

Mutual Evaluation Report 7th Follow-Up Report for Algeria

Anti-Money Laundering and
Combating the Financing of Terrorism

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The People's Democratic
Republic of Algeria

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This report provides an overview of the measures that The People's Democratic Republic Of Algeria has taken to address the major deficiencies relating to Recommendations rated NC or PC since its last mutual evaluation. The progress shown indicates that sufficient action has been taken to address those major deficiencies, and in particular those related to R3, R5, R10, R13, R23, R26, R35, R40, SRI, SRII, SRIII, SRIV, and SR.V. It should be noted that the original rating does not take into account the subsequent progress made by the country.

The 7th Follow-up Report for Algeria

Request to Move from Regular Follow-Up to Biennial Update

A. Introduction

1. The 12th Plenary Meeting adopted the MER of Algeria on December 1, 2010. As a result, Algeria was placed in the regular follow-up process according to the paper on mutual evaluation process procedures. Algeria submitted a number of follow-up reports as follows: The 1st Follow-up Report in November 2012, the 2nd Follow-up Report in November 2013, the 3rd Follow-up Report in June 2014, the 4th Follow-up Report in November 2014, the 5th Follow-up Report in April 2015 and the 6th Follow-up Report in November 2015. Algeria has expressed its hope that the 23rd Plenary Meeting examines its request to move from regular follow-up to biennial update.

2. This paper is based on the procedure for removal from the regular follow-up, as agreed by the 12th Plenary Meeting (November 2010) and the amendments on procedures adopted in the e-Plenary Meeting (August-September 2013). The paper contains a detailed description and analysis of the measures taken by Algeria with respect to the Core¹ and Key² Recommendations rated Non-Compliant (NC) and Partially Compliant (PC) in the abovementioned MER. It also contains a description and analysis of the other recommendations rated PC or NC. In Annex 1, we are including a list of the major laws and documents relating to AML/CFT system in Algeria.

3. The procedure requires that the Plenary Meeting considers the removal of the country from the regular follow-up if it has, in the opinion of the Plenary Meeting, an effective AML/CFT system in force, under which the country has implemented the core and key recommendations at the level essentially equivalent to a C (Compliant) or LC (Largely Compliant) taking into consideration that there would be no re-rating.

4. Algeria was rated PC and NC on a total of 36 recommendations:

Core Recommendations rated PC or NC
R5, R10, R13, SRII, SRIV
Key Recommendations rated PC or NC
R3, R23, R26, R35, R40, SRI, SRIII, SRV
Other Recommendations rated PC
R11, R15, R31, R33, R38
Other Recommendations rated NC
R6, R7, R8, R12, R16, R17, R19, R21, R22, R24, R25, R29, R30, R32, SRVI, SRVII, SRVIII, SRIX

¹ The Core Recommendations according to FATF classification are: R1, R5, R10, R13, SRII, and SRIV.

² The Key Recommendations according to FATF classification are: R3, R4, R23, R26, R35, R36, R40, SRI, SRIII, and SRV.

5. As prescribed by the procedures of exiting the regular follow-up, Algeria provided the Secretariat with a full report on its progress as of adopting the MER. Accordingly, the Secretariat drafted a detailed analysis of the progress made by Algeria for the core and key recommendations rated NC or PC, as well as an analysis of the other recommendations rated NC or PC. The Secretariat provided the Algerian authorities with its report accompanied with a number of inquiries and requests. Algeria provided the Secretariat with all the documents and information requested during this process, and some comments provided by Algeria were taken into consideration.

6. As a general note on all requests for removal from regular follow-up: This procedure has a paper based desk nature, and it is less detailed and thorough than a mutual evaluation report. The analysis focuses on the recommendations that were rated NC or PC, which means that only a part of the AML/CFT system is reviewed. Such analysis essentially consists of looking into the main laws, regulations and other material to verify the technical compliance of domestic legislation with the FATF standards. In assessing whether sufficient progress had been made, effectiveness is taken into account to the extent possible in a paper based desk review and primarily through a consideration of data provided by the country. Any conclusions in this report do not prejudice the results of the future assessments, as they are based on information which was not verified through an on-site process and was not as comprehensive as would exist during a mutual evaluation.

B. Main Conclusion and Recommendations to the Plenary Meeting

Core Recommendations

7. **R5 (Customer Due Diligence):** Algeria has addressed the deficiencies pertaining to this recommendation through amending the AML/CFT law. All FIs were subjected to the regulatory controls in the AML/CFT field. They were also required not to open anonymous or numbered accounts; to update their customers' information on a yearly basis and verify they are constantly updated; and to identify the subject and nature of the customers' activity. Furthermore, they were required not to open an account or enter into a business relationship and notify the Financial Intelligence Processing Unit (FIPU) when failing to apply CDD measures. In the event of failing to update elements of customer's information, FIs shall close the account. They also have to identify the identities of current customers on risk basis, and take reasonable measures to identify and verify the identity of the beneficial owner. FIs shall understand the structure of ownership and control over customer; the purpose and nature of the business; perform ongoing monitoring of business relationships; and examine the transactions carried out by customers. FIs are also required to submit a report on suspicious transactions to the FIPU; and take enhanced measures in the event of suspecting ML/FT or in the event of having any doubts about the accuracy and adequacy of the obtained data.

8. **R10 (Record Keeping):** The requirements of this recommendation were met as the law required FIs and DNFBPs to comply with the record keeping obligations in compliance with the recommendation requirements. The record keeping obligations were also stressed in the rules issued by the competent regulatory entities according to the license explicitly issued to them in the law.

9. **R13 and SRIV (Reporting Suspicious Transactions):** The deficiencies pertaining to this recommendation were addressed through requiring FIs to report without delay to the FIPU when suspecting, or having enough evidence to suspect, that the funds of performed transactions are connected to funds yielded from or connected or associated with a crime that can be used in the commission of ML/FT, including attempts to conduct transactions suspected to be proceeds of a predicate offense, regardless of their value. FIs are also required to report the funds related to terrorism or used by terrorists, terrorist organizations, or terrorism financiers. The authorities stated that piracy and illicit trafficking in stolen goods and other goods are criminalized; they are considered as ML predicate offenses; yet, it did not provide the Secretariat with a copy of the laws confirming the same. In addition, the authorities did not clarify the measures taken in order to raise the level of awareness of the reporting entities on the nature of the STRs submitted to the FIPU by banks, which enhances the effectiveness of processing such STRs.

10. **SRII (Criminalizing Terrorist Financing):** Algeria addressed the deficiencies pertaining to this recommendation through the amendment of the Penal Code. Algeria amended criminalizing FT to be criminalized according to the Algerian law without the financing being connected with a specific purpose represented in committing a terrorist act. The law stipulated criminalizing the collection, provision, and management of funds for the purpose of using them, totally or partially, in committing the crimes described as acts of terrorism; using them by a terrorist or terrorist organization to commit crimes described as acts of terrorism; or using them by or for the benefit of a terrorist or terrorist organization.

11. As a general result, it could be said that the level of Algeria's commitment to these recommendations could be rated as equivalent to a level of "LC" at a minimum.

Key Recommendations

12. **R3 (Confiscation and Provisional Measures):** The deficiencies pertaining to this recommendation were addressed through the amendments to the law. The amendment included stipulating on the penalty of confiscation in ML/FT crimes. The penalty of confiscation now includes all things, funds, and properties used or intended to be used for ML/FT purposes, in addition to the means used in committing such crimes or funds with corresponding value.

13. **R23 (Regulation, Supervision and Monitoring):** A part of the deficiencies pertaining to this recommendation were addressed through defining the supervisory and monitoring entities competent to monitor FIs subject to the law. This includes the Banking Commission of the Bank of Algeria, the Monitoring Committee for Stock Exchange Transactions (COSOB), the Insurance Commission, and FIPU to ensure the compliance of the subject institutions with AML/CFT requirements. In addition, the powers granted to the FIPU and the entities supervising FIs were defined in order to activate the supervision process. Furthermore, the FIPU was granted the powers to follow-up on the obligations stipulated in the amended law, in addition to defining the competencies of the supervisory entities in this area.

14. **R26 (Financial Intelligence Unit):** Algeria addressed most of the deficiencies pertaining to this recommendation through amending the legal status of the FIPU and granting it the powers to receive, analyze, and disseminate STRs. This is in addition to its powers to request additional information from the entities required to report; issue directions and instructions to the entities required to report with regard to submitting the STRs to FIPU; issue instructions and codes of conduct with regard to communication with institutions and entities concerned with controlling and monitoring within the framework of AML/CFT; and sign protocols to exchange information with the competent authorities. The FIPU was also granted the legal personality and the financial and administrative independence with respect to making decisions for directing suspicious transactions. -

15. **R35 (Conventions):** The deficiencies pertaining to this recommendation were addressed by completing the implementation of the Convention for the Suppression of the Financing of Terrorism. This was achieved through making the necessary amendments on the AML/CFT law. With regard to UNSCRs, the amended law laid out the legal basis related to their implementation. This was achieved through the FIPU along with the competent authorities undertaking the implementation of the obligations stipulated in international resolutions.

16. **R40 (Other Forms of International Co-operation):** Algeria addressed most the deficiencies pertaining to this recommendation through the monitoring entities' ability to exchange information and cooperate with other international entities in the AML/CFT field. Moreover, the competent authorities in Algeria signed MOUs with a number of counterpart entities with the aim of enhancing the international cooperation with respect to exchanging information.

17. **SRI (Implementing UN Instruments):** Algeria addressed the deficiencies pertaining to the implementation of the UN instruments through taking the necessary measures to implement the obligations included in the International Convention for the Suppression of the Financing of Terrorism; implement UNSCRs 1267 of 1999 and 1373 of 2001 and the subsequent resolutions, and issue executive measures to implement these resolutions.

18. **SRIII (Freezing and Confiscating Terrorist Funds):** Most of the Deficiencies pertaining to freezing and confiscating terrorist funds were addressed, with regard to identifying the entity to freeze terrorist funds according to UNSCRs. The issued executive decree stipulated instructions for implementing the obligations mentioned in UNSCRs 1267 and 1373. These regulations represent freezing terrorist funds, assets of persons designated by the UN Al-Qaida Sanctions Committee established by virtue of UNSCR 1267 (1999) and other relevant resolutions, or persons identified by UNSCR 1373 (2001) and other relevant resolutions. This is in relation to the instructions provided to the FIs and other persons and entities which may possess targeted funds or assets with regard to their compliance with taking measures by virtue of freezing mechanisms.

19. **SRV (International Cooperation):** Most of the deficiencies pertaining to international cooperation in AML/CFT field were addressed, as the amended law included provisions on dealing with MLA requests, criminal extradition requests, and international judicial rogatory letters. -

Other Recommendations

20. Algeria addressed the deficiencies pertaining to other recommendations. It is worth noting that making the decision for the removal of Algeria from the follow-up process is primarily based on the core and key recommendations. This report does not provide a detailed analysis on other recommendations.

Conclusion

21. The follow-up procedures indicate that, for a country to have taken sufficient action to be considered for removal from the process, it must have an effective AML/CFT system in force, under which it has implemented the core and key recommendations at a level essentially equivalent to C or LC, taking into account that there would be no re-rating. The Plenary does, however, retain some flexibility with regard to the key recommendations if substantial progress has also been made on the overall set of recommendations that have been rated PC or NC.

22. With regard to core recommendations, it can be said that the level of compliance of Algeria on these recommendations can be rated at a level equivalent to a level of "LC" at a minimum.

23. With regard to key recommendations, it can be said that the level of compliance of Algeria on these recommendations can be rated at a level equivalent to a level of "LC" at a minimum.

24. With regard to other recommendations where Algeria was rated NC or PC, it can be said that the level of compliance of Algeria on these recommendations in general is equivalent to a level of "LC" at a minimum.

25. With regard to effectiveness, Algeria issued a number of convictions pertaining to ML/FT crimes without specifying the reason of conviction (whether it is pertaining to ML crimes or FT crimes). With regard to the STRs and confidential reports, the statistics report an increase in the levels of declaration from the institutions subject to the declaration requirement, and from the supervisory and monitoring entities, with respect to transactions suspected to be connected to ML/FT.

26. With regard to the effectiveness of the regulatory entities over DNFBPs, It can be said that Algeria has taken a number of steps to enhance the supervision level on FIs subject to the regulation of the Bank of Algeria only in terms of the number of inspections made to the banking sector. The authorities did not provide the Secretariat with statistics on the onsite inspection duties to the insurance sector and Algiers Stock Exchange.

27. As a result, since the level of Algeria's compliance with the core recommendations is rated at a level equal to "LC" at a minimum, and the level of compliance with the key recommendations is rated at a level equal to "LC" at a minimum, the Plenary Meeting may see to approve Algeria's request to move from regular follow-up to biennial update.

C. Overview of Algeria

Overview of the Main Changes since the Adoption of MER

28. Since the adoption of MER, Algeria has made efforts to implement the action plan developed to meet the requirements and comply with AML/CFT international standards. Algeria focused on amending Law No. 05-01 regarding AML/CFT. The deficiencies mentioned in the MER were addressed by issuing Order No. 12-02 dated February 13, 2012 amending and completing Law No. 05-01 and Law No. 06-15 dated February 15, 2015 amending and completing Law No. 05-01 to address the deficiencies identified in the MER. Moreover, the Executive Decree No. 13-157 was issued on April 15, 2013 amending and completing Executive Decree No. 02-127 dated April 7, 2002 concerned with establishing and regulating the FIPU. Moreover, the regulatory and supervisory entities issued AML/CFT instructions and guidelines for their subject entities.

Legal and Regulatory Framework

29. The legal framework of the AML/CFT system in Algeria is based on Law No. 05-01 dated February 6, 2005 on AML/CFT which was amended by virtue of Order No. 12-02 dated February 13, 2012 and Law No. 15-06 dated February 15, 2015. The law imposed a number of obligations on banks, FIs (financing leasing institutions; exchange offices; and investment, shareholding, and recruitment companies) and the Algerian financial post services subject to the regulation of the Banking Commission of the Bank of Algeria and DNFBPs. Moreover, the law included an amendment on criminalizing FT, in addition to criminalizing a number of crimes related to FT and subjecting the legal person to criminal liability. Moreover, the definition of the terrorist act was amended. FIs, banks, and the Algerian financial post services which are subject to the supervision of the Banking Commission were required to abide by the regulations and guidelines issued by the Council of Money and Credit. Moreover, the remaining persons subject to the law were required to abide by the guidelines issued by the specialized body (FIPU); in addition to requiring the persons subject to the law to report suspicious transactions and the attempts to make such suspicious transactions to the specialized body.

30. Furthermore, Algeria issued Law No. 14-01 dated February 4, 2014 amending and completing Law No. 66-156 dated June 8, 1966 which included the Penal Code. The law expands the scope of the acts of terrorism and vandalism set out in Article 87 (bis) to include a number of acts of terrorism and vandalism, including financing terrorists and terrorist organizations.

31. With regard to supervising the entities subject to the law, Bank of Algeria's Regulation No. 05-05 dated December 15, 2005, amended by virtue of Regulation No. 12-03 of 2012 on combating and preventing ML/FT addressed to banks and FIs subject to the Bank of Algeria and the Algerian financial post services, addressed a number of issues including: establishing a written program on combating and prevention, taking measures for customer and

transaction identification, document keeping, correspondent banks, alarm devices, STRs, electronic transfers, making funds available, the role of the external control authorities of banks and FIs, information and staff training, and the duties of Bank of Algeria inspectors. Moreover, the Regulation includes guidelines No. 160/Diwan/2015 dated May 3, 2015 for stock brokers with regard to CDD measures within the framework of combating and preventing ML/FT issued by COSOB. This is in addition to Regulation No. 11-08 dated November 28, 2011 issued by the Bank of Algeria with respect to internal supervision on banks and FIs, the guidelines for banks and FIs No. 966/2013 dated September 3, 2013, and those issued on February 8, 2015 with regards to CDD measures. The FIPU also issued guidelines dated February 14, 2015 on CDD measures for DNFBPs and some FIs, insurance companies and Algiers Stock Exchange, which are not subject to the authority of the Bank of Algeria. Furthermore, Bank of Algeria issued a guide on electronic transfers dated 23 December 2015, addressed to banks, FIs, and the Algerian financial post services subject to the supervision of the Bank of Algeria.

32. With respect to implementing UNSCRs (1267) and (1373), Algeria issued Executive Decree No. No. 15-113 dated 12 May 2015 on the procedures of seizing and/or freezing funds within the framework of preventing and combating FT by the Prime Minister. Such Decree aims to define the mechanisms of seizing and/or freezing the funds of persons, groups, and entities registered in the consolidated list of UNSC Sanctions Committee. In addition, Algeria issued a Decision dated May 31, 2015 on freezing and/seizing the funds of persons and entities registered in the consolidated list of UNSC Sanctions Committee annexed to the Decision. The announcement of the Decision along with the Annexed list on the FIPU official website are to be regarded as a notification for the persons subject to the order of immediate freezing and/or seizing of funds and properties of persons and entities registered in the list.

33. In addition to the above, the FIPU issued guidelines on the targeted financial sanctions connected to terrorism and financing terrorism by virtue of Decision No. (1074/MF/CTRF/PT/2015) dated 2 September 2015.

D. Review of the Measures Taken in Relation to Core Recommendations

R5: Rating: (NC)

Deficiency 1: Absence of a legal provision that regulates opening numbered accounts and prevents FIs that are not subject to the Bank of Algeria from opening anonymous accounts with fictitious names

34. Article 5 of Regulation No. 12- 03 issued by the Bank of Algeria on 28 November 2012, required FIs to refrain from opening anonymous or numbered accounts. However, there is nothing to indicate regulating the process of opening numbered accounts and preventing FIs that are not subject to the Bank of Algeria from opening anonymous accounts with fictitious names.

35. The authorities stated that practically, FIs which are not subject to Bank of Algeria (such as insurance companies and stock exchange brokers) are prohibited from opening accounts to customers; the authorities did not provide the Secretariat with the legal text on this statement.

Deficiency 2: Not obligating FIs that are not subject to the Bank of Algeria to abide by the requirements for identifying and verifying their customers

36. Algeria addressed the deficiency pertaining to this recommendation through Article 7 of Law No. 05-01 amended by Order No. 12-02 which required all FIs including institutions that are not subject to the Bank of Algeria to implement CDD measures, which includes: identifying and verifying the identity of the account owner using reliable documents, data, and information; in addition to identifying the beneficial owners and taking reasonable measures to verify their identity. With regard to legal persons and legal arrangements, this shall include taking reasonable measures by FIs to identify the structure of ownership and control over customers in order to reach an understanding of who is the real beneficial owner controlling the customer. This is in addition to obtaining information on the purpose and nature of the business relationship; implementing CDD measures continuously with regard to the business relationship and examining the transactions conducted during the duration of the business relationship; and ensuring that the conducted transactions comply with the institution's knowledge of the customers, their activities, and the source of their funds.

37. In addition to the above, the FIPU, by Virtue of Article 10 bis (5) of Law No. 05-01, issued guidelines for insurance companies, stock brokers, and the remaining persons subject to law including the DNFBPs that are not subject to the supervision of the Bank of Algeria. The provisions of the guidelines included requiring such entities to implement CDD measures represented in: Applying ongoing monitoring on customers in line with the customer risk profile; obligating FIs to identify the beneficial owner and take reasonable measures to verify such identity; requiring the institutions to obtain the structure of ownership and control over the customer in order to reach an understanding of who is the real beneficial owner controlling the customer; and requiring FIs to take enhanced measures in the event of suspecting ML/FT or in the event of having any doubts about the accuracy and adequacy of the obtained data.

38. However, Article 10 bis of Law No. 05-01 on AML/CFT granted the competent regulatory authorities on sectors that are not subject to the Bank of Algeria the powers to promulgate regulations and help subject persons to comply with the duties stipulated in the law.

Deficiency 3: The legal and regulatory framework to which the FIs are subject in AML/CFT field does not include the Public Treasury Department at the Ministry of Finance.

39. Algeria addressed this deficiency through Article 4 of Order No. 12 of 2012 amending and completing Law No. 05-01 of 2005 on AML/CFT, as the definition of FIs includes the Public Treasury of the Ministry of Finance in terms of its activity. The treasury conducts banking operations through opening bank accounts for its employees that are used like any other bank account, in addition to opening accounts for companies contracting public deals.

Deficiency 4: Lack of definition of the beneficial owner; not requiring FIs to verify if their customers are acting on behalf of other persons in general, and then taking reasonable measures to obtain enough data to verify the identity of such other persons

40. Article 4 of Order No. 12-02 of 2012 amending and concluding Law No. 05-01 of 2005 on AML/CFT stipulated the definition of the beneficial owner as the natural person or persons who own or have actual control over the customer or/and the person on whose behalf a transaction is being conducted. This also includes the persons who exercise full and ultimate control over a legal person. The amended law obligated all FIs (which are subject or not to the Bank of Algeria) to apply due diligence in identifying and verifying the identity of customers and beneficial owners of legal and natural persons.

41. Furthermore, Article 9 of Law No. 05-01 dated 6 February 2005 amended by virtue of Law No. 12-02 dated February 13, 2012 on AML/CFT stipulated that in the event of not verifying that the customer is acting on his/her own behalf, the subject persons shall verify the true identity of those who issued the withdrawal order or any person acting on his/her behalf using all legal means.

42. In addition, Article 10 of Law No. 05-01 dated 6 February 2005 amended by virtue of Order No. 12-02 dated February 13, 2012 on AML/CFT stipulated that in the event of conducting a transaction under unusual or unjustified complex circumstances or a transaction that seems to lack an apparent economic or legal purpose; banks, FIs, or similar financial institutions shall inquire about the origin and destination of the funds, the location of the transaction, and the identity of the economic dealers. It is noted in the mentioned articles that FIs subject to the Bank of Algeria are required to identify the real beneficial owner in the event of suspicion and uncertainty; verify if the customer is acting on behalf of another person in general; and then take reasonable measures to obtain sufficient data to verify the identity of such other person.

Deficiency 5: FIs are not required to take reasonable measures towards legal persons or arrangements in order to understand the structure of ownership and control over the customer or identify the natural persons who have actual ownership or control.

43. Algeria addressed the deficiency pertaining to this recommendation through Article 7 of Law No. 05-01 dated 6 February 2005 amended by virtue of Order No. 12-02 dated February 13, 2012 on AML/CFT. This article requires all FIs to ensure that agents and employees dealing on behalf of others shall submit, in addition to the identification documents mentioned in the law, an authorization of the powers delegated to them and the documents that prove the identity and address of the beneficial owners, in addition to documents which prove that the person purporting to act on behalf of the customer is a truly authorized person, and identifying and verifying their identity based on official documents. Moreover, the previous article requires FIs, when implementing CDD measures on legal customers or legal arrangement, to identify the customer through obtaining and verifying the following information: Name, legal status, proof of actual existence, rules that regulate and obligate the legal person or legal arrangement and the headquarters address. Also, Article 5 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 on AML/CFT provided for the same meaning which was previously mentioned.

44. In addition to the above, the guidelines issued by the FIPU included details on the information FIs are required to obtain with respect to legal persons and legal arrangements. It includes understanding the structure of ownership and control over the customer and identifying the natural persons who have actual ownership or control over the customer.

Deficiency 6: Absence of obligation on FIs to obtain information on the purpose and nature of the business relationship

45. Algeria addressed part of the deficiency through Article 7 of Law No. 05-01 amended by Order No. 02-12, which requires all FIs including those that are not subject to the Bank of Algeria to implement CDD measures; and Article 10 of the Bank of Algeria's Regulation No. 12-03 of 2012 on AML/CFT on implementing CDD measures on all subject persons without exceptions whether the matter is related to the FIs subject to the Bank of Algeria or those that are not. It shall be made by verifying the purpose and nature of the business relationship. On the other hand, the guidelines on CDD measures within the framework of AML/CFT issued by the Algeria Financial Market Authority (COSOB) provided for the need to identify the objective of opening the account in order to understand the purpose and nature of the business relationship. However, the insurance sector did not cover this requirement like the other financial sectors.

Deficiency 7: Absence of any obligation through a binding text to monitor transactions conducted during the course of the relationship to ensure that the conducted transactions are consistent with the institution's knowledge of the customers and their activities and risk profiles, including the source of funds, if necessary

46. Article 7 of Law No. 05-01 amended by Order No. 12-02 requires all FIs, including those that are not subject to the Bank of Algeria, to implement CDD measures and monitor transactions conducted during the course of the relationship to ensure that the conducted transactions are consistent with the institution's knowledge of the customers and their activities. In addition, Article 10 bis (4) of Order No. 12-02 dated February 13, 2012 amending and completing Law No. 05-01 dated 6 February 2005 on AML/CFT requires FIs and DNFBPs, which are under the reporting obligation to implement due diligence measures throughout the duration of the business relationship and monitor the accuracy of conducted transactions in order to ensure that such information is consistent with the information they have on their customers.

Deficiency 8: FIs are not required, through a binding text, to verify that the documents, data, or information obtained pursuant to CDD measures are up-to-date and relevant through reviewing the existing records, particularly with regard to the categories of high-risk customers and business relationships.

47. Article 6 of the Bank of Algeria's Regulation No. 12-03 requires banks, FIs, and the Algerian financial post services to periodically review and update the validity of data, information, and documents obtained pursuant to CDD measures. The authorities disclosed that the instructions issued by the regulatory and supervisory entities include that the FIs shall keep the customer and beneficiary owner information collected throughout the course of the relationship. Moreover, FIs shall update the information, documents, or data collected within

the framework of CDD measures, in addition to verifying their validity through reviewing the existing records over appropriate periods of time. Furthermore, the guidelines issued by the FIPU on 23 April 2015 and addressed to DNFBPs, insurance and stock companies requires them to ensure that the documents, data, or information obtained pursuant to CDD measures are up-to-date and relevant through reviewing the existing records, particularly with regard to the categories of high-risk customers and business relationships.

Deficiency 9: FIs are not required to implement enhanced due diligence measures for categories of high-risk customers, business relationships, or transactions.

48. Algeria addressed part the deficiency pertaining to this recommendation. Article 29 of Bank of Algeria's Regulation No. 11-08 dated November 28, 2011 on internal control of banks and FIs requires banks and FIs to classify their customers and services according to the level of ML/FT risk, in addition to taking sufficient measures to address such risks. Special attention shall be paid in dealing with cases that pose high risks.

49. In addition, Article 7 of Bank of Algeria's Regulation No. 12-03 dated 28 November 2012 on AML/CFT requires banks, FIs, and the Algerian financial post services to apply enhanced CDD measures on high-risk customers. Such measures include obtaining sufficient information on the customer; obtaining information on the nature of the expected business relationship with the customer; obtaining the necessary information on the sources of the customer's wealth; obtaining senior management's approval to establish or continue the business relationship; and strictly following up on the customer transactions through taking the necessary measures that ensure a supported and ongoing monitoring of the business relationship.

50. The guidelines issued by the FIU, dated 23/04/2015 on CDD measures for DNFBPs and some FIs that are not subject to the authority or supervision of the Central Bank, requires the application of enhanced CDD measures on high-risk customers without mentioning these measures in details.

Deficiency 10: FIs are not required to refrain from opening an account, establishing a business relationship, or conducting transactions and consider submitting an STR when failing to complete CDD measures.

51. Article 5 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 on AML/CFT, stipulated that when subject persons fail to identify and verify their customers and beneficial owners or obtain information on the purpose and nature of the business relationship, they are prohibited from establishing or continuing such relationship. Thus, all persons subject to the monitoring of the Bank of Algeria are prohibited from establishing business relationships or continuing in them, if the subject person fails to implement CDD measures. In addition, they shall immediately notify the account owner, FIPU and the Banking Commission.

52. On the other hand, the guidelines issued by the FIPU, dated 23 April 2015 requires other FIs which are not subject to the supervision of Bank of Algeria, to not open an account, start

a business relationship, or conduct transactions and consider submitting a notice of suspicion when failing to complete CDD measures.

Deficiency 11: FIs are not required to identify and verify the identity of existing customers on basis of materiality and risk, and to take CDD measures with regard to existing business relationships at appropriate times.

53. Algeria addressed a part of the deficiency pertaining to this recommendation through Article 1 of Bank of Algeria's Regulation No. 12-03 dated November 28, 2012. The Article requires FIs to establish internal measures, policies, and procedures for combating ML/FT and apply them to existing customers on basis of materiality and risk. Furthermore, the guidelines issued by the Bank of Algeria on February 8, 2015 included details on the obligations imposed on the FIs subject to Bank of Algeria in this area. FIs were required to establish systems that are sufficient for implementing the provisions of this regulation in accordance with the measures and criteria set by the supervisory and monitoring entities. This includes setting internal measures, policies, and controls for combating ML/FT; applying them to existing and new customers; and notifying accordingly the employees and verifying their implementation.

54. Moreover, the guidelines issued by COSOB No. 160/Diwan/2015 dated May 3, 2015 on CDD measures within the framework of AML/CFT require the institutions subject COSOB regulation to establish systems that are adequate for implementing the provisions of this Regulation in accordance with the controls and criteria set by the supervisory entities. It includes setting internal measures, policies, and controls for combating ML/FT and applying them to the existing customers on basis of materiality and risk.

55. Algeria is yet to require other FIs, such as insurance institutions, to identify and verify the identity of existing customers on basis of materiality and risk and to take CDD measures with regard to existing business relationships at appropriate times.

R10: Rating (PC):

Deficiency 1: The obligation to keep all documents pertaining to the transactions does not include all FIs. Such obligation does not apply to other FIs, like insurance companies, financial brokerage institutions, and others.

Deficiency 2: The obligation to keep all documents pertaining to customer identities does not include all FIs. Such obligation does not apply to other FIs, like insurance companies, financial brokerage institutions, and others.

Deficiency 3: The obligation to provide competent authorities with records does not include all FIs. Such obligation does not apply to other FIs, like insurance companies, financial brokerage institutions, and others.

56. Item 1 and 2 of Article 14 of Law No. 05-01 dated February 6 on AML/CFT require other similar FIs (including insurance and financial brokerage companies) to keep documents on the identities and addresses of the customers, and the documents and records related to the

conducted transactions, after closing the accounts or ending the relationship, including confidential reports, for at least five years after completing the transaction as well as making them available to the competent authorities.

R13 and SR IV: (PC):

Deficiency 1: Inadequate scope of the ML predicate offenses

57. Algerian authorities stated that they have criminalized piracy and illicit trafficking in stolen goods, and other goods. They have sanctioned the individuals who engage in cases of imitation/reproduction whether of trademarks or author rights or the related (neighboring) rights; All such laws were issued in 2003; penal sanctions were approved as well as confiscating funds, subject of the imitation. The Customs law addressed the same topic and the authorities indicated that a law was passed in August 2009 which addresses and criminalizes the electronic imitation/reproduction.

Deficiency 2: The scope of FT crimes does not cover the funds connected with terrorism or terrorist acts, or the funds used by terrorist organizations or terrorist financiers.

58. The scope of FT crimes was extended by virtue of Paragraph 3 of Article 2 of Order No. 02-12 dated February 13, 2012 amending and completing Law No. 01-05 on AML/CFT. The extension included any act committed by any person or terrorist organization by any means, directly or indirectly, unlawfully and willfully, by providing or collecting funds with the intention of using them in person, or by a terrorist party or organization, totally or partially, in order to commit crimes described as acts of terrorism or vandalism as stipulated and penalized in the legislation in force. The crime is considered committed whether the terrorist act was committed or not, and whether such funds were used to commit it or not. Thus, the criminalization in the law would include providing or collecting funds for a terrorist or terrorist organization.

Deficiency 3: Absence of any obligation to report attempts of suspicious transactions

59. The phrase “report all transactions related to funds suspected to be proceeds of a crime or seem to be directed to ML/FT to the specialized body” mentioned in Article 20 of Law No. 01-05 of 2005 amended and completed by Order No. 02-12 of 2012 comes to obligate FIs to report attempts to conduct suspicious transactions. Thus, Algeria addressed the deficiencies pertaining to this recommendation.

Deficiency 4: The legal and regulatory framework to which the FIs are subject in AML/CFT field does not include the Department of Public Treasury at the Ministry of Finance.

60. Algeria addressed this deficiency through Article 4 of Order No. 12 of 2012 amending and concluding Law No. 05-01 of 2005 on AML/CFT, as the definition of FIs includes the Public Treasury of the Ministry of Finance in terms of its activity. The treasury conducts banking operations through opening bank accounts for its employees that are used like any other bank account, in addition to opening accounts for companies contracting public deals.

Deficiency 5: Absence of reports by any FIs other than banks and the Algerian financial post services, which limits the system efficiency

61. Algeria provided statistics pertaining to STRs received by FIPU on one sector only, which is banks. There were no statistical data on reports from other FIs. The Algerian Authorities provided the Secretariat with the required statistics, which have been inserted when addressing R32 later.

Table (1): Shows the Number of STRs and Confidential Reports Received from 2005 till 2015

Year	STR (DS)		Confidential Statement(RC)		
	Banks	Algerian Post	Bank of Algeria	Customs	Total
2005	8	0	0	1	1
2006	30	0	0	5	5
2007	58	4	0	1	1
2008	127	1	0	5	5
2009	303	1	0	23	23
2010	741	0	2553	5	2558
2011	590	986	355	39	394
2012	558	815	4	47	51
2013	582	1828	5	69	74
2014	661	1037	0	52	52
2015	1290	1226	31	128	159
Total	4948	5898	2948	375	3323

Table (2) Shows the Number of STRs Sent by Banks in 2013, 2014, and 2015

No. of STRs	Year
582	2013
661	2014
1290	2015
2533	Total

Table (3) Shows the Number of Confidential Reports Sent by Financial Directorates in 2013, 2014, and 2015

Year	Bank of Algeria	Customs	Total
2013	5	69	74
2014	-	52	52
2015	31	105	136
Total	36	226	262

Deficiency 6: Doubts about the nature of STRs sent to the FIPU by banking institutions***Deficiency 7: Inefficiency of processing STRs by the FIPU***

62. Authorities did not indicate the measures taken to raise the level of awareness on the nature of STRs sent to the FIPU by banking institutions among the reporting entities; which enhances the effectiveness of processing STRs by FIPU.

63. The authorities reported that with respect to STRs sent by the FIPU, they are mainly related to the movement of incoming and outgoing funds, particularly over-invoicing; such information is compared to the info sent by the Customs Office and Taxes Department.

SRII: (PC)***Deficiency 1: Criminalizing FT does not cover financing by a terrorist organization or a terrorist.***

64. Algeria addressed the deficiency pertaining to this recommendation through Article 3 of Law No. 15-06 dated February 15, 2015 amending and concluding Law No. 05-01 dated February 6, 2005 regarding AML/CFT. This Article criminalizes the collection, provision, and management of funds for the purpose of using them, totally or partially, to commit crimes described as acts of terrorism; using them by a terrorist or terrorist organization to commit crimes described as acts of terrorism; or using them by or for the benefit of a terrorist or terrorist organization. The Law also stipulated the definition of a terrorist act to include all crimes described as acts of terrorism by virtue of the Penal Code.

65. Based on the foregoing, the criminalization in law has included collecting or providing funds for a terrorist or a terrorist organization. Thus, Algeria has fully addressed the deficiency pertaining to this recommendation.

Deficiency 2: Limiting the criminalization of FT to acts of terrorism or vandalism

66. Algeria addressed the deficiency pertaining to this issue through Article 87 bis of Law No. 14-01 dated February 4, 2014 amending and concluding Order No. 66-156 dated June 8,

1966 which includes the Penal Code. The criminalization of TF was expanded to include all terrorist acts, and not only acts of terrorism or vandalism. In addition, Article 3 of Law No. 15-06 dated February 15, 2015 stipulated that FT crime shall not be connected to a specific terrorist act and shall be considered a committed crime, whether the terrorist act was committed or not and whether the funds were used to commit it or not.

Deficiency 3: Non-application of the FT crime regardless of the place of the perpetrator or the place in which the terrorist act took place or will take place

67. Algeria addressed the deficiency pertaining to this issue through Article 3 bis (2) of Law No. 15-06 dated February 15, 2015 amending and concluding Law No. 05-01 dated February 6, 2005 regarding AML/CFT. The Article stipulated the competence of Algerian courts to consider FT acts committed in Algeria and even if the terrorist act was committed abroad or the terrorist or terrorist organization was abroad, whether the act was committed by an Algerian or a foreigner or the terrorist or terrorist organization receiving the funds were present in Algeria. Moreover, Algerian courts are responsible for considering FT acts when the terrorist act, directed to FT, is against the interests of Algeria abroad or the victim is Algerian.

Deficiency 4: Inability to assess the effectiveness

68. The Algerian authorities stated that Algerian courts issued a number of verdicts pertaining to ML/FT. Hereinafter statistics of cases considered and settled by judicial authorities over the years from 2005 through 2015 as follows:

Table (4) Shows Statistics on ML/FT Cases at the Ruling Entity Level from 2005 to 2015

Year	Remaining Cases			Registered Cases			The Nature and Number of Accused Persons		Settled Cases			Judicial Rulings	
	M L	F T	ML/FT	M L	FT	ML/FT	Natural	Legal	M L	F T	ML/FT	Total Acquittals	Total Convictions
2005	0	6	0	0	64	5	194	0	0	60	5	108	61
2006	0	10	0	1	14	3	60	0	1	10	3	16	16
2007	0	14	0	1	74	0	274	0	1	74	0	150	85
2008	0	14	0	4	109	2	362	0	3	100	2	178	126
2009	1	28	0	3	141	1	456	0	4	142	1	165	244
2010	0	22	0	11	111	0	370	0	10	117	0	165	169
2011	1	16	0	15	75	7	330	0	16	75	7	90	210

2012	0	16	0	25	80	4	354	3	19	88	4	142	213
2013	6	8	0	16	89	3	425	0	15	86	3	138	231
2014	7	11	0	15	60	4	344	0	18	56	4	135	127
2015	4	15	0	20	56	0	328	11	15	54	0	122	103

69. It turns out that the provided statistics were general and did not specify the conviction reason, whether it was related to ML/FT crime or not.

70. Authorities stated that the issuance of a conviction regarding two (ML/FT) crimes at the same time was the result of a judicial ruling against people accused to support terrorist acts and encourage them (accommodation and transport) as stipulated in article 87 bis 4 of the Penal Code.

E. Review of the Measures Taken in Relation to Key Recommendations

R3: Rating (PC):

Deficiency 1: No evidence on assigning adequate powers to competent authorities to enable them to identify and trace properties

71. Algeria addressed some of the deficiencies pertaining to this recommendation through Article 15 of Order No. 12-02 dated February 13, 2012 amending and concluding Law No. 05-01 dated February 6, 2005 regarding AML/CFT. The Article stipulated the competence of the FIPU in analyzing and using the information received from the competent authorities and subject persons in order to determine the source and destination of funds.

Deficiency 2: Not enabling the cancellation of procedures in FT field

72. The authorities stated that all procedures which include proving or transferring of any right of ownership or other rights have been classified by Article 4 of Law No. 05-01 as funds. Article 18 bis of the same Law requires the President of the Court of Algeria to freeze all funds connected to FT, while the Penal Code requires the penal judiciary to confiscate all the funds.

Deficiency 3: Ineffectiveness of the confiscation of crime proceeds

73. Algeria did not provide any statistics indicating the effectiveness of the legal system of confiscation and freezing.

R23: Rating (NC)

Deficiency 1: Absence of a regulatory authority for any entity regarding the obligations of brokerage and insurance companies in AML/CFT field

74. Algeria addressed the deficiency pertaining to this recommendation through Article 10 bis (2) of Law No. 05-01 of 2005 amended and concluded by Order No. 12-02 of 2012 regarding AML/CFT. This Law stipulates that the monitoring authorities (including the Insurance Commission, and COSOB) shall undertake their supervisory authorities over persons subject to the law (such as brokerage and insurance companies). Such authorities include supervising the extent of compliance of persons subject to the provisions stipulated in this law, including onsite supervision. Article 10 bis of Law No. 05-01 of 2005 amended and concluded by Order No. 12-02 of 2012 regarding AML/CFT required the competent authorities, which have the powers of control, supervision, and/or monitoring of the subject persons, to promulgate regulations in the field of AML/CFT and help subject persons to comply with law requirements.

Deficiency 2: Algerian authorities did not take any real step for licensing and registering providers of money or value transfer services (MVT services)

Deficiency 3: Non-submission of providers of money or value transfer services (MVT services) to the systems of compliance monitoring

75. Algeria addressed the deficiency pertaining to this recommendation through Article 21 of Bank of Algeria's Regulation No. 16-01 dated March 6, 2016 amending and concluding Regulation No. 07-01 dated February 3, 2007 regarding the rules applied to transactions conducted abroad and accounts in hard currency. The Article stipulated that Bank of Algeria may provide the license for exchange offices to conduct exchange and transfer of convertible currency transactions. It also subject the providers of money or value transfer services (MVT services) to the systems of compliance monitoring at Bank of Algeria. The authorities have indicated the opening of several exchange offices in Algeria; which are currently 6 offices.

R26: (PC)

Deficiency 1: Ineffectiveness of the FIPU, especially in relation to the analysis and dissemination of STRs

76. Algeria partially addressed this deficiency. FIPU analyzes and uses information in order to determine the source and destination of funds. This information is received from the competent supervisory authorities such as the Banking Commission and persons subject to obligation of reporting suspicious cases represented in FIs and DNFBPs. In this context, FIPU may request any additional information it deems necessary for performing its tasks. The authorities stated that they sent 1500 reports to the various concerned national authorities; as the information requests addressed to the banks aim at providing additional information on the STRs reported by such authorities. On the other hand, information requests directed to other national bodies aims at obtaining more information (for example, court record, fiscal record, commercial record, real estate and customs information) in order to enable the Investigation Department affiliated to the FIPU to compare the previously obtained information with the received data from the banks.

Deficiency 2: The law did not designate any authority or individual from whom the FIPU may request documents and information except the customs and tax departments

77. Algeria addressed the deficiency pertaining to this issue through Article 15 of Law No. 05-01 amended by virtue of Article 8 of Order No. 12-02 which assures the powers of the FIPU to request any additional information it deems necessary for performing its tasks from the competent authorities (supervisory and monitoring entities) or from persons subject to the reporting obligation of suspicious cases in order to determine the source and destination of funds.

Deficiency 3: Law No. 05-01 did not explicitly grant the FIPU the right to obtain additional information from the entities subject to the reporting obligation

78. Article 15 of Law No. 05-01 amended by virtue of Article 8 of Order No. 12-02 addressed this issue by authorizing the FIPU to analyze and use information received from the competent regulatory authorities such as the Banking Commission and persons subject to obligation of reporting suspicious cases, i.e. FIs and DNFBPs, in order to identify the source and destination of funds. In the framework of each STR and confidential report received, the FIPU may request any additional information it deems necessary for performing its tasks.

Deficiency 4: FIPU is not authorized to provide any informational assistance to any entity whatsoever, except by sending files related to STRs to the regionally competent attorney general whenever the investigated facts can be criminally proceeded.

79. Article 15 bis stipulates that FIPU sends financial information to security and judicial authorities upon detection of ML/TF suspicious transactions. Article 7 bis of Executive Decree No. 13-157 dated April 15, 2013 amending and concluding Executive Decree No. 02-127 dated April 7, 2002 including the establishment, regulation, and activity of FIPU stipulated that FIPU may sign MOUs and exchange information with competent authorities. The authorities reported the presence of 1500 requests for information exchange since 2015 and until drafting this report with the competent entities which include Customs, MOC, Tax Department and Security Department.

Deficiency 5: Non-provision of appropriate training, human resources, and technology to activate the work of FIPU

80. Algerian authorities stated that great importance has been given to training as its budget was increased for 2010, 2011, and 2012 and several training courses were organized for FIPU employees inside and outside Algeria. Moreover, authorities stated that they appointed 6 analysts and supported the department with 2 new employees. Authorities did not provide the number, nature, or topic of training courses taken by FIPU employees.

Deficiency 6: Ambiguity in the legal status of the FIPU, as the abstract concept of a public institution, set out in the definition of the FIPU, does not exist in the Algerian law .

81. Algeria addressed the deficiency pertaining to this issue through Article 4 bis of Order No. 12-02 dated February 13, 2012 amending and concluding Law No. 05-01 regarding

AML/CFT. This Article stipulated that the definition of the FIPU as an independent administrative authority that has a legal personality and financial independence under the Minister of Finance.

Deficiency 7: The FIPU did not publish any periodical reports that include information and statistics related to its work

82. FIPU publishes its annual reports irregularly on its official website. The authorities stated that it published the first report for the period from 2004 to 2009, followed by annual activity reports for the years 2010, 2011, 2012, 2013, 2014 and 2015.

R35: (PC)

Deficiency 1: UN Convention for the Suppression of Financing of Terrorism and Palermo Convention are not fully implemented.

83. Algeria addressed a large number of the deficiencies pertaining to ML crime in conformity with Palermo Convention, in addition to criminalizing FT in conformity with the International Convention for the Suppression of the Financing of Terrorism. It has criminalized the forms of collecting or providing funds with the intention of using them in person or by a terrorist party or organization, totally or partially, in order to commit the crimes described as acts of terrorism or vandalism as provided for and penalized in the legislation in force. Authorities also stated that they implemented many international judicial assistance requests in this regard, as shown in the statistics attached when addressing R38 hereinafter.

R40: Rating: (PC)

Deficiency 1: Non-activation of the international cooperation in the AML/CFT field, especially through the FIPU and supervisory authorities with their foreign counterparts

84. Algeria has taken some steps to raise the compliance level with this recommendation; the FIPU has signed several agreements on international cooperation with several financial units worldwide, and has joined financial groups that allow the exchange of information and cooperation in the supervision area. The authorities stated that they have signed 17 Memorandums of Understanding and Cooperation related to the exchange of information with foreign counterpart units; submitted 45 assistance requests to their counterparts in the period from January 1st, 2011 to September 2013; and received 61 assistance requests during the same period. Moreover, Algeria joined Egmont Group on 3/7/2013.

85. Hereinafter statistics showing international agreements and conventions signed by FIPU with its foreign counterparts:

No.	Country	FIU Name	Signature Date
01	Senegal	National Financial Intelligence Processing Unit	4/12/2007
02	Belgium	Belgian Financial Intelligence Processing Unit	27/4/2010
03	UAE	Anti-Money Laundering and Suspicious Cases Unit (AMLSCU)	19/5/2010
04	Mauritania	Financial Information Analysis Commission (CANIF)	2010
05	Hashemite Kingdom of Jordan	Unit of Anti-Money Laundering and Combating the Financing of Terrorism (AMLU)	5/5/2011
06	Tunisia	Tunisian Financial Analysis Committee (CTAF)	28/11/2011
07	Bahrain	Financial Intelligence Directorate - Kingdom of Bahrain	29/11/2011
08	Sudan	Sudanese Financial Investigation Unit	29/11/2011
09	Yemen	Financial Information Unit	29/11/2011
10	Morocco	Financial Information Processing Unit	30/11/2011
11	Poland	General Inspectorate of Financial Information (GIFI) of the Republic of Poland	26/5/2011
12	France	Unit for Financial Intelligence Processing and the Fight Against Illicit Financial Flows (TRACFIN)	28/3/2012
13	Egypt	Egyptian Money Laundering Combating Unit (EMLCU)	29/4/2012
14	Sultanate of Oman	Financial Investigation Unit - Sultanate of Oman	3/4/2012

15	Lebanon	Special Investigation Commission (SIC)	12/9/2012
16	Kingdom of Saudi Arabia	Saudi Arabia Financial Investigation Unit	4/7/2013
17	Burkina Faso	Financial Intelligence Processing Unit (CENTIF)	5/7/2013
18	Japan	Intelligence Agency of Japan	5/2/2014
19	Chad	National Agency for Financial Investigation (NAFI)	12/3/2015
20	Russian Federation	Federal Financial Monitoring Service (Rosfinmonitoring)	25/6/2015

86. The authorities did not provide evidence on the activation of the international cooperation in the AML/CFT field, especially through other supervisory authorities with their foreign counterparts.

Deficiency 2: Not taking legislative measures to guarantee the controls and safeguards ensuring that the information available within the framework of international cooperation is only used in the manner agreed upon with the foreign authorities which provided such information

87. Article 25 of Order No. 12-02 dated February 13, 2012 amending and concluding Law No. 05-01 dated February 6, 2005 stipulated that the information available in the framework of international cooperation for purposes other than those prescribed by the Law shall not be used. The legislative measures did not specify the controls and safeguards undertaken to ensure the use of the information available within the framework of international cooperation only in the manner agreed upon with the foreign authorities which provided such information.

SRI: Rating (PC):

Deficiency 1: The UN Convention for the Suppression of the Financing of Terrorism is not fully implemented.

88. Algeria addressed the deficiencies pertaining to this issue. The definition of FT crimes has been amended to be consistent with what has been stated in the convention. This was previously mentioned when addressing SRII.

Deficiency 2: UNSCRs 1267 and 1373 on CFT are not implemented.

89. Law No. 15-06 dated February 15, 2015 amending and concluding Law No. 05-01 dated February 6, 2005 regarding AML/CFT sets the legal basis to fully implement and comply with UNSCRs 1267 and 1373 (and the successor resolutions); and take the necessary measures for the obligation of freezing funds by virtue of these two resolutions. Please view SRIII.

SRIII: Rating: (PC)

Deficiency 1: Absence of legal basis and procedures for freezing assets and funds according to UNSCRs 1267 and 1373.

90. Article 18 bis (2) of the Law issued in 2015 stipulated the immediate freezing of the funds of persons, groups, and entities registered in the consolidated United Nations Security Council Sanctions List updated by virtue of SC/RES/1267. Article 18 bis of the Law sets out the mechanism of freezing funds belonging to terrorists and terrorist organizations according to the requirements of UNSCR 1373. The Executive Decree No. 113-15 dated May 12, 2015 on the procedures of seizing and/or freezing funds stipulated in Law No. 05-01 dated February 6, 2015 on AML/CFT and the Decision dated May 31, 2015 on freezing and/or seizing the funds of persons, groups, and entities registered in the consolidated United Nations Security Council Sanctions List to implement UNSCR 1267 and its successor resolutions and UNSCR 1373. The Executive Decree provided for referring the names and entities identified in accordance with UNSCRs 1267 and successor resolutions from the Minister of Foreign Affairs to the Minister of Finance in order to take the procedures on freezing their funds and assets; as well as to identify the related mechanism in accordance with a special resolution issued by the Minister of Finance consistent with the provisions of the laws and the international conventions and agreements in force.

91. The mechanism includes that a list of persons, groups, and entities registered in the consolidated United Nations Security Council Sanctions List shall be sent by the Minister of Foreign Affairs as soon as it is sent to the Minister of Finance who shall immediately issue a decision to seize and/or freeze the funds and proceeds derived from the properties which may be in their possession or subject to persons and entities registered directly or indirectly, or funds subject to their control or the control of persons acting on their behalf or obeying to their orders. The Decision shall be published on the official website of the specialized body (FIPU), and shall be considered a notification to persons subject to the law. Whereas, the requests of the countries regarding freezing and/or seizing the funds mentioned in the implementation of UNSCR 1373 are sent by Ministry of Foreign Affairs to the specialized body which sends them immediately to the Attorney General of the Court of Algeria. The order of seizure and/or freezing issued by the Court of Algeria shall be published on the official website of the specialized body immediately. The Decree requires also the subject persons to ensure that persons and entities included in the consolidated list are not among the customers of subject persons, and apply the procedures of seizing and/or freezing if a name was found and report to the specialized body. The Decree also obligates the subject persons to report to the specialized body if a name was not found among the customers of the subject persons. Moreover, the Executive Decree stipulated the procedures allowing persons and groups to use part of the frozen or seized funds to cover essential expenses. It also stipulated that subject persons shall be penalized in the event of violating the

provisions of this Decree. They shall also be subject to other sanctions stipulated in the legislation and regulation in force.

92. The Decision of the Minister of Finance dated 31 May 2015 included the procedures of freezing and/or seizing the funds of persons and groups registered in the consolidated list of the Security Council. The Decision requires subject persons to ensure that persons and entities registered in the consolidated list annexed to the decision of the Minister of Finance published on the FIPU website are not among the customers of subject persons. If they are among such customers, the seizure shall be imposed. In addition, the FIPU informs the persons on the consolidated list with the available procedures by virtue of UNSCR 1904 regarding the de-listing request. FIPU also mandates the judicial agency of the treasury to ensure the management of frozen funds which require administrative tasks. The second decision of the Minister of Finance dated 31 May 2015 included freezing or seizing funds and properties of persons, groups, and entities mentioned in the consolidated list; in addition to regarding the publication of the decision on the FIPU official website as a notification for the subject persons on the order of freezing and/or seizure.

93. It is noteworthy that the Executive Decree provided for the imposition of sanctions on subject persons in the event of non-compliance with the implementation of the provisions mentioned in the Decree according to other penalties stipulated in the legislations and regulations in force, without prejudice to penal sanctions. The guidelines also indicated a number of sanctions that may be applied in the event of non-compliance with provisions related to the implementation of target financial sanctions connected to terrorism and FT. The guidelines indicated the application of Article 3 bis and Article 3 bis (1) mentioned in the Law No. 15-06 regarding the application of Article 87 bis (4) and Article 18 bis of the Penal Code.

94. The freezing actions referred to in the resolution extend, when implementing UNSCRs 1267 and 1373, to the funds and other assets derived or resulting from other properties directly or indirectly owned or controlled (including funds derived or generated from these funds) by persons whose names are on the lists, in addition to the funds of persons and entities who work by their name or on their behalf. It is noteworthy that Law No. 15-06 dated 15 February 2015 amending and concluding Law No. 05-01 regarding AML/CFT defined freezing and/or seizure in Article 4 as follows: imposing temporary ban on transferring, replacing, moving, or disposing funds; or taking custody of or temporary control on funds by virtue of a court or administrative decision. Publishing the decision of the Minister of Finance on the official website of the specialized body is regarded as a notification for the subject persons of the order on fund freezing and/or seizure of listed persons, groups, and entities.

95. The Law stipulated clear obligations for FIs and DNFBPs to implement freezing decisions issued by virtue of UNSCRs. They are prohibited from allowing direct or indirect disposition of any funds or properties for the persons and entities listed on terrorist lists or local or international lists; or for those acting on their behalf; unless a license or an authorization is provided or unless otherwise notified by virtue of the related UNSCRs, subject to legal liability. The above mentioned institutions shall also refer to the mentioned lists when executing any operation or establishing a new relationship with any person to ensure their name is not on such lists. If a matching or similar name was on the list, the

mentioned entities shall freeze the funds and notify the FIPU immediately of the measures taken in this regard.

96. Article 18 bis (4) of Law No. 15-06 dated 15 February 2015 granted all persons affected by the administrative seizure and/or freezing order and any person of interest the right to raise a grievance, since the guidelines on the targeted financial sanctions related to terrorism and FT issued by FIPU on 2 September 2015 stipulated the procedures for considering delisting requests from the lists issued by UNSC Sanctions Committee. The Article granted the affected persons all the possible means to cancel the freezing or seizure or delete their names from the list by resorting to the relevant legal and regulatory procedures in order to be able to cancel the freezing of funds and other assets at the appropriate time after ensuring that the concerned person or entity does not represent any identified person or entity. In this case, the concerned person or entity files an appeal to the financial or non-financial institutions which has reported and raises the matter to the FIPU to correct and cancel the freezing after making sure that the person or entity was not identified.

97. Executive Decree No. 15-113 dated 12 May 2015 regarding the procedures of fund seizure and/or freezing within the framework of prevention from terrorism financing specified the procedures which allow using frozen funds. Article 7 of this Decree allowed persons, groups, and entities to use part of the frozen or seized funds to cover their essential needs and the needs of their family members by allocating funds to pay burdens, costs, and compensations which are paid for services especially those related to food, clothing and rent, or pay mortgage premiums of family house and medicine and expenses related to treatment, health, taxes, compulsory insurance premiums, gas, electricity, communication expenses, and some unexpected expenses. Moreover, the guidelines issued by the FIPU on 2 September 2015 regarding the targeted financial sanctions on terrorism and terrorism financing stipulated the same meaning by allowing persons and entities designated by the Security Council or any competent committee to access their frozen funds or assets which they deem necessary to cover their basic expenses and pay some of their costs, wages, and salaries, or extraordinary expenses and access other funds and assets. The judicial authority which decided to freeze funds and assets on the national level may allow the owners to access their funds and assets for the same reasons according to Resolution 1373 of 2001.

98. The competent supervisory entities undertake ensuring the compliance of financial and non-financial institutions with the obligations mentioned in the freezing decisions issued by virtue of UNSCRs. If such institutions violate the imposed obligations, the supervisory entities shall notify the committee immediately.

Deficiency 2: Suspicious persons or entities are not designated pursuant to UNSCR 1373.

99. The authorities stated that they addressed the deficiency pertaining to this issue through the guidelines issued by the FIPU regarding the targeted financial sanctions on terrorism and terrorism financing dated 2 September 2015. The authorities regulated the identification of the names of suspicious persons and entities by stipulating the following: With regard to Resolution No. 1371 of 2001, the designations are made by one or more countries on their own initiative or upon the request of another country since Algeria has the guarantee by virtue of its relevant legal principles. The designation request was supported by rational motives or based on reasonable grounds allowing the suspicion or assumption that the person or entity suggested to be selected meets the designation criteria contained in Resolution No. 1373.

Deficiency 3: Absence of a mechanism for de-listing and releasing the funds of persons whose names were listed by mistake.

100. The guidelines on the targeted financial sanctions on terrorism and terrorism financing issued on 2 September 2015 stipulated that persons and entities, which have the same name or a similar name of an assigned person and are affected by the freezing procedure by mistake, have the right to resort to the relevant legal and regulatory procedures in order to be able to cancel the freezing of funds and other assets at appropriate time after ensuring that the concerned person or entity does not represent any designated person or entity. Such procedures include that the concerned person or entity may file an appeal to the subject person that had issued the report and then forward it to FIPU for correction and cancellation of the freezing after ensuring that the concerned person or entity was not designated. The designated person or entity may also object with the aim of review by the eligible authority or judicial council.

101. Paragraph 2 of Article 4 of the Decision dated 31 May 2015 on freezing and/or seizing the funds of persons, groups, and entities in the United Nations Security Council Sanctions Committee consolidated list stipulated the right of each person or entity willing to be de-listed to submit a request to the United Nations Mediator's Office; the FIPU shall be then notified to take the necessary measures.

Deficiency 4: The Security Council lists are not distributed to all FIs, including banks.

102. The last paragraph of Article 2 of the Executive Decree No. 15-113 dated May 12, 2015 regarding the procedures of seizure and/or freezing of funds within the framework of prevention from and fight against terrorism financing stipulated that the publication of the decision of seizure and/or freezing issued by the Minister of Finance on the official website of the specialized body (FIPU) shall be regarded as a notification for all the (subject) financial and non-financial institutions about the order of freezing and/or seizure of funds belonging to listed persons, groups and entities. Moreover, Article 2 of Decision No. 006 dated 24 January 2016 on seizing and/or freezing the funds of persons, groups, and entities on UNSCR consolidated list stipulated the same meaning by considering the freezing decision and the annexed and updated list of the UNSC on the official website of the FIPU as a notification for the persons subject to the order of immediate freezing and/or seizure of funds and properties belonging to listed persons, groups, and entities.

Deficiency 5: Absence of statistics on the implementation of UNSCRs 1267 and 1373

103. Algeria did not provide any statistics showing the implementation of both UNSCRs. The Algerian authorities stated that no statistics are available on the implementation of UNSCRs 1267 and 1373 as the terrorists did not use the banking system.

Deficiency 6: Inability to assess the effectiveness due to non- implementation of UNSCRs 1267 and 1373.

104. It is difficult to assess the effectiveness of the applied system of financial sanctions in Algeria due to the absence of statistical data. The Algerian authorities stated that there are no statistics on the implementation of UNSCRs 1267 and 1373.

SRV: Rating: (PC):

Deficiency 1: Ambiguity with respect to potential conflict in the scope of competences

Deficiency 2: No evidence on providing legal assistance with respect to identifying, freezing, seizing, or confiscating assets intended to be used in FT, as well as the instrumentalities used to commit such crimes

105. Algeria addressed part of the deficiencies pertaining to this issue through Article 30 of Order No. 12-02 dated February 13, 2012 on AML/CFT. The Article stipulated that mutual legal assistance includes searching for, freezing, seizing, confiscating laundered funds or funds directed to ML and their proceeds; funds used or intended to be used for FT purposes and means used in committing such crimes; or funds with equivalent value, without prejudice to the rights of bona fide third parties.

106. Authorities stated in its response that there is no conflict in the competence so long as Algeria provides broad and clear legal assistance in accordance with the international standards and based on Articles 25 and 30 of the Law 05-01. With regard to financial information, Articles 25 and 26 of the same Law require FIPU to provide foreign countries with the required information within the limits of generally accepted international rules.

107. Algeria did not also provide detailed statistics on the requests of mutual legal assistance regarding frozen and confiscated assets intended to be used in FT and the instrumentalities used to commit such crimes.

Deficiency 3: Criminalizing FT is inadequate which may affect the rating.

108. This issue has been previously mentioned by addressing SR II and expanding the definition of FT crime to be consistent with the definition mentioned in the Convention on the Suppression of the Financing of Terrorism of 1999.

Deficiency 4: Absence of adequate laws and procedures for the prompt and effective response to the mutual legal assistance requests submitted by foreign countries pertaining to identifying, freezing, seizing, or confiscating assets used or intended to be used in FT as well as the instrumentalities used to commit such crimes

Deficiency 5: Absence of laws that allow the confiscation of properties of corresponding value in the FT field

109. Algeria addressed the deficiency pertaining to this issue through Article 30 of the Law issued in 2012. This Article provided for expanding the scope of international cooperation to

include investigation requests, international judicial rogatory letters and extradition of the wanted persons as well as requests on searching for, freezing, seizure, confiscating laundered funds or funds directed to ML and their proceeds; funds used or intended to be used for FT purposes and instrumentalities used in committing such crimes; or funds with corresponding value.

Deficiency 6: No consideration has been given to the creation of a fund for confiscated assets where all or a part of confiscated properties are deposited to be used for law enforcement, health care, education, or other adequate purposes.

110. Algeria did not indicate that it has considered the creation of a fund for confiscated assets where all or a part of the confiscated properties are deposited to be used. However, Article 4 of the Executive Decree No. 15–113 dated May 12, 2015 related to the procedures of seizing and/or freezing funds within the framework of preventing and combating FT; and Article 6 of the Decision dated May 31, 2015 related to seizing and/or freezing the funds of persons, groups, and entities on UNSC consolidated list, both provide for mandating the judicial agency of the treasury to ensure the management of frozen and/or seized funds which require administrative tasks. On the other hand, Article 7 of the abovementioned decision stipulated transferring the former funds on the level of postal and bank accounts from the financial authorities, institutions, and the relevant DNFBPs to the central treasurer in order to accurately record them in their books. The same procedure is followed with the frozen/seized funds which are included in the open special fund accounts in the treasury books. Such funds remain deposited in the central treasurer's books until unfreezing the funds and/or lifting the seizure by the Sanction Committee of the United Nations Security Council.

Deficiency 7: No consideration has been given to the licensing in the division of confiscated properties between Algeria and other countries in the event of confiscation being the direct or indirect result of coordinated measures in the law enforcement field.

111. The Authorities did not indicate any procedures followed for licensing the division of confiscated properties between Algeria and other countries in the event of confiscation being the direct or indirect result of coordinated measures in the law enforcement field. Accordingly, Algeria did not address the deficiency pertaining to this issue.

Deficiency 8: Inability to judge the effectiveness of the criminal extradition system due to lack of statistics

112. Authorities stated the absence of statistics on the requests of criminal extradition.

F. Review of the Measures Taken in relation to Other Recommendations Rated PC or NC

R6: Rating: (NC)

113. Algeria addressed the deficiencies pertaining to applying CDD measures when while dealing with PEPs. The PEP is defined, according to the criteria, by Article 4 of Law No. 05–01 of 2005, amended and concluded by Order No. 12–02 of 2012, which defines the PEP as

follows: Every recruited or elected foreigner who holds or used to hold important legislative, executive, administrative, or judicial position in Algeria or abroad. This definition is consistent with the definition set out in the Methodology Glossary. It is worth noting that this definition extends to include local PEPs. All FIs are required to set appropriate risk management systems to specify whether the customer or the beneficial owner is a PEP. Moreover, the FIs are required to obtain the approval of the senior management before they establish or continue in a business relationship, in addition to taking all the appropriate measures to identify the source of his/her wealth and funds and monitoring the business relationship on an ongoing and enhanced basis.

114. Article 7 bis of the order amending the abovementioned law requires the subject persons to set the appropriate risk management system that is capable of determining whether the potential customer or the beneficial owner is a PEP or not. As well as taking the necessary actions to identify the source of the funds and to ensure that the business relationship is subject to ongoing and enhanced monitoring.

115. Article 7 of Bank of Algeria's Regulation No. 12-30 dated November 28, 2012 requires banks, FIs, and the Algerian financial post services, at the discretion of its directorate-general, to obtain enough information on the source of funds and take the measures that ensure an ongoing monitoring of the business relationship before establishing such relation. Such measures shall be taken with every new PEP as defined by the amended and concluded Law No. 05-01 of 2005.

R7: Rating: (NC)

116. Algeria addressed the deficiencies pertaining to this recommendation by obligating the FIs, with respect to banking relationships with external correspondent banks or other relationships, to collect enough information, specify the nature of the business of such institutions, and evaluate the reputation of the correspondent institution and the supervision type to which they are subject, including their submission to investigation or regulatory measures in AML/CFT field. Besides, the controls applied in the correspondent institution shall be evaluated and the approval of senior management shall be obtained before establishing a new correspondent relationship. The responsibilities of each institution in AML/CFT field shall be identified and documented. Moreover, such measures shall be implemented on the relationships that existed at the time of issuing the law. Furthermore, Article 9 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 included a provision obligating banks, FIs, and the Algerian financial post services, when needed, to collect sufficient information on their banking correspondent which allows to identify the nature of their activities and reputation before establishing a correspondent banking relationship with external correspondent banks or other similar relationships. The relationships with foreign banking institutions shall be established according to the discretion of the directorate-general to take the regular CDD measures in addition to the following ones:

- a. That closing their accounts is approved
- b. That they are subject to the supervision of the competent authorities
- c. They cooperate within the framework of a national AML/CFT body

- d. That they apply the preventive measures with the customers using transactional accounts
- e. That they do not establish business relationships with shell banks
- f. That the correspondent account agreements are updated in order to merge the abovementioned stipulated obligations

117. It is also necessary that these measures are applied to cross-border correspondent banking service providers and all the similar relationships. The guidelines issued for all banks, FIs and Algerian financial post services included provisions requiring the institutions to consider the abovementioned requirements when dealing with the correspondents.

R8: Rating: (NC)

118. Algeria addressed part of the deficiencies on requiring FIs to take proper measures to prevent misuse of modern technology in ML/FT field, as well as to require FIs to apply specific measures sufficient to counter the risks of ML/FT in cases of account opening, initiating business relationships, or executing non face to face transactions. Article 11 of the Bank of Algeria's Regulation No. 12-03 dated 28 November 2012 on preventing and combating ML/FT crimes requires banks, FIs and Algerian financial post services to take the proper measures in order to prevent the risk of using modern technologies or the technologies under development related to commercial transactions or products or the distribution mechanisms for ML/FT purposes.

119. Authorities indicated that according to the procedures in force in Algeria, all transactions of brokerage institutions are conducted through banks since carrying out stock market operations require opening an account for bonds at the bank while technology developments are not used in the transactions of insurance sector.

R11: Rating: (PC)

120. Algeria addressed the deficiencies pertaining to this recommendation by expanding the requirements of R11 to include all FIs. Accordingly, all FIs (including insurance, exchange, and brokerage companies) are required to pay special attention when dealing with all unusually complex and large transactions, unusual patterns of transactions, and cases where there is no clear and legitimate economic reason; as well as to examine and research the background of such transactions, confirm their purposes, record them, and make them available to the competent authorities, when needed. Article 10 of Law No. 05-01 of 2005 amended and concluded by Order No. 12-02 of 2012 included paying special attention to complex, unusual, and unjustified transactions; or the transactions that seem to lack an apparent economic or legal purpose; or in the event of transaction amount exceeding the limit set by a regulation. In such cases, the subject institutions shall pay special attention and inquire about the source and destination of funds and the identity of the economic dealers.

121. Article 14 of Law No. 05-01 of 2005 on preventing and combating ML/FT stipulated the obligation of banks, FIs, and other similar FIs to keep the documents related to customer

transactions for a period of at least five years after the execution of the transaction and making it available for the competent authorities.

R12: Rating: (NC)

122. Algeria addressed the deficiency pertaining to this recommendation by enlisting explicit obligations on DNFBPs according to the amended law and the guidelines in order to conduct the CDD measures with the customers of such entities. The guidelines of the CDD measures with regard to customers of companies and DNFBPs which are not subject to the Bank of Algeria authority issued by the FIPU on 23 April 2015 defined DNFBPs as follows: Any natural or legal person who perform activities other than those performed by FIs; in particular independent and organized professions especially: lawyers when they perform financial actions for the account of their customers, notaries, judicial officers, auditors, certified accountants, brokers, customs agents, stock brokers, real estate agents, company service providers, car dealers, gambling and games. This is in addition to dealers of precious metals and stones, antiquities, and artifacts. DNFBPs also include natural or legal persons who, especially within the framework of their profession, provide consultation and/or carry out deposit, exchange, recruitment, transfer transactions, or any other movement of funds. Considering this definition, it is clear that it includes all the specified DNFBPs included in the Methodology except casinos since the Algerian laws prohibit the establishment of casinos.

123. The abovementioned guidelines requires the DNFBPs to apply a number of CDD measures represented in the following: Setting systems for implementing the CDD, identifying customers and the beneficial owners; verifying the identity of customers and beneficial owners using reliable documents, data, or information; understanding the purpose and nature of the business relationship, conducting ongoing monitoring to everything related to such business relationship, and examining the transactions; verifying the legal status of the legal person or legal arrangement; setting internal AML/CFT bases, procedures, and controls; setting procedures for managing compliance; keeping the necessary records and documents of the transactions for at least five years after finishing the transaction; keeping records, data, and copies of identification documents and account files related to the activities for at least five years after closing the account or ending the business relationship; obligating DNFBPs to take special measures and pay special attention when dealing with complex and unusually large transactions and transactions that seem to lack an apparent economic purpose, including examining and establishing in writing the background and purpose of these transactions and making them available to the competent authorities; and setting due diligence measures when dealing with PEPs.

R15: Rating: (PC)

124. Algeria addressed some of the deficiencies pertaining to this recommendation as the legal and regulatory system in Algeria did not cover the requirements of this recommendation which shall be fulfilled by brokerage and insurance institutions similarly to the FIs subject to the supervision of the Bank of Algeria. Article 29 of the Bank of Algeria's Regulation No. 11-08 dated 28 November 2011 on internal control of banks and financial institutions requires all banking and financial institutions to set internal policies, procedures,

systems, and regulations, including setting procedures for managing compliance. Moreover, banking and financial institutions shall set examination procedures sufficient to guarantee the presence of high standards when hiring employees; continuously implement programs for employees to ensure their awareness on AML/CFT requirements; and establish an independent internal audit function to ensure compliance with internal policies, procedures, systems, and controls and guarantee their efficiency and compliance with the provisions of the law.

125. The previous Article expands in clarifying such obligations on the FIs, since it obligates the banking and financial institutions to set regulations, procedures, and means that allow respecting the legal and regulatory provisions within the framework of preventing and combating ML/FT. Such obligations are represented in the following:

- Strictly ensuring the knowledge of the customers and transactions of banking and financial institutions through setting internal criteria that specify:
 - Policy of accepting new customers
 - Procedures for customer identification and verifying submitted documents
 - Classifying the customers with respect to ML/FT risks
 - The nature of measures that shall be taken based on the risks related to different types of customers and balance movement and transactions. Such internal measures shall always be consistent with the performed activities and the special risks that occur in ML/FT field.
- Collecting information about their correspondent banks, and ensuring that such correspondents are subject to the supervision of the competent authorities and that they cooperate within a framework of the national AML/CFT body
- Ensuring the accurate identification of the customer and the beneficiary of the electronic transfers and their addresses, regardless of the used means
- Monitoring the movement of orders or for the benefit of their customers to detect the types of untypical, unusual, or economically unjustified transactions using the appropriate devices; such monitoring shall adapt with the risks they may face, especially with relation to the nature of the customers or the completed transactions
- Possession of warning systems that allow all accounts to detect the transactions and activities which trigger suspicions of ML/FT; therefore and with respect to such transactions, banks and FIs shall inquire about the source and destination of the funds, location of the transaction, and the identity of those who are executing the transaction, in addition to keeping track of the measures taken.
- Legally complying to STRs within the framework of applicable legal and regulatory forms and conditions.

- According to the applicable rules and durations, retaining the documents related to customer identification and verification, documents related to the measures applied with regard to the transactions detected by warning systems or STRs, and lastly all documents related to the transactions registered on the accounts.
- Setting ongoing training program to adequately qualify their employees to be familiar with AML/CFT bodies.

126. As to training, the first Article of Regulation No. 05–05 issued by Bank of Algeria in 2005 which was amended and concluded by Regulation No. 12–03 dated 28 November 2012 requires banks and other FIs which are subject to the Bank of Algeria and the Algerian financial post services to have a written program in order to detect, combat, and prevent ML/FT. This program shall include the necessary procedures, controls, and due diligence methodology with regards to customers identification; in addition to providing appropriate training for its employees and a relational system (correspondent and STR) with the FIPU.

127. The Authorities indicated that within the framework of training courses provided by the operating FIs in Algeria which are subject to the supervision of the Bank of Algeria, during the last three years multiple training courses were offered to train employees and ensure their knowledge with the new developments and the information related to the current general ML/TF methods and trends, in particular CDD measures/ requirements and reporting suspicious transactions.

128. Below we list statistics provided by the Algerian authorities: they reflect the training programs established by the institutions operating in Algeria which are subject to the supervision of the Bank of Algeria; in addition to the workshops, conferences and forums organized by the FIPU:

Table (5) Shows the Number of the Training Programs Established by the Institutions Operating in Algeria which Are Subject to the Supervision of the Bank of Algeria for their Employees

2013		2014		2015	
Number of Courses	Number of Participants	Number of Courses	Number of Participants	Number of Courses	Number of Participants
57	2626	86	3130	58	3775

Table (6) Shows the Supervisory Operations Related to Evaluating the Bylaws of the Institutions Subject to the Bank of Algeria

Year	Number of Tasks	Number of Persons Performing the Tasks	Number of Days	Days/Person
2013	5	5	176	411

2014	16	37	530	2801
2015	17	36	762	2389
Total	38	78	1468	5601

Table (7) Shows the Number of AML/CFT Training Courses Organized by the Bank of Algeria from 2013 to 2015:

Participation of the Bank of Algeria in Training in Algeria	2013	2014	2015
Number of Courses	0	5	1
Number of Participants	0	38	30

Participation of the Bank of Algeria in Training Abroad	2013	2014	2015
Number of Courses	1	2	0
Number of Participants	1	10	0

Table (8) Shows the On-Site Inspection Missions Organized by the Bank of Algeria for the years 2013, 2014 and 2015

Financial Year	Number of Missions Conducted	Total Number of Specified Inspectors	Number of Days	Days/Person
Comprehensive Inspection Mission	5	5	176	411
Foreign Trade	1	2	22	44
ML/FT	1	2	22	44
Total for 2013	7	9	220	499
Comprehensive Inspection	6	6	202	202

Missions				
Foreign Trade	4	19	196	1015
ML/FT	6	12	132	1584
Total for 2014	16	37	530	2801
Comprehensive Inspection Missions	6	6	227	227
Foreign Trade	7	22	447	1458
ML/FT	4	8	88	704
Total for 2015	17	36	762	2389
Total	40	82	1512	5689

Table (9) Lists the Workshops, Training Conferences and Forums Organized by FIPU (2011 – 2015)

On the National Level	On the International Level
Awareness days for the benefit of the banking sector and the Bank of Algeria	Training forum for staff in AML/CFT field organized by the Intergovernmental Group to work on AML in West Africa and Switzerland.
Awareness day for the benefit of the insurance sector	Training forum for staff in AML/CFT field organized by IMF Economic and Financial Center.
Conferences for the benefit of the General Directorate for National Security and the National Armed Forces (National Gendarmerie)	Forum organized by the European Commission / Technical Assistance and Information Exchange instrument of the European Commission (TAIEX) dedicated to the technical analysis of ML attended by an expert from Belgium (as speaker) in participation with the FIPU staff, the Bank of Algeria, and AML/CFT officials at the banks.
Forum organized by the General Directorate for Customs in Wahran about the Constitutive Law for the Approved Trader	Forum organized by the European Commission (TAIEX) dedicated to the STRs attended, as speakers, by experts from Germany, Portugal,

	Spain, and Belgium in participation with the FIPU staff, the Bank of Algeria, AML/CFT officials at the banks, judges, judicial police officers, representatives from Taxes department, customs office, and notaries.
Forum organized by the Directorate General of Forecasting and Policies for the Ministry of Financials about the reporting system.	Meeting organized by the European Commission (TAIEX) dedicated to organizing and operating the institutions responsible for the financial inquiry attended by experts speakers from France and Spain.
Training forum for the financial and accounting system	Training forum organized by Financial Crimes Enforcement Network (FINCEN) - United States of America.
Meeting organized by the Human Resources Directorate on the monitoring approach and detecting corruption risks and other offenses.	Workshop organized by the United States Embassy with the Ministry of Foreign Affairs.
Workshop to launch "SPRING" program to support the political and economic governance in Algeria organized by the European Union.	Forum on ML, financial investigation and inquiry organized by the United States with the Ministry of foreign affairs.
Conference organized by the Higher School of Magistracy on AML crimes.	Forum on the financial analysis organized by the United Nations Office on Drugs and Crime for the benefit of financial investigation bodies.
	Workshop organized by the United Nations Office on Drugs and Crime with Ministry of Foreign Affairs.
	Workshop of the Executive Directorate against terrorism for the United Nations with the Ministry of foreign affairs with regards to freezing assets.
	Workshop on international legal mechanisms for the cooperation in criminal matters in CFT organized by United Nations Office on Drugs and Crime with the Algerian Ministry of Foreign Affairs.
	Workshop organized by the comprehensive meeting for CFT with the Algerian Ministry of Foreign Affairs.
	Workshop organized by the African Center for Studies and Research.

	Workshop organized by the Organization for Security and Co-operation in Europe with the Ministry of Foreign Affairs.
	Participation in the interactive floor for learning through the internet in combating terrorism developed by the combating terrorism body in the United Nations Office on Drugs and Crime in order to allow exchange information and practical advice by an international group of practitioners and tracking information in order to update and deepen the knowledge and the competencies in this field.

R16: Rating: (NC)

129. The amended Law includes the obligation of all DNFBPs to report all transactions related to funds suspected to be proceeds of a crime, or seem to be directed to ML/FT, to the specialized body (FIPU); according to Article 20 of Law No. 05–01 dated February 6, 2005 amended and concluded by Order No. 12–02 of 2012. This Article also includes the real estate agents; real estate brokerage offices; traders of high value commodities such as jewelry, precious stones, gold, and precious metals; and other non-financial institutions specified by the FIPU. This is in addition to lawyers, legal draftsmen, and independent accountants.

130. On the other hand, the FIPU developed the guidelines of CDD measures with regards to DNFBPs and some FIs that are not subject to the Bank of Algeria authority on April 23, 2015 related to the obligations of AML/CFT. Such guidelines included the compliance of such entities with the requirements of AML/CFT including: reporting suspicious transactions; taking the due diligence measures which include verifying the customer and beneficial owner identities; identifying natural persons who own the legal persons or exercise an effective control over them; and setting internal systems and procedures to apply CDD measures and protecting information.

R17: Rating: (NC)

131. Algeria addressed the deficiency pertaining to this recommendation by granting the monitoring entities the authority to impose administrative measures and penalties on subject persons, including brokerage and insurance companies that do not comply with law provisions, and reporting such cases to the FIPU. The Law has also specified a series of procedures and penalties that the monitoring entities may impose on the violating institutions. Article 32 of Order No. 12-02 dated February 13, 2012 amending and concluding the AML/CFT Law No. 05–01 of 2005 stipulated that each person obliged to issue and/or send notice of suspicion who deliberately and knowingly refrains from doing so shall be penalized by paying a fine ranging from 1,000,000 DZD to 10,000,000 DZD without prejudice to more severe sanctions and any other disciplinary sanctions. Moreover, Article 33 stipulated that the managers and employees of FIs subject to notice of suspicion who deliberately notify the owner of the suspicious funds or transactions with the notice or reveal

information on the results to them shall be penalized by paying a fine ranging from 2,000,000 DZD to 20,000,000 without prejudice to more severe sanctions and any other disciplinary sanctions.

132. Furthermore, Article 34 of the same law stipulated that subject managers and employees who deliberately, and on recurrent basis, violate the AML/CFT measures stipulated in Articles 7, 8 and 9 pertaining to CDD, Article 10 pertaining to issuing and keeping a confidential report in the event of performing a transaction under unusual or unjustified complex circumstances or a transaction that seems to lack an apparent economic or legal purpose, and Article 14 pertaining to keeping the records stipulated in the same law shall be penalized by paying a fine ranging from 500,000 DZD to 10,000,000 DZD. In addition, the legal persons stated in the previous Article shall be penalized by paying a fine ranging from 10,000,000 DZD to 50,000,000 DZD without prejudice to more severe sanctions.

R19: Rating: (NC)

133. Algeria addressed the deficiencies pertaining to this recommendation through article (6) of law 01-05 dated 6 February 2005 on AML/CFT which requires for identifying each payment that exceeds a certain amount through payment systems and banking and financial channels. Also, article (3) of the Executive Decree No. 153-15 dated 16 June 2015 which identified the threshold applicable to written payment systems through banking channels and which requires FIs and NFBPs listed in article 4 of the previous law to report any payment that is equivalent or exceeds DZD 1 million and which has to go through the written payment systems.

R21: Rating: (NC)

134. Authorities stated that they have addressed this issue through guidelines of the Bank of Algeria related to the preventative measures that require FIs to take into account the high level of the risks caused by dealing with FIs in countries which do not apply FATF Recommendations. Besides, a model representing the risks resulting from such relationships shall be prepared.

R22: Rating: (NC)

135. Algeria addressed some of the deficiencies pertaining to this recommendation as the brokerage and insurance companies did not cover the recommendation requirements. Article 21 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 pertaining to combating ML/FT obligated banks and FIs to regularly apply the provisions of the Regulation in their branches and the affiliated branches abroad according to limits permitted by the laws and regulations of the host country. When this is impossible, banks and FIs shall refer to the Banking Committee.

R24: Rating: (NC)

136. Algeria addressed the deficiency pertaining to this recommendation through identifying the non-financial institutions addressed by law provisions (lawyers – notaries – dealers of real estate – precious metals, stones, antiquities, and artifacts customs agents – car dealers – gambling and games – services of companies establishment). In order to implement the law requirements, the FIPU issued guidelines with regards to CDD measures with the customers of companies, DNFBPs, and some of the FIs which are not subject to the Bank of Algeria on April 23, 2015. Such guidelines imposed on the abovementioned entities a number of obligations represented in the following: verifying the identity of the customer when establishing a business relationship by obtaining the legal documents of the identity, all the necessary information, and the source of income; verifying the identity of the beneficial owner and taking the appropriate measures to prove their identity; controlling the transactions conducted by the customers and that they are proportionate with the level of risks associated with each type of customer depending on the risk based approach; and keeping the records. On the other hand, authorities shall clarify legal and regulatory measures taken to prevent criminals or their partners from acquiring big or controlling stakes or becoming the beneficial owners of the companies they are controlling. This is in addition to explaining the powers granted to the FIPU with regards to follow up, and whether the FIPU has imposed sanctions on the violating entity subject to its supervision or not.

R25: Rating: (NC)

137. Algeria addressed a significant part of the deficiencies pertaining to this recommendation. The updated guidelines were issued with regards to reporting suspicious transactions; the Bank of Algeria issued the guidelines on February 8, 2015 then on September 2, 2015 and finally on December 23, 2015. The FIPU has also issued guidelines on April 23, 2015 and September 2, 2015, as well as those issued by the COSOB No. 106/Diwan/2015 dated May 30, 2015. The COSOB has circulated and sent such guidelines to all entities. The authorities have also stated that the FIPU provides the feedback and the guidelines which obligate its subject entities to report the cases and inform with the results of report analysis. Moreover, the FIPU has issued guidelines with regards to applying CDD measures providing guidance to DNFBPs. Such guidelines provide a description of some of ML/TF methods and techniques. This is in addition to guidance on the risks that such entities may face. However, the Insurance Supervisory Commission did not issue guiding lines and principles for insurance companies.

R29: Rating: (NC)

138. Article 4 of Order No. 12-02 dated February 13, 2012 amending and concluding Law No. 05-01 dated February 6, 2015 related to AML/CFT defined the monitoring entities as follows: The administrative authorities, the authorities in charge of applying the law, and the authorities in charge of AML/CFT, which are: The Banking Committee of the Bank of Algeria which monitors banks, FIs, and Algerian financial post office that Bank of Algeria licenses and approves through the General Directorate of Inspectorate General of Algeria; COSOB specialized in monitoring the brokers within the stock market; Insurance Supervisory Commission specialized in monitoring the insurance companies and sector; and FIPU specialized in monitoring the DNFBP sector. Moreover, Article 10 bis of Order No. 12-02 dated February 13, 2012 on AML/CFT stipulated that the regulating, supervising,

and/or monitoring authorities of the subject persons have the power to promulgate regulations in AML/CFT field and help the subject persons to respect the duties stipulated in the Law. Article 10 bis (2) of the previously mentioned Order included clarifying the obligations and powers of monitoring entities represented in handling regulation, monitoring and supervising actions related to the compliance of FIs and DNFBPs with the conditions stipulated in the Law, including:

- Providing appropriate programs for the entities subject to the law to detect and prevent ML/FT operations.
- Monitoring the extent of compliance with the duties stipulated by the law through onsite supervision.
- Taking the appropriate disciplinary actions and notifying the specialized body with such actions.
- Cooperating with the competent authorities, exchanging information with them, and helping them with investigations or follow-up/monitoring.
- Ensuring that FIs, their branches, and their affiliated companies abroad apply and approve procedures that are consistent with the law, as permitted by laws and regulations of the host country.
- Reporting, without delay, to the specialized bodies about the information regarding transactions or suspicious events related to ML/FT.
- Keeping statistics on the measures and disciplinary sanctions within the framework of law enforcement.

139. Moreover, Article 10 bis (3) of the previously mentioned Order stipulated applying the regulations adopted by the Council of Money and Credit in AML/CFT field to the banks, FIs, and financial services of the Bank of Algeria which are subject to the supervision of the Banking Commission.

140. In addition to the above, Article 12 of the abovementioned Order included that the Banking Commission shall take a disciplinary action according to the law against the bank or FI where a deficiency is proved in its internal monitoring procedures in AML/CFT field. This Article also stipulates that the Banking Commission may investigate the presence of a report and demand to view it.

R30 - Rating: (NC)

141. Algeria has taken many steps in order to increase the human and financial resources of the entities working in AML/CFT field and take part in specialized AML/CFT training courses. Article 18 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 obligated banks, FIs, and Algerian financial post services to execute an ongoing training program to ensure the full awareness of AML/CFT requirements.

142. Furthermore, the Algerian authorities stated that the supervisory entities held a number of seminars, courses, and awareness conferences on AML/CFT. They also issued awareness publications in this regards. The budget of training for 2010, 2011, and 2012 has been increased, in addition to organizing several training courses inside and outside Algeria for the FIPU members. Moreover, law enforcement authorities were granted resources specialized in

AML/CFT. Specialized training courses organized by FIPU in cooperation with the competent international bodies were also held in AML/CFT field.

R31: Rating: (PC)

143. Article 15 bis (1) of Law No. 15-01 stipulated the requirement of the FIPU cooperation with the competent authorities in order to prepare and adopt strategies and AML/CFT processes. However, the authorities did not indicate applying any special mechanisms to coordinate with the competent authorities and the other sectors (including DNFBPs) which are subject to the law and AML/CFT procedures. The available mechanisms come within the framework of coordination between the competent entities and not the coordination among them.

144. Moreover, Authorities indicated that they have found a way to apply the abovementioned Article 15 bis (1); Article 7 bis of the Decree issued on April 24, 2002 amending and concluding the work of the FIPU stipulated that the FIPU may sign with all the competent authorities memorandums and agreements on exchanging information with respect to ML/TF prevention.

R.32: Rating: (NC)

The Algerian authorities provided a number of statistics related to the number of AML/CFT aspects which show the availability of useful statistical information, especially those related to some monitoring entities. However, there is still a need for regulating the obtainment and provision of sufficient statistical information on a regular basis and in details which help reviewing the effectiveness of AML/CFT system.

145. Algerian authorities provided a number of statistics related to the STRs and confidential reports submitted from different entities as follows:

Table (10) Showing Ex Post-Audit Directorate

Year	Number of Cases	Amount of Fines (DZD)
2014	134	52,005,783,669.25
2015	547	68,518,746,463.00

R33: Rating: (PC)

146. Deficiencies pertaining to this recommendation were addressed. Article 4 of Law No. 05-01 of 2005 amended and concluded by Order No. 12-02 of 2012 on AML/CFT included the definition of the beneficial owner as follows: The natural person or persons who own or have actual control over the customer and/or the person on whose behalf a transaction is being conducted. The definition also includes the persons who exercise full and ultimate control over a legal person.

147. Article 2 of Law No. 04-08 of 2004 related to conditions of practicing commercial activities stipulate the necessity of developing a commercial register held by the National Center for Commercial Register to be numbered and countersigned by the judge who qualifies public officers who shall register each natural or legal person in the local commercial register on the level of National Center branches found in all states of Algeria, according to what Article 10 of Law No. 04-08 stipulated. This is in addition to sending the records to the National Center within a week. Moreover, Article 19 of the amended Order No. 75-59 dated September 26, 1975 which includes the commercial law obligates each legal person which is commercial in form or in subject and located in Algeria or has an office, a branch, or any institution registered in the commercial register.

148. Article 13 of amended Executive Decree No. 97-41 dated January 18, 1997 on designating the regulated activities and professions subject to registration in the commercial register. This article also obligates legal persons to submit a request for registration in the commercial register. Such request mainly comprises the following: (1) two copies of the articles of association including the establishment of the company issued in a notarized contract, (2) copy of the announcement of the articles of association of the company in the official bulletin of legal announcements, (3) birth certificate and transcript of the judicial record not exceeding three months for the managers, administrative directors, and members of the supervisory board and the Board of Directors, and (4) the authorization or license for the regulated activities.

149. With regards to the measures which Algeria has taken to prevent the misuse of bearer shares in ML crimes, the Authorities stated that according to Article 715 bis (37) and Article 572 of the Commercial Law (the Secretariat did not view it) that all shares are nominal and they are not transferable without an official contract signed at the notary. Such contract requires taking CDD measures and reporting any suspicion. Moreover, with regards to identifying the legal persons stipulated in Article 7 of Law No. 05-01 and Article 5 of the Bank of Algeria Regulation of 2012, the guidelines of the Bank of Algeria obligates FIs to control the elements of structuring the ownership of the legal person; in the case of refusing to comply, the banks may refuse to open the account and conduct the transaction. Such pressure exercised by the banks on the legal persons aims to making such persons to voluntarily comply with the Articles of Commercial Law which encourage the companies on prohibiting the issuance of anonymous bearer shares or at least to report to banks and major shareholders in the capital of companies.

R38: Rating: (PC)

150. The amended Law granted the Algerian judicial authorities the power to cooperate with regard to legal assistance, judicial letter rogatories, and extradition of accused and convicted, with Non-Algerian judicial entities in tracking, freezing, or seizing funds subject to AML/CFT crimes or their proceeds. This is in addition to executing the final judicial rulings including the confiscation of proceeds of ML crimes, funds derived from ML crimes, or the instrumentalities used in accordance with the rules and procedures specified by the Algerian laws and regulations in force and the international, regional, bilateral conventions in which Algeria takes part, or the principle of reciprocity. Below are statistics submitted by Algeria with regards to the incoming and outgoing legal assistance requests during the last years:

151. Below are statistics provided by Algeria on the incoming and outgoing legal assistance requests over the past years:

Table (11) Shows the Number of the Incoming and Outgoing Legal Assistance Requests

Year	2013	2014	2015	Total
Number of Incoming Assistance Requests	21	21	23	65
Number of Outgoing Assistance Requests	33	21	19	73

Table (12) Shows Statistics on Outgoing Information Requests from the FIPU during 2013, 2014, and 2015 (Addressed to other Authorities)

Authority	Outgoing Requests in 2013	Outgoing Requests in 2014	Outgoing Requests until 30 November 2015	Total
General Directorate for Taxes	177	223	131	531
National Center for Commercial Register	137	106	31	274
General Directorate for National Security	115	168	144	427
General Directorate for Customs	58	77	193	328
General Directorate for State Properties	18	30	13	61
Bank of Algeria	33	23	48	104
General Directorate for Accounting	0	0	1	2

SRVI: Rating: (NC)

152. Algeria addressed the deficiency pertaining to this recommendation by virtue of Article 21 of the Bank of Algeria Regulation No. 16-01 dated 06/03/2016 amending and concluding Regulation No. 07-01 dated February 3, 2007 related to the rules applied on the transactions abroad and accounts in hard currency. The Article stipulated that the Bank of Algeria may issue license for currency exchange offices to exchange convertible currencies.

SRVII: Rating: (NC)

153. The amended Law obligated the FIs to obtain information on the transfer originator (originator name, account number or unique identification number and address) to be included in the transfer letter or payment form accompanying the wire transfer. Article 16 of Regulation No. 05-05 of 2005 with regards to the electronic transfers and placing funds under disposal indicated that banks and FIs shall be subject to the Bank of Algeria and Algerian financial post services within the framework of the electronic transfers and/or placing funds under disposal in order to accurately identify the customer and the beneficiary (name, address, and account number or unique reference number in case there is no account number) regardless of the means used. Such procedures are taken throughout the transaction; and in case of refusal, the transaction is not conducted.

154. In order to apply the abovementioned, the Bank of Algeria issued guidelines to address electronic transfers which come within the framework of applying the amended and concluded Law No. 05-01 of 2005 on AML/CFT and in order to enhance the control over such transactions by ensuring tracking the transferred money, its origin, and its destination. The memorandum dated December 23, 2015 explained that the misuse of financial sector by criminals and the illegal funds movement by money transfer brokers require setting standards for obtaining electronic money transfer services. Such standards which are requested by FATF aim to ensure the immediate access to the necessary information on the originator and the beneficiary in order to be able to place them under disposal of the Algerian penal or judicial follow up authorities, the FIPU and FIs.

155. With regards to cross-border transfers, the abovementioned guidelines required the operating FIs to mandatorily ensure enclosing information on the originator and the beneficiary with the electronic transfers from and to abroad exceeding USD/Euros 1000, or its equivalent in other currencies. Such information includes the following: originator and beneficiary names, title, and address; transaction account number; national identification number; customer identification number, birth date and place; and beneficiary name, title, and account number. In the event of absence of the account number, it shall be replaced by a reference number to track the transaction based on the same source. With regards to electronic transfers which do not exceed USD/Euros 1000 or its equivalent in other currencies, banks simply obtain the originator and beneficiary names and titles and the account number or unified reference number of the transaction. Information verification is not necessary unless there is suspicion of ML/FT. In such case, FI should verify the information related to their customer.

156. Regarding the national electronic transfers, transactions shall enclose information about the originator unless such information may be placed under the competent authorities' disposal by a request from FIs. All FIs shall keep all information related to the transactions for a period of 5 years for all electronic or cross-border transfers. The Bank of Algeria has also obligated FIs to set policies and preventive procedures that allow them to determine when they may reject or hold transactions and the procedures which shall be taken in case of suspicion. The guidelines have also warned that any breaching from any active FI in Algeria shall be subject to penalties stipulated in the legislation and regulation in force.

SRVIII: Rating: (NC)

157. Algeria addressed most of the deficiencies pertaining to this recommendation by issuing Law No. 12-06 dated January 12, 2012 regarding associations, which revokes Law No. 90-31 dated 4 December, 1990. This Law specifies the resources related to associations and the associations receiving funds from abroad. This is in addition to the obligation of using the resources of the associations in order to achieve their specified targets, penalizing the person who uses such resources in matters other than those specified for, rejecting any gifts and recommendations unless they match the specified objective of the association, and the obligation of registering all resources and incomes of the association in its account of budget revenues.

158. Article 5 of the Bank of Algeria's Regulation No. 12-03 dated November 28, 2012 on AML/CFT obligated all types of non-profit associations and other organizations to verify the identity of the legal person by providing their by-laws and any documents proving their registration or legal certification, in addition to providing an actual address when proving their identity. Such address is verified by providing a relevant official document. However, Algeria still has to increase the level of awareness among the association employees as to not using/misusing the association in FT crimes and setting a mechanism for cooperation among the different competent authorities, in particular in the area of exchange of information.

SRIX: Rating: (NC)

159. Algeria addressed the deficiencies of this recommendation by issuing Law No. 15-18 dated December 30, 2015 which includes the financial law of 2016 published in the Algerian Official Gazette, issue No. 72 of 50th year dated December 31, 2015 and Bank of Algeria Regulation no. 16-02 dated 21 April 2016 which identified the reporting threshold of importing and exporting currencies and/or bearer negotiable instrument by residents and non residents. It was clear from reviewing such provisions that Algeria monitors the cash entrance and exit. Accordingly, entering and exiting the cash from Algeria is subject to specific procedures; declaration and disclosure systems for cross-border transactions was set by virtue of article 3 of the above regulation which provides for requiring resident and nonresident passengers arriving and /or leaving Algeria to declare at the Customs office, when arriving or upon leaving Algeria, their possession in cash and/or any other bearer negotiable tool in convertible foreign currencies independently which they import from or export to if the amount is equal to or exceeds Euros 1000 while keeping a sealed copy of the declaration from the Customs office.

160. The authorities have also stated that the use of prior notice methods was circulated to the travelers about the obligation of declaring the currency and the valuable items by enhancing the training campaigns for airlines and shipping companies; displaying visible banners in ports and airports as well as the Algerian Customs website; and facilitating the currency declaration by making the declaration form downloadable via the customs website.

161. The violation of the abovementioned obligations constitutes a crime penalized by virtue of Article 1 bis of Order No. 10-03 of 2010 amending and concluding Order No. 96-22 of 1996 on the suppression of violating the legislation and regulation related to money exchange and capital movement from/to abroad has provided for penalizing the violating persons by imprisonment from two to seven years and a fine not less than double the value of

funds subject to the crime, in addition to confiscating the subject funds and the means used in the fraud.

162. Regarding the Customs Department, the Authorities indicated that the Department expanded the cooperation with foreign counterparts to include cooperation in ML/FT field. Algerian Customs participated in many events and training courses in order to develop the sector's capabilities.

163. On the cooperation level with the FIPU and Customs Department, authorities indicated that the FIPU received a number of confidential reports from the Customs Department and several training courses have been provided in which the Department employees participated.

Table (13) Shows Statistics from the General Administration of Customs on Violations Related to the Disclosure obligation

Year	Number of Persons	The Amount of Violations	Sanctions (the Fines Imposed)
2014	56	EUR: 24,300,643,82 USD:80,720,296,69 GBP: 12,230,256,99	DZD: 52,005,783,669,25
2015	140	EUR:76,115,804,27 USD: 64,512,740,68 GBP: 2,884,175,00	DZD: 68,518,746,463,00

The 7th Follow-up Report for Algeria
Request to Move from Follow-Up to Biennial Updating

Annexes in French:

- 1) Law No. 05-01 dated February 6, 2005 on AML/CFT.
- 2) Virtue of Order No. 12-02 dated February 13, 2012
- 3) Law No. 15-06 dated February 15, 2015.

LOIS

Loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme.

Le Président de la République,

Vu la Constitution, notamment ses articles 119, 120, 122 (1, 7, 9 et 15), 126 et 132 ;

Vu la Convention de l'Organisation des Nations Unies contre le trafic illicite des stupéfiants et substances psychotropes, adoptée le 20 décembre 1988 et ratifiée par le décret présidentiel n° 95-41 du 26 Chaâbane 1415 correspondant au 28 janvier 1995 ;

Vu la Convention arabe de lutte contre le terrorisme signée au Caire le 25 Dhou El Hidja 1418 correspondant au 22 avril 1998 et ratifiée par le décret présidentiel n° 98-413 du 18 Chaâbane 1419 correspondant au 7 décembre 1998 ;

Vu la Convention de l'Organisation de l'Unité africaine (O.U.A) sur la prévention et la lutte contre le terrorisme adoptée lors de la 35ème session ordinaire tenue à Alger du 12 au 14 juillet 1999 et ratifiée par le décret présidentiel n° 2000-79 du 4 Moharram 1421 correspondant au 9 avril 2000 ;

Vu la Convention internationale pour la répression du financement du terrorisme adoptée par l'assemblée générale de l'Organisation des Nations Unies le 9 décembre 1999, ratifiée par le décret présidentiel n° 2000-445 du 27 Ramadhan 1421 correspondant au 23 décembre 2000 ;

Vu la Convention de l'Organisation des Nations Unies contre la criminalité transnationale organisée, adoptée par l'assemblée générale de l'Organisation des Nations Unies le 15 novembre 2000 et ratifiée par le décret présidentiel n° 02-55 du 22 Dhou El Kaada 1422 correspondant au 5 février 2002 ;

Vu le Protocole additionnel à la convention de l'Organisation des Nations Unies contre la criminalité transnationale organisée visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants, adopté par l'assemblée générale de l'Organisation des Nations Unies le 15 novembre 2000 et ratifié par le décret présidentiel n° 03-417 du 14 Ramadhan 1424 correspondant au 9 novembre 2003 ;

Vu le Protocole contre le trafic illicite de migrants par terre, air et mer, additionnel à la Convention de l'Organisation des Nations Unies contre la criminalité transnationale organisée, adopté par l'assemblée générale de l'Organisation des Nations Unies le 15 novembre 2000 et ratifié par le décret présidentiel n° 03-418 du 14 Ramadhan 1424 correspondant au 9 novembre 2003 ;

Vu l'ordonnance n° 66-155 du 8 juin 1966, modifiée et complétée, portant code de procédure pénale ;

Vu l'ordonnance n° 66-156 du 8 juin 1966, modifiée et complétée, portant code pénal ;

Vu l'ordonnance n° 75-58 du 26 septembre 1975, modifiée et complétée, portant code civil ;

Vu l'ordonnance n° 75-59 du 26 septembre 1975, modifiée et complétée, portant code de commerce ;

Vu la loi n° 79-07 du 21 juillet 1979, modifiée et complétée, portant code des douanes ;

Vu la loi n° 88-27 du 12 juillet 1988 portant organisation du notariat ;

Vu la loi n° 91-03 du 8 janvier 1991 portant organisation de la profession d'huissier ;

Vu la loi n° 91-04 du 8 janvier 1991 portant organisation de la profession d'avocat ;

Vu la loi n° 91-08 du 27 avril 1991 relative à la profession d'expert-comptable, de commissaire aux comptes et de comptable agréé ;

Vu l'ordonnance n° 95-07 du 23 Chaâbane 1415 correspondant au 25 janvier 1995 relative aux assurances ;

Vu l'ordonnance n° 96-02 du 19 Chaâbane 1416 correspondant au 10 janvier 1996 portant organisation de la profession de commissaire-priseur ;

Vu l'ordonnance n° 96-22 du 23 Safar 1417 correspondant au 9 juillet 1996, modifiée et complétée, relative à la répression de l'infraction à la législation et à la réglementation des changes et des mouvements de capitaux de et vers l'étranger ;

Vu la loi n° 2000-03 du 5 Joumada El Oula 1421 correspondant au 5 août 2000 fixant les règles générales relatives à la poste et aux télécommunications ;

Vu la loi n° 02-11 du 20 Chaoual 1423 correspondant au 24 décembre 2002 portant loi de finances pour 2003 ;

Vu l'ordonnance n° 03-11 du 27 Joumada Ethania 1424 correspondant au 26 août 2003 relative à la monnaie et au crédit ;

Après adoption par le Parlement ;

Promulgue la loi dont la teneur suit :

Chapitre I

Des dispositions générales

Article 1er. — Outre les dispositions prévues par le code pénal, la présente loi a pour objet de prévenir et de lutter contre le blanchiment d'argent et le financement du terrorisme.

Art. 2. — Est considéré comme blanchiment d'argent :

a) la conversion ou le transfert de biens dont l'auteur sait qu'ils sont le produit d'un crime, dans le but de dissimuler ou de déguiser l'origine illicite desdits biens ou d'aider toute personne impliquée dans l'infraction principale à la suite de laquelle ces biens sont récupérés à échapper aux conséquences juridiques de ses actes ;

b) la dissimulation ou le déguisement de la nature véritable, de l'origine, de l'emplacement, de la disposition, du mouvement ou de la propriété des biens ou des droits y afférents dont l'auteur sait qu'ils sont le produit d'un crime ;

c) l'acquisition, la détention ou l'utilisation de biens par une personne qui sait, lors de leur réception, que lesdits biens constituent le produit d'un crime ;

d) la participation à l'une des infractions établies conformément au présent article ou à toute autre association, conspiration, tentative ou complicité par fourniture d'une assistance, d'une aide ou de conseils en vue de sa commission.

Art. 3. — Est considéré comme infraction de financement du terrorisme, au sens de la présente loi, tout acte par lequel toute personne, par quelque moyen que ce soit, directement ou indirectement, illicitement et délibérément, fournit ou réunit des fonds dans l'intention de les voir utilisés en tout ou en partie en vue de commettre des infractions qualifiées d'actes terroristes ou subversifs, faits prévus et punis par les articles 87 bis à 87 bis 10 du code pénal.

Art. 4. — Aux termes de la présente loi :

— le terme « **fonds** » s'entend des biens de toute nature, corporels ou incorporels, notamment mobiliers ou immobiliers, acquis par quelque moyen que ce soit, et des documents ou instruments juridiques sous quelque forme que ce soit, y compris sous forme électronique ou numérique, qui attestent un droit de propriété ou un intérêt sur ces biens, y compris les crédits bancaires, les chèques de voyages, les chèques bancaires, les mandats, les actions, les titres, les obligations, les traites et les lettres de crédit.

— le terme « **infraction d'origine** » désigne toute infraction pénale, même commise à l'étranger, ayant permis à ses auteurs de se procurer les biens prévus par la présente loi.

— le terme « **assujetti** » désigne les personnes physiques et morales ayant l'obligation de faire la déclaration de soupçon.

— « **l'organe spécialisé** » désigne la cellule de traitement du renseignement financier prévue par la réglementation en vigueur.

Art. 5. — Les faits d'origine commis à l'étranger ne peuvent donner lieu à des poursuites pénales pour blanchiment d'argent et/ou financement du terrorisme que s'ils ont le caractère d'infraction pénale dans le pays où ils ont été commis et dans la loi algérienne.

Chapitre II

De la prévention du blanchiment d'argent et du financement du terrorisme

Art. 6. — Tout paiement d'un montant supérieur à un seuil fixé par voie réglementaire doit être effectué par les moyens de paiement à travers les circuits bancaires et financiers.

Les modalités d'application du présent article sont précisées par voie réglementaire.

Art. 7. — Les banques, les établissements financiers et les autres institutions financières apparentées doivent s'assurer de l'identité et de l'adresse de leurs clients avant d'ouvrir un compte ou livret, de prendre en garde des titres, valeurs ou bons, d'attribuer un coffre ou d'établir toute autre relation d'affaires.

La vérification de l'identité d'une personne physique se fait par la présentation d'un document officiel original en cours de validité et comportant une photographie ; la vérification de son adresse se fait par la présentation d'un document officiel en établissant la preuve.

Copie en est conservée.

La vérification de l'identité d'une personne morale est effectuée par la présentation de ses statuts et de tout document établissant qu'elle est légalement enregistrée ou agréée et qu'elle a une existence réelle au moment de l'identification.

Copie en est conservée.

Les renseignements cités aux alinéas 2 et 3 doivent être mis à jour annuellement et à chaque modification.

Les mandataires et les employés agissant pour le compte d'autrui doivent présenter, outre les documents prévus ci-dessus, la délégation de pouvoirs ainsi que les documents prouvant l'identité et l'adresse des véritables propriétaires des fonds.

Art. 8. — L'identification des clients occasionnels s'effectue selon les conditions prévues à l'article 7 ci-dessus.

Art. 9. — Dans le cas où il n'est pas certain que le client agit pour son propre compte, les banques, les établissements financiers et les autres institutions financières apparentées se renseignent, par tout moyen de droit, sur l'identité du véritable donneur d'ordre ou de celui pour lequel il agit.

Art. 10. — Lorsqu'une opération est effectuée dans des conditions de complexité inhabituelle ou injustifiée, ou paraît ne pas avoir de justification économique ou d'objet licite, les banques, les établissements financiers ou les autres institutions financières apparentées sont tenus de se renseigner sur l'origine et la destination des fonds ainsi que sur l'objet de l'opération et l'identité des intervenants économiques.

Un rapport confidentiel est établi et conservé sans préjudice de l'application des articles 15 à 22 de la présente loi.

Art. 11. — Les inspecteurs de la Banque d'Algérie mandatés par la commission bancaire et agissant aussi bien dans le cadre des contrôles sur place au sein des banques et des établissements financiers et de leurs filiales et participations que dans le cadre du contrôle des documents, transmettent immédiatement un rapport confidentiel à l'organe spécialisé dès qu'ils décèlent une opération présentant les caractéristiques citées à l'article 10 ci-dessus.

Art. 12. — La commission bancaire ouvre, en ce qui la concerne, une procédure disciplinaire conformément à la loi à l'encontre de la banque ou de l'établissement financier dont la défaillance de ses procédures internes de contrôle en matière de déclaration de soupçon, cité à l'article 20 ci-dessous, a été établie. Elle peut s'enquérir de l'existence du rapport visé à l'article 10 ci-dessus et en demander communication.

La commission bancaire veille à ce que les banques et les établissements financiers disposent de programmes adéquats pour détecter et prévenir le blanchiment d'argent et le financement du terrorisme.

Art. 13. — L'organe spécialisé doit être informé des suites réservées à toutes procédures ouvertes en la matière par la commission bancaire.

Art. 14. — Les banques, les établissements financiers et les autres institutions financières apparentées sont tenus de conserver et de tenir à la disposition des autorités compétentes :

1. les documents relatifs à l'identité et à l'adresse des clients pendant une période de cinq (5) ans au moins après la clôture des comptes ou la cessation de la relation d'affaires ;

2. les documents relatifs aux opérations effectuées par les clients pendant cinq (5) ans au moins après l'exécution de l'opération.

Chapitre III

De la détection

Art. 15. — L'organe spécialisé est chargé d'analyser et de traiter les informations que lui communiquent les autorités habilitées et les déclarations de soupçon auxquelles sont assujettis les personnes et organismes mentionnés à l'article 19 ci-dessous.

Les informations communiquées à l'organe spécialisé sont confidentielles, elles ne peuvent être utilisées à d'autres fins que celles prévues par la présente loi.

Art. 16. — L'organe spécialisé accuse réception de la déclaration de soupçon. Il collecte tous renseignements et indices permettant d'établir l'origine des fonds ou la nature réelle des opérations faisant l'objet de la déclaration et assure la transmission du dossier au procureur de la République compétent conformément à la loi, chaque fois que les faits déclarés sont susceptibles de constituer l'infraction de blanchiment d'argent ou de financement du terrorisme.

Art. 17. — L'organe spécialisé peut s'opposer, à titre conservatoire, pour une durée maximale de 72 heures, à l'exécution de toute opération de banque de toute personne physique ou morale sur laquelle pèsent de fortes présomptions de blanchiment d'argent ou de financement du terrorisme. Mention de cette mesure est portée sur l'accusé de réception de la déclaration de soupçon.

Art. 18. — Les mesures conservatoires prises par l'organe spécialisé ne peuvent être maintenues au delà de 72 heures que sur décision judiciaire.

Le président du tribunal d'Alger peut, sur requête de l'organe spécialisé et après avis du procureur de la République près le tribunal d'Alger, proroger le délai prévu à l'alinéa ci-dessus ou ordonner le séquestre provisoire des fonds, comptes ou titres objet de la déclaration.

Le procureur de la République près le tribunal d'Alger peut présenter une requête aux mêmes fins.

L'ordonnance qui fait droit à la requête est exécutoire sur minute avant notification à la partie concernée par l'opération.

Si l'accusé de réception de la déclaration de soupçon n'est pas assorti des mesures conservatoires prévues ci-dessus ou si aucune décision du président du tribunal d'Alger ou le cas échéant du juge d'instruction saisi, n'est parvenue aux personnes et organismes visés aux articles 19 et 21 de la présente loi, dans le délai maximum de 72 heures, ceux-ci peuvent exécuter l'opération, objet de la déclaration.

Art. 19. — Sont soumis à l'obligation de déclaration de soupçon :

— les banques et établissements financiers, les services financiers d'Algérie poste, les autres institutions financières apparentées, les compagnies d'assurances, les bureaux de change, les mutuelles, les paris et jeux et les casinos ;

— toute personne physique ou morale qui, dans le cadre de sa profession, conseille et/ou réalise des opérations entraînant des dépôts, des échanges, des placements, conversions ou tout autre mouvement de capitaux, notamment les professions libérales réglementées, et plus particulièrement les avocats, les notaires, les commissaires-priseurs, les experts-comptables, les commissaires aux comptes, les courtiers, les commissionnaires en douanes, les agents de change, les intermédiaires en opérations de bourse, les agents immobiliers, les entreprises d'affacturage ainsi que les marchands de pierres et métaux précieux, d'objets d'antiquité et d'œuvres d'art.

Art. 20. — Sans préjudice des dispositions de l'article 32 du code de procédure pénale, les personnes physiques et morales, mentionnées à l'article 19 ci-dessus, sont tenues de déclarer à l'organe spécialisé toute opération lorsqu'elle porte sur des fonds paraissant provenir d'un crime ou d'un délit notamment le crime organisé et le trafic de stupéfiants et de substances psychotropes ou semblent être destinés au financement du terrorisme.

Cette déclaration doit être faite dès qu'il y a soupçon, même s'il a été impossible de surseoir à l'exécution des opérations ou postérieurement à leur réalisation.

Toute déclaration d'informations tendant à renforcer le soupçon ou à l'infirmer doit être faite sans délai à l'organe spécialisé.

La forme, le modèle, le contenu et l'accusé de réception de la déclaration de soupçon sont déterminés par voie réglementaire sur proposition de l'organe spécialisé.

Art. 21. — Les services des impôts et des douanes adressent immédiatement un rapport confidentiel à l'organe spécialisé dès qu'ils découvrent, lors de leurs missions de vérification et de contrôle, l'existence de fonds ou d'opérations paraissant provenir de crimes ou délits notamment de crime organisé ou de trafic de stupéfiants ou de substances psychotropes ou semblent être destinés au financement du terrorisme.

Les modalités d'application du présent article sont précisées par voie réglementaire.

Art. 22. — Le secret professionnel ou le secret bancaire ne sont pas opposables à l'organe spécialisé.

Art. 23. — Aucune poursuite pour violation de secret bancaire ou professionnel ne peut être engagée contre les personnes ou les dirigeants et préposés assujettis à la déclaration de soupçon qui, de bonne foi, ont transmis les informations ou effectué les déclarations prévues par la présente loi.

Art. 24. — Les personnes physiques et morales assujetties à la déclaration de soupçon ayant procédé de bonne foi sont exemptes de toute responsabilité administrative, civile ou pénale.

Cette exemption de responsabilité reste fondée même si les enquêtes n'ont donné lieu à aucune suite ou si les poursuites ont abouti à des décisions de non-lieu, de relaxe ou d'acquiescement.

Chapitre IV

De la coopération internationale

Art. 25. — L'organe spécialisé peut communiquer aux organismes des autres Etats qui exercent des missions similaires les informations qu'il détient sur des opérations qui paraissent avoir pour objet le blanchiment d'argent ou le financement du terrorisme, sous réserve de réciprocité.

Art. 26. — La coopération et l'échange d'informations, visés à l'article 25 ci-dessus, s'effectuent dans le respect des conventions internationales et des dispositions légales internes applicables en matière de protection de la vie privée et de communication de données personnelles sous réserve que les organismes étrangers compétents soient soumis aux mêmes obligations de secret professionnel que l'organe spécialisé.

Art. 27. — Dans le cadre de la lutte contre le blanchiment d'argent et le financement du terrorisme, la Banque d'Algérie et la commission bancaire peuvent transmettre des informations aux organismes chargés de la surveillance des banques et établissements financiers dans d'autres pays, sous réserve de réciprocité et à condition que ces organismes soient soumis au secret professionnel avec les mêmes garanties qu'en Algérie.

Art. 28. — La communication des informations ne peut être accordée si une procédure pénale a déjà été engagée en Algérie sur la base des mêmes faits ou si cette communication est de nature à porter atteinte à la souveraineté et à la sécurité nationales ou à l'ordre public et aux intérêts fondamentaux de l'Algérie.

Art. 29. — La coopération judiciaire est établie entre les juridictions algériennes et les juridictions étrangères lors des enquêtes, poursuites et procédures judiciaires relatives au blanchiment d'argent et au financement du terrorisme, sous réserve de réciprocité et dans le respect des conventions bilatérales et multilatérales applicables en la matière, ratifiées par l'Algérie, et conformément à la législation interne.

Art. 30. — La coopération judiciaire peut porter sur les demandes d'enquête, les commissions rogatoires internationales, l'extradition des personnes recherchées conformément à la loi ainsi que la recherche et la saisie des produits du blanchiment d'argent et ceux destinés au financement du terrorisme aux fins de leur confiscation sans préjudice des droits des tiers de bonne foi.

Chapitre V

Dispositions pénales

Art. 31. — Quiconque effectue ou accepte un paiement en violation des dispositions de l'article 6 ci-dessus est puni d'une amende de 50.000 DA à 500.000 DA.

Art. 32. — Tout assujetti qui s'abstient, sciemment et en connaissance de cause, d'établir et/ou de transmettre la déclaration de soupçon prévue par la présente loi est puni d'une amende de 100.000 DA à 1.000.000 DA sans préjudice de peines plus graves et de toute autre sanction disciplinaire.

Art. 33. — Les dirigeants et les agents des organismes financiers ainsi que les assujettis à la déclaration de soupçon qui auront sciemment porté à la connaissance du propriétaire des fonds ou opérations ayant fait l'objet de déclaration l'existence de cette déclaration ou communiqué des informations sur les suites qui lui sont réservées sont punis d'une amende de 200.000 DA à 2.000.000 DA sans préjudice de peines plus graves et de toute autre sanction disciplinaire.

Art. 34. — Les dirigeants et les préposés des banques, des établissements financiers et des autres institutions financières apparentées qui ont sciemment enfreint de manière répétée les mesures de prévention du blanchiment d'argent et du financement du terrorisme prévues par les articles 7, 8, 9, 10 et 14 de la présente loi sont punis d'une amende de 50.000 DA à 1.000.000 DA.

Les établissements financiers visés dans cet article sont punis d'une amende de 1.000.000 DA à 5.000.000 DA sans préjudice de peines plus graves.

Chapitre VI

Dispositions finales

Art. 35. — Les dispositions des articles 104 à 110 de la loi n° 02-11 du 20 Chaoual 1413 correspondant au 24 décembre 2002 portant loi de finances pour 2003 sont abrogées.

Art. 36. — La présente loi sera publiée au *Journal officiel* de la République algérienne démocratique et populaire.

Fait à Alger, le 27 Dhou El Hidja 1425 correspondant au 6 février 2005.

Abdelaziz BOUTEFLIKA.

Ordonnance n° 12-02 du 20 Rabie El Aouel 1433 correspondant au 13 février 2012 modifiant et complétant la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme.

Le Président de la République,

Vu la Constitution, notamment ses articles 122 et 124 ;

Vu la convention de l'organisation des Nations Unies contre le trafic illicite des stupéfiants et substances psychotropes, adoptée le 20 décembre 1988 et ratifiée par le décret présidentiel n° 95-41 du 26 Chaâbane 1415 correspondant au 28 janvier 1995 ;

Vu la convention arabe de lutte contre le terrorisme signée au Caire le 25 Dhou El Hidja 1418 correspondant au 22 avril 1998 et ratifiée par le décret présidentiel n° 98-413 du 18 Chaâbane 1419 correspondant au 7 décembre 1998 ;

Vu la convention de l'organisation de l'Unité africaine (O.U.A) sur la prévention et la lutte contre le terrorisme adoptée lors de la 35ème session ordinaire tenue à Alger du 12 au 14 juillet 1999 et ratifiée par le décret présidentiel n° 2000-79 du 4 Moharram 1421 correspondant au 9 avril 2000 ;

Vu la convention internationale pour la répression du financement du terrorisme adoptée par l'assemblée générale de l'organisation des Nations Unies le 9 décembre 1999, ratifiée par le décret présidentiel n° 2000-445 du 27 Ramadhan 1421 correspondant au 23 décembre 2000 ;

Vu la convention de l'organisation des Nations Unies contre la criminalité transnationale organisée, adoptée par l'assemblée générale de l'organisation des Nations Unies le 15 novembre 2000 et ratifiée par le décret présidentiel n° 02-55 du 22 Dhou El Kaada 1422 correspondant au 5 février 2002 ;

Vu le protocole additionnel à la convention de l'organisation des Nations Unies contre la criminalité transnationale organisée visant à prévenir, réprimer et punir la traite des personnes, en particulier des femmes et des enfants, adopté par l'assemblée générale de l'organisation des Nations Unies le 15 novembre 2000 et ratifié par le décret présidentiel n° 03-417 du 14 Ramadhan 1424 correspondant au 9 novembre 2003 ;

Vu le protocole contre le trafic illicite de migrants par terre, air et mer, additionnel à la convention de l'organisation des Nations Unies contre la criminalité transnationale organisée, adopté par l'assemblée générale de l'organisation des Nations Unies le 15 novembre 2000 et ratifié par le décret présidentiel n° 03-418 du 14 Ramadhan 1424 correspondant au 9 novembre 2003 ;

Vu l'ordonnance n° 66-155 du 8 juin 1966, modifiée et complétée, portant code de procédure pénale ;

Vu l'ordonnance n° 66-156 du 8 juin 1966, modifiée et complétée, portant code pénal ;

Vu l'ordonnance n° 75-58 du 26 septembre 1975, modifiée et complétée, portant code civil ;

Vu l'ordonnance n° 75-59 du 26 septembre 1975, modifiée et complétée, portant code de commerce ;

Vu la loi n° 79-07 du 21 juillet 1979, modifiée et complétée, portant code des douanes ;

Vu l'ordonnance n° 95-07 du 23 Chaâbane 1415 correspondant au 25 janvier 1995, modifiée et complétée, relative aux assurances ;

Vu la loi n° 2000-03 du 5 Joumada El Oula 1421 correspondant au 5 août 2000, modifiée, fixant les règles générales relatives à la poste et aux télécommunications ;

Vu l'ordonnance n° 03-11 du 27 Joumada Ethania 1424 correspondant au 26 août 2003, modifiée, relative à la monnaie et au crédit ;

Vu la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme ;

Vu la loi n° 06-01 du 21 Moharram 1427 correspondant au 20 février 2006, modifiée et complétée, relative à la prévention et à la lutte contre la corruption ;

Vu la loi n° 06-02 du 21 Moharram 1427 correspondant au 20 février 2006 portant organisation de la profession de notaire ;

Vu la loi n° 06-03 du 21 Moharram 1427 correspondant au 20 février 2006 portant organisation de la profession d'huissier de justice ;

Vu la loi n° 10-01 du 16 Rajab 1431 correspondant au 29 juillet 2010 relative à la profession d'expert-comptable, de commissaire aux comptes et de comptable agréé ;

Le conseil des ministres entendu ;

Promulgue l'ordonnance dont la teneur suit :

Article 1er . — La présente ordonnance a pour objet de modifier et de compléter la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme.

Art. 2. — *Les articles 2, 3 et 4* de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, sont modifiés, complétés et rédigés ainsi qu'il suit :

« Art. 2. — Est considéré comme blanchiment de capitaux :

a) la conversion ou le transfert de capitaux dont l'auteur sait qu'ils sont le produit direct ou indirect d'une infraction, dans le but de dissimuler ou de déguiser l'origine illicite desdits biens ou d'aider toute personne impliquée dans l'infraction principale, à la suite de laquelle ces biens sont récupérés, à échapper aux conséquences juridiques de ses actes ;

b) la dissimulation ou le déguisement de la nature véritable, de l'origine, de l'emplacement, de la disposition, du mouvement ou de la propriété des capitaux ou des droits y afférents dont l'auteur sait qu'ils sont le produit d'une infraction ;

c) l'acquisition, la détention ou l'utilisation de capitaux par une personne qui sait, lors de leur réception, que lesdits biens constituent le produit d'une infraction ;

... (le reste sans changement) ...

« Art. 3. — Au sens de la présente loi, est considéré comme financement du terrorisme et est puni par les peines prévues à l'article 87 bis 4 du code pénal l'acte par lequel toute personne ou organisation terroriste, par quelque moyen que ce soit, directement ou indirectement, illicitement et délibérément, fournit ou réunit des fonds dans l'intention de les utiliser personnellement ou de les voir utilisés, en tout ou en partie, par un terroriste ou une organisation terroriste, en vue de commettre des infractions qualifiées d'actes terroristes ou subversifs, faits prévus et punis par la législation en vigueur.

L'infraction est commise que l'acte terroriste se produise ou non, ou que les fonds aient été ou non utilisés pour commettre cet acte.

Le financement du terrorisme est un acte terroriste ».

« Art. 4. — Aux termes de la présente loi, on entend par :

« **capitaux** » : les fonds et biens de toute nature, corporels ou incorporels, notamment mobiliers ou immobiliers, acquis par quelque moyen que ce soit, directement ou indirectement et les documents ou instruments juridiques sous quelque forme que ce soit, y compris sous forme électronique ou numérique, qui attestent un droit de propriété ou un intérêt sur ces biens, dont notamment les crédits bancaires, les chèques, les chèques de voyage, les mandats, les actions, les titres, les obligations, les traites et les lettres de crédit ;

« **infraction d'origine** » : toute infraction pénale, même commise à l'étranger, ayant permis à ses auteurs de se procurer les biens prévus par la présente loi ;

« **assujettis** » : les institutions financières et les entreprises et professions non financières ayant l'obligation de faire la déclaration de soupçon.

« **institution financière** » : toute personne physique ou morale qui exerce à titre commercial une ou plusieurs des activités ou opérations suivantes au nom ou pour le compte d'un client :

- 1 - réception de fonds et d'autres dépôts remboursables,
- 2 - prêts ou crédits,
- 3 - crédit-bail,
- 4 - transfert d'argent ou de valeurs,
- 5 - émission et gestion de tous moyens de paiement,
- 6 - octroi de garanties et souscription d'engagements,
- 7 - négociation et transaction sur :
 - a) les instruments du marché monétaire,
 - b) le marché des changes,
 - c) les instruments sur devises, taux d'intérêts et indices,
 - d) les valeurs mobilières,
 - e) les marchés à terme de marchandises,

8) la participation à des émissions de valeurs mobilières et prestation de services financiers connexes,

9) la gestion individuelle et collective de patrimoine,

10) la conservation et l'administration de valeurs mobilières, en espèces ou en liquide, pour le compte d'autrui,

11) les autres opérations d'investissement, d'administration ou de gestion de fonds ou d'argent pour le compte d'autrui,

12) la souscription et le placement d'assurance vie et d'autres produits d'investissement en liaison avec une assurance,

13) le change de monnaie et de devises étrangères,

« **entreprises et professions non-financières** » toute personne physique ou morale qui exerce des activités hors celles pratiquées par les institutions financières notamment les professions libérales réglementées et plus particulièrement les avocats lorsque ceux-ci font des transactions à caractère financier au profit de leurs clients, les notaires, les huissiers, les commissaires-priseurs, les experts-comptables, les commissaires aux comptes, les comptables agréés, les courtiers, les commissionnaires en douanes, les intermédiaires en opérations de bourse, les agents immobiliers, les prestataires de services aux sociétés, les concessionnaires d'automobiles, les paris et jeux, les marchands de pierres et métaux précieux, d'objets d'antiquité et d'œuvres d'art, ainsi que les personnes physiques et morales qui, notamment dans le cadre de leur profession, conseillent et/ou réalisent des opérations entraînant des dépôts, des échanges, des placements, conversions ou tout autre mouvement de capitaux,

« **terroriste** » toute personne qui :

— commet ou tente de commettre des actes terroristes par tout moyen, directement ou indirectement, illégalement et délibérément ;

— participe en tant que complice à des actes terroristes ;

— organise des actes terroristes ou donne instruction à d'autres d'en commettre ;

— contribue à la commission d'actes terroristes par un groupe de personnes agissant dans un but commun lorsque cette contribution est intentionnelle et vise à réaliser l'acte terroriste ou qu'elle est apportée en ayant connaissance de l'intention du groupe de commettre un acte terroriste,

« **organisation terroriste** » : tout groupe de terroristes qui :

— commet ou tente de commettre des actes terroristes par tout moyen, directement ou indirectement, illégalement et délibérément ;

— participe en tant que complice à des actes terroristes ;

— organise des actes terroristes ou donne instruction à d'autres d'en commettre ;

— contribue à la commission d'actes terroristes par un groupe de personnes agissant dans un but commun lorsque cette contribution est délibérée et vise à favoriser l'acte terroriste ou qu'elle est apportée en sachant l'intention du groupe de commettre un acte terroriste.

« **personne politiquement exposée** » : tout étranger nommé ou élu, qui exerce ou a exercé en Algérie ou à l'étranger, d'importantes fonctions législatives, exécutives, administratives ou judiciaires »,

« **organe spécialisé** » : désigne la cellule de traitement du renseignement financier prévue par la réglementation en vigueur,

« **autorités compétentes** » : les autorités administratives et les autorités chargées d'appliquer la loi, et celles chargées de lutter contre le blanchiment de capitaux et le financement du terrorisme, y compris les autorités de surveillance,

« **gel et/ou saisie** » : interdiction temporaire du transfert, de la conversion, de la disposition ou du mouvement de biens, ou le fait d'assurer temporairement la garde ou le contrôle de biens sur décision judiciaire,

« **bénéficiaire effectif** » : la ou les personnes physiques qui, *in fine*, possèdent ou exercent un contrôle sur le client et/ou la personne pour laquelle une transaction est effectuée. Il comprend également les personnes qui exercent en dernier ressort un contrôle effectif sur une personne morale ».

Art. 3. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par *les articles 4 bis et 4 bis 1*, rédigés ainsi qu'il suit :

« *Art. 4 bis* . — L'organe spécialisé est une autorité administrative indépendante, jouissant de la personnalité morale et de l'autonomie financière, placé auprès du ministre chargé des finances.

Les missions de l'organe spécialisé, son organisation et son fonctionnement sont fixés par voie réglementaire ».

« *Art. 4 bis 1* . — Les membres de l'organe spécialisé qui n'ont pas prêté serment dans le cadre de l'exercice de leurs missions et les personnels habilités à accéder aux informations confidentielles prêtent serment, avant leur installation, devant la Cour, selon la formule suivante :

" أقسم بالله العلي العظيم أن أقوم بمهامي أحسن قيام وأن أخلص في تأديتها وأكتم سرها وأسلك في كل الظروف سلوكا شريفا ."

Art. 4 . — *L'article 7* de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est modifié, complété et rédigé ainsi qu'il suit :

« *Art. 7* . — Les assujettis doivent s'assurer de l'objet et de la nature de l'activité, de l'identité et des adresses de leurs clients, chacun en ce qui le concerne, avant d'ouvrir un compte ou livret, de prendre en garde des titres, valeurs ou bons, d'attribuer un coffre ou d'établir toutes autres opérations ou relations d'affaires.

... (le reste sans changement) ...

Art. 5. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par un article *7 bis*, rédigé ainsi qu'il suit :

« *Art. 7 bis* . — Les assujettis sont tenus de disposer d'un système adéquat de gestion de risque afin de déterminer si un client potentiel, un client ou le bénéficiaire effectif est une personne politiquement exposée, de prendre toutes mesures permettant d'identifier l'origine des capitaux et d'assurer une surveillance renforcée et permanente de la relation d'affaires ».

Art. 6 — *Les articles 9 et 10* de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, sont modifiés, complétés et rédigés ainsi qu'il suit :

« *Art. 9* — Dans le cas où il n'est pas certain que le client agit pour son propre compte, les assujettis se renseignent, par tout moyen de droit, sur l'identité du bénéficiaire effectif, ou du véritable donneur d'ordres ».

« *Art. 10* . — Lorsqu'une opération est effectuée dans des conditions de complexité inhabituelle ou injustifiée, ou paraît ne pas avoir de justification économique ou d'objet licite ou dans les cas où le montant de l'opération dépasse un seuil fixé par voie réglementaire, les assujettis sont tenus d'y apporter une attention particulière, de se renseigner sur l'origine et la destination des capitaux ainsi que sur l'objet de l'opération et l'identité des intervenants économiques.

... (le reste sans changement) ...

Art. 7. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par *les articles 10 bis, 10 bis 1, 10 bis 2, 10 bis 3 et 10 bis 4* rédigés ainsi qu'il suit :

« *Art. 10 bis* . — Les autorités ayant le pouvoir de régulation, de contrôle et/ou de surveillance dont relèvent les assujettis sont chargées de réglementer en matière de prévention et de lutte contre le blanchiment de capitaux et le financement du terrorisme et d'aider les assujettis à respecter les obligations énoncées dans la présente loi.

Les conditions et modalités d'application du présent article sont fixées par voie réglementaire ».

« *Art. 10 bis 1* . — Les assujettis doivent, dans le cadre de la prévention contre le blanchiment de capitaux et le financement du terrorisme, élaborer et mettre en œuvre des programmes assurant le contrôle interne et la formation continue de leurs personnels.

Les modalités d'application du présent article sont fixées par voie réglementaire ».

« *Art. 10 bis 2* . — Dans le cadre de la prévention et de la lutte contre le blanchiment de capitaux et le financement du terrorisme, les autorités prévues à l'article *10 bis* ci-dessus :

a) veillent à ce que les assujettis disposent de programmes adéquats pour détecter et prévenir les opérations de blanchiment de capitaux et de financement du terrorisme ;

b) surveillent le respect, par les assujettis, des obligations prévues par la présente loi, y compris par des contrôles sur place ;

c) prennent toute mesure disciplinaire adéquate et la communiquent à l'organe spécialisé ;

d) coopèrent et échangent des informations avec les autorités compétentes et apportent leur aide aux enquêtes ou poursuites ;

e) veillent à ce que les institutions financières, leurs succursales et filiales à l'étranger adoptent et fassent appliquer des mesures conformes à la présente loi, dans la mesure où les lois et règlements du pays hôte le permettent ;

f) communiquent sans retard à l'organe spécialisé toute information relative à des opérations ou faits suspects qui pourraient être liés au blanchiment de capitaux ou au financement du terrorisme ;

g) tiennent des statistiques concernant les mesures adoptées et les sanctions disciplinaires infligées dans le contexte de l'application de la présente loi ».

« Art. 10 bis 3. — Les règlements pris par le conseil de la monnaie et du crédit en matière de prévention et de lutte contre le blanchiment de capitaux et le financement du terrorisme s'appliquent aux banques, aux établissements financiers et aux services financiers d'Algérie poste, lesquels sont soumis au contrôle de la commission bancaire ».

« Art. 10 bis 4. — Les assujettis sont tenus à l'obligation de vigilance tout au long de la relation d'affaire et contrôlent avec précision les opérations accomplies afin de s'assurer de leur conformité avec les informations qu'ils détiennent sur leurs clients ».

Art. 8. — Les articles 11, 12, 14 et 15 de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, sont modifiés, complétés et rédigés ainsi qu'il suit :

« Art. 11. — Les inspecteurs de la Banque d'Algérie mandatés par la commission bancaire, et agissant aussi bien dans le cadre des contrôles sur place au sein des banques et des établissements financiers et de leurs filiales et participations ainsi qu'au sein des services financiers d'Algérie poste que dans le cadre du contrôle des documents, transmettent immédiatement un rapport confidentiel à l'organe spécialisé dès qu'ils décèlent une opération présentant les caractéristiques citées à l'article 10 ci-dessus.

« Art. 12. — La commission bancaire ouvre, en ce qui la concerne, une procédure disciplinaire, conformément à la loi à l'encontre de la banque ou de l'établissement financier dont la défaillance de ses procédures internes de contrôle en matière de prévention et de lutte contre le blanchiment de capitaux et le financement du terrorisme a été établie. Elle peut s'enquérir de l'existence du rapport visé à l'article 10 ci-dessus et en demander communication.

S'agissant des services financiers d'Algérie poste, rapport en est fait à la tutelle ».

« Art. 14. — Les assujettis sont tenus de conserver et de tenir à la disposition des autorités compétentes :

... (le reste sans changement) ...

« Art. 15. — L'organe spécialisé analyse et exploite les informations qui lui parviennent des autorités compétentes et des assujettis afin de déterminer l'origine des capitaux et leur destination.

En outre, il peut demander, dans le cadre de toute déclaration de soupçon ou de tout rapport confidentiel reçus, aux autorités compétentes ou aux assujettis, toute information complémentaire qu'il juge nécessaire à l'exercice de ses missions.

... (le reste sans changement) ...

Art. 9. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par les articles 15 bis, 15 bis 1 et 18 bis rédigés ainsi qu'il suit :

« Art 15 bis. — L'organe spécialisé communique les renseignements financiers aux autorités sécuritaires et judiciaires lorsqu'il y a des motifs de suspecter des opérations de blanchiment de capitaux ou de financement du terrorisme ».

« Art. 15 bis 1. — L'organe spécialisé et les autorités compétentes coopèrent et coordonnent leurs actions pour l'élaboration et l'exécution des stratégies et des actions de prévention et de lutte contre le blanchiment de capitaux et le financement du terrorisme.

Les modalités d'application du présent article sont fixées, le cas échéant, par voie réglementaire ».

« Art. 18 bis. — Le président du tribunal d'Alger peut ordonner le gel et/ou la saisie, pour une durée d'un mois renouvelable, de tout ou partie des capitaux ainsi que leur produit, appartenant ou destinés à des terroristes ou à une organisation terroriste, sur demande de l'organe spécialisé, du procureur de la République près le tribunal d'Alger ou des instances internationales habilitées ».

Cette ordonnance est susceptible de contestation devant la même instance, dans les deux (2) jours de sa notification.

Elle est exécutée conformément aux dispositions de l'alinéa 4 de l'article 18 ci-dessus ».

Art. 10. — Les articles 19, 20, 21, 25, 30, 31, 32, 33 et 34 de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, sont modifiés, complétés et rédigés ainsi qu'il suit :

« Art. 19. — Les assujettis sont soumis à l'obligation de déclaration de soupçon, conformément aux dispositions fixées par l'article 20 ci-dessous ».

« Art. 20. — Sans préjudice des dispositions de l'article 32 du code de procédure pénale, les assujettis sont tenus de déclarer, à l'organe spécialisé, toute opération lorsqu'elle porte sur des capitaux paraissant provenir d'une infraction ou semblent destinés au blanchiment de capitaux et/ou au financement du terrorisme.

... (le reste sans changement) ...

« Art. 21. — L'inspection générale des finances, les services des impôts, des douanes et des domaines, le trésor public et la Banque d'Algérie adressent immédiatement un rapport confidentiel à l'organe spécialisé dès qu'ils découvrent, lors de leurs missions de vérification et de contrôle, l'existence de capitaux ou d'opérations paraissant provenir d'une infraction ou semblant destinés au blanchiment de capitaux et /ou au financement du terrorisme.

Les modalités d'application du présent article sont fixées par voie réglementaire ».

« Art. 25. — L'organe spécialisé peut communiquer aux organismes des autres Etats qui exercent des missions similaires les informations qu'il détient sur des opérations qui paraissent avoir pour objet le blanchiment de capitaux ou le financement du terrorisme, sous réserve de réciprocité et de ne pas les utiliser à d'autres fins que celles prévues par la présente loi.

Il peut, en outre, obtenir des informations des assujettis et des autorités compétentes après avoir reçu des demandes émanant des institutions des autres Etats exerçant des missions similaires ».

« Art. 30. — La coopération judiciaire peut porter sur des demandes d'enquête, des commissions rogatoires internationales, l'extradition de personnes recherchées conformément à la loi ainsi que la recherche, le gel, la saisie et la confiscation des capitaux blanchis ou destinés à être blanchis et de leurs produits de même que des capitaux utilisés ou devant être utilisés à des fins de financement du terrorisme, ainsi que des instruments de telles infractions ou d'actifs d'une valeur équivalente sans préjudice des droits des tiers de bonne foi ».

« Art. 31. — Quiconque effectue ou accepte un paiement en violation des dispositions de l'article 6 ci-dessus est puni d'une amende de 500.000 DA à 5.000.000 DA ».

« Art. 32. — Tout assujetti qui s'abstient, sciemment et en connaissance de cause, d'établir et/ou de transmettre la déclaration de soupçon prévue par la présente loi est puni d'une amende de 1.000.000 DA à 10.000.000 DA sans préjudice de peines plus graves et de toute autre sanction disciplinaire ».

« Art. 33. — Les dirigeants et les agents des institutions financières et les assujettis qui auront sciemment porté à la connaissance du propriétaire des capitaux ou opérations ayant fait l'objet de déclaration de soupçon l'existence de cette déclaration ou communiqué des informations sur les suites qui lui sont réservées sont punis d'une amende de 2.000.000 DA à 20.000.000 DA sans préjudice de peines plus graves et de toute autre sanction disciplinaire ».

« Art. 34. — Les dirigeants et les agents des institutions financières et des entreprises et professions non financières qui ont sciemment enfreint de manière répétée les mesures de prévention du blanchiment de capitaux et du financement du terrorisme prévues par les articles 7, 8, 9, 10, 10 bis, 10 bis 1, 10 bis 2 et 14 de la présente loi sont punis d'une amende de 500.000 DA à 10.000.000 DA.

Les personnes morales prévues au présent article sont punies d'une amende de 10.000.000 DA à 50.000.000 DA, sans préjudice de peines plus graves ».

Art. 11. — La présente ordonnance sera publiée au *Journal officiel* de la République algérienne démocratique et populaire.

Fait à Alger, le 20 Rabie El Aouel 1433 correspondant au 13 février 2012.

Abdelaziz BOUTEFLIKA.

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**Ordonnance n° 12-03 du 20 Rabie El Aouel 1433
correspondant au 13 février 2012 portant loi de
finances complémentaire pour 2012.**

Le Président de la République,

Vu la Constitution, notamment ses articles 122 et 124 ;

Vu la loi n° 84-17 du 7 juillet 1984, modifiée et complétée, relative aux lois de finances ;

Vu la loi n° 11-16 du 3 Safar 1433 correspondant au 28 décembre 2011 portant loi de finances pour 2012 ;

Le Conseil des ministres entendu ;

Promulgue l'ordonnance dont la teneur suit :

DISPOSITIONS PRELIMINAIRES

Article 1er. — La loi n° 11-16 du 3 Safar 1433 correspondant au 28 décembre 2011 portant loi de finances pour 2012 est modifiée et complétée par les dispositions ci-après qui constituent la loi de finances complémentaire pour 2012.

LOIS

Loi n° 15-06 du 25 Rabie Ethani 1436 correspondant au 15 février 2015 modifiant et complétant la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme.

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Le Président de la République,

Vu la Constitution, notamment les articles 28, 119, 120, 122 (7, 9 et 15), 125 (2), 126 et 132 ;

Vu le Pacte international relatif aux droits économiques, sociaux et culturels ainsi que le Pacte international relatif aux droits civils et politiques et au protocole facultatif se rapportant au Pacte international relatif aux droits civils et politiques ratifiés par le décret présidentiel n° 89-67 du 16 mai 1989 ;

Vu l'ordonnance n° 66-155 du 8 juin 1966, modifiée et complétée, portant code de procédure pénale ;

Vu l'ordonnance n° 66-156 du 8 juin 1966, modifiée et complétée, portant code pénal ;

Vu le décret législatif n° 93-10 du 23 mai 1993, modifié et complété, relatif à la bourse des valeurs mobilières ;

Vu la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, modifiée et complétée, relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme ;

Vu la loi n° 08-09 du 18 Safar 1429 correspondant au 25 février 2008 portant code de procédure civile et administrative ;

Vu la loi n° 13-07 du 24 Dhou El Hidja 1434 correspondant au 29 octobre 2013 portant organisation de la profession d'avocat ;

Après avis du Conseil d'Etat ;

Après adoption par le Parlement ;

Promulgue la loi dont la teneur suit :

Article 1er. — La présente loi a pour objet de modifier et de compléter certaines dispositions de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, modifiée et complétée, relative à la prévention et à la lutte contre le blanchiment d'argent et le financement du terrorisme.

Art. 2. — L'article 3 de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est modifié, complété et rédigé ainsi qu'il suit :

« Art. 3. — Commet l'infraction de financement du terrorisme et est puni des peines prévues à l'article 87 bis 4 du code pénal, quiconque, par quelque moyen que ce soit, directement ou indirectement, de manière licite ou illicite, fournit, réunit ou gère, délibérément, des fonds dans l'intention de les utiliser personnellement, en tout ou en partie, en vue de commettre ou tenter de commettre des infractions qualifiées d'actes terroristes, ou en sachant qu'ils seront utilisés :

1- par un terroriste ou une organisation terroriste en vue de commettre ou tenter de commettre des infractions qualifiées d'actes terroristes ;

2- par ou dans l'intérêt d'un terroriste ou une organisation terroriste.

L'infraction est établie indépendamment de l'existence d'un lien entre le financement et un acte terroriste précis.

L'infraction est commise, que l'acte terroriste se produise ou non, ou que les fonds aient été ou non utilisés pour commettre cet acte.

Le financement du terrorisme est un acte terroriste ».

Art. 3. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par les articles 3 bis, 3 bis 1, et 3 bis 2 rédigés ainsi qu'il suit :

« Art. 3. bis — Est punie des peines prévues à l'article 87 bis 4 du code pénal, toute participation, association, conspiration, tentative, incitation ou complicité par fourniture d'une assistance, d'une aide ou de conseils, en vue de commettre les actes cités à l'article 3 susvisé ».

« Art. 3. bis 1 — Sans préjudice des autres peines prévues par la loi, la personne morale qui commet l'infraction de financement du terrorisme visée à l'article 3 ci-dessus, est punie des peines prévues à l'article 18 bis du code pénal ».

« Art. 3. bis 2. — Les tribunaux algériens sont compétents pour connaître des faits de financement du terrorisme :

— commis en Algérie même si l'acte terroriste a été commis à l'étranger ou que le terroriste ou l'organisation terroriste se trouve à l'étranger ;

— commis à l'étranger par un algérien ou un étranger, lorsque l'acte terroriste auquel le financement est destiné est commis en Algérie ou lorsque le terroriste ou l'organisation terroriste auxquels les fonds sont destinés se trouvent en Algérie ;

— lorsque l'acte terroriste auquel est destiné le financement est commis contre les intérêts de l'Algérie à l'étranger ou que la victime de l'acte est de nationalité algérienne ».

Art. 4. — Les dispositions de l'article 4 de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005 susvisée, sont modifiées, complétées et rédigées ainsi qu'il suit :

« Art. 4. — Aux termes de la présente loi, on entend par :

— « **Entreprises et professions non-financières** » :

..... (sans changement)

— « **Acte terroriste** » :

Les infractions qualifiées d'actes terroristes conformément à l'article 87 bis et suivants de la section IV bis du chapitre I du titre I du livre troisième de la deuxième partie du code pénal et conformément à la législation en vigueur ainsi que les conventions internationales y relatives, ratifiées par l'Algérie.

..... (sans changement)

— « **Gel et/ou saisie** » : interdiction temporaire du transfert, de la conversion, de la disposition ou du mouvement de biens, ou le fait d'assurer temporairement la garde ou le contrôle de biens sur décision judiciaire ou administrative.

— « **Le tribunal d'Alger** » : le tribunal de Sidi M'hamed ».

Art. 5. — Les dispositions de L'article 10 bis 3 de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, sont modifiées, complétées et rédigées ainsi qu'il suit :

« Art. 10. bis 3. — Les règlements pris par le conseil de la monnaie et du crédit ainsi que les lignes directrices de la banque d'Algérie en matière de prévention et de lutte contre le blanchiment de capitaux et le financement du terrorisme s'appliquent aux banques, aux établissements financiers et aux services financiers d'Algérie poste et aux bureaux de change lesquels sont soumis au contrôle de la commission bancaire ».

Art. 6. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par l'article 10 bis 5 rédigé ainsi qu'il suit :

« Art. 10. bis 5. — Les assujettis autres que ceux désignés à l'article 10 bis 3 ci-dessus et notamment les entreprises et professions non-financières et les assurances, sont soumis aux lignes directrices de l'organe spécialisé ».

Art. 7. — L'article 18 bis de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est modifié, complété et rédigé ainsi qu'il suit :

« Art. 18. bis — Le procureur de la République près le tribunal d'Alger reçoit les demandes émanant de l'organe spécialisé, de la police judiciaire ou des autorités compétentes ainsi que celles communiquées par les Etats dans le cadre de la coopération internationale tendant au gel et/ou saisie des fonds et leur produit liés aux infractions prévues par la présente loi, appartenant ou destinés à un terroriste ou à une organisation terroriste.

Le procureur de la République transmet la demande, accompagnée de ses réquisitions, au président du tribunal d'Alger.

Lorsque la demande de gel et/ou saisie est étayée par des motifs suffisants ou des éléments raisonnables faisant apparaître que le concerné par la mesure est un terroriste, une organisation terroriste ou une personne qui finance le terrorisme, le président du tribunal ordonne, immédiatement, le gel et/ou la saisie des fonds et biens objet de la demande, sous réserve des droits des tiers de bonne foi.

Le gel et/ou la saisie comprend aussi les fonds provenant de biens leur appartenant ou contrôlés, directement ou indirectement, par eux ou par des personnes agissant pour leur compte ou sur leurs instructions.

Cette ordonnance est susceptible de contestation devant la même instance dans les deux (2) jours de sa notification.

Elle est exécutée conformément aux dispositions de l'alinéa 4 de l'article 18 ci-dessus.

La mesure de gel et/ou de saisie prise en vertu de l'alinéa 3 du présent article produit ses effets jusqu'à ce que la juridiction pénale saisie de la procédure ordonne sa levée ou son maintien conformément aux dispositions prévues par le code de procédure pénale ».

Art. 8. — La loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complétée par les *articles 18 bis 1, 18 bis 2, 18 bis 3 et 18 bis 4* rédigés ainsi qu'il suit :

« *Art. 18. bis 1.* — Le président du tribunal d'Alger peut autoriser la personne ayant fait l'objet de la décision de gel et/ou de saisie, et après avis du procureur de la République, à utiliser une partie de ces fonds en vue de couvrir ses besoins essentiels, ceux de sa famille ainsi que des personnes à sa charge ».

« *Art. 18. bis 2.* — Sous réserve des droits des tiers de bonne foi, sont gelés et/ou saisis immédiatement, les fonds des personnes, groupes et entités inscrits sur la liste récapitulative du comité de sanctions du Conseil de sécurité créé par la résolution 1267 (1999).

Le gel et/ou la saisie comprend aussi les fonds provenant de biens leur appartenant ou contrôlés, directement ou indirectement, par eux ou par des personnes agissant pour leur compte ou sur leurs instructions.

La décision de gel et/ou de saisie est prise par arrêté du ministre chargé des finances.

Le ministre chargé des finances, lorsqu'il décide le gel et/ou la saisie, désigne l'autorité chargée de la gestion des fonds gelés et/ou saisis et peut autoriser la personne ayant fait l'objet de la décision de gel et/ou de saisie, à utiliser une partie de ses fonds en vue de couvrir ses besoins essentiels, ceux de sa famille ainsi que des personnes à sa charge.

Les modalités d'application du présent article sont fixées par voie réglementaire ».

« *Art. 18. bis 3.* — Le gel et/ou la saisie des fonds pris en application de l'article 18 bis 2, suscité, est levé dès radiation de la personne, du groupe ou de l'entité de la liste visée à l'article 18 bis 2 susvisé ».

« *Art. 18. bis 4.* — Toute personne concernée par la décision administrative de gel et/ou de saisie ainsi que toute personne ayant intérêt peut introduire un recours auprès du ministre chargé des finances dans un délai de dix (10) jours à compter de la date de notification qui lui en a été faite ou de sa connaissance de la décision de gel et/ou de saisie.

Le silence gardé par l'autorité saisie du recours pendant un (1) mois vaut décision de rejet pouvant faire l'objet d'un recours devant la juridiction administrative compétente.

En aucun cas, ledit recours ne peut être fondé sur des motifs se rattachant à l'inscription sur la liste unifiée établie par le comité des sanctions visé à l'article 18 bis 2 ci-dessus ».

Art. 9. — L'*article 20* de la loi n° 05-01 du 27 Dhou El Hidja 1425 correspondant au 6 février 2005, susvisée, est complété et rédigé ainsi qu'il suit :

« *Art. 20.* — Sans préjudice des dispositions de l'article 32 du code de procédure pénale, les assujettis sont tenus de déclarer à l'organe spécialisé, toute opération lorsqu'elle porte sur des capitaux paraissant provenir d'une infraction ou semblent destinés au blanchiment de capitaux et/ou au financement du terrorisme.

Cette déclaration doit être faite dès qu'il y a soupçon, même s'il a été impossible de surseoir à l'exécution des opérations ou postérieurement à leur réalisation.

Les assujettis sont tenus d'informer l'organe spécialisé de toute tentative d'opérations suspectes.

(..... le reste sans changement.....) ».

Art. 10. — La présente loi sera publiée au *Journal officiel* de la République algérienne démocratique et populaire.

Faite à Alger, le 25 Rabie Ethani 1436 correspondant au 15 février 2015.

Abdelaziz BOUTEFLIKA.