



Strasbourg, 22 November 2017

C198-COP(2017)PROG1-MD-ANALYSIS

CONFERENCE OF THE PARTIES

Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS No. 198)

FOLLOW UP REPORT OF THE CONFERENCE OF THE PARTIES TO CETS NO°198 ON REPUBLIC OF MOLDOVA¹

Memorandum prepared
by the Secretariat

¹Adopted by the Conference of the Parties to CETS 198 at its 9th meeting (Strasbourg, 21 – 22 November 2017)

Introduction

1. Article 48 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism (CETS no. 198) establishes a Conference of the Parties with the mandate to, inter alia; monitor the proper implementation of the Convention.
2. The Conference of the Parties adopted the assessment report on the Republic of Moldova at its sixth meeting (Strasbourg, 29 September – 1 October 2014). In application of the Conference of the Parties' rules of procedure, the report and subsequent comments made by Moldova to the report were made public within four weeks of adoption.
3. At its fourth meeting, held in Strasbourg in June 2012, the Conference of the Parties decided to include in its Rules of Procedure a follow-up mechanism (Rule 19, paragraphs 30-36), based on a questionnaire completed by the assessed party, assisted by a rapporteur country and a draft analysis prepared by the Secretariat of the Conference of the Parties. As a result of this process, the Republic of Moldova submitted an update of its progress in meeting the recommendations and/or other issues identified in the adopted report, based on a reporting template prepared by the Secretariat. This report was received on 29 September 2017. The scope of the review if focused on the implementation of the recommendations formulated by the Conference of the Parties in the assessment report of Moldova.
4. Montenegro was appointed as Rapporteur Country, being responsible for reviewing the replies to the questionnaire and for raising any questions to assist the Conference of the Parties in assessing whether the information supplied is sufficient to demonstrate satisfactory progress by the Party assessed.
5. The Conference of the Parties was satisfied with the information provided in the follow-up report and progress made by Moldova in meeting certain CoP recommendations. Pursuant to Rule No. 19 (39f), the Conference of the Parties adopted the replies to the questionnaire and the analysis prepared by the Secretariat.

Review of implementation of selected articles of CETS no. 198 by Republic of Moldova and progress made since October 2014

6. The following review of Moldova's implementation of the CETS no. 198 has been prepared by the Secretariat pursuant to Rule 19 (par. 33) of the Rules of Procedure, based on the information and statistics provided by the Party, the additional information and clarifications received from the Moldovan authorities and a review of other relevant evaluation reports of Moldova.
7. This report analyses the progress made by the Republic of Moldova to meet the deficiencies and to implement the recommendations and/or issues identified for follow-up by the Conference of the Parties. When assessing progress made, effectiveness was taken into account to the extent possible in a paper based desk review, on the basis of the information and statistics provided by the Party. The report also sets out an appraisal of the level of progress in meeting the recommendations and/or issues identified in the adopted report, in order to assist the Conference of the Parties in its analysis and decision-making process.
8. The sections below set out the main findings on issues pertaining to the implementation of selected provision of CETS no. 198. They reflect the detailed article by article findings covering provisions of the Convention and recommendations for improvement made in the assessment report.

'Chapter III - Measures to be taken at national level'

A. Confiscation measures – article 3

9. The Conference of the Parties, in its assessment report, addressed 4 recommendations to Moldova regarding the implementation of Article 3 of the Convention

It was recommended that the authorities make efforts to provide for a general applicable definition of "goods" in the General Part of the CC or clarify this issue through appropriate tools, in order to ensure a uniform jurisprudence on this matter.

10. Moldova reported the introduction of a new article 132(1) in the CC, which defines the notion of "goods" (*'Goods, within the meaning of art. 106 (which refers to the confiscation of property), 243 (regarding the money laundering offence) and 279 (regarding the financing of terrorism offence), include financial means, any category of values (assets), whether corporeal or incorporeal, movable or immovable, tangible or intangible and acts or other legal instruments in any form, including electronic or digital, evidencing title or interest in such values (assets)'*).

11. The Conference of the Parties therefore concludes that this recommendation has been implemented.

To take measures to extend the possibility to confiscate instrumentalities used and those intended to be used to commit a criminal offence also to those which do not belong to the perpetrator and are legally obtained.

12. The Moldovan authorities indicated that the amendments to the CC adopted in 2016 clarified how to apply the confiscation regime when the goods were transferred (onerously and free of charge) to a bona fide third party. The amendments ensure that the confiscation will be applied regardless

whether the goods belong to the perpetrator or a third party - the new paragraph (3) was introduced in order to clarify how to apply the confiscation regime when the good were transferred (onerously and free of charge) to a bona fide third party - *If the goods mentioned at paragraph (2) letter a) and letter b) belong or were onerously transferred to a person who did not know or shouldn't have known about the purpose of using or the origin of the goods, their corresponding value is confiscated. If the goods mentioned in this paragraph were transferred free of charge to a person who did not know or shouldn't have known about the purpose of using or the origin of the goods, the goods are confiscated.*

13. In order to clarify that confiscation of property the value of which corresponds to all proceeds and laundered property is possible, the second sentence from the paragraph (1) of the article 106 of the CC sets the obligation to confiscate the corresponding value of any goods liable to confiscation, if the latter do not exist anymore, cannot be found or cannot be recovered.

14. It can therefore be concluded that Moldova implemented this recommendation.

To review Article 106 of the CC and take measures, as appropriate, to clarify that confiscation of property the value of which corresponds to all proceeds and laundered property is possible.

15. The same amendments to the CC crystallised the possibility of confiscation of proceeds and of property that has been laundered, or their corresponding value if these goods do not exist anymore, cannot be found or cannot be recovered (article 106(1) of the CC now reads: *'Special confiscation is the forced and free transfer to the state property of the goods specified in par. (2). If these goods do not exist anymore, cannot be found or cannot be recovered, their corresponding value is confiscated'*).

16. Paragraph 2 of article 106 CC lists goods subject to special confiscation, including such goods related to money laundering (*'The following goods (including foreign exchange values) shall be subject to special confiscation: a) used or intended to be used to commit an offence; b) resulted from offences, as well as any incomes from these goods; c)² provided to determine the commission of an offence or to pay the perpetrator; e) possessed contrary to legal provisions; f) converted or transformed, partially or integrally, from goods resulting from offences and from revenues accrued from such goods; g) which constitute the object of money laundering or financing terrorism offences'*).

17. Reading paragraph 2 in conjunction with the aforementioned paragraph 1, it can be concluded that the amendment to the law follows up on this recommendation.

To consider improving the quality and scope of statistics (so as to enable it to assess the actual effectiveness of confiscation measures in ML, TF and all predicate offences) and to ensure that the provisions on confiscation and provision measures are properly and effectively applied.

18. Statistical data provided cover i) number of persons convicted for ML, TF and for the predicate offences, ii) number of convicted persons where special confiscation was applied, including the total value of confiscated assets in 2014, 2015, 2016 and the first six months of 2017.

19. Comparing both - the total number of convictions and the number of convicted persons with the application of special confiscation, the ratio appears low. For example, where 1936 persons were

² The authorities noted that paragraph 2(d) was deliberately missing since the amended Article 106 now covers the former paragraph 2(d) under 2(b).

convicted for theft, robbery or burglary in 2015, only one confiscation order was rendered. In 2016, out of 606 convicted persons for illegal trafficking in narcotics, confiscation orders against five persons were delivered by the courts. In the first seven months of 2017, 947 persons were convicted for theft, robbery or burglary; however no confiscation order was handed down so far.

20. The rapporteurs had raised concerns about the relatively small amounts confiscated annually. Comparing the numbers as provided for the follow-up report, it appears that no significant increase has taken place.
21. The Conference of the Parties notes that the lack of information regarding the total number of convictions in ML, TF and all predicate offences points out that the quality and scope of statistics remains dissatisfactory. Moreover, the statistics do not give evidence of a cogent improvement. Therefore, it is concluded that the elements provided are not sufficient to demonstrate the implementation of this recommendation.

B. Management of frozen or seized property – Article 6

22. The Conference of the Parties made three recommendations to the Moldovan authorities on the issue of the management of the frozen and seized property enshrined in Article 6 CETS no. 198.

To carry out stock taking exercise of the current measures in place and take further legislative and institutional measures to address the issues mentioned above, so as to ensure an adequate implementation of Article 6 of the Convention.

23. The Moldovan authorities did not provide any example of such stock taking exercise carried out to face the challenges that management of frozen or seized property poses in practice. It therefore remains unclear whether the existing structure in charge with the evidence, evaluation and sale of seized assets would be able to overcome the serious risks and challenges.
24. Moreover, the management of these assets is clarified as being in the Ministry of Finance or a newly established Agency for Criminal Assets Recovery within the National Anticorruption Centre, which is established by Law 48 of 30.03.2017 and entered into force on 19.05.2017. At the time of the drafting of this report, the technical mechanism was still subject to further development and approval by the Moldovan government. The Law creates both the institutional and the legal facets of the management of frozen and seized property.
25. It must be noted that the Agency might still lack experience to implement strategic planning and development policies to anticipate risks and to maintain the value of seized assets subject to confiscation, whereas the authorities have not made notice of stock taking exercises of the measures in place.

26. Therefore, it can be concluded that this recommendation has been partially implemented.

To revisit procedures in place and to ensure that a clear procedure for managing seized (and frozen) property is set out, in line with the requirements of Article 6.

27. Moldova reported on 2016 amendments to the CPC which introduced: i) the regime of seizure; ii) new article 207(1); and iii) new chapter concerning “the criminal assets recovery” (art. 229(1) – 229(7)). This new chapter sets out the procedures of performing the parallel financial

investigation and managing the proceeds of crime. The new provisions foresee the management of assets to be performed by the Ministry of Finance or by the newly created Agency for Criminal Assets Recovery within the National Anticorruption Centre. The latter was established by the Law 48 of which entered into force on 19.05.2017. The law is expected to further strengthen institutional capacities to recover criminal assets, in particular those deriving from corruption and money laundering crimes – this goal is expected to be achieved by establishing the Agency and creating the necessary legal framework for criminal investigation, evidence gathering through parallel financial investigations, inter-institutional and international cooperation, as well as the management, evaluation, administration and return of criminal assets. The Agency is expected to become fully operational once the Government finalizes technical issues on its establishment and capacity building.

28. Based on the information submitted in the follow up report, the recommendation appears to be implemented.

To consider developing its data and statistics maintained regarding the “chain” of identified proceeds of crime, instrumentalities and other categories of assets which may be confiscated, starting from identification during criminal investigation phase, seizures, and confiscation ordered by courts and last the effective valorization of confiscated assets.

29. According to the Moldovan authorities, the Agency for the Recovery of Criminal Goods ensures the maintenance of data and statistics regarding the managing of seized and confiscated assets, including through the creation of a specialized database for this purpose. Statistics are not yet available due to the recent establishment of the Agency. Therefore, it can be concluded that this recommendation has been fully implemented.

C. Investigative powers and techniques – Article 7

30. There are two recommendations concerning investigative powers and techniques required at the national level.

To take additional measures in order to fully implement the relevant aspects under Article 7 of the Convention, and in particular to:

- a. Ensure that monitoring of accounts is permissible in respect of all the relevant criminal offences in accordance with the Convention’s provisions.*
- b. Review the legal framework so as to clearly prohibit any disclosures by banks to customers or third persons that information has been sought or obtains at pre-investigative stage.*

31. The information provided by the Moldovan authorities does not refer to additional measures taken to ensure the permissibility of monitoring of accounts. Only the offence of “travelling abroad in terrorist scope” was introduced as a new offence in the CC in 2017 and in the list which allows for accessing financial information. Moreover, the report does not make notice of uplifting the commercial secrecy for non-banking institutions, nor of a harmonization of the procedures for the FIU to request and receive information.

32. Moldova indicated the adoption of the draft Law on preventing and combating money laundering and financing of terrorism which has so far been adopted by the Government but is not yet approved by the Parliament, which includes a non-disclosure provision for obliged entities or any relevant data providers with regard to informing natural and legal person about the transmission

of their data to the Office for Prevention and Fight against Money Laundering or the Agency for the Recovery of Criminal Goods. This includes the situation in which an analysis is, or may be, carried out.

33. The Conference of the Parties thus concludes that these recommendations have not been implemented.

To consider any further practical measures to expedite the processes through which law enforcement authorities may determine whether a natural or legal person is a holder or beneficial owner of accounts in Moldova.

34. The authorities provided the outline of the draft AML/CFT law, which includes that the “State Registration Chamber” should receive, maintain and request information concerning holders or beneficial owners of accounts. This data must be available upon request to the Office for Prevention and Combating of Money Laundering. This Office has, *inter alia*, the duty to promptly notify the competent law enforcement bodies in case of reasonable suspicions of money laundering offences, as well as rules to improve financial transparency.

35. However, besides these new measures, no further practical measures to expedite the determination processes have been given.

36. The Conference of the Parties notes that, based on information submitted in the follow up report, it cannot be assessed whether these recommendations have been fully implemented.

D. Laundering offences – Article 9

37. The Conference of the Parties has made two recommendations in the light of Article 9 of the Convention.

To issue guidance for the judiciary in respect of money laundering cases to familiarize in particular investigators, prosecutors with the mandatory requirements of article 9 paragraphs 5 and 6 of the Convention so that they can challenge the courts with such cases.

To continue strengthening the understanding of practitioners on the mandatory provisions of the Convention under article 9 through on-going multidisciplinary training of judges and prosecutors on these aspects.

38. Moldova informed the Conference of the Parties about the recently launched joint EU/CoE project “Controlling Corruption through Law Enforcement and Prevention” (CLEP). Long term actions of this project include consolidating the operational capacities of the judiciary and strengthening the understanding of the practitioners, by ongoing multidisciplinary training of judges and prosecutors.

39. None of the information submitted in the follow-up report addresses the measures already implemented concerning the recommendations on article 9.

40. Accordingly, it can be concluded that this recommendation has not been implemented.

E. Corporate liability – Article 10

41. The Conference of the Parties, in its assessment report, addressed two recommendations in respect of article 10 on corporate liability.

To take further measures, as appropriate, to facilitate the understanding of the scope of liability of legal persons at domestic level, by clarifying, in a consistent manner, who is the natural person who has a leading position within the legal person, with a view of establishing the liability of legal person, in order to cover all the hypothesis described by article 10(1) of the Convention.

42. The authorities report on the amendments of the CC and CPC to establish the liability of a legal person (art. 21(31) CC). The new paragraph defines who is the natural person who has a leading position within the legal person with a view of establishing the liability of legal person, if it has, at least, one of the following functions: i) a power of representation of the legal entity; ii) an authority to take decisions on behalf of the legal entity; iii) an authority to exercise control within the legal entity. Therefore it can be concluded that the law now includes a threefold of situations in which a leading position of a natural person in a legal person can be assumed, in accordance with Article 10, paragraph 1 of the Convention. However, the report does not make notice of liability of a natural person *as accessory or instigator in the three positions prescribed*. Nonetheless, it can be concluded that this recommendation has been implemented to a large extent.

To take additional steps to facilitate the use of corporate liability mechanisms by judicial authorities (guidance documents, instructions, etc.) in money laundering cases, in the various circumstances envisaged by Article 10 of the Convention (including in case of lack of supervision).

43. Moldova has provided statistics regarding the total number of convictions (first row) and the total number of legal persons (second row) convicted. However, the report has not provided any information on steps taken to facilitate the use of corporate liability mechanisms by judicial authorities through different tools and mechanisms (guidance papers, instructions, awareness on jurisprudence developed in this field, etc.).

44. Based on the information as provided by the authorities, the conclusion is that this recommendation has not been implemented.

‘Chapter IV - International co-operation’

Section 2 - Investigative assistance

A. Requests for information on bank accounts – Article 17

45. As Moldova had not made any declaration in respect of Article 17 and the manner in which it intended to apply this article upon signature or ratification of the Convention, the Conference of the Parties made one recommendation.

The Moldovan legal framework and procedures in place for implementing Article 17(1) of the Convention would need to be further expanded and clarified in order to ensure that they can be fully implemented. Further clarifications and clear procedures should be available to give certainty to other Parties in respect of firstly, which Moldovan authority they should address to identify whether a financial institution in Moldova holds accounts of a natural or legal person under investigation and based on which procedure, and secondly then the aspects related to MLA requests and related conditions for executing a request for banking information and documentation.

46. Moldova indicated it was finalizing an EU Twinning project of which one of the objectives is the development of the international cooperation.
47. Besides, the General Prosecutor of Moldova issued an order to establish the clear understandable guidance for prosecutors in the field of financial investigations.
48. However, the authorities did not make notice of the expansion of the legal framework and procedures for implementing Article 17(1). Therefore, the Conference of the Parties concludes that this recommendation has not been implemented.

Section 4 – Confiscation

A. Obligation to confiscate – Article 23

49. The Conference of the Parties made one recommendation concerning Article 23, Obligation to confiscate.

To ensure that specific measures are in place in accordance with Article 23 paragraph 5 of the Convention and that it can co-operate to the widest extent possible under domestic law with Parties that seek assistance in the execution of measures equivalent to confiscation leading to the deprivation of property which are not criminal sanctions, within the meaning of the Convention's provisions.

50. The Moldovan authorities report on the creation of the Agency for Criminal Assets Recovery within the National Anticorruption Centre, which is responsible for international cooperation and assistance in the field of the identification and seizure of property according to the request of the foreign counterpart. However, it does not make specific notice of specific measures to ensure the integration of article 23 into the legal framework.
51. Therefore it can be concluded that this recommendation has not been implemented.

B. Confiscated property – Article 25

52. One recommendation was made in the assessment report.

Moldova should ensure that its domestic law or administrative procedures enable it to give special consideration to concluding agreements or arrangements on asset sharing with other Parties.

53. Concerning the sending and receiving of information with other Parties in the field of recovery of criminal assets, Moldova noted such competence was foreseen for the Agency for the Recovery of Criminal Goods, on the basis of reciprocity principles or cooperation agreements.

54. This Agency also communicates with the foreign competent authorities on the value of the criminal assets repatriated, on the basis of reciprocity or in accordance with the provisions of international agreements.

55. However, no information is provided regarding the possibility to give special consideration to concluding agreements or arrangements on asset sharing with other Parties.

56. Therefore it is concluded that this recommendation is not fully implemented.

Section 5 – Refusal and postponement of co-operation

A. Grounds for refusal – Article 28

57. The Conference of the Parties in its assessment report noted that Article 28 was not yet to a sufficient degree integrated into the national legislation. Therefore it made one recommendation.

To consider developing a general reference material or practical guidelines which cover the practical aspects of mutual legal assistance which can be provided to State Parties to CETS no. 198, with commentaries of relevant legal provisions and how these may be applied in the context of the grounds for refusal of requests. This would enable to clarify whether the two provisions set out above may impact on requests made on the basis of the Convention.

58. Moldova reports not to have made progress on this issue. Therefore, it is concluded that this recommendation has not been implemented.

Section 7 – Procedural and other general rules

A. Direct communication – Article 34

59. One recommendation was made regarding the possibility for direct communication prior to formal request, based on Article 34.

To consider using the option set out in Article 34(2) enabling urgent requests to be sent directly by the judicial authorities of the requesting Party to the authorities of the requested Party, with a copy to central authorities.

60. Moldova reiterated that the Agency for the Recovery of Criminal goods can send, receive and exchange information and documents, either ex officio or upon request. However, it is not mentioned whether the procedures includes sending a copy to central authorities.

61. It can be concluded that this recommendation has been partially implemented.

‘Chapter V – Co-operation between FIUs’

A. Co-operation between FIUs – Article 46

62. The Conference of the Parties made two recommendations on this topic.

To consider further implementing steps to reflect the requirements of paragraphs 6 and 12 of Article 46 in the AML/CFT Law and implementing regulations.

63. The authorities have provided information regarding the refusal to provide information or the provision of feedback to counterpart FIUs in its draft AML/CFT Law. However, this law has not yet been adopted, therefore the following analysis took into account the text of the law as it currently stands. Nonetheless, its final analysis will be done once it enters into force. Therefore the text below only intends to underline whether current draft has any shortcomings in relation to this particular provision of the Convention. .
64. Article 17 of the draft AML/CFT will, *inter alia*, gives a possibility to the Moldovan FIU to refuse the request for information received from the foreign FIU “*if it is not done in accordance with the provisions of the law, or if the applicant applies standards in the field of AML/CFT that are lower than those provided by this law*”. Moreover, “*at the international level, FIU can perform, on its own or upon request, the submission, receiving or exchanging information and documents with similar Offices in other jurisdictions, irrespective of their status on the principle of reciprocity or on the basis of cooperation agreements, provided the similar requirements of confidentiality under this law*”.
65. Based on the articles of the draft law, it appears as if Article 46 paragraphs 6 and 12 will be well transposed into national law.
66. Therefore, it could only be concluded that this recommendation has not been implemented at the moment this analysis was prepared. However important steps had been undertaken by the authorities – i.e. the draft AML/CFT law properly reflects these requirements of the Convention meaning that the recommendation will be fully implemented once the draft AML/CFT Law enters into force.

Moldova should also consider introducing any further practical measures to expedite the processes through which law enforcement authorities may determine whether a natural or legal person is a holder or beneficial owner of accounts in Moldova.

67. This recommendation appears to belong under Article 7 on Investigative powers and techniques. For an analysis and further elaboration on this recommendation, see paragraphs 34-36 of this report.

B. International co-operation for postponement of suspicious transactions – Article 47

68. The Conference of the Parties made one recommendation relating to put in place measures which enable the authorities to suspend or withhold consent to a transaction in cases of possible money laundering or terrorist financing related transactions, upon request from a foreign FIU.

To consider introducing in the AML/CFT Law the already existing measures related to the postponement of suspicious transaction.

69. The authorities report the introduction of a new provision in the draft AML/CFT Law which enables the Office for Prevention and Combating of Money Laundering to issue decisions to stop the executing by the reporting financial entities of the suspicious activities or transactions (art. 20(2)): ‘*The Office ... shall issue decisions to stop the execution by the reporting entities of the suspicious activities ... or transactions, to apply restrictions on goods suspected of being associated*

with money laundering for a period of up to 30 working days, and shall inform the natural person or legal entity subject to seizure’).

70. Subject to adoption of the draft AML/CFT Law, this provision appears to be transposed in the national law. At the time of drafting this report, the draft Law was expected to be approved and enter into force by December 2017.

71. Moreover, Moldova provided statistics on the numbers of orders to postpone suspicious transactions.

72. This recommendation appears to be implemented effectively.

Conclusion

73. In order for Moldova to make full use of the Convention’s provisions and adequately implement its obligations under the Convention, the Conference of the Parties reiterates a number of its recommendations previously formulated in the assessment report. The Conference of the Parties invites Moldova to fasten its reforms aimed at adapting the domestic legal framework to the Convention’s requirements and also to consider additional measures, as appropriate, in order to support the implementation of the adopted provisions.

Adaptation of the national legislation to the Convention’s requirements and implementation aspects

Implementation of Article 3 of the Convention

- a. As previously recommended, the Moldovan authorities are advised to improve the quality and scope of statistics, by including the total number of convictions in ML, TF and all predicate offences (so as to enable it to assess the actual effectiveness of confiscation measures in ML, TF and all predicate offences), and to ensure that the provisions on confiscation and provision measures are properly and effectively applied.

Implementation of Article 6 of the Convention

- b. The Moldovan authorities are advised to carry out stock taking exercises of the current measures in place to anticipate risks and face the challenges with regard to management of seized and frozen property, and to further develop the technical measures to address the issues arising from the stock taking exercises.
- c. The Moldovan authorities are advised to continue improving statistics and tracking data regarding the proceeds of crime, instrumentalities and other categories of assets which may be confiscated. This process shall enable ‘tracking’ of the property starting from the identification phase, its seizure, confiscation and subsequent valorisation.

Implementation of Article 7 of the Convention

- d. As previously recommended, Moldova should take additional measures in order to fully implement the relevant aspects under Article 7 of the Convention, and in particular to:
 - Ensure that monitoring of accounts is permissible in respect of all the relevant criminal offences in accordance with the Convention’s provisions;

- Develop further the legal framework so as to clearly prohibit any disclosures by banks to customers or third persons that information has been sought or obtained at a pre-investigative stage.
- e. Moldova is advised to take further practical measures to expedite the processes through which law enforcement authorities may determine whether a natural or legal person is a holder or beneficial owner of one or more accounts in Moldova.

Implementation of Article 9 of the Convention

- f. Moldova should consider issuing guidance for judiciary in respect of money laundering cases to familiarise investigators and prosecutors with the mandatory requirements of Article 9, paragraphs 5 and 6 of the Convention.
- g. Moldova should continue to strengthen the understanding of practitioners on the mandatory provisions of the Convention under Article 9 through on-going multidisciplinary trainings of judges and prosecutors on these aspects.

Implementation of Article 10 of the Convention

- h. Moldovan authorities should take additional steps to facilitate the use of corporate liability mechanisms by judicial authorities through different tools and mechanisms (guidance papers, instructions, awareness on relevant jurisprudence, etc.) within the meaning of Article 10 of the Convention (including in cases of lack of supervision).

International co-operation

Implementation of Article 17 of the Convention

- i. As previously advised, the authorities should further expand and clarify the legal framework and procedures in place for implementing Article 17(1) of the Convention, in order to ensure that they can be fully implemented. Further clarifications and clear procedures should be available to give certainty to other Parties in respect of: 1) which Moldovan authority they should address to identify whether a financial institution in Moldova holds accounts of a natural or legal person under investigation and based on which procedure, and 2) the aspects related to AML requests and related conditions for executing a request for banking information and documentation.

Implementation of Article 23 of the Convention

- j. As previously recommended, the authorities should ensure the integration of Article 23(5) into the legal framework by taking specific measures so as to co-operate to the widest extent possible with regard to requests of other Parties on the execution of measures equivalent to confiscation and leading to the deprivation of property.

Implementation of Article 25 of the Convention

- k. The Moldavian authorities should take additional steps to give special consideration to concluding agreements or arrangements on sharing assets with other Parties, to further transpose Article 25(3) into the national legal framework.

Implementation of Article 28 of the Convention

- I. As previously recommended, the authorities should consider developing general reference material or practical guidelines which cover the practical aspects of mutual legal assistance which can be provided to other Parties, with commentaries of relevant legal provisions and how these may be applied in the context of the grounds for refusal of requests.

Implementation of Article 34 of the Convention

- m. Moldova is encouraged to further develop the procedures set out in Article 34(2) by introducing the action of sending a copy to central authorities when sending urgent requests.

Co-operation between FIUs

Implementation of Article 46 of the Convention

- n. Moldova is encouraged to adopt the draft AML/CFT Law and thus ensure the transposition of Article 46, paragraphs 6 and 12, into national legislation.

The Secretariat