



Assessment of the concrete implementation and effective application of 4th AMLD

Call for offers

Nature of Service /Length of Contract	Long-term international consultancy 2019 - 2021
1. Background	
<p>The Council of Europe (CoE) through the Economic Crime and Cooperation Division (ECCD), acting under a contract with the European Union will provide the European Commission with analysis on the effective implementation of the AML/CFT rules in EU Member States.</p> <p>In this context, ECCD is looking for consultants (assessors) to carry out assessments of individual EU Member States on the effective implementation of select articles of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (referred to below as 4th AMLD). The assignments include assessing the effective implementation of the following themes and Articles of the 4th AMLD:</p> <ul style="list-style-type: none"> i. Risk assessment, internal control and group policies (Articles 8, 45, 46); ii. Customer Due Diligence (Articles 13.1, 14, 18 (1-3), 20, 21, 22, 23, 25, 26, 27, 28, 29); iii. Transparency of beneficial ownership information and beneficial ownership registration (Articles 30-31); iv. Functioning of the FIU (Article 32); v. Suspicious transaction reporting (Articles 33, 34, 35, 36, 46.2); vi. Practical arrangements in terms of record-retention (Article 40 with AML relevance caveat); vii. Supervision of financial institutions and designated non-financial businesses and professions (Articles 47-48); viii. National cooperation and coordination (Article 49 - without covering the Law Enforcement agencies); ix. International cooperation between FIUs and supervisors (Articles 45.4, 48.5, 52-57, 58.5); x. Sanctions for non-compliance (Articles 58-59) <p>The assignments are expected follow a dedicated methodology that has been developed in order to ensure consistency among the assessments. A guidance to the assessors forms part of the</p>	

methodology and would be provided to the selected consultants. Training on the methodology for assessment of the Member States effective implementation of AML/CFT measures will be provided to all consultants meeting the criteria before undertaking the assignments.

Each consultant (assessor) is expected to provide part of the assessment report **depending on main professional expertise** by analysing **either**:

- the supervisory aspects of the 4th AMLD, including themes i, ii, vi, vii, x and relevant aspects of ix; **or**
- the financial intelligence aspects of the 4th AMLD, including themes iii, iv, v, viii and relevant aspects of ix.

A combination of the themes may be proposed as tasks and that will be subject to , the profile of the consultants (assessors).

The assessment reports shall encompass the actual enforcement of the above-mentioned provisions of the Directive as stipulated in the scope section **and shall not exceed as an average of 25 pages** in total.

The information sources to be used include the following if made available to the consultants within the strict timelines for each Member State assessment:

- i. information provided by the Member State authorities in response to questionnaires developed as part of the methodology for assessment;
- ii. supranational and national risk assessments, where available; and
- iii. available information from previous assessments and procedures including but not limited to Moneyval and FATF evaluations, European Supervisory Authorities reviews, IMF/World Bank AML/CFT reviews.

Each Member State assessment is expected to be carried out in a **three-month period** and consultants are expected to fully comply with the deadlines for the assessment. **On-site visit[s]** are expected as part of each assessment.

The selected Consultant shall undertake tasks as part of a team of assessors and under the management and guidance of the CoE Secretariat. The assessment process will maintain a transparent and dialogue-based approach with Member-States. The consultants are required to fully commit that they will comply with the Council of Europe and the European Union confidentiality rules and requirements.

The Consultant can be a natural person, or a duly registered company under sole proprietorship of a natural person, or equivalent.

The exclusion fee per service day is set at Euro 500.00

2. Terms of Reference

<p style="text-align: center;"><i>Description of Tasks and Deliverables (provided for a standard assessment of one Member State)</i></p>	<p style="text-align: center;"><i>Timing</i></p>	<p style="text-align: center;"><i>Proposed fee per service day (in €)</i></p>	<p style="text-align: center;"><i>Maximum number of service days</i></p>
<p><u>Task 1:</u> Contribute and/or develop the scoping note, identify gaps in the information sources available and decide on the focus of the on-site visit by the following:</p> <p>a) <i>Scoping note</i> prepared on the basis of received information in order to determine areas of increased focus for the assessment and the scope of on-site meetings for each Member State</p> <p>b) <i>Additional questions</i> prepared for the authorities in order to address issues of increased focus and remedy any gaps in the information provided.</p>	<p>First engagement expected to start within the period October – December 2019 conditional on the CoE needs. Subsequent engagements depending on the timing of the assessments and availability of the consultants <i>(exact dates – to be confirmed)</i></p>		3
<p><u>Task 2:</u> On-site visit of 3 days (on average) in the respective Member State</p>	<p>Within 6 weeks following the start of engagement for the respective Member State assessment <i>(exact dates – to be confirmed)</i></p>		3
<p><u>Task 3:</u> Drafting the parts of the assessment report depending on the professional experience of the consultant (either supervisory aspects or financial intelligence, please see above) together with any relevant data, cases and information to be appended to the report</p>	<p>Within 4 weeks following the on-site visit <i>(exact dates – to be confirmed)</i></p>		6
<p><u>Task 4:</u> Revision of the draft assessment report in view of the Member State comments</p>	<p>Within 6 weeks following the on-site visit (one week after receiving Member State comments) <i>(exact dates – to be confirmed)</i></p>		1

Working language	English (knowledge of other EU languages is preferred)
Estimated daily Fee (in Euro, <u>VAT exclusive</u>)	_____
3. Assessment of offers	
<p>3.1. Exclusion Criteria Bidders shall be excluded from participating in this procedure where they:</p> <ul style="list-style-type: none"> a. have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering; b. are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind; c. have received a judgment with <i>res judicata</i> force, finding an offence that affects their professional integrity or serious professional misconduct; d. do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation. <p>3.2 Eligibility Criteria</p> <ul style="list-style-type: none"> a) University degree in law, economics or related field; b) At least five years of professional experience at international and/or national levels in areas of work related to financial intelligence or AML/CFT supervision; c) Experience related to the transposition and/or application at the national level of the EU law in the AML/CFT field would be considered a strong advantage; d) Excellent written and spoken English. <p>3.3 Award Criteria</p> <ul style="list-style-type: none"> a) Technical quality: demonstrated professional in financial intelligence, or AML/CFT supervision (70%); b) Financial offer (30%). 	

Name and Signature of Consultant

DATE:

Important note:

1. Please fill in the highlighted fields (level of fee by the applicant for the described tasks). The exclusion level is set at Euro 500 per service day. The maximum number of days for the initial assignment (assessment of one Member State) is limited to 13 days (contractual engagements to conduct

assessments of other Member States may be subsequently offered). Prices are to be indicated in Euros without VAT.

2. Please, note that the CoE will cover flights and a per diem for Consultants. **Do not include such costs in your offer.**
3. The offer shall include:
 - your CV;
 - 2 (two) recent references with full contact details;
 - An indication of your availability for the performance of the tasks:
 - availability for taking part in one assessment until the end of 2021; **and/or**
 - availability as part of the core group for carrying out up to three assessments per year until the end of 2021;
 - a declaration on the exclusion criteria per Annex 1 of this Call for Offers;
 - provide your VAT number (in case and when applicable)
4. The Working language of the activity will be mainly in English, unless other language in possession is made of use by the assessment team when in the same country of the spoken language.

Offers should be sent to the following address: **contact.econcrime@coe.int** no later than **30 June 2019**.

Annex 1. Declaration on the exclusion criteria

I hereby declare that neither I, nor the company I represent:

- have been sentenced by final judgment on one or more of the following charges: participation in a criminal organisation, corruption, fraud, money laundering;
- are in a situation of bankruptcy, liquidation, termination of activity, insolvency or arrangement with creditors or any like situation arising from a procedure of the same kind, or are subject to a procedure of the same kind;
- have received a judgment with res judicata force, finding an offence that affects their professional integrity or serious professional misconduct;
- do not comply with their obligations as regards payment of social security contributions, taxes and dues, according to the statutory provisions of their country of incorporation, establishment or residence;
- are or are likely to be in a situation of conflict of interests.

Name, Last name:

Name of the Company (if applicable):

Date:

Signature: