on ML/TF. - Furthermore, no information is sent to the REs, with the required confidentiality, about the positive consequences that some of their communications have had in combating ML/TF.
23	<p>Excessive time for the communication of suspicious transactions related to terrorist financing.</p> <p><i>Finding:</i></p> <p>The timeframe to submit the STRs on TF (30 days and in the case of the financial system it is 15 days) does not seem appropriate, because the operations linked to this offence are immediate and are executed during short periods of time (for example, concrete monetary contributions that happen only once). In the case of ML, this term is appropriate because the operations usually have a longer maturing period and are prolonged over time.</p>
24	<p>Insufficient control system for cross-border transportation of currency and no limitations on internal transfers.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - Control activities are carried out more when entering the country than at departures, in an approximate percentage of 70/30. - SUNAT does not have access to the passenger register, which prevents them from carrying out selective checks based on traveller risk. - There is no system to control the transportation of currency within the national territory.
25	<p>Deficient regulation of Non-Profit Organisations (NPOs) and bankruptcies in the supervision system regarding money laundering and/or terrorist financing.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - From the information gathered about the plans that govern the supervision actions carried out by APCI and the Foundations Oversight Council, it is deduced that the resources dedicated to the verification of compliance in regards to money laundering and/or terrorist financing are nonexistent. - There is no risk analysis of NPOs that pose greater risk of being used in ML/TF activities and, as such, be subject to targeted supervision.
26	<p>Absence of a reliable and consolidated statistical system of manufacturing and exploitation, related to actions taken in the area of prevention and fight against money laundering and/or terrorist financing.</p> <p><i>Findings:</i></p> <p>Absence of one single system that may unite statistics under the same criteria, avoiding duplicities and allowing for adequate decision making and the formulation of public policies.</p>
27	<p>Absence of the obligation to register in the Public Registry information about the real owner of the legal person (SAC).</p> <p><i>Finding:</i></p> <p>The information on shareholders or participants of the legal person (SAC) is not updated, beyond the certified copy of its incorporation, because there is no coercive means to force its registration.</p>

28	Weakness of the sanctioning system in terms of money laundering and/or terrorist financing carried out on financial institution reporting entities.
	<p><i>Findings:</i></p> <ul style="list-style-type: none"> - There is a small number of sanctions imposed on financial institutions (which is over a hundred) taking into account the number of observations or findings made as part of the annual supervision. - The work of the SMV is more preventive than sanctioning (in 2015 and 2016 no sanction procedure has been initiated).
29	Difficulty for the FIU to assume the supervisory activity and sanction for non-compliance of reporting entities assigned to it.
	<p><i>Finding:</i></p> <p>The FIU-Peru does not exercise supervision and sanctions on all economic and professional operators under its jurisdiction, since it covers only those registered as RE and not those who act informally.</p>
30	Practical non-existence of supervisory activities regarding money laundering and/or terrorist financing in the regulated entities DNFBP subject to prudential supervision.
	<p><i>Findings:</i></p> <ul style="list-style-type: none"> - The activities that, as applicable, are carried out by most of these entities in terms of money laundering and/or terrorist financing, are rather few. - Lack of specific regulation on prevention applicable to postal services.
31	Difficulty of the Office of the Attorney General in the investigation and prosecution of money laundering and terrorist financing.
	<p><i>Findings:</i></p> <ul style="list-style-type: none"> - Lack of specialists in the Office of the Attorney General, capable of directing an investigation on offences such as money laundering and terrorist financing, with increasing complexity and whose development requires specific technical knowledge in economic, financial and ownership matters. - There is no knowledge about specific and continuous and in-depth training in research and detection systems of ML/TF. High mobility and staff turnover affects effectiveness directly. - It does not act with all the speed and efficiency that would be desirable, which seriously harms the prosecution of offences and the prosecution of cases. - Lack of economic and technical resources, which hinders managing cases and the information processing and flow, slowing down the investigation processes.
32	Existence of deficiencies in the Judiciary that affect the criminal repression.
	<p><i>Findings:</i></p> <ul style="list-style-type: none"> - Lack of resources in the Judiciary that prevents the prosecution of the cases related to both types of offences in a timely manner and the deepening of their investigations, resulting in a deficiency in the treatment of these offences and in the delay in substantiating the judicial processes. - Insufficient number of specialists and lack of knowledge on the subject. - Number of cases investigated and convictions issued for money laundering is not consistent with that of the predicated offence committed in the country, which would result from the incapability to prosecute this type of offences.

33	<p>Low effectiveness of the Peruvian National Police (PNP) in the investigation and prosecution of money laundering and terrorist financing.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - The PNP Units do not have adequate economic and personnel resources, and they also lack the necessary technological means to carry out field research activities, which affects the effectiveness of their actions. - There is lack of specialization of the personnel and excessive mobility, preventing them from acquiring the technical training that their activity requires.
34	<p>Existence of corruption in security and justice operators.</p> <p><i>Finding:</i></p> <p>High degree of public corruption in the country, which is also located among agencies and entities engaged in the investigation and prosecution of crime.</p>
35	<p>Difficulty in the exchange of information between public institutions.</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - Difficulty in articulating the exchange of information between government agencies, due to a tendency to compartmentalize information in an attempt to avoid possible misuse, which in practice implies additional difficulties for the development of investigations that require the participation of a plurality of actors. - Problem in the flow of information that hampers actions in terms of prevention and fight against ML TF, both between the agencies in charge of investigating and prosecuting and those that have relevant databases for the repression of these crimes.
36	<p>Lack of effective coordination between public institutions engaged in the investigation and prosecution of money laundering and terrorist financing.</p> <p><i>Finding:</i></p> <p>Non-existence of formal coordination and collaboration mechanisms between the PNP and the FIU-Peru, to enable joint investigative teams and the mutual use of resources.</p>
37	<p>Weakness in the application of current regulations on the confiscation of illegally obtained assets and their use, by legal mandate, subsidiary to the results of the criminal process (non-autonomous).</p> <p><i>Findings:</i></p> <ul style="list-style-type: none"> - The Office of the Attorney General does not register the confiscated assets in registers and does not communicate said measure to CONABI. Only 5% of the cases where this measure has been issued have been registered. - Lack of effectiveness of the confiscation of illegally obtained assets (only 3 sentences) as it is subsidiary to the criminal proceeding.
38	<p>Conviction of financial institutions that they comply satisfactorily with their obligations regarding money laundering and terrorist financing.</p> <p><i>Finding:</i></p> <p>The perception of REs in the financial system, based on the figures of the findings detected by the SBS in its supervisory work (186 observations from 2013 to date) is not accurate.</p>
39	<p>Lack of reporting of suspicious transactions by certain reporting entities.</p> <p><i>Finding:</i></p> <p>There are REs that have not sent STRs to the FIU-Peru or that do so sporadically (money and currency changing, pawn and lending, laboratories, manufacturers and sellers of chemical inputs, NPOs, mail service, antique dealers, mining companies, among others), despite the fact that many of them have high level risk (cash payments or use of anonymity).</p>

40	Lack of awareness among DNFBPs about the need to comply with their obligations and deficient application of the preventive framework. <i>Findings:</i> - There is a high risk in the DNFBPs, except for Notaries, of them being used to launder assets or affected by terrorist financing. - There are deficiencies in the monitoring of operations, the customer due diligence and the communication of suspicious transactions, which have a negative impact on prevention activities.
41	Deficiency in the communication of suspicious transactions. <i>Finding:</i> The data seem to indicate that the STRs do not meet the requirements to be useful due to lack of knowledge of what should be reported or the impossibility to conduct an analysis of possible suspicious transactions, which hinders the ability to justify future investigations on money laundering.
42	Lack of specialised knowledge in small-size reporting entities for the application of the preventive framework of money laundering and terrorist financing. <i>Finding:</i> They do not have sufficient knowledge and training to proceed with its application.
43	Little involvement of certain associations that represent trade union interests of reporting entities in the application of the measures regarding money laundering and/or terrorist financing. <i>Finding:</i> Compared to entities with a high level of involvement in these issues (mainly in the financial and gambling sectors) others, such as those in the mining and general business sector, show little interest despite grouping a large number of operators considered reporting entities.

ML/TF Risks (32)

	Description of Risk	Consideration
2	Extension and porosity of the Peruvian borders.	High Risk
4	Lack of social awareness about the consequences of money laundering and/or terrorist financing.	High Risk
14	Weakness of controls of movements of people and merchandise in the countries integrated in the Andean Community.	High Risk
15	Difficulty in access by the FIU to the information affected by the regulation on bank secrecy and tax secrecy.	High Risk
16	Difficulty on the part of the FIU for the preparation of strategic analysis due to the lack of access to information protected by bank secrecy and tax secrecy.	Moderate Risk
17	Unawareness of the degree of compliance of lawyers and accountants in their new status as reporting entities.	Moderate Risk
18	Non-existence of obligation for all reporting entities to send to the FIU information on operations carried out in cash for amounts exceeding a certain threshold.	Moderate Risk
19	Lack of knowledge about the practical application of the recent reform in the definition of money laundering and terrorist financing crimes.	Low Risk
20	Non-existence of prior authorization for the operation of credit unions and weakness of their prudential supervision and in matters of money laundering and/or terrorist financing.	High Risk

21	Absence of prudential regulation of natural and legal persons engaged in money and currency changing and in lending and pawning activities.	High Risk
22	No feedback from the FIU regarding compliance of reporting entities.	Moderate Risk
23	Excessive timeframe for the communication of suspicious transactions connected to the terrorist financing.	Low Risk
24	Insufficient cross-border transportation of currency control system and no limitation on internal transportation.	Very High Risk
25	Deficient regulation of Non-Profit Organisations (NPOs) and bankruptcies in the supervision system regarding money laundering and/or terrorist financing.	High Risk
26	Absence of a reliable and consolidated system for the preparation and use of statistics, related to actions taken in the area of prevention and fight against money laundering and/or terrorist financing.	Moderate Risk
27	Non-existence of the obligation to register in the Public Registry information about the real holder of legal persons (SAC).	High Risk
28	Weakness of the sanctioning system in terms of money laundering and/or terrorist financing carried out on financial reporting entities.	Moderate Risk
29	Difficulty for the FIU to assume the supervisory activity and sanctioning for non-compliance of the reporting entities assigned to it.	Moderate Risk
30	Practical non-existence of supervisory activities regarding money laundering and/or terrorist financing on DNFBP reporting entities subject to prudential supervision.	High Risk
31	Difficulty of the Office of the Attorney General in the investigation and prosecution of money laundering and terrorist financing.	Very High Risk
32	Existence of deficiencies in The Judiciary that affect criminal repression.	Very High Risk
33	Low effectiveness of the Peruvian National Police (PNP) in the investigation and prosecution of money laundering and terrorist financing.	Very High Risk
34	Existence of corruption in security and justice operators.	High Risk
35	Difficulty in the exchange of information between public institutions.	Very High Risk
36	Lack of effective coordination between public institutions dedicated to the investigation and prosecution of money laundering and terrorist financing.	Very High Risk
37	Weakness in the application of current regulations on confiscating of illegally obtained assets and their use, by legal mandate, subsidiary to the results of the criminal process (non-autonomous).	High Risk
38	Conviction of financial institutions that they comply satisfactorily with their obligations regarding money laundering and terrorist financing.	Moderate Risk
39	Absence of communication of suspicious transactions by certain reporting entities.	High Risk
40	Lack of awareness among DNFBPs about the need to comply with their obligations and deficient application of the preventive framework.	High Risk
41	Deficiency in the communication of suspicious transactions.	High Risk

42	Absence of specialised knowledge in small-size reporting entities about the application of the money laundering and terrorist financing preventive framework.	Moderate Risk
43	Little involvement of certain associations that represent trade union interests of reporting entities in the application of the measures regarding money laundering and/or terrorist financing.	Moderate Risk

2. Sectorial ML/TF Risk Assessments Risks in the mining and fisheries areas

These sectorial assessments, carried out with the technical assistance of the German Cooperation implemented by GIZ, have allowed to identify the main ML/TF risks in the mining and fisheries sectors, as well as the respective policy guidelines to mitigate them.

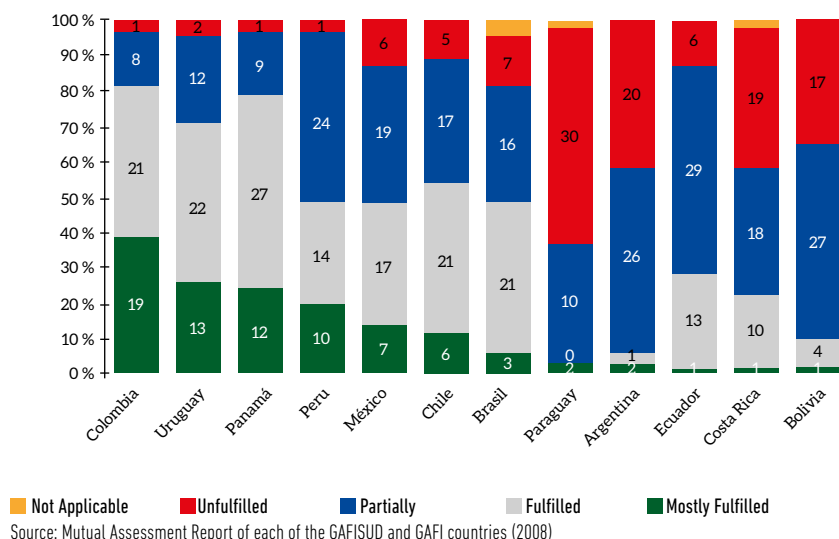
In the mining sector, seven (7) risks have been identified in order of priority: illegal gold mining, illegal mining of other minerals, funds from smuggling that are invested in the mining sector, funds from drug trafficking that are invested in the mining sector, other illegal activities that launder their profits in the mining sector, suspicious clients and terrorist activities financed by mining companies. While in the fisheries sector the ML/TF risks amounting to the same number (7) are: illegal extraction, illegal processing, illegal commercialization, funds from drug trafficking that are invested in the fisheries sector, other illegal activities that launder their profits in the fisheries sector, suspicious clients and terrorist activities financed by fishing companies.

ANNEX 4 COMPLIANCE LEVEL OF THE 40 RECOMMENDATIONS FROM FATF

The mutual evaluation report conducted on Peru within the framework of the Third Round of Mutual Evaluations of GAFISUD (currently GAFILAT) dated July 31, 2008, informed about the compliance level of the 49 Recommendations (today, 40 Recommendations dated February 2012). The report establishes that 10 of them had been fulfilled; 14 mostly fulfilled; 24 partially fulfilled and only 1 unfulfilled.

As a result of this assessment, it was determined that Peru obtained a Partially Fulfilled rating in the key FATF Recommendations, that is, 5, 10, 13 and Special Recommendations I, III and IV, which caused it to be subject to an “Intensified Monitoring” process¹⁸.

Comparison of results from the latest assessments performed to the AML/CTF system of the member states of GAFISUD



Subsequently, in order to prepare the country to achieve an adequate implementation of the new 40 Recommendations of FATF and obtain a better rating during the Fourth Round of Mutual Evaluations, the SBS implemented the project: “Strengthening Peru’s Capacities to face the Fourth Round of Mutual Evaluations of the Financial Action Task Force of South America – GAFISUD” (March 2013 to January 2014); and, based on its recommendations, executed the project: “Implementation of Measures and Actions for Fulfilment of the 40 FATF Recommendations” (November 2014 to March 2016). Both projects were funded by the Swiss Agency for Development and Cooperation – SECO.

¹⁸ Process that countries evidencing some deficiencies in their money laundering and terrorist financing prevention systems undergo. As a result, they must report from time to time the measures implemented to correct the deficiencies detected.

Within the framework of the second Project, the Final Report was submitted on March 11, 2016. The *technical compliance* issues deemed as most relevant to be addressed by the State included the following:

- The National Risks Assessment and the Sectorial Risk Assessments, with a Risk-Based Approach (RBA)
- Updating of the National Plan against ML/TF.
- Implementation of an adequate regulatory framework establishing, among other aspects, access to information protected by bank secrecy and tax secrecy and the adequate definition of ML/TF.
- Establishing autonomous responsibility of legal persons for ML/TF.
- Due enforcement of the United Nations Security Council Resolutions
- Generation and publishing of statistics to show effectiveness against ML/TF.
- Improving capacity of justice operators.
- Creation of a Work Group to implement R8 and R24.
- Procedures for exchange of information.
- Training on recommended matters.

In order to implement part of such recommendations, several draft bills were presented at Congress. However, it was only as of the enactment of Law N° 30506, Law to delegate on the Executive the power to legislate on security matters for a term of 90 calendar days, dated October 9, 2016, that Legislative Decrees were issued to incorporate almost all the suggested regulatory changes.

The table below shows the regulations issued during the period April 2016 to January 2017, which have allowed addressing the identified weaknesses:

Laws issued during the period April 2016 - January 2017

1	Law N° 30437, "Law that modifies Article 3 of Law 27693, Law that creates the FIU-Peru, to broaden its powers in the combat against terrorism", published on May 25, 2016.
2	Legislative Decree N° 1249, "Legislative Decree that establishes measures to strengthen prevention, detection, and sanction of money laundering and terrorism", published on November 26, 2016.
3	Legislative Decree N° 1298, "Legislative Decree that modifies Articles 261, 264, 266 and 267 of the Criminal Procedural Code Approved by Legislative Decree N° 957, which regulate pre-trial detention and judicial detention in case of flagrancy", published on December 30, 2016
4	Legislative Decree N° 1352, "Legislative Decree that broadens the administrative responsibility of legal persons", published on January 7, 2017.

Law N° 30437 grants the FIU-Peru the power to freeze the assets and funds of persons connected to terrorism, TF and the proliferation of mass destruction weapons, as set forth in the United Nations Security Council Resolutions 1267, 1373, 1718, and 2231. It is a measure of an administrative (not penal) and preventive nature, subject to being ratified by a judge, who must issue a ruling within 24 hours.

Later, Legislative Decree N° 1249 set forth measures to strengthen prevention, detection, and sanctioning of ML/TF. The main modifications include:

- **Access to bank secrecy and tax secrecy by FIU-Peru with court authorization:** it grants FIU-Peru the authority to request the Criminal Court of Lima, in each case undergoing administrative investigation, access to confidential tax and bank information and the Court must issue its ruling within 48 hours in a confidential process, without the participation of the investigated party. Upon issuance of the court authorization, the financial entities and the Tax Authority must submit the information to FIU-Peru within a maximum of 30 business days.
- **Incorporation of new reporting entities:** (i) credit and/or debit card issuers; (ii) lending companies; (iii) remote gambling and betting using the Internet or other means; (iv) companies that grant financing without bank intermediation; (v) lawyers and accountants who perform on a regular basis financial and corporate counselling on behalf of a third party or for its account. At public sector level, it incorporates State Companies, regional governments, provincial governments, the State Procurement Supervision Agency, the National Elections Board and the National Office for Election Processes.
- **Incorporation of the delimited ML/TF prevention system:** it establishes that some reporting entities, considering their special characteristics, may implement a delimited ML/TF prevention system. Unlike the general ML/TF prevention system already being implemented, the delimited system implies, on the liable party's side, only the obligation to designate a part-time compliance officer and prevent, detect, and report to FIU-Peru any suspicious transactions through a STR.
- **Modifications to the criminal legislation on ML:** it specifies that the autonomy of the ML offence not only comprises the investigation and processing area, but also the sanction; and includes specifically TF as predicate offence to ML. It also incorporates within the criminal definition "Concealing and possession acts" the expression "possessing" and eliminates the reference to the purpose.
- **Modifications to the criminal legislation on TF:** it includes specifically that funds may have a legal or illegal origin and sanctions are imposed on whoever finance individual terrorists or terrorist groups to ensure their existence.

Furthermore, Legislative Decree N°1298 modifies Article 264 of the Criminal Procedural Code, establishing that pre-trial detention in complex offences (ML among them) may last a maximum of seven (7) days; and when offences perpetrated by criminal organisations are involved, it may last a maximum of ten (10).

Finally, Legislative Decree N° 1352 was issued, establishing the autonomous responsibility of legal persons involved in ML/TF cases, providing measures to impose direct sanctions, such as dissolution or fine. It also sets forth that legal persons that implement effective prevention programs may be exempt of any liability.

This regulatory framework has been reinforced with several sectorial regulations issued by the SBS during 2016, applicable to reporting entities in ML/TF prevention matters.

Casino Games and/or Slot Machines	SBS Resolution N° 6426-2015, published on March 23, 2016 for the prevention of money laundering and terrorist financing, applicable to legal persons that operate casino games and/or slot machines.
Freezing of funds and assets	SBS Resolution N° 3862-2016, published on July 16, 2016 that regulates the mechanisms and procedures through which FIU-Peru may administratively the funds or other assets of the persons or entities connected with TF, as well as of those related to the proliferation of weapons of mass destruction and the financing thereof, identified within the framework of the United Nations Security Council (UNSC) Resolutions.
Customs Agents	SBS Resolution N° 4197-2016, published on August 20, 2016 that regulates the prevention of money laundering and terrorist financing, applicable to Customs Agents authorized to operate as Customs Clearance Agents.
PEP	SBS Resolution N° 4349-2016, published on August 14, 2016 that regulates the functions and positions held by politically exposed persons (PEP) in the prevention of money laundering and terrorist financing offences.
Lending and Pawn Activities	SBS Resolution N° 4463-2016, published on August 20, 2016 concerning risk management and money laundering and terrorist financing prevention, applicable to reporting entities engaged in lending and pawn activities, in force since December 1, 2016.
Postal Remittances	SBS Resolution N° 6089-2016, published on November 23, 2016 concerning risk management and money laundering and terrorist financing prevention, applicable to Postal Licensees and Designated Operator, authorized to provide postal remittance and/ or money order service.

With regard to improving *effectiveness* understood by FATF as “the extent of the achievement of the outcomes”, the report offers the following remarks:

Outcome	Remark
<p>Immediate Outcome 1: ML/TF risks are understood and, where appropriate, actions coordinated domestically to combat money laundering and the financing of terrorism and proliferation.</p>	<ul style="list-style-type: none"> - Performance of National Risk Assessment. - Implementation of a risk-based approach.
<p>Immediate Outcome 2: international cooperation delivers appropriate information, financial intelligence and evidence, and facilitates action against criminals and their assets.</p>	<ul style="list-style-type: none"> - Develop statistics in line with the provisions for technical compliance of R33.
<p>Immediate Outcome 3: supervisors appropriately supervise, monitor and regulate financial institutions and DNFBPs for compliance with AML/CTF requirements commensurate with their risks. Immediate Outcome 4: financial institutions and DNFBPs adequately apply AML/CTF preventive measures commensurate with their risks, and report suspicious transactions.</p>	<ul style="list-style-type: none"> - Evaluate the convenience of passing a Law that establishes an authorization system for natural or legal persons engaged in money and currency changing. - It is recommended to identify (or update, as applicable) the risks by sector: type of financial activity, industry or business and include the identification and comprehension of TF risks. - Once risks are identified by sector, it would be necessary to implement feedback between the different sectors.
<p>Immediate Outcome 5: legal persons and arrangements are prevented from misuse for ML/TF, and the information on their beneficial ownership is available to competent authorities without impediments.</p>	<ul style="list-style-type: none"> - Include in the risk assessment to be performed or updated the scope of the one performed to the legal persons sector (R 24) in order to identify the corporate types with greater risk exposure and understand the dynamics of their use in ML/TF. - Develop a training plan to transfer knowledge and expertise to the competent authorities and the community regarding the risks of misusing legal persons and arrangements.
<p>Immediate Outcome 6: financial intelligence and all other relevant information are appropriately used by the competent authorities for ML/TF investigations.</p>	<ul style="list-style-type: none"> - Examine establishing a mechanism to improve the coordination and feedback between the different authorities within the framework of a criminal investigation on ML, as well as on the relevant predicate offences in order to foster inter-institutional work and the creation of multi-discipline teams to enable more efficient investigation and obtain evidence that may guarantee an adequate level of ML conviction judgments in relation to the present risk profile. Furthermore, suggest measures to protect the confidentiality of information in the investigation and prosecution stage.
<p>Immediate Outcome 7: ML offences and activities are investigated and offenders are prosecuted and subject to effective, proportionate and dissuasive sanctions.</p>	<ul style="list-style-type: none"> - Design a broad and in-depth training program on all aspects related to combating ML/TF, aimed at improving the system effectiveness. Furthermore, ensure the permanence of the trained officials in their positions.
<p>Immediate Outcome 9: TF offences and activities are investigated and persons who finance terrorism are prosecuted and subject to effective, proportionate and dissuasive sanctions.</p>	<ul style="list-style-type: none"> - It is essential to provide the authorities with the adequate material, technological and human resources to conduct thorough crime and financial investigations of every offence that may potentially generate relevant illegal profits.

<p>Immediate Outcome 8: Proceeds and instrumentalities of crime are confiscated</p>	<ul style="list-style-type: none"> - It is recommended to develop statistics in line with R 33. It is also important to set up a formal mechanism to establish the creation of multi-discipline teams to study the statistics in a systematic manner to guide the formulation of policies against ML/TF and their coordinated and systematic implementation. - It is necessary to promote the lodging of a financial investigation whenever a crime investigation is in course for a predicate offence or for ML/TF, in order to identify all assets related to the criminal fact and to take the precautionary measures to ensure confiscation. - Diagnose the needs of material, technological and financial resources, as well as training for the authorities in charge of conducting financial investigations, to ensure they have all the technical resources and know-how to adequately and timely conduct the actions aimed at identifying, tracing and obtaining precautionary measures to ensure confiscation.
<p>Immediate Outcome 10: Terrorists, terrorist organisation and terrorist financiers are prevented from raising, moving and using funds, and from abusing the NPO sector.</p> <p>Immediate Outcome 11: Persons and entities involved in the proliferation of weapons of mass destruction are prevented from raising, moving and using funds, consistent with the relevant United Nations Security Council Resolutions.</p>	<ul style="list-style-type: none"> - It is of utmost importance that the technical compliance actions referred to the requirements under R6 and R7 are complemented with the design and execution of a training plan for the financial and economic sectors that will implement the preventive measures and execute the financial sanctions.

The following actions have been implemented in order to comply with the remarks concerning the effectiveness aspects:

- The National Risk Assessment on ML/TF and the Sectorial Risk Assessments on ML/TF for the mining and fisheries sector were completed, complying with the considerations in R1.
- From the end of 2015 to date, the Project “ML/TF Statistical Information System” has been ongoing with the technical support of the German Cooperation implemented by GIZ, which seeks to generate information on Anti ML/TF systems through a data production automation mechanism with the Office of the Attorney General, the Peruvian Police Force, the Judiciary and FIU-Peru, which would be finally published by the Integrated Crime and Citizen Security Statistics System of the National Institute of Statistics and Informatics (INEI).

Among the most relevant issues still pending compliance to contribute to the effectiveness component, we have:

- Regulation to establish an authorization (licensing) system for the constitution and operation of natural or legal persons engaged in money or currency changing change activities (RI2).
- After having identified risks by sectors, feedback between the different sectors will be required in order to have general comprehension of the risks (RI4).
- Identify through a risk assessment the corporate types with greater risk exposure (RI5).
- Develop a training plan that will ensure the transfer of knowledge and expertise on this matter to the different competent authorities and to the community, about the risks of misusing legal persons and arrangements (RI5).
- Coordination and feedback mechanisms between the different authorities within the framework of a criminal investigation in order to foster inter-institutional work and the creation of multi-discipline teams (RI6).
- Broad and in-depth training program on all aspects related to combating ML/TF. Ensure permanence of trained officials in their positions.
- Provide the field authorities with adequate material, technological and human resources to conduct criminal and financial investigations (RI9).
- Promote the lodging of a financial investigation whenever a crime investigation is in course for a predicate offence or for ML/TF, in order to identify all assets related to the criminal fact (RI8).

It is worth mentioning that as a result of the work promoted by the FIU as national coordinator, Peru was removed from the intensified monitoring process on August 5, 2016 by decision of the plenary of GAFILAT, after confirming the progress achieved by the country and the political commitment to overcome the deficiencies detected in 2008.

APRUEBAN POLÍTICA NACIONAL CONTRA EL LAVADO DE ACTIVOS Y EL FINANCIAMIENTO DEL TERRORISMO Y FORTALECEN LA COMISIÓN EJECUTIVA MULTISECTORIAL CONTRA EL LAVADO DE ACTIVOS Y EL FINANCIAMIENTO DEL TERRORISMO - CONTRALAFT

EL PRESIDENTE DE LA REPÚBLICA

CONSIDERANDO:

Que, el numeral 3 del artículo 118 de la Constitución Política del Perú, establece que es atribución del Presidente de la República dirigir la política general del Gobierno;

Que, el numeral 1 del artículo 4 de la Ley N° 29158, Ley Orgánica del Poder Ejecutivo, establece que es competencia exclusiva del Poder Ejecutivo el diseñar y supervisar las políticas nacionales y sectoriales, las cuales son de cumplimiento obligatorio por todas las entidades del Estado en todos los niveles de gobierno; asimismo, las políticas nacionales y sectoriales definen los objetivos prioritarios, los lineamientos, los contenidos principales de las políticas públicas, los estándares nacionales de cumplimiento y la provisión de servicios que deben ser alcanzados y supervisados para asegurar el normal desarrollo de las actividades públicas y privadas;

Que, el citado numeral señala que para la formulación de las Políticas Nacionales, el Poder Ejecutivo debe establecer mecanismos de coordinación con los gobiernos regionales, gobiernos locales y otras entidades, según requiera o corresponda a la naturaleza de cada política. Asimismo, dispone que las políticas nacionales y sectoriales se aprueban por decreto supremo, con el voto del Consejo de Ministros;

Que, mediante Decreto Supremo N° 057-2011-PCM se aprueba el Plan Nacional de Lucha contra el Lavado de Activos y el Financiamiento del Terrorismo y se crea la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo - CONTRALAFT, que tiene como objetivo coadyuvar a la coordinación y planificación de las acciones a cargo de las entidades públicas y privadas dirigidas a prevenir y combatir los delitos de lavado de activos y del financiamiento del terrorismo, así como hacer el seguimiento de la implementación, cumplimiento y actualización del mencionado Plan Nacional;

Que, la CONTRALAFT, en el marco de sus funciones, identificó la necesidad de diseñar una Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo, la misma que ha sido elaborada a través de un proceso que incluyó la participación de diversas entidades públicas y privadas vinculadas a la materia, a través de la realización de siete (7) talleres de trabajo, en los que se compatibilizaron los intereses generales del Estado orientados a prevenir, detectar, investigar y sancionar de manera eficiente, eficaz y articulada el lavado de activos y el financiamiento del terrorismo, para contribuir a la estabilidad económica, política y social del Perú;

Que, mediante Acuerdo N° 05-2017-CONTRALAFT, adoptado en la Segunda Sesión realizada el 16 de marzo del 2017, los integrantes de la CONTRALAFT aprobaron por unanimidad la propuesta de Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo;

Que, en tal sentido, resulta necesario aprobar la Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo, a fin de contar con un instrumento que oriente la actuación del Estado a largo plazo en esta materia y sirva de base para elaborar los respectivos planes nacionales que permitan su implementación a corto y mediano plazo;

Que, asimismo, conforme a las 40 Recomendaciones del Grupo de Acción Financiera Internacional (GAFI), actualizadas en el 2012, y respecto de las cuales existe el compromiso del Perú de aplicarlas desde diciembre del año 2000, resulta necesario modificar el Decreto Supremo N° 057-2011-PCM, a fin de que la CONTRALAFT asuma también la coordinación y planificación de las acciones dirigidas a prevenir y combatir el financiamiento a la proliferación de armas de destrucción masiva; se fortalezcan sus funciones; así como, su conformación, para dotarla de mayor operatividad e institucionalidad;

De conformidad con el inciso 8) del artículo 118 de la Constitución Política del Perú y los artículos 4 y 11 inciso 3 de la Ley N° 29158, Ley Orgánica del Poder Ejecutivo;

Con el voto aprobatorio del Consejo de Ministros;

DECRETA:

Artículo 1.- Aprobación

Aprobar la Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo, la misma que como Anexo forma parte integrante del presente Decreto Supremo.

Artículo 2.- Ámbito de aplicación

La Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo es de aplicación obligatoria en los tres niveles de Gobierno y los diversos sectores y entidades vinculadas a la prevención, detección, investigación y sanción del lavado de activos y el financiamiento del terrorismo.

Artículo 3.- Financiamiento

La implementación de lo establecido en el presente Decreto Supremo se financia con cargo al presupuesto institucional de las entidades involucradas acorde con sus competencias y en el marco de las Leyes Anuales de Presupuesto sin demandar recursos adicionales al Tesoro Público y conforme a las disposiciones legales vigentes.

Artículo 4.- Publicación

El presente Decreto Supremo y su Anexo se publican en el diario oficial El Peruano y, en la misma fecha, en el Portal del Estado Peruano (www.peru.gob.pe) y en los Portales Institucionales del Ministerio de Justicia y Derechos Humanos (www.minjus.gob.pe) y de la Superintendencia de Banca, Seguros y Administradoras Privadas de Fondos de Pensiones (www.sbs.gob.pe), así como de las entidades públicas que forman parte de la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo (CONTRALAFT).

Artículo 5.- Refrendo

El presente Decreto Supremo es refrendado por el Presidente del Consejo de Ministros, la Ministra de Justicia y Derechos Humanos, el Ministro de Relaciones Exteriores, el Ministro del Interior, el Ministro de Economía y Finanzas, el Ministro de Comercio Exterior y Turismo, el Ministro de Transportes y Comunicaciones y el Ministro de Defensa.

DISPOSICIÓN COMPLEMENTARIA FINAL**Única.- Aprobación del Plan Nacional de Lucha contra el Lavado de Activos y el Financiamiento del Terrorismo**

En un plazo máximo de noventa (90) días calendario posteriores a la publicación de la presente norma, mediante Decreto Supremo, a propuesta de la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo (CONTRALAFT), se aprueba el Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo, como instrumento para la implementación de la Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo.

DISPOSICIÓN COMPLEMENTARIA MODIFICATORIA**Única.- Modificación de los artículos 2, 3, 4 y 7 del Decreto Supremo N° 057-2011-PCM**

Modifíquense los artículos 2, 3, 4 y 7 del Decreto Supremo N° 057-2011-PCM, en los siguientes términos:

“Artículo 2- Creación, objeto y funciones de la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo

Créase la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo (CONTRALAFT), adscrita al Ministerio de Justicia y Derechos Humanos, cuyo objeto será coadyuvar en la coordinación y planificación de las acciones a cargo de las entidades públicas y privadas dirigidas a prevenir y combatir el lavado de activos, el financiamiento del terrorismo y el financiamiento de la proliferación de armas de destrucción masiva; y, que tiene a su cargo, las siguientes funciones:

- Articular los esfuerzos dirigidos a prevenir y combatir el lavado de activos, el financiamiento del terrorismo y el financiamiento de la proliferación de armas de destrucción masiva.
- Realizar actividades destinadas al seguimiento de la implementación de la Política y el Plan Nacional contra el Lavado de Activos, el Financiamiento del Terrorismo y el Financiamiento de la Proliferación de Armas de Destrucción Masiva.
- Emitir informes técnicos sobre los avances en la implementación de la Política y el Plan Nacional contra el Lavado de Activos, el Financiamiento del Terrorismo y el Financiamiento de la Proliferación de Armas de Destrucción Masiva.

- d. Proponer al Ministerio de Justicia y Derechos Humanos, sobre la base de los resultados de sus informes técnicos u otros diagnósticos, la actualización de la Política y el Plan Nacional contra el Lavado de Activos, el Financiamiento del Terrorismo y el Financiamiento de la Proliferación de Armas de Destrucción Masiva.
- e. Proponer su Reglamento Interno.

Artículo 3.- Conformación de la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo

3.1. La CONTRALAFT estará integrada por los siguientes miembros, quienes realizan tal labor ad honórem:

1. Un representante del Ministro de Justicia y Derechos Humanos.
2. Un representante del Fiscal de la Nación.
3. Un representante del Ministro de Relaciones Exteriores.
4. Un representante del Ministro del Interior.
5. Un representante del Ministro de Economía y Finanzas.
6. Un representante del Ministro de Comercio Exterior y Turismo.
7. Un representante del Ministro de Transportes y Comunicaciones.
8. Un representante del Ministro de Defensa.
9. Un representante del Director General de la Policía Nacional del Perú.
10. Un representante del Superintendente de Banca, Seguros y Administradoras Privadas de Fondos de Pensiones.
11. Un representante del Superintendente Nacional de Aduanas y de Administración Tributaria.
12. Un representante del Presidente Ejecutivo de la Comisión Nacional para el Desarrollo y Vida sin Drogas.
13. Un representante del Superintendente del Mercado de Valores.
14. Un representante del Jefe del Instituto Nacional de Estadística e Informática.
15. Un representante del Superintendente Nacional de los Registros Públicos.
16. Un representante del Director Ejecutivo de la Agencia Peruana de Cooperación Internacional.

Asimismo, podrán integrar la CONTRALAFT, el Poder Judicial, el Congreso de la República y la Contraloría General de la República, designado para tal efecto a sus respectivos representantes.

Las entidades que integran la CONTRALAFT deben designar un miembro alterno por cada uno de los miembros titulares designados.

3.2 La Presidencia de la CONTRALAFT recae en el Ministerio de Justicia y Derechos Humanos; y, la Vicepresidencia y Secretaría Técnica en la Superintendencia de Banca, Seguros y Administradoras Privadas de Fondos de Pensiones.

3.3. Cuando lo requiera la CONTRALAFT, a través de su Secretaría Técnica, solicitará la participación de otras entidades públicas, las cuales participarán en calidad de invitados.

Artículo 4.-Designación de los representantes

Las designaciones de los representantes de las entidades del Poder Ejecutivo, se efectuarán mediante resolución ministerial del sector al que pertenecen o se encuentren adscritos, dentro de los cinco días hábiles, posteriores a la publicación del presente decreto supremo. Las demás entidades, en el mismo plazo, comunican por escrito las designaciones que realicen a la Presidencia de la CONTRALAFT.

(...)

Artículo 7.- Reglamento Interno

El Reglamento Interno de la CONTRALAFT se aprueba mediante Resolución Ministerial del Ministerio de Justicia y Derechos Humanos.”

Dado en la Casa de Gobierno, en Lima,



NATIONAL PLAN
AGAINST MONEY LAUNDERING AND
TERRORIST FINANCING
2018 - 2021

ACRONYMS

AML/CFT:	Anti Money Laundering /Countering Terrorist Financing.
APN:	National Port Authority.
DNFBP:	Designated Non-Financial Businesses and Professions.
APCI:	Peruvian International Cooperation Agency.
IDB:	Inter-American Development Bank.
CAC:	Credit Unions
CEPLAN:	National Centre for Strategic Planning.
CCFFAA:	Joint Chiefs of Staff.
CGR:	Office of the Comptroller General.
CONTRALAF:	Multi-sectorial Executive Commission against Money Laundering and Terrorist Financing.
CONSUF:	Foundations Oversight Council.
DEVIDA:	National Commission for the Development and Life without Drugs.
DICAPI:	Harbour Master and Coast Guard Authority.
DINI:	National Bureau of Intelligence.
DIRILA:	Asset Laundering Investigation Office.
ENR:	National Risk Assessment of Money Laundering and Terrorist Financing.
FISLAAPD:	Division of the Prosecutor's Office against Money Laundering and Confiscation of Illegal Assets.
TF:	Terrorist Financing.
FN:	Office of the Attorney General
IMF:	International Monetary Fund.
FATF:	Financial Action Task Force.
GAFILAT:	Financial Action Task Force of Latin America (formerly South American Financial Action Task Force – GAFISUD).
GIZ (o Deutsche Gesellschaft für Internationale Zusammenarbeit):	German Government Agency specialised in technical cooperation for sustainable development
INEI:	National Institute of Statistics and Informatics.
ML:	Money laundering..
ML/TF:	money laundering and/or terrorist financing.
MEF:	Ministry of Economy and Finance.

MINJUS:	Ministry of Justice and Human Rights.
MINCETUR:	Ministry of Foreign Trade and Tourism.
MININTER:	Ministry of Internal Affairs.
Ministerio de RREE:	Ministry of Foreign Affairs.
MP:	Office of the Attorney General.
MTC:	Ministry of Transportation and Communications.
UN:	United Nations.
NPO:	Non-Profit Organisations.
PEDET:	Division of the Solicitor's Office against Terrorism.
PEP:	Politically Exposed Persons.
PJ:	The Judiciary.
PNP:	Peruvian National Police.
PRONABI:	National Program of Confiscated Assets under the MINJUS.
STR:	Suspicious Transaction Report.
SBS:	Superintendency of Banking, Insurance and Private Pension Funds of Peru.
SECO:	Swiss Agency for Development and Cooperation.
SMV:	Peruvian Securities Market Regulator.
RE:	Reporting Entity.
SUCAMEC:	National Superintendency of Control of Security Services, Weapons, Ammunition, and Explosives for Civilian Use ascribed to the Ministry of Internal Affairs
SUNARP:	National Superintendency of Public Registries.
SUNAT:	National Superintendency of Tax and Customs Administration.
UIF-Peru:	Financial Intelligence Unit, a specialised division of the SBS.

GLOSSARY

Beneficial owner: natural person in whose name the transaction is made and/or who effectively and finally owns or controls a legal person.

Confiscation: an action to recover products and instruments resulting from the crime, to compensate the victim, be it the State or an individual. It requires a criminal conviction and forms part of the Court sentence¹.

Predicate offense: the underlying crime that generates the illegal proceeds or assets, which are subsequently laundered. In the legislation, said crimes are foreseen in the second paragraph of Article 10, Legislative Decree N° 1106.

Terrorist financing: crime defined in Article 4-A of Decree Law N° 25475, Decree Law that establishes the punishment for terrorist crimes and the procedures for the investigation, indictment and judgment, and amendments thereto, as well as Article 297, last paragraph, of the Criminal Code and amendments thereto.

Seizing (of a precautionary nature): coercive measure issued within the framework of a criminal proceeding that preventively limits the ownership of the assets or goods related to the crime.

Money laundering: crime defined in Legislative Decree N° 1106, Legislative Decree for combating money laundering and other crimes related to illegal mining and organised crime, and amendments thereto.

Suspicious transactions: Transactions of a civil, commercial or financial nature that have an unusual turnover magnitude or speed, or conditions of uncommon or unjustified complexity, that are presumed to have their origin in some illegal activity or which, for any reason, do not have neither a lawful nor an apparent economic basis (Article 11 of Law N° 27693).

Non-profit organisations: natural or legal persons that raise, transfer and disburse funds, resources or other assets for charity, religious, cultural, educational, scientific, artistic, social, recreational or solidarity purposes or for the execution of other types of altruist or beneficial actions. It includes the facilitation of loans, micro loans or any other type of economic funding (Article 3, item 3.2.2 of Law N° 29038).

Politically Exposed Persons: national or foreign, individuals who hold or have held, in the past five (5) years prominent public functions or a prominent position in an

¹ Source: Stolen Asset Recovery Initiative - STAR (World Bank). *Stolen Asset Recovery- Good Practices Guide for the Non-Conviction based Confiscation of Assets*. Theodore S. Greenberg, Linda M. Samuel, Wingate Grant and Larissa Gray. 2009. Pages 9 and 10. Available at: https://star.worldbank.org/star/sites/star/files/NCB_Spanish.pdf

international organisation, whether in the national territory or abroad and whose financial circumstances may merit public interest. The direct assistant of the highest authority of the institution is also considered PEP (Article 2 of the SBS Resolution N° 4349 - 2016).

Asset confiscation (also known as criminal forfeiture or non - conviction based confiscation) : it is a legal-financial consequence through which the ownership of objects, instruments, effects and proceeds of the crime are declared in favour of the State by the ruling of the judicial body through due process (Article 2, item 2.1, of Legislative Decree N° 1104).

National Policy: it defines the prioritized objectives, the guidelines, and the main contents of public policies, the mandatory national standards and the provision of service that must be reached and supervised to ensure the normal course of public and private activities (Article 4, item 1, of Law N° 29158, Organic Law of the Executive Power).

Asset recovery: it refers to the legal mechanisms, such as confiscation or criminal forfeiture that allow for depriving the offender from the assets used for the execution of the crime (instruments) or from the products obtained as a result of the crime (effects and profits); to achieve their restitution to the State.

Civil redress: it is the compensation for the asset or indemnity that whoever caused the damage resulting from the crime must grant in favour of the victim (the State in ML/TF cases); and, pursuant to Article 93 of the Criminal Code, it includes: a) restitution of the asset or, if not possible, payment of its value; and b) compensation for damages incurred. It is joint and several if there is more than one offender and is enforceable on successors².

Incidence Actions Report: document that contains information on the activities performed to fulfil the action.

Suspicious Transactions Report: confidential document prepared and reported by the reporting entities or by a supervising agency to the FIU-Peru, when ML/TF signs are detected.

Reporting Entities: public entity, individual or legal entity that has the obligation to provide information to the FIU-Peru, designated as such in Article 3 of Law N° 29038.

² Source: The Judiciary
Available at: http://historico.pj.gob.pe/servicios/diccionario/diccionario_detalle.asp?codigo=772df

I. PRESENTATION

Criminal organisations that engage in ML/TF extend across countries' and continents' borders and use high sophistication and technology levels. In order to respond to these advances, it is essential to coordinate the efforts of all State actors responsible for the prevention and fight against such crimes. Therefore, having a National Plan constitutes a vital planning instrument to implement actions at the short and medium terms.

For this reason, in 2011, and based on the ML/TF risks identified in 2010, the National Plan for Fighting Money Laundering (ML) and Terrorist Financing (TF) was approved by Supreme Decree N° 057-2011-PCM, and CONTRALAFT was created to be the main responsible authority to follow up on its implementation.

In 2016, with the 40 Recommendations of FATF as reference, a new ML/TF risk assessment was performed that identified the current threats and risks the country was facing in this area. Based on this diagnosis, the first National Policy against ML/TF was elaborated as a long term strategic instrument, approved by Supreme Decree N° 018-2017-JUS; and, deriving from this framework, this National Plan was developed to ensure its implementation in the short and medium term, thus giving continuity to the path initiated in 2011.

This National Plan approved after a participatory process (January – October 2017) by the entities members of CONTRALAFT (Agreement 08-2017-CONTRALAFT) defines specific targets, concrete actions, responsible authorities for the implementation, and measurement indicators within a specific timeframe.

There is no doubt that compliance of our obligations to prevent and fight against ML/TF, whether as employees, reporting entities or in our condition as citizens, will prevent offenders from continuing to use the formal system to mobilize their assets; and it will also contribute to create a culture of legality required for economic, political, and social stability.

Finally, I would like to convey our gratitude to the German Government Agency specialised in technical cooperation for sustainable development, whose technical and financial support was essential for this process.

Lima, January 2018

Juan Teodoro Falconí Galvez
Vice Minister of Justice
President of CONTRALAFT

II. BACKGROUND

On July 01, 2011, the National Plan for Fighting Money Laundering and Terrorist Financing was approved, elaborated with the participation of 21 public entities and an equal number of private entities; as an inter-institutional effort led by the SBS with technical assistance of the IMF.

This National Plan was based on the analysis of the main threats and vulnerabilities that Peru was then facing in the matter of ML/TF, which allowed this instrument to address such vulnerabilities (structural and functional) to mitigate the ML/TF risk. The definition of targets and actions was based on the functional vulnerabilities identified for each constitutive component (prevention, detection, and criminal repression).

In general terms, the National Plan 2011 was almost completely implemented, as 78% of the actions referred to the strengthening component for ML/TF prevention were met, while 52% of the actions to strengthen detection, and 58% of the actions corresponding to criminal repression were also fulfilled.

However, some of the actions were left pending to be addressed or completed, which have been evaluated within the framework of the new ML/TF risks that the country is facing during the elaboration process of the National Plan.

III. DEVELOPMENT FRAMEWORK OF THE NATIONAL PLAN

This National Plan against Money Laundering and Terrorist Financing 2018-2021 (hereinafter, National Plan) by which the work started in 2011 continues, is set up as a short and medium term planning element, developed within the scopes of the first National Policy on this matter, which proposal was approved by CONTRALAFI in March 2017 and by the Executive Branch through Supreme Decree N° 018-2017-JUS, published on September 15, 2017 which states, in its Single Supplementary Provision that:

“In a maximum term of ninety (90) calendar days after publication of this regulation by Supreme Decree, at the proposal of CONTRALAFI, the National Plan against Money Laundering and Terrorist Financing is approved as an instrument for the implementation of the National Policy against Money Laundering and Terrorist Financing”.

Within the framework of the National Policy that was approved by CONTRALAFI in March 2017, which is mainly based on the National ML/TF Risk Assessment (2016), a participatory process was initiated for the elaboration of the National Plan, in order to define within a temporary timeframe the specific targets, concrete actions, responsible authorities for its implementation, as well as measurement indicators, while taking into account the actions pending to be implemented of the current National Plan that, according to the new risk scenario, still require addressing.

IV. PARTICIPATORY PROCESS FOR THE ELABORATION OF THE NATIONAL PLAN

The National Plan is the result of a participatory process with the participation of several public entities, whose competencies are directly or indirectly circumscribed to the adoption of measures to counteract ML/TF.

The methodology followed in the National Plan elaboration process, coordinated by the SBS through FIU-Peru acting as the Technical Secretariat of CONTRALAFIT, and with the technical assistance of the German Government Agency specialised in technical cooperation for sustainable development, is based on three fundamental aspects:

- Specific targets and guidelines of the National Policy.
- Conclusions and recommendations of the National ML/TF Risk Assessment (2016) and Sectorial Assessments on Exposure to ML/TF Risk of the mining and fisheries sectors (2016); and
- The active participation of public entities that play an essential role in the prevention, detection, investigation, and sanctioning of ML/TF in the country (whether CONTRALAFIT members or not) in all the elaboration phases.

The phases through which the National Plan was elaborated were:

PHASE I: CONSTITUTION OF WORK GROUPS

Set up as the main participation route, contributions and debates were articulated with 21 Public entities, which led to the final wording of the National Plan, with the following distribution and composition:

Prevention Work Group	APCI
	INEI
	MEF
	MINCETUR
	MINJUS
	MININTER
	MRE
	MTC
	SBS
	SMV
	SUNARP
	SUNAT
	CEPLAN
	Detection and Investigation Work Group
CCFFAA	
DEVIDA	
Marina de Guerra del Peru (DICAPI)	
DINI	
MINJUS	
MP	
PNP	
SBS	
SUNAT	
SUNARP	
Trial and Imprisonment Work Group	MINJUS
	MP
	PNP
	PJ
	SBS

It should be noted that GIZ has actively participated during the Work Group sessions.

Responsible: Presidency and Technical Secretariat of CONTRALAFI.

Date: January 2017.

STAGE II: MATRIX COMPLIANCE

At the beginning of the process, the “Matrices to gather information” were distributed to the members of the work groups, in order to identify concrete actions to mitigate the risks identified in the RBA (Risk-Based Approach).

Each of the members of the 3 work groups completed and returned the matrices, which contained the following information: description of the specific actions they intended to implement; the reasons to implement them, detailing the reason to propose such action; furthermore, it required a description of the tasks, activities or formalities required to materialize the action; requested to identify the agencies and institutions participating in the execution of the action and those responsible for its implementation, as well as the estimate of approximate implementation cost and timeframe to carry out the proposed action.

Responsible parties: Technical Secretariat of CONTRALAFT and participating authorities.
Date: January - March 2017.

STAGE III: GROUP AND BILATERAL MEETINGS

Nineteen group meetings were held, where the contents of the “Matrices to gather information” were discussed and indicators were proposed for each of the proposed actions, and valuable contributions and comments were received. A total of 22 institutions participated in these meetings, including GIZ.

Number of Group Meetings	19
Number of entities	22

Furthermore, 8 bilateral meetings took place with the representatives of the Judiciary, the Office of the Attorney General, CCFFAA, DICAPE, MINJUS, the State Legal Defence Council, PLAPD, PEDET and CEPLAN.

Responsible parties: Technical Secretariat of CONTRALAFT and participating authorities.
Date: March – July, 2017

STAGE IV: BILATERAL MEETINGS TO OBTAIN POLITICAL COMMITMENT

Under the Vice-presidency of the SBS and Technical Secretariat of CONTRALAFT, the Superintendent of Banking, Insurance, and Pension Fund Administration Companies and the Chief of the FIU-Peru held bilateral meetings with the authorities of the following entities:

ENTITY	AUTHORITY	DATE
PJ	Head of the Judiciary	August 15, 2017
PCM	President of the Council of Ministers	September 29, 2017
MP	Attorney General	August 28, 2017
MEF	Minister of Economy and Finance	September 26, 2017
MINJUS	Ministry of Justice and Human Rights	September 4 and 28, 2017
MININTER	Ministry of Internal Affairs	September 19, 2017
SUNAT	National Superintendent of Customs and Tax Administration	August 16, 2017
BCR	Central Bank General Manager	September 6, 2017
MRE	General Director of Multilateral and Global Affairs	September 27, 2017

STAGE V: VALIDATION OF THE ACTIONS AND COST DETERMINATION

All actions were reviewed, with their respective indicators, according to the comments received from the different participating entities. As part of this process, work meetings and/or coordination actions were carried out with the following entities: MP, PJ, PNP, MINCETUR, MINJUS, SBS and SUNAT.

STAGE VI: PRESENTATION AND APPROVAL OF FINAL PROPOSAL BY CONTRALAFI

The National Plan proposal presented during the Third Session of the CONTRALAFI was unanimously approved by Agreement N°008-2017-CONTRALAFI and the Presidency and Technical Secretariat of CONTRALAFI were in charge of obtaining approval from the Executive by Supreme Decree.

Responsible party: CONTRALAFI.

Date: October 27, 2017.

V. CONTENTS OF THE NATIONAL PLAN

GENERAL OBJECTIVE OF THE NATIONAL PLAN.

“Define, plan, and execute actions within the 2018-2021 timeframe, aimed at increasing efficiency and efficacy in the prevention, detection, investigation and sanctioning of money laundering and terrorist financing in Peru”.

STRATEGIC LINE OF ACTION 1: PREVENTION

The specific targets and actions contained in this line of action are framed within Specific Target 1 of the National Policy: “Properly identify and control the activities that make money laundering or terrorist financing possible”, its guidelines and mandatory standards.

Specific target 1.1: Identify the ML/TF risks of reporting entities identified by the Recommendations of the FATF.

ACTION 1.1.1	Reinforce the preparation of sectorial ML/TF risk assessments of reporting entities identified by the FATF recommendations.	
Indicator	Number of sectors established by the FATF with ML/TF assessment.	
Verification means	Assessment presented to CONTRALAFIT	
Baseline:	0	
Goals	2018	SBS (UIF-Peru): 1 assessment of the financial system
		SBS (SAR): 2 assessments 1. Banks and Financing Institutions 2. AFP
		MINCETUR: 1 assessment in the Casino Games and Slot Machines sector
	2019	SBS (SAR): 2 assessments 1. Micro financing institutions. 2. Insurance companies
		SBS (UIF-Peru): 1 assessment of the attorneys-at-law and accountants sector
	2020	SBS (SAR): 2 assessments 1. Companies providing complementary and related services 2. Insurance brokers SBS (UIF-Peru): 1 assessment of the public notaries sector
2021		
Responsible entity	SBS; SMV; MTC, MINCETUR and other competent supervisors	
Organisational unit	SBS: - Office of the Risks Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent	
	SMV: Office of the Prudential Supervision Deputy Superintendent	
	MTC: Regulation and International Communications Bureau	
	MINCETUR: Casino Games and Slot Machines Bureau	

Specific target 1.2: Regulatory framework for the adequate regulation of ML/TF liable activities and to enable identification of the beneficial owner

ACCIÓN 1.2.1	Actively pursue the regulatory reform in Congress so that the SBS may exercise prudential supervision on credit unions that do not collect resources from the public.
Indicator	Number of incidence actions
Verification means	Incidence actions report
Baseline:	Draft Bill 1161/2016-SBS in process

Goals	2018	1 Incidence actions report
	2019	1 Incidence actions report
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	Office of the Deputy Legal Advisory Superintendent	

ACTION 1.2.2	Propose and pursue with Congress and/or the Executive (delegated powers) legislation to regulate money exchange activities, in order to establish specific requirements for the initiation (licensing) and execution of these activities.	
Indicator	1 regulatory proposal presented number of incidence actions	
Verification means	1. Proposal presented 2. Incidence actions report	
Baseline:	0	
Goals	2018	1 regulatory proposal presented and 1 incidence actions report
	2019	1 incidence actions report
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the FIU-Peru Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent	

ACTION 1.2.3	Propose and pursue with Congress and/or the Executive (delegated powers) legislation to regulate lending activities, in order to establish specific requirements for the initiation (licensing) and execution of these activities.	
Indicator	1 regulatory proposal presented number of incidence actions	
Verification means	Proposal presented Incidence actions report	
Baseline	0	
Goals	2018	1 regulatory proposal presented and 1 incidence actions report
	2019	1 incidence actions report
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent - Office of the Risks Deputy Superintendent	

ACTION 1.2.4	Approve the regulatory development, in line with the provisions of the international standards for compliance of lawyers' and accountants' obligations in their capacity as reporting entities.	
Indicador	1 regulation approved	
Verification means	Resolution approving the regulation	
Baseline	0	
Goals	2018	
	2019	1 Resolution approving the regulation
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	<ul style="list-style-type: none"> - Office of the FIU-Peru Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent 	

ACTION 1.2.5	Approve the regulation that establishes the determination and monitoring of the eligibility requirements applicable to shareholders, directors, managers and main organizing officers of the reporting entities under comprehensive supervision by the SBS.	
Indicator	1 regulation approved	
Verification means	Resolution approving the regulation	
Baseline	0	
Goals	2018	1 Resolution approving the regulation
	2019	
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	<ul style="list-style-type: none"> - Office of the Risks Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent - Office of the Banking and Micro Finance Deputy Superintendent - Office of the Insurance Deputy Superintendent - Office of the Deputy Superintendent for Private Pension Fund Administration Companies 	

ACTION 1.2.6	Modify the Sanctions Regulations on ML/TF matters for reporting entities under comprehensive supervision by the SBS, so that effective, proportionate and dissuasive sanctions are established.	
Indicator	1 regulation that modifies the SBS Sanctions Regulations (ML/TF infractions)	
Verification means	Resolution approving the regulations	
Baseline	1	
Goals	2018	1 Resolution approving the regulations
	2019	
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	<ul style="list-style-type: none"> - Office of the Deputy Legal Advisory Superintendent - Office of the Risks Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent - Office of the Banking and Micro Finance Deputy Superintendent - Office of the Insurance Deputy Superintendent - Office of the AFP Deputy Superintendent 	

ACTION 1.2.7	Modify and/or update, as applicable, the SMV Sanctions Regulations on ML/TF matters.	
Indicator	1 regulation that modifies the SMV Sanctions Regulations on ML/TF matters	
Verification means	Resolution modifying the Regulations	
Baseline	1	
Goals	2018	
	2019	1 Resolution modifying the Regulations
	2020	
	2021	
Responsible entity	SMV	
Organisational unit	Office of the Prudential Supervision Deputy Superintendent	

ACTION 1.2.8	Approve regulation that, within the framework of Laws 27693 and 26702, regulates the sanctioning system for all reporting entities under supervision by the FIU-Peru and other supervisors, except the SBS and the SMV.	
Indicator	6 regulations approved	
Verification means	Regulations approved	
Baseline	0	
Goals	2018	1 Resolution approving the regulation
	2019	1 Resolution approving the regulation
	2020	1 Resolution approving the regulation
	2021	3 Resolutions approving the regulations
Responsible entity	SBS in coordination with the supervisors involved.	
Organisational unit	- Office of the FIU-Peru Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent	

ACTION 1.2.9	Propose and pursue with Congress and/or the Executive (delegated powers) the regulations to strengthen the sanctioning system applied by the SBS.	
Indicator	1 regulatory proposal presented number of incidence actions	
Verification means	1. Proposal presented 2. Incidence actions report	
Baseline	0	
Goals	2018	1 regulatory proposal presented and 1 incidence actions report
	2019	1 incidence actions report
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent –Peru - Office of the Risks Deputy Superintendent. - Office of the Banking and Micro Finance Deputy Superintendent. - Office of the AFP Deputy Superintendent - Office of the Insurance Deputy Superintendent	

ACTION 1.2.10	Approve the regulatory reform referred to the license awarding requirements for initiation and execution of postal remittance services supervised by the MTC.	
Indicator	1 regulatory proposal presented to the Congress number of incidence actions	
Verification means	1. Proposal presented 2. Incidence actions report	
Baseline	0	
Goals	2018	
	2019	1 proposal presented and 1 Incidence actions report
	2020	1 Incidence actions report
	2021	
Responsible entity	MTC	
Organisational unit	Regulation and International Communications Bureau	

ACTIÓN 1.2.11	Approve and/or update the regulatory reform based on the results of the sectorial risk assessments on ML/TF matters, as recommended.	
Indicator	# Regulations approved (goal related to the result of Action 1.1.1)	
Verification means	Regulations approved	
Baseline	0	
Goals	2018	
	2019	1 regulation approved
	2020	1 regulation approved
	2021	
Responsible entity	SBS in coordination with the supervisors involved or the SMV.	
Organisational unit	SBS: - Office of the FIU-Peru Deputy Superintendent - Office of the Risks Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent	
	SMV: - Office of the Prudential Supervision Deputy Superintendent	

ACTION 1.2.12	Propose and pursue the regulatory reform with the Congress and/or the Executive (delegated powers) to enable timely access to updated information on individuals' and/or legal entities' beneficial owners	
Indicator	1 regulatory proposal presented number of incidence actions	
Verification means	1. Proposal presented 2. Incidence actions report	
Baseline	0	
Goals	2018	1 proposal presented and 1 Incidence actions report
	2019	
	2020	
	2021	
Responsible entity	MEF, in coordination with SUNAT, SBS, SMV and MINJUS	
Organisational unit	MEF: - Public Income Policy Bureau	
	SUNAT: - Legal Counselling of the Internal Revenues Office - Strategies Manager	
	SBS: - Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent	

Specific target 1.3: Strengthen the regulation, supervision, and sanctioning in ML/TF prevention matters applicable to financial and non-financial reporting entities

ACTION 1.3.1	Improve the annual supervision planning in ML/TF matters with a risk-based approach.	
Indicator	Number of supervision plans approved with a risk-based approach in ML/TF	
Verification means	Executed plans	
Baseline	SBS 3	
	MINCETUR 1 Bi-annual	
Metas	2018	SBS (SAR): 1 executed plan
		SBS (UIF-Peru): 1 executed plan
		MINCETUR: 1 bi-annual plan executed
	2019	SBS (SAR): 1 executed plan
		SBS (UIF-Peru): 1 executed plan
		MINCETUR: 1 bi-annual plan executed
	2020	SBS (SAR): 1 executed plan
		SBS (UIF-Peru): 1 executed plan
	2021	SBS (SAR): 1 executed plan
		SBS (UIF-Peru): 1 executed plan
		MINCETUR: 1 bi-annual plan executed
	Responsible entity	SBS, MINCETUR and other supervisors
Organisational unit	SBS: - Office of the FIU-Peru Deputy Superintendent - Office of the Risks Deputy Superintendent	
	MINCETUR: - Casino Games and Slot Machines Bureau	

ACTION 1.3.2	Define and formalize the communication channels between supervising agencies and reporting entities, aimed at receiving feedback to improve the degree of compliance of the preventive framework in ML/TF.	
Indicator	Number of protocols or procedures that establish feedback mechanisms Number of feedback actions	
Verification means	Documents	
Baseline	0	
Goals	2018	MINCETUR: 1 document SBS (SAR): 1 document SBS (UIF-Peru): Supervision: 50 reporting entities that received feedback - meetings. OR: 1 Procedure and 100 reporting entities that received feedback. SOR: Individual feedback from 100% of the reporting entities that send SORs with comments and group feedback to 18 types of reporting entities.
	2019	SBS (UIF-Peru): Supervision: 50 Reporting entities that received feedback - meetings OR: 100 reporting entities that received feedback. SOR: Individual feedback from 100% of the reporting entities that send SORs with comments and group feedback to 18 types of reporting entities.
	2020	SBS (UIF-Peru): Supervision: 50 Reporting entities that received feedback- meetings. OR: 100 reporting entities that received feedback. SOR: Individual feedback from 100% of the reporting entities that send SORs with comments and group feedback to 18 types of reporting entities.
	2021	SBS (UIF-Peru): Supervision: 50 Reporting entities that received feedback- meetings. OR: 100 reporting entities that received feedback. SOR: Individual feedback from 100% of the reporting entities that send SORs with comments and group feedback to 18 types of reporting entities.
Responsible entity	SBS, MINCETUR and other supervisors	
Organisational unit	SBS: - Office of the Risks Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent	
	MINCETUR: Casino Games and Slot Machines Bureau.	

ACTION 1.3.3		Train reporting entities on ML/TF to improve their degree of compliance, with special incidence on those presenting greater risk.	
Indicator	Number of reporting entities trained Number of high-risk reporting entities trained		
Verification means	Records of attendance to training		
Baseline	SBS: MINCETUR: 2		
Goals	2018	SBS: 5 courses (in class and/or online)	
		MINCETUR: 2 courses	
	2019	SBS: 6 courses (in class and/or online)	
		MINCETUR: 2 courses	
	2020	SBS: 7 courses (in class and/or online)	
		MINCETUR: 2 courses	
	2021	SBS: 8 courses (in class and/or online)	
		MINCETUR: 2 courses	
Responsible entity	SBS and MINCETUR		
Organisational unit	SBS: Office of the FIU-Peru Deputy Superintendent Office of the Risks Deputy Superintendent		
	MINCETUR: Casino Games and Slot Machines Bureau		

Specific target 1.4: Mechanisms to enable the FIU-PERU to timely receive quality suspicious transaction reports and provide feedback to the reporting entities.

ACTION 1.4.1.		Identify sectors with low, nil or deficient quality in their reports to the FIU-Peru, in order to guide the supervision plans accordingly.	
Indicator	1 annual report on sectors with low or nil report levels 1 annual report on sectors with deficient quality in their reports		
Verification means	Number of reports presented		
Baseline	0		
Goals	2018	1 annual report on sectors with low or nil report levels	
		1 annual report on sectors with deficient quality in their reports	
	2019	1 annual report on sectors with low or nil report levels	
		1 annual report on sectors with deficient quality in their reports	
2020	1 annual report on sectors with low or nil report levels		
	1 annual report on sectors with deficient quality in their reports		
2021	1 annual report on sectors with low or nil report levels		
	1 annual report on sectors with deficient quality in their reports		
Responsible entity	SBS		
Organisational unit	Office of the FIU-Peru Deputy Superintendent		

ACTION 1.4.2.	Approve a new form to expedite communication of suspicious transactions by reporting entities, which must include a guide for proper comprehension and application.	
Indicator	1 form approved and 1 guide for proper completion of form	
Verification means	Resolution	
Baseline	0	
Goals	2018	1 Resolution approved
	2019	
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the FIU-Peru Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent	

ACTION 1.4.3.	Propose and pursue in the Ministry of Justice and Human Rights regulatory modifications to enable adjustment of communication terms for TF-related suspicious transaction reports	
Indicator	1 regulation proposal number of incidence actions	
Verification means	Proposal presented Incidence actions report	
Baseline	0	
Goals	2018	1 proposal presented and 1 Incidence actions report
	2019	
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent -Peru	

ACTION 1.4.4.	Provide information to reporting entities, on a permanent and periodical basis, regarding ML/TF typologies and trends that could affect them.	
Indicator	4 annual strategic reports distributed	
Verification means	Published report, official letter on publishing of report and others	
Baseline	4	
Goals	2018	4 reports
	2019	4 reports
	2020	4 reports
	2021	4 reports
Responsible entity	SBS	
Organisational unit	Office of the FIU-Peru Deputy Superintendent	

STRATEGIC LINE OF ACTION 2: DETECTION

The specific targets and actions contained in this line of action are framed within Specific Target 2 of the National Policy: “Timely detect and report ML/TF-related activities”, its guidelines and its mandatory standards.

Specific Target 2.1: Improve the mechanisms and regulatory framework to ensure that the FIU-Peru and other competent authorities will have timely access to confidential information.

ACTION 2.1.1	Strengthen and develop the mechanisms to make the access of the FIU-Peru to information protected by bank secrecy and the confidentiality of tax filings operational.	
Indicator	1 regulation approved Number of documents on the operation of mechanisms	
Verification means	Resolution that creates mechanism Documents on the operation of mechanisms	
Baseline	Resolution N° 090-2017 - CE-PJ	
Goals	2018	1 Resolution from the SBS and 1 document on the operation of mechanisms
	2019	1 document on the operation of mechanisms
	2020	1 document on the operation of mechanisms
	2021	1 document on the operation of mechanisms
Responsible entity	SBS, in collaboration with SUNAT and reporting entities (resolution) SBS monitors transaction	
Organisational unit	SBS - Office of the Deputy Legal Advisory Superintendent - Office of the FIU-Peru Deputy Superintendent - Office of the Banking and Micro Finance Deputy Superintendent	

ACTION 2.1.2.	Propose and pursue the regulatory reform in Congress to achieve that the FIU-Peru shares financial intelligence information with the National Intelligence System (SINA) the National Elections Board (JNE) and the National Office for Election Processes (ONPE).	
Indicator	1 regulatory proposal presented to Congress Number of incidence actions	
Verification means	Proposal presented Incidence actions report	
Baseline	0	
Goals	2018	
	2019	1 proposal presented and 1 Incidence actions report
	2020	1 Incidence actions report
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the FIU-Peru Deputy Superintendent - Office of the Deputy Legal Advisory Superintendent	

Specific target 2.2: Proper control of the flow of illegal assets or for illegal purposes in border areas and at national level.

ACTION 2.2.1	Prepare a diagnosis of vulnerable border areas, from the perspective of flows of illegal assets or for illegal purposes.	
Indicator	1 diagnosis presented to CONTRALAFT	
Verification means	Diagnosis presented to competent authorities	
Baseline	0	
Goals	2018	
	2019	1 diagnosis
	2020	
	2021	
Responsible entity	SUNAT, in coordination with DINI and SBS	
Organisational unit	SUNAT: Smuggling Prevention and Special Operations Management Office	
	DINI: Armed Forces and Internal Affairs Intelligence Services	
	SBS: Office of the FIU-Peru Deputy Superintendent -Peru	

ACTION 2.2.2	Prepare and execute a joint control plan with national entities in ports, airports, border service centres, and border areas based on the diagnosis result, considering its coordination with countries as deemed relevant.	
Indicator	1 plan de acción conjunto elaborado y en ejecución	
Verification means	Plan aprobado e informes de ejecución del Plan	
Baseline	0	
Goals	2018	
	2019	
	2020	1 Action Plan approved
	2021	1 Action Plan in execution
Responsible entity	SUNAT, in collaboration with the PNP, MP, Peruvian Navy and APN	
Organisational unit	SUNAT: Smuggling Prevention and Special Operations Management Office	
	PNP: DIRILA	
	MP: FISLAAPD	
	Peruvian Navy: DICAPI	

ACTION 2.2.3	Increase the number of representatives from the Office of the Attorney General in border areas, in the geographical areas with greater risk, as identified by the diagnosis	
Indicator	Number of district attorney offices specialised in ML/TF matters increased by 6 (Tacna, Tumbes, Piura, Madre de Dios, Loreto and San Martín)	
Verification means	MP Resolution	
Baseline	Resolution 084-2014-MP-FN-JFS- creation of the Puno District Attorney's Office	
Goals	2018	
	2019	2 district attorney offices
	2020	2 district attorney offices
	2021	2 district attorney offices
Responsible entity	MP –FN	
Organisational unit	District Attorneys Registry Office	

ACTION 2.2.4	Prepare and pursue regulatory proposals in Congress aimed at establishing limits to the internal movement of cash and securities and promote access to banking services.	
Indicator	1 regulatory proposal presented to Congress number of incidence actions	
Verification means	Proposal presented Incidence actions report	
Baseline	Draft Bill 1785/2017-CR (access to banking services)	
Goals	2018	1 proposal presented and 1 Incidence actions report
	2019	1 Incidence actions report
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	- Office of the Legal Affairs Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent	

ACTION 2.2.5	Promote and/or adopt regulatory measures to discourage the use of cash money, hindering the intended use for ML/TF.	
Indicator	1 Modification of the ML/TF Risk Management Regulations	
Verification means	Resolution approving the regulations	
Baseline	0	
Goals	2018	1 Resolution that approves the modification of the ML/TF Risk Management Regulations
	2019	
	2020	
	2021	
Responsible entity	SBS	
Organisational unit	<ul style="list-style-type: none"> - Office of the Deputy Legal Advisory Superintendent - Office of the Risks Deputy Superintendent - Office of the Banking and Micro Finance Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent -Peru 	

ACTION 2.2.6	Strengthen the Customs Administration Authority (SUNAT-ADUANAS) and DICAPI providing them with the technical and technological means they require to effectively intervene in ports, airports, and border service centres and border areas.	
Indicator	Number of technical and technological equipment units	
Verification means	Equipment acquisition and use reports	
Baseline	0	
Goals	2018	
	2019	Acquisition and use reports
	2020	Acquisition and use reports
	2021	Acquisition and use reports
Responsible entity	SUNAT and Peruvian Navy	
Organisational unit	SUNAT: Smuggling and Special Operations Prevention Management Office	
	Peruvian Navy: DICAPI	

Specific target 2.3: Enable timely reporting to the competent authorities of ML/TF-related activities, safeguarding the confidentiality of the information conveyed.

ACTION 2.3.1	Prepare protocols and safe communication channels for the submission of confidential information by the FIU-Peru to the MP and other competent authorities	
Indicator	4 protocols approved 4 channels operating	
Verification means	Resolution that approves protocol and report on execution of the channel.	
Baseline	0	
Goals	2018	1
	2019	1
	2020	1
	2021	1
Responsible entity	SBS and the MP	
Organisational unit	SBS: Office of the FIU-PERU -Peru Deputy Superintendent and Information Technologies Management	
	MP: Projects and International Technical Cooperation Management Office	

STRATEGIC LINE OF ACTION 3: INVESTIGATION AND SANCTIONING

The specific targets and actions contained in this Line of Action are framed within Specific target 3 of the National Policy: “Effectively and timely investigate and sanction those involved in ML/TF crimes at the national and international level”, its guidelines and its mandatory standards.

Specific target 3.1: Optimise the work of investigative and sanctioning authorities with competence to identify ML/TF cases.

ACTION 3.1.1	Strengthen the ML/TF organisational and human resource management structures of the PNP through specialisation of their officers	
Indicator	1 annual specialisation course 3 annual specialisation courses	
Verification means	Trained personnel lists, list of officers and certifications	
Baseline	PNP Regulations, Supreme Decree 026-2017-IN 3 training courses for PNP personnel	
Goals	2018	1 specialisation course for PNP personnel 3 training courses for PNP personnel
	2019	1 specialisation course for PNP personnel 3 training courses for PNP personnel
	2020	1 specialisation course for PNP personnel 3 training courses for PNP personnel
	2021	1 specialisation course for PNP personnel 3 training courses for PNP personnel
Responsible entity	MININTER - PNP	
Organisational unit	DIRILA	

ACTION 3.1.2	Strengthening of the Division of the Prosecutor's Office Against Money Laundering and Seizing of Illegal Assets on a national level	
Indicator	<ul style="list-style-type: none"> - Prosecutors and administrative personnel with 100% of logistic means. - 12 Prosecution offices against ML/TF or offices that work on these matters. - Training of the Prosecutors' Office personnel, with 12 courses on ML/TF. - Acquire software for specialised Prosecutors' Office and administrative personnel. - Assistance of 16 experts. - 1 diagnosis regarding prosecutors acquainted with ML/TF cases, who require personal security. 	
Verification means	<ol style="list-style-type: none"> 1. Verification report of logistic conditions and access to technological means. 2. Lists of trained personnel. 3. Diagnosis on specialisation of ML/TF prosecutors submitted to the Supreme Board of Prosecutors. 4. Diagnosis on the personal security of ML/TF prosecutors submitted to the Supreme Board of Prosecutors. 	
Baseline	<p>09 Prosecution offices with national jurisdiction 05 Prosecution offices with district jurisdiction (Puno: 2, Arequipa: 2 and Santa: 1) 28% specialised regular prosecutors 02 courses (annual) 20 experts</p>	
Goals	2018	0
	2019	4 Prosecution Offices specialised on ML/TF or working on the matter, with 6 assistants acting as prosecutors and 1 administrative assistant and with logistic means. 4 courses. 8 experts (two per office).
	2020	4 Prosecution Offices specialised on ML/TF or working on the matter, with 6 assistants acting as prosecutors and 1 administrative assistant and with logistic means. 4 courses. 8 experts (two per office).
	2021	4 Prosecution Offices Specialised on ML/TF or working on the matter, with 6 assistants acting as prosecutors and 1 administrative assistant and with logistic means. 4 courses.
Responsible entity	MP -FN	
Organisational unit	Prosecutors Registration Office, Human Potential Management, Logistics Management, Information Technology Management, Planning and Budget Management and the Office of the Attorney General School.	

ACTION 3.1.3		Strengthen the human capital of The Judiciary, considering specialisation on ML/TF matters and improving the security and training conditions.	
Indicator	<ul style="list-style-type: none"> - 6 training courses on ML/TF, with the participation of other competent entities. - 1 diagnosis of judges that hear ML/TF cases requiring personal security. 		
Verification means	<ol style="list-style-type: none"> 1. Diagnosis performed 2. Lists of trained personnel 		
Baseline	1		
Goals	2018	1 diagnosis of judges acquainted with ML/TF cases requiring personal security 2 training courses on ML, aimed at 100% of the judicial bodies of the Sub-System against Corruption and courts created (pilot)	
	2019	2 training courses on ML, aimed at 100% of the judicial bodies of the National Criminal Court and courts created (pilot)	
	2020	1 training course on ML, aimed at 100% of the judicial bodies of the National Criminal Court, of the judicial bodies of the Sub-System against Corruption and courts created (pilot)	
	2021	1 training course on ML, aimed at 100% of the judicial bodies of the National Criminal Court, of the judicial bodies of the Sub-System against Corruption and courts created (pilot)	
Responsible entity	PJ		
Organisational unit	General Secretariat of the Executive Council and the National Commission for Training of Judges.		

ACTION 3.1.4		Approve a joint instrument between MP and PJ for remittance to the judicial bodies of supporting documents required by the prosecutors in digital form.	
Indicator	1 instrument approved		
Verification means	1 Document (Agreement or Protocol) with its respective guidelines.		
Baseline	0		
Goals	2018		
	2019	1 Document (Agreement or Protocol) with its respective guidelines	
	2020		
	2021		
Responsible entity	MP and PJ		
Organisational unit	MP: International Projects and Technical Cooperation Office		
	PJ: Agreement Office		

ACTION 3.1.5	Reorganise the organisational structure of PJ and MP to create courts or Prosecution Offices Specialised in ML and Seizing of Illegal Assets according to their procedural burden or transform the existing ones to take care exclusively of ML offenses and Seizing of Illegal Assets.	
Indicator	<ul style="list-style-type: none"> - 1 court against corruption per judicial district (33). - 8 Prosecution offices created to process ML and Seizing of Illegal Assets cases (in Prosecution districts with greater number of investigations on ML). - 8 Prosecution Offices to transform them into Specialised Prosecution offices to process ML and Seizing of Illegal Assets cases, in the different Prosecution districts. 	
Verification means	<ol style="list-style-type: none"> 1. Resolution approving creation. 2. Resolutions that transform Prosecution Offices into Specialised Prosecution Offices for ML and Seizing of Illegal Assets. 	
Baseline	0	
Goals	2018	PJ: 16 Courts against corruption
		MP: 0
	2019	PJ: 17 Courts against corruption
		MP: 3 Prosecution offices created to learn about ML and Seizing of Illegal Assets cases in the different Prosecutor's Office districts.
	2020	MP: 3 Prosecution offices created to learn about ML and Seizing of Illegal Assets cases. 3 Transformed Prosecution offices to learn about ML and Seizing of Illegal Assets cases, in the different Prosecutor's Office districts.
2021	MP: 2 Prosecution offices created to learn about cases of ML and Seizing of Illegal Assets. 2 Transformed Prosecution offices to learn about cases of ML and Seizure of Illegal Assets in the different Prosecutor's Office districts.	
Responsible entity	MP and PJ	
Organisational unit	PJ: Unit of the Institutional Technical Team of the New Criminal Procedural Code, Coordination of the Anticorruption System and Executive Council.	
	MP: Technical Secretariat of the Technical Implementation Team of the New Criminal Procedural Code, Budget and Planning Management and Prosecutors Registration Office.	

ACTION 3.1.6	Enforce, countrywide, the New Criminal Procedural Code for ML/TF cases	
Indicator	4 judicial districts adopt the new Criminal Procedural Code	
Verification means	Supreme Decree 015-2017-JUS and minutes	
Baseline	29 judicial districts where the New Criminal Procedural Code is in force	
Goals	2018	North Lima
	2019	East Lima
	2020	South Lima and Central Lima
	2021	
Responsible entity	MINJUS, in coordination with MP, PJ (The Judiciary) and MININTER	
Organisational unit	MINJUS: Technical Secretariat of the Special Commission for Implementation of the Criminal Procedural Code.	

Specific target 3.2: Ensure recovery of assets

ACTION 3.2.1	Streamline the registration process of seizing and confiscation measures in the Public Registration Office as a result of ML/TF proceedings, considering the possibility to use technological means.	
Indicator	Agreement with SUNARP to streamline the registration of seizure and confiscation measures to include the National Criminal Court, the National Sub-System against-Corruption, The Supreme Court and the judicial bodies at a national level, that process ML/TF cases, in accordance with their case burden	
Verification means	Agreement approved	
Baseline	0	
Goals	2018	1
	2019	
	2020	
	2021	
Responsible entity	PJ, in coordination with MINJUS	
Organisational unit	PJ: Conventions Office	
	MINJUS: PRONABI	

ACTION 3.2.2	Strengthen the technological means and the organisational and human resources management structure of the PLAPD and the PEDET, considering personnel increase, reducing its rotation, increasing training.	
Indicator	# Creation of decentralized PLAPDs Single Records Administration System of the Peruvian State Attorney Offices (SAEP) in operation 8 Training courses	
Verification means	1. Creation resolutions 2. Report on the SAEP in operation 3. Annual Training Plan	
Baseline		
Goals	2018	1 course on ML 1 course on TF and International Terrorism
	2019	4 decentralized PLAPDs Single Records Administration System of the Peruvian State Attorney Offices (SAEP) in operation 1 course on ML 1 course on TF and International Terrorism
	2020	1 decentralized PLAPD 1 course on ML 1 course on TF and International Terrorism
	2021	1 decentralized PLAPD 1 course on ML 1 course on TF and International Terrorism
Responsible entity	MINJUS (Ministry of Justice)	
Organisational unit	PLAPD, PEDET, State Legal Defence Council and Technical Secretariat of the Special Commission for the Implementation of the Criminal Procedural Code	

ACTION 3.2.3	Assign to the PLAPD the jurisdiction to process all ML cases, regardless of the type of predicate offense that may have generated the illegal profits, ensuring the allocation of personnel, and the budget and security conditions required for the accomplishment of this function.	
Indicator	Approval of the regulations to award jurisdiction to the PLAPD	
Verification means	Resolution of the Legal Defence Council or Supreme Decree to approve the Regulations of Legislative Decree 1326	
Baseline	Resolution 008-2009-JUS /CDJ, as amended by Resolution 027-2013-JUS/CDJ	
Goals	2018	Regulations awarding jurisdiction to the PLAPD
	2019	
	2020	
	2021	
Responsible entity	MINJUS	
Organisational unit	State's Legal Defence Council	

Specific target 3.3: Ensure a proper administration, execution and distribution of civil redress and of assets recovered.

ACTION 3.3.1	Propose and pursue before Congress the modification of Legislative Decree N° 1104 and its regulations, to optimize application of seizing of illegal assets, as well as to improve the administration and distribution of the seized, confiscated and forfeited assets.	
Indicator	1 regulatory proposal presented before Congress number of incidence actions	
Verification means	1. Proposal presented 2. Incidence actions report	
Baseline		
Goals	2018	1 regulatory proposal and 1 Incidence actions report
	2019	1 Incidence actions report
	2020	
	2021	
Responsible entity	MINJUS	
Organisational unit	PRONABI, State Legal Defence Council, General Bureau of Regulatory Development and Regulatory Quality, Technical Secretariat of the Special Commission for Implementation of the Criminal Procedural Code and Bureau of Criminal Affairs.	

ACTION 3.3.2	Approval of Supreme Decree to regulate civil redress, in order to ensure its distribution among the different competent authorities.	
Indicator	Regulations approved	
Verification means	Supreme Decree approved	
Baseline:	0	
Goals	2018	Supreme Decree approved
	2019	
	2020	
	2021	
Responsible entity	MINJUS	
Organisational unit	State Legal Defence Council, General Bureau of Regulatory Development and Regulatory Quality	

Specific target 3.4: Optimize international cooperation against ML/TF to strengthen work on the police, prosecution, and judicial fronts.

ACTION 3.4.1	Strengthen the participation of the MP in the regional prosecutors' office networks to improve international legal cooperation on ML/TF.	
Indicador	Number of networks in which the MP participates (network1, network2,...) Number of direct accesses to databases (PNP, Immigration, INPE, SUNAT, SUNARP or any other pertinent one) of the international cooperation area of the MP	
Verification means	Participation records Report on verification of access to databases	
Baseline	2	
Goals	2018	1
	2019	1
	2020	
	2021	
Responsible entity	MP	
Organisational unit	International Legal Cooperation and Extraditions Unit	

ACTION 3.4.2		Bolster flexible international cooperation mechanisms between the PNP and its counterparts in other countries with respect to ML/TF.
Indicator	Number of mechanisms implemented	
Verification means	2 Start-up reports 2 Completion reports	
Baseline		
Goals	2018	1 Mechanism implemented with Bolivia
	2019	1 Mechanism implemented with another country
	2020	
	2021	
Responsible entity	PNP	
Organisational unit	DIRILA	

ACTION 3.4.3		Prepare studies or diagnoses on the criminal phenomenon of ML/TF in the country
Indicator	2 diagnoses prepared	
Verification means	Studies or diagnoses published, or documents informing on the completion of the study	
Baseline	0	
Goals	2018	1 Study on ML
	2019	
	2020	1 Study on TF
	2021	
Responsible entity	MINJUS, in coordination with the SBS, MP and PJ	
Organisational unit	MINJUS: Criminology Bureau and Technical Secretariat of the Special Committee for Implementation of the Criminal Procedural Code	
	SBS: Office of the FIU-Peru Deputy Superintendent	

STRATEGIC LINE OF ACTION 4: TRANSVERSAL: ARTICULATION

The specific targets and actions contained in this line of action are framed within Specific Target 4 of the National Policy: “Strengthen the active and articulated participation of the State, the civil society and the private sector in the fight against ML/TF”, its guidelines and mandatory standards.

Specific target 4.1: Improve the coordination between the different inter-sectorial commissions and/or work groups related to ML/TF and the competent entities on such matters.

ACTION 4.1.1.	Identify the inter-sectorial commissions and/or work groups whose competencies are related to ML/TF and manage the participation of the Presidency of CONTRALAFI or of its members in them.	
Indicator	3 reports on the participation of CONTRALAFI in related inter-sectorial commissions and/or work groups	
Verification means	Report submitted to the Presidency of CONTRALAFI	
Baseline	0	
Goals	2018	1 report
	2019	
	2020	1 report
	2021	1 report
Responsible entity	CONTRALAFI	
Organisational unit	Technical Secretariat (SBS, through the FIU-Peru)	

Specific target 4.2: Improve the exchange of reliable, timely and safe information on ML/TF between the competent public entities and their joint work.

ACTION 4.2.1	Promote the creation of safe mechanisms to exchange reliable information between the prevention, detection and investigation, and sanctioning agencies on ML/TF matters.	
Indicator	1 work group formed for the creation of safe mechanisms for the exchange of reliable information	
Verification means	Records of work group meetings	
Baseline	0	
Goals	2018	
	2019	1
	2020	
	2021	
Responsible entity	CONTRALAFI	
Organisational unit	Technical Secretariat (SBS, through FIU-Peru)	

ACTION 4.2.2	Enter into inter-institutional agreements with agencies with liable party prudential supervision functions and those competent in ML/TF prevention for exchange of information.	
Indicator	4 agreements executed	
Verification means	Executed agreements	
Baseline	2: Agreements executed between SBS- SMV and Agreement executed between SBS-SUNAT	
Goals	2018	
	2019	1 Executed agreement
	2020	
	2021	1 Executed agreement
Responsible entity	SBS and other supervisors of ML/TF matters	
Organisational unit	<ul style="list-style-type: none"> - Office of the International Affairs, Training and Communications Deputy Superintendent - Office of the FIU-Peru Deputy Superintendent - Office of the Risks Deputy Superintendent 	

ACTION 4.2.3	Generate dialogue spaces between ML/TF oversight agencies and the trade associations of reporting entities and strengthen the existing ones.	
Indicator	Number of work groups or task groups established	
Verification means	Records of creation and meetings	
Baseline		
Goals	2018	
	2019	1 Work Group
	2020	
	2021	
Responsible entity	SBS and other supervisors	
Organisational unit	SBS: Office of the FIU-Peru Deputy Superintendent -Peru and Office of the Risks Deputy Superintendent.	

ACTION 4.2.4	Approve and implement protocols for joint actions between MP and the PJ, aimed at strengthening the ML/TF criminal process.	
Indicator	1. Four (4) protocols approved for inter-institutional action: (i) Protocol for lifting of Communications Secrecy, (ii) Protocol for lifting of Bank Secrecy, confidentiality of tax filings and of identity privacy; (iii) Protocol for registration of seized, confiscated, and forfeited assets; and (iv) Protocol for application of seizure. 2. Implementation of the 4 protocols approved in the 33 court districts.	
Verification means	1. Supreme Decree that approves the 4 protocols 2. Number of implementation records	
Baseline	0	
Goals	2018	Supreme Decree that approves protocols and 7 Court Districts where protocols are implemented
	2019	8 Court Districts where protocols are implemented
	2020	9 Court Districts where protocols are implemented
	2021	9 Court Districts where protocols are implemented
Responsible entity	MINJUS	
Organisational unit	Technical Secretariat of the Special Commission for Implementation of the Criminal Procedural Code	

ACTION 4.2.5	Establish Work Groups formed by FIU-Peru, PNP and MP for the detection and investigation of complex ML/TF cases.	
Indicator	8 Work Groups implemented	
Verification means	Records of implementation of the Work Groups	
Baseline	1 Work Group implemented	
Goals	2018	2 Work Groups implemented
	2019	2 Work Groups implemented
	2020	2 Work Groups implemented
	2021	2 Work Groups implemented
Responsible entity	MP	
Organisational unit	FISLAAPD	

Specific target 4.3: Fomentar una cultura de legalidad que genere el rechazo de los actos vinculados al LA/FT por parte de la ciudadanía.

ACTIÓN 4.3.1		Promote ML/TF prevention culture among reporting entities and execution of awareness raising and support actions.	
Indicator	5 Guides on ML/TF prevention		
Verification means	Documents		
Baseline	0		
Goals	2018	2	
	2019	1	
	2020	1	
	2021	1	
Responsible entity	SBS		
Organisational unit	Office of the FIU-Peru Deputy Superintendent -Peru		

ACTION 4.3.2		Design and conduct public dissemination and campaigns aimed at ML/TF prevention	
Indicator	20 activities (4 campaigns and 16 workshops or courses) for the civil society		
Verification means	Activity substantiation report		
Baseline	0		
Goals	2018	1 campaign 4 workshops or courses	
	2019	1 campaign 4 workshops or courses	
	2020	1 campaign 4 workshops or courses	
	2021	1 campaign 4 workshops or courses	
Responsible entity	MINJUS		
Organisational unit	Justice and Religious Freedom Bureau, Centre for the Study of Justice and Human Rights, Technical Secretariat of the Special Commission for implementation of the Criminal Procedural Code and Criminology Bureau.		

ACTION 4.3.3	Disseminate among the population the reporting channels already implemented, where they can inform the authority about possible ML/TF-related acts.	
Indicator	Number of dissemination actions	
Verification means	Supporting documents	
Baseline	MP: 1	
	PNP: Line 0800 of the PNP	
	2018	MP and PNP: 1 dissemination action
Goals	2019	MP and PNP: 1 dissemination action
	2020	PNP: 1 dissemination action
	2021	PNP: 1 dissemination action
	Responsible entity	
MP - FN and PNP		
Organisational unit	MP-FN: Institutional Image Office	
	PNP: Image Office of the DIRILA	

ACTION 4.3.4	Implement a mechanism to enable the citizens to report to the FIU-Peru events allegedly related to ML/TF, keeping due confidentiality.	
Indicator	1 mechanism implemented Number of reports on the operation of the mechanism	
Verification means	Regulations and procedures that implement the mechanism Reports on the operation of the mechanism	
Baseline	0	
Goals	2018	1 mechanism implemented
	2019	1 report on the operation of the mechanism
	2020	1 report on the operation of the mechanism
	2021	1 report on the operation of the mechanism
Responsible entity		
SBS		
Organisational unit		
- Office of the FIU-Peru Deputy Superintendent -Peru - Information Technologies Management Office		

Specific target 4.4: Strengthen the competent public agencies in the prevention and fight against ML/TF.

ACTION 4.4.1		Perform a study to identify weaknesses in the training and operating capacities of the actors involved.	
Indicator	1 study performed		
Verification means	Study submitted to the CONTRALAFT		
Baseline	0		
Goals	2018		
	2019	1	
	2020		
	2021		
Responsible entity	CONTRALAFT		
Organisational unit	Technical Secretariat (SBS, through the Office of the FIU- Peru Deputy Superintendent)		

ACTION 4.4.2		Define articulated measures based on the results of the study conducted, to mitigate the weaknesses identified	
Indicator	1 annual plan for capacity building		
Verification means	Document containing the plan		
Baseline	0		
Goals	2018		
	2019		
	2020	1 plan prepared	
	2021		
Responsible entity	CONTRALAFT		
Organisational unit	Technical Secretariat (SBS, through the Office of the FIU-Peru Deputy Superintendent -Peru)		

ACTION 4.4.3	Implement and put into operation the Money Laundering and Terrorist Financing Statistical Information Module in the platform of the Integrated Crime and Citizen Security Statistics System of the National Institute of Statistics and Informatics (INEI).	
Indicator	Module in operation	
Verification means	Report on transaction	
Baseline		
Goals	2018	1
	2019	
	2020	
	2021	
Responsible entity	CONTRALAFI (through the following institutions: INEI, SBS (FIU-Peru), MP, PJ and PNP).	
Organisational unit	Competent units in each of the entities.	

Specific target 4.5: Propose and/or promote the permanent updating of national regulations to align them with international instruments and/or standards in the matter of prevention and fight against ML/TF.

ACTION 4.5.1.	Follow up compliance of international standards, as a result of the findings of the Mutual Assessment Report of the GAFILAT.	
Indicator	3 annual follow up reports	
Verification means	Reports issued	
Baseline	0	
Goals	2018	
	2019	1
	2020	1
	2021	1
Responsible entity	SBS, in coordination with the Ministry of Foreign Affairs and the MEF	
Organisational unit	Office of the FIU-Peru Deputy Superintendent – Peru	

ACTION 4.5.2	Establish a dialogue mechanism between the SBS and the agencies involved, in order to expedite the implementation of the changes that may be detected as a result of the follow up on compliance of international standards.	
Indicator	Work groups or task groups established	
Verification means	Records of creation and of meetings	
Baseline		
Goals	2018	
	2019	1 Work Group
	2020	
	2021	
Responsible entity	SBS, in coordination with the Ministry of Foreign Affairs	
Organisational unit	Office of the FIU-Peru Deputy Superintendent	

VI. FOLLOW UP AND OVERSIGHT

Pursuant to Supreme Decree N° 057-2011-PCM, as amended by Supreme Decree N°018-2017-JUS, CONTRALAFT is competent to:

“Carry out activities to follow up or implement the National Policy and Plan against Money Laundering, Terrorist Financing and Financing of the Proliferation of Mass Destruction Weapons”.

Within this framework, this National Plan specifies what entity (ies) and unit(s) is (are) responsible, in charge of following up and measuring the compliance of indicators, to ensure adequate follow up.

Based on the information that each responsible entity sends and considering that the goals set out in the National Plan have been set for one year, CONTRALAFT will issue annual technical reports on the progress made in the implementation of the National Plan.

Based on the results of these reports and other diagnoses, the MINJUS will then propose the updating of the National Plan.

APRUEBAN PLAN NACIONAL CONTRA EL LAVADO DE ACTIVOS Y EL FINANCIAMIENTO DEL TERRORISMO 2018 -2021

EL PRESIDENTE DE LA REPÚBLICA

CONSIDERANDO:

Que, la Constitución Política del Perú dispone en el artículo 8 que el Estado combate y sanciona el tráfico ilícito de drogas y en el artículo 44 como sus deberes primordiales el garantizar la plena vigencia de los derechos humanos y proteger a la población frente a las amenazas contra su seguridad, los cuales implican una la lucha frontal contra el financiamiento del terrorismo;

Que, mediante el artículo 1 del Decreto Supremo N° 057-2011-PCM, publicado el 1 de julio del 2011, se aprueba el Plan Nacional de Lucha contra el Lavado de Activos y el Financiamiento del Terrorismo y mediante el artículo 2 del mencionado Decreto Supremo se crea la Comisión Ejecutiva Multisectorial contra el Lavado de Activos y el Financiamiento del Terrorismo - CONTRALAFT, a fin de hacer el seguimiento de la implementación, cumplimiento y actualización del mencionado Plan Nacional;

Que, mediante Decreto Supremo N° 018-2017-JUS, publicado el 15 de setiembre del 2017, se aprobó la Política Nacional contra el Lavado de Activos y Financiamiento del Terrorismo y se fortalece la CONTRALAFT, incorporándose nuevas entidades miembros y asignándosele nuevas funciones;

Que, asimismo, la Única Disposición Complementaria Final del Decreto Supremo N° 018-2017-JUS establece que en un plazo máximo de noventa días (90) días calendario posteriores a su publicación, mediante Decreto Supremo, a propuesta de la CONTRALAFT, corresponde aprobar el Plan Nacional contra el Lavado de Activos y Financiamiento del Terrorismo, como instrumento para la implementación de la Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo;

Que, luego de un proceso participativo, los miembros de la CONTRALAFT, mediante Acuerdo N° 08-2017-CONTRALAFT, adoptado en su Tercera Sesión, realizada el 27 de octubre del 2017, aprobaron por unanimidad la propuesta del Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo 2018-2021, que define en un escenario temporal, objetivos específicos, acciones concretas, responsables de su implementación e indicadores de medición;

Que, en tal sentido, resulta necesario aprobar el Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo 2018-2021, a fin de contar con un instrumento que garantice la implementación de la Política Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo en el corto y mediano plazo

De conformidad con el inciso 8) del artículo 118 de la Constitución Política del Perú; los artículos 4 y 11 inciso 3 de la Ley N° 29158, Ley Orgánica del Poder Ejecutivo; y, la Única Disposición Complementaria Final del Decreto Supremo N° 018-2017-JUS ;

DECRETA:

Artículo 1.- Aprobación

Apruébese el Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo 2018-2021, el mismo que como Anexo forma parte integrante del presente Decreto Supremo.

Artículo 2.- Ejecución y cumplimiento

Las máximas autoridades de las entidades públicas responsables en el Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo 2018-2021 adoptarán, en el ámbito de sus competencias, las medidas necesarias para su ejecución y velarán por su cumplimiento, asegurando que las acciones y los gastos se incluyan en sus Planes Operativos y Presupuestos Institucionales.

Artículo 3.- Financiamiento

La implementación y el cumplimiento del Plan Nacional contra el Lavado de Activos y el Financiamiento del Terrorismo 2018-2021, se financian con cargo al presupuesto institucional de las entidades públicas involucradas y en el marco de las Leyes Anuales de Presupuesto.

Artículo 4.- Seguimiento y evaluación

La CONTRALAFT, en el marco de sus funciones, y a través de su Secretaría Técnica, emitirá un informe técnico anual sobre los avances en la implementación del Plan Nacional contra el Lavado de Activos

y Financiamiento del Terrorismo 2018-2021. Para estos efectos, debe contar con una herramienta de gestión que permita integrar y estandarizar la recolección, registro y manejo de la información que deben reportar periódicamente las entidades públicas responsables.

Cada entidad pública responsable debe designar a un/a representante titular y un alterno/a ante la CONTRALAFT, en los cuales recae la obligación de informar sobre su implementación. En caso se trate de entidades públicas responsables que son miembros de la CONTRALAFT dicha responsabilidad recae en los representantes acreditados.

Artículo 5.- Publicación

El presente Decreto Supremo y su Anexo se publican en el diario oficial El Peruano y, en la misma fecha, en el Portal del Estado Peruano (www.peru.gob.pe) y en los Portales Institucionales del Ministerio de Justicia y Derechos Humanos (www.minjus.gob.pe) y de la Superintendencia de Banca, Seguros y Administradoras Privadas de Fondos de Pensiones (www.sbs.gob.pe).

Artículo 6.- Refrendo

El presente Decreto Supremo es refrendado por el Ministro de Justicia y Derechos Humanos, la Ministra de Relaciones Exteriores, el Ministro del Interior, la Ministra de Economía y Finanzas, el Ministro de Comercio Exterior y Turismo, el Ministro de Transportes y Comunicaciones y el Ministro de Defensa.

Disposición Complementaria Derogatoria

ÚNICA.- Deróguese el artículo 1 del Decreto Supremo N° 057-2011-PCM.



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