



**Resolution of the Heads of FIUs of the Egmont Group:
Enhancing International AML/CFT Information Exchange through Strengthening FIU Channels
in “diagonal” cooperation¹**

The international exchange of information relevant to a financial intelligence unit’s (FIU’s) analytical function is at the core of the AML/CFT mission of FIUs and is the fundamental purpose for the creation and ongoing work of the Egmont Group. The FIUs have developed clear processes to identify their counterparts, along with their respective authority and capacity to exchange information, as well as secure means for the transmission of information. Maintaining confidentiality is of the utmost importance, due to the sensitive nature of the information being exchanged, notably including suspicious transaction reports (STRs) and information relevant to law enforcement investigations.

The Egmont Group recognizes the desire of other competent authorities also to exchange information internationally in furtherance of AML/CFT. Information available to FIUs, including certain STRs, may be of interest to non-FIU authorities, and FIUs themselves can benefit from receiving information from authorities other than FIUs. Egmont Group FIUs nonetheless are fundamentally and uniquely different from other competent authorities in that the international exchange of information, also on behalf of other competent authorities, is at the very core of the FIU mission. In fact, FIUs have specifically been created and empowered in many jurisdictions, in accordance with international conventions and standards, to perform the function of international exchange of information in furtherance of their collection, analysis and dissemination functions.²

As a general matter, the FIU to FIU channel is an efficient, convenient, and secure conduit for exchanging information with, or on behalf, of each jurisdiction’s respective law enforcement, regulatory, and other competent AML/CFT authorities. In fact, in many of these cases the requesting and receiving authorities, as they are not counterparts, do not have regularized, secure channels for communicating sensitive information (as distinct from direct counterpart authorities, e.g., prudential financial supervisors, which might have more regularized exchange of information).

¹ The Resolution has been prepared in the light of the revised text of FATF Recommendation 40 and its Interpretative Note, as agreed by the FATF in June 2011

² It is recognized that FIUs may be established in different forms under the administrative, law enforcement, judicial or hybrid models. It is also recognized that, while FIUs carry out, as their typical functions, the receipt, analysis and dissemination of STRs, the same organization may also conduct other, non-FIU, functions (like law enforcement investigation, prosecution, supervision). As such, this Resolution only focuses on the commonalities in carrying out the core collection, analysis and dissemination functions of an FIU. It does not affect the ability to carry out international exchange of information in furtherance of other competences of the same unit (e.g., for a law enforcement FIU with police powers from working with foreign criminal investigators, or for an administrative FIU with regulatory functions to exchange information with a foreign regulator, nor does it affect any specific obligations under domestic law to communicate FIU information (including STR) to foreign authorities.

Therefore, and notwithstanding efforts to promote increased international exchange of information for AML/CFT purposes among other competent authorities, the Egmont Group Heads of FIUs hereby agree that the best way to promote increased sharing of information for AML/CFT purposes in a secure manner is to strengthen FIU to FIU channels.

Egmont Group member FIUs also reaffirm their respective commitment to educating and emphasizing, among other competent authorities within their home jurisdiction, the unique capabilities that FIUs provide with respect to international exchange of information for AML/CFT purposes.

Whereas international standards do not call for a mandatory cross-border exchange of information between non-counterparts, the Egmont Group Heads of FIUs hereby resolve to strengthen FIU to FIU cooperative channels in order to enhance the international exchange of information for AML/CFT purposes with non-counterpart competent authorities, while nonetheless maintaining the ability to facilitate such exchange in a secure and confidential way.

With respect to requests for exchange of information between two jurisdictions of which the FIUs are Egmont Group members (and provided that any required predicate measures consistent with Egmont Group principles have been met without prejudice to the rules applicable to the FIU-to-FIU exchanges), there will be a presumption:

- 1) For outgoing requests from an FIU, including those submitted on behalf of another competent authority,
 - a) regardless of whether a request seeks information that is known or suspected to be available to the FIU of the recipient jurisdiction, or the information is expected to be under the control of a competent authority or other person other than the FIU of the recipient jurisdiction (and to which information the FIU thus may or may not have direct or indirect access),

the requesting FIU will submit its request solely to the FIU of the recipient jurisdiction, together with any applicable and appropriate instructions for further dissemination of the request; and

- 2) For incoming requests to an FIU,
 - a) regardless of whether the incoming request has been received from an FIU or directly from some other competent authority of a foreign jurisdiction,

the recipient FIU will transmit its response solely to the FIU of the requesting jurisdiction, together with any applicable and appropriate instructions for further dissemination of the information, with both FIUs acting consistent with Egmont principles regarding dissemination.

This resolution will be taken into consideration and incorporated wherever appropriate in the context of the future review of the Egmont Group Charter and associated documents.

29 August 2011