

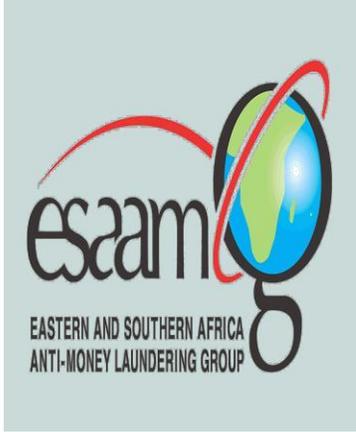
Anti-money laundering and counter-terrorist financing measures

Mauritius

4th Enhanced Follow-up Report &
Technical Compliance Re-Rating
September 2021

Follow-up Report





The Eastern and Southern Africa Anti-Money Laundering Group (ESAAMLG) was officially established in 1999 in Arusha, Tanzania through a Memorandum of Understanding (MOU). As at the date of this Report, ESAAMLG membership comprises of 19 countries and also includes a number of regional and international observers such as AUSTRAC, COMESA, Commonwealth Secretariat, East African Community, Egmont Group of Financial Intelligence Units, FATF, GIZ, IMF, SADC, United Kingdom, United Nations, UNODC, United States of America, World Bank and World Customs Organization.

ESAAMLG's members and observers are committed to the effective implementation and enforcement of internationally accepted standards against money laundering and the financing of terrorism and proliferation, in particular the FATF Recommendations.

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This report was approved by the ESAAMLG Task Force of Senior Officials at the September 2021 virtual meeting.

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MAURITIUS: 4th ENHANCED FOLLOW-UP REPORT & TECHNICAL COMPLIANCE RE-RATING

I. INTRODUCTION

1. The Mutual Evaluation Report (MER) of Mauritius was adopted by the Task Force in April 2018 and subsequently approved by the Council of Ministers in July 2018. This follow-up report analyses progress made by Mauritius to address the technical compliance deficiencies identified in its MER. TC re-ratings are given where sufficient progress has been demonstrated. The report does not analyse any progress Mauritius has made in improving its effectiveness. Progress in this area will be assessed as part of a subsequent follow-up assessment, and if found to be sufficient, may result in re-ratings of Immediate Outcome ratings at that time.
2. The assessment of Mauritius' request for TC re-ratings and the preparation of this report were undertaken by the following experts (supported by the ESAAMLG Secretariat: Tom Malikebu):
 - Wonder Kapofu (Zimbabwe)
 - Osvaldo Santos (Angola)
 - Vilho Nkandi (Namibia)
 - Julia Tloubatla (South Africa)
 - Tausi Abdallah (Tanzania).
3. Section III of this report highlights the progress made by Mauritius and analysis undertaken by the Reviewers. Section IV sets out the conclusion and a table showing which Recommendations have been recommended for re-rating.

II. KEY FINDINGS OF THE MUTUAL EVALUATION REPORT

4. The MER¹ rated Mauritius' technical compliance as set out in Table 2.1, below. In the light of these results, Mauritius was placed under the enhanced follow-up process².

¹ Mutual Evaluation Report (MER) on Mauritius, July 2018, <https://www.esaamlg.org/reports/Second%20Round%20MER%20of%20Mauritius-July%202018.pdf>

² Enhanced follow-up is based on the traditional ESAAMLG policy for members with significant shortcomings (in technical compliance or effectiveness) in their AML/CFT systems, and involves a more intense follow-up process.

Table 2.1. Technical Compliance ratings³ July 2018

R 1	R 2	R 3	R 4	R 5	R 6	R 7	R 8	R 9	R 10
NC	PC	LC	LC	PC	NC	NC	NC	PC	NC
R 11	R 12	R 13	R 14	R 15	R 16	R 17	R 18	R 19	R 20
LC	PC	NC	PC	NC	NC	NC	PC	PC	C
R 21	R 22	R 23	R 24	R 25	R 26	R 27	R 28	R 29	R 30
PC	NC	NC	NC	PC	PC	LC	NC	LC	C
R 31	R 32	R 33	R 34	R 35	R 36	R 37	R 38	R 39	R 40
C	PC	PC	LC	PC	LC	LC	LC	LC	LC

III. OVERVIEW OF PROGRESS IN TECHNICAL COMPLIANCE

3.1. Progress to address technical compliance deficiencies identified in the MER

5. Since the adoption of its MER in July 2018, Mauritius has taken measures aimed at addressing the technical compliance deficiencies identified in its MER. As a result of this progress, 26 Recommendations were re-rated (upgraded) to LC and C as highlighted in the Table below.

Table 3.1: Technical Compliance Re-ratings (in green colour)

1	2	3	4	5	6	7	8	9	10	11	12	13	14
C	C	C	C	C	C	C	NC	C	C	LC	C	C	C
15	16	17	18	19	20	21	22	23	24	25	26	27	28
PC	C	C	C	C	C	C	C	C	PC	LC	LC	C	LC
29	30	31	32	33	34	35	36	37	38	39	40		
C	C	C	LC	PC	LC	C	LC	LC	LC	LC	LC		

6. This section of the report reviews further progress made by Mauritius to improve its technical compliance by addressing the TC deficiencies identified in its MER in relation

³ There are four possible levels of technical compliance: compliant (C), largely compliant (LC), partially compliant (PC) and non-compliant (NC).

to Recommendations 8, 24 and 33. Section IV sets out the conclusion and a table reflecting the re-ratings.

7. ESAAMLG welcomes the steps that Mauritius has taken to improve its technical compliance with Recommendations 8, 24 and 33. Following this progress, Mauritius has been re-rated Compliant with Recommendation 33 and Largely Compliant with Recommendations 8 and 24.

3.1.1. Recommendation 8: Non- Profit Organizations (Originally rated NC)

8. In its MER, Mauritius was rated Non-Compliant with R.8. The main shortcomings identified in the MER were as follows: (a) Mauritius had not carried out a review of the NPO sector to identify subsectors vulnerable to TF abuses and adequacy of measures to address the identified risks, (b) Mauritius had not encouraged or undertaken outreach programmes to raise awareness among NPOs at the risk of TF abuse and the donor community; (c) Mauritius had not worked with the NPOs to develop best practices to address TF risks and vulnerabilities; (d) Mauritius does not apply risk-based measures to monitor compliance with requirements of R.8; (e) Absence of measures to ensure effective cooperation, coordination and information sharing among the authorities.
9. In order to address the foregoing deficiencies, Mauritius has taken various initiatives as described in the following paragraphs. The country has identified associations, charitable foundations, charitable trusts and companies limited by guarantee as the subset of organizations which falls within the FATF definition of NPOs. This subset broadly corresponds with the FATF definition, covering institutions which raise or disburse funding for a range of charitable activities, including religious, education, protection of the environment, health and poverty alleviation. Mauritius has also carried out an NPO risk assessment which involved a survey administered to 879 NPOs, a questionnaire to 9 law enforcement agencies, data from the FIU and Bank of Mauritius, interview with other supervisory authorities and a review of relevant laws. The Authorities found that NPOs involved in the following activities are likely to be at increased risk of terrorist abuse: (a) cross border movement of funds, (b) alternative sources of funds and remittance systems, (c) involvement in complex and international transactions or structures, (d) cash fund raising from anonymous sources and (e) ethnic or religious activities. Overall, the TF risk of NPOs in Mauritius was determined to be Low-Medium. **[Criterion 8.1 (a)]**.
10. Mauritius has taken some steps to identify the nature of threats potentially posed by terrorist entities to the NPOs that are at risk, as well as how terrorist actors may abuse those NPOs. Some of the threats include the (i) potential threat of the spread of extremist ideologies and propaganda, for example through social media could be an indication of abuse of NPOs by terrorist; (ii) NPOs can be used as a channel by terrorist actors to finance or facilitate foreign terrorist fighters; (iii) NPOs can also be used as a vehicle to finance terrorism overseas, example through bank channels. Operations of some NPOs are exclusively international while others have both local and foreign beneficiaries.

Terrorist entities may take advantage of an organization that has ties with a foreign country to exploit that relationship to raise funds to support a terrorist agenda while disguising it as relief of poverty in the foreign country. **[Criterion 8.1 (b)].**

11. Although Mauritius has not shared a report to demonstrate that it reviewed the adequacy of measures that relate to NPOs at the risk of TF abuse, it has introduced amendments to strengthen laws applicable to NPOs. The decision to make legislative amendments must have been made following a review of the laws. For instance, Mauritius amended the Registration of Associations Act to strengthen legal provisions relating to administrative sanctions (section 14A of the ROA Act), record keeping, requirement for Associations to keep a record containing full details including the source and destination of funds, its beneficiaries and associates and the identity of its significant donors (sections 14B and 14C of the ROA Act), the requirement for associations to have appropriate controls in place to ensure that all funds are fully accounted for and spent in a manner that is consistent with the objects of the association (section 14C of the ROA Act); and empowering the Registrar to carry out investigations, request for information and to carry on-site inspections (sections 14E and 14F of the ROA Act). In relation to other NPOs, s.30 of Foundations Act and s.15 of Companies Act mandate the Registrar to carry out inspections. However, the above referenced provisions in the Companies Act and Foundations Act do not seem to be broad enough to allow the Registrar to take adequate proportionate and effective actions to address the identified risks. Notwithstanding this, the NPO regulators have adopted and are implementing risk-based supervision **[Criterion 8.1 (c)].**
12. Mauritius undertook its first comprehensive review of its NPO sector in August 2020. Section 19D of the FIAMLA requires that the risk assessment of the NPO sector be reviewed at least every three years. However, the 3-year period has not yet elapsed and therefore it is not possible to make a conclusive judgement on the country's compliance with the requirement to carry out periodic assessment. [Criterion 8.1 (d)].
13. **Overall, c.8.1 is considered to have been mostly met in view of the shortcomings highlighted in the foregoing paragraphs.**
14. Mauritius does not have specific policies to promote accountability, integrity, and public confidence in the administration and management of NPOs. Although it has been noted that Mauritius has developed a National Strategy (2019-2022) which addresses ML, TF and PF in general, the Strategy does not specifically relate to NPOs. On the other hand, Mauritius has legal and operational frameworks which touch on the elements of this sub-criterion and these legal requirements may be construed as efforts to promote accountability, integrity, and public confidence. For instance, at the time of registration, NPOs are required to indicate or provide the names of the members (founders) and officers, rules of association (charter/ constitution), nature of its activities (objects), name and location of registered offices. In addition, there are a broad range of legal/ regulatory requirements set out in the Registration of Associations Act and the Foundations Act which include financial disclosure, inspections, disclosure of donors/ beneficiaries etc.

However, in respect of other types of NPOs, there are limited legal/regulatory requirements related to policies on accountability, integrity, and public confidence in the administration and management of NPOs. [Criterion 8.2(a)].

15. Competent authorities have undertaken various outreach and educational programmes among NPOs involving associations, foundations, trusts and companies limited by guarantee in order to raise and deepen awareness among NPOs about the potential vulnerabilities of NPOs to terrorist financing abuse and terrorist financing risks, and the measures that NPOs can take to protect themselves against such abuse. Some of the agenda of the outreach programs included the findings of TF Risk Assessment, best practices, mitigating measures, good governance & financial integrity, UN Sanctions List etc. In addition, Mauritius has also developed a booklet for NPOs specifically related to protecting NPOs from the threat of terrorist financing abuse. This booklet serves to raise awareness on the issue of TF abuse within the sector and provides guidance for NPOs to protect them against the threat of TF abuse. The above activities have been complimented by publication of the following reports the FSC, ROA and ROC website: FATF typologies report on the risk of terrorist abuse in NPOs; FATF best practices paper on combating the abuse of NPOs; NPO Brochure (entitled "Being Resilient") developed by Mauritius and a summary of the findings of the NPO Sector review in Mauritius. **However, there has not been an outreach to the donor community [Criterion 8.2(b)].**
16. Mauritius has consultation processes in place to work with NPOs to develop best practices and policies to address TF risks. For instance, Mauritius has worked with the NPO sector to develop and refine best practices to address TF risks and vulnerabilities. The country also developed a booklet for NPOs specifically related to protecting NPOs from the threat of terrorist financing abuse. This booklet serves to raise awareness on the issue of TF abuse within the sector and provides guidance for NPOs to protect them against the threat of TF abuse. In addition, the country has also issued another booklet on "*NPOs in Mauritius and Terrorist Financing risk, what you need to know and what you need to do*". These booklets were prepared based on feedback received after the workshops. **However, apart from this, there is no indication that the NPOs participated in the actual preparation of the booklets or that they had an opportunity to review and refine the booklets before they were issued or posted on the websites [Criterion 8.2(c)].**
17. Associations are required to use a cheque whenever making payments above MUR 100 (Regulation 7(2) of Registration of Associations Regulations). In addition to this, at the time of registration, an association is required to deposit into a local bank account funds it has received. However, there are no similar requirements/ restrictions on the method of receiving or collecting donations subsequent to registration. In relation to foundations and companies limited by guarantee, the regulators have also used outreach sessions to encourage them to use the regulated financial institutions when receiving funds from donors. [Criterion 8.2(d)].
18. **Based on the outstanding shortcomings, c.8.2 is considered to have been mostly met.**

19. Mauritius has taken some steps to promote effective supervision or monitoring NPOs such that they are able to demonstrate *to some extent* that risk-based measures apply to NPOs at the risk of TF abuse. Associations, Trusts, Foundations and Companies Limited by Guarantee are required to be registered and subject to inspections. However, while the Registrar of Associations, Registrar of Foundations and Registrar of Companies have powers to carry out inspections, the legal provisions do not say that such inspections are risk-based (sections 14F of the ROA Act, s.30 of Foundations Act and s.15 of the Companies Act). Despite the shortcomings in the legal provisions, the authorities have carried out risk assessments and categorized the NPOs into high, medium and low risk. Based on this, they have come up with inspection cycles, with high risk NPOs being subjected to inspections at least once every year. In order to enhance the supervisory capacity, officers from the regulators have attended various training workshops. For this purpose, **c.8.3 is considered to have been mostly met.**
20. All regulators are required to conduct onsite inspections of NPOs under their purview to verify compliance with their respective laws and regulations. The inspections also cover TF. However, sample inspection reports provided by the authorities do not include checking compliance with provisions of the Act under which the NPO was registered which contains requirements such as recording keeping, identity of donors and beneficiaries etc. Instead, the Regulators check compliance with the Financial Intelligence and Anti-Money Laundering Act. As indicated under c.8.3, based on Inspection Manuals and other documents provided, NPO regulators have adopted risk-based supervision. In relation to associations, the inspections are based on criteria such as size and activity of the association and the TF risk indicators identified in the NPO sector review. Some of the regulators also conduct desk-based reviews of financial statements to determine any unusual transactions and compliance with their rules and the law [Criterion 8.4 (a)].
21. Associations and trusts are subject to effective, proportionate and dissuasive sanctions for violations of their obligations. The sanctions regime applicable to the associations include any person who is a present or past officer or member of a registered association. The regulators also administer administrative sanctions such as: (i) issuing a private warning; (ii) imposing an administrative penalty; (iii) ban a person from being a member of the managing committee of a registered association for a period not exceeding 5 years; (iv) cancel the registration of a registered association as provided under section 15. With respect to foundations, s. 50 of the Foundations Act provides that a foundation which contravenes any provision of the Act commits an offence and shall be liable on conviction to a fine not exceeding 500,000 rupees and imprisonment not exceeding 5 years. **However, the Act is limited to criminal sanctions only- no provision for administrative sanctions. The same shortcoming applies to companies limited by guarantee** [Criterion 8.4 (b)].
22. **Overall, c.8.4 is considered to have been partly met in view of the foregoing shortcomings.**

23. Mauritius has put some measures in place to ensure effective co-operation, co-ordination and information-sharing to the extent possible among all levels of appropriate authorities or organisations that hold relevant information on NPOs. NPOs regulators are able to share information with LEAs, FIU and other supervisory authorities. In addition to this, the Registrar of Associations is registered on the GoAML platform of the FIU. Furthermore, the Registrar of Associations has signed a Memorandum of Cooperation which establishes an Interagency Coordination Committee. This is a platform for information sharing and coordination. Also, all government agencies can request information on beneficial owners through the Info-Highway, a Government Infrastructure, which provides for sharing of data amongst multiple government agencies and other competent authorities. **However, there is no information sharing arrangements between the Registrar of Associations and the Mauritius Revenue Authority** [Criterion 8.5 (a)].
24. The NPO regulators have the expertise and capability to perform initial examinations of NPOs suspected of TF before the matter is passed on to law enforcement, which has the expertise to conduct a full examination. For instance, the ROA has investigative powers and powers to request a registered association to furnish it with any information and produce any record or document within such time and at such place as it may determine (Sub Part C of Part IIIA and s. 14E of the ROA Act). Once the NPO Regulators have conducted preliminary investigations, they can pass on the findings to LEAs such as the Mauritius Police Force, ICAC and CTU which have the required investigative expertise and capability in accordance of the section 9 of the Police Act. The Terrorism Investigation Cell of the Central CID is a specialized Cell which deals with all investigations related to terrorism and TF. The Police Unit acts upon reports from the CTU or the FIU relating to TF matters [Criterion 8.5 (b)].
25. There are some mechanisms which have been put in place to facilitate prompt sharing of information with competent authorities in order to take preventive or investigative actions. The Registrar of Associations has a working arrangement with the CTU for sharing of information on CFT matters including background checks and there is a contact person from the CTU for this purpose. The Registrar may share information with law enforcement agencies and institutions involved in the prevention of money laundering and combating of terrorism financing and proliferation financing in Mauritius or abroad, information which he obtains pursuant to the Act (s.31 (4) of the Registration of the Associations Act). In addition, the FIU is obliged to pass on information to the ROA, ROF and ROC which is relevant to their functions (Section 21 of FIAMLA as amended in 2020). Likewise, s.22 of FIAMLA also allows ROA, ROF and ROC to pass on to the FIU information suggesting the possibility of a money laundering offence or a suspicious transaction [Criterion 8.5 (d)].
26. **Overall, c.8.5 is considered to have been mostly met in view of the foregoing shortcomings.**
27. The Registrar of Associations and FSC are points of contact in relation to international requests for information regarding particular NPOs suspected of terrorist financing or

involvement in other forms of terrorist support. There are legal provisions which can be used to facilitate international information exchange. For instance, in relation to Associations, the Registrar may share with LEAs and other institutions involved in the prevention of money laundering and combating of terrorism financing and proliferation financing, in Mauritius or abroad, information which he obtains pursuant to s.31 (4) of the Registration of the Associations Act]. Under s.87 of the FSA, the FSC may exchange information, with a supervisory body or any other public sector agency any information relevant to the enforcement of the relevant Acts for the purpose of discharging the functions of that body. However, there are no specific procedures in place to facilitate responses to international requests for information regarding particular NPOs suspected of terrorist financing or involvement in other forms of terrorist support. In addition, in relation to NPOs under the Companies Act (companies limited by guarantee) and Foundations Act (Charitable Foundations), there are no identified points of contact and procedures for international information exchange. On the other hand, in case of formal MLA requests relating to an NPO, the official channels would be used. The Ministry of Foreign Affairs, Regional Integration and International Trade is the focal point for international requests regarding particular NPOs suspected of terrorist financing or involvement in other forms of terrorist support. **Based on the foregoing, c.8.6 is considered to have been partly met.**

Weighting and conclusion

28. Mauritius has taken significant measures to address deficiencies identified in its MER under R.8 and meets nearly all the criteria. NPOs in Mauritius are broadly divided into 4 categories: Associations, Foundations, Charitable Trusts and Companies Limited by Guarantee. Associations constitute 96% of NPOs in Mauritius and most of the deficiencies set out above relate to other types of NPOs (which make up 4% of total NPOs). Therefore, the impact of the deficiencies on the overall rating of R.8 was weighted as low. In addition, Mauritius has met the core requirements of R.8: the country carried out a risk assessment and identified a sub-set of NPOs at the risk of TF abuse and the country has adopted risk-based supervision of NPOs. On this basis, the shortcomings were considered to be minor. Hence, R.8 has been re-rated Largely Compliant.

29. **Mauritius is re-rated Largely Compliant with Recommendation 8.**

3.1.2 Recommendation 24: Transparency and Beneficial Ownership of Legal Persons (Originally rated NC, re-rated PC in 2nd FUR)

30. Mauritius was rated NC in its MER for R.24. The main deficiencies were that: (a) ML/TF risks posed by legal persons had not been assessed; (b) except for institutions under FSC, there was no provision in law or other enforceable means which required companies, Financial Institutions, DNFBPs and company registry to obtain information on beneficial ownership; c) there was no legal requirement to ensure the information on beneficial ownership is accurate and up-to-date. Subsequent to the adoption of the MER, Mauritius made some progress in addressing the deficiencies. As a result, in September 2019, c

24.1, 24.5, 24.6, 24.7, 24.9, 24.10 and 24.14 were re-rated Met while c.24.11 was not applicable. Based on this, R.24 was re-rated PC.

31. Mauritius carried out a ML risk assessment to identify risks associated with all types of legal persons created in Mauritius. The exercise examined the vulnerabilities and threats in order to arrive at the overall ML risks for each type of legal person. Mauritius concluded that private companies, global businesses, foreign companies/branches of foreign companies and authorized companies have high ML risk exposure. If ML occurs, it is likely to be carried out through these types of legal persons. However, the exercise did not cover the extent to which legal persons formed or registered in Mauritius can be abused for TF purposes. On the other hand, TF risk in relation to legal persons which operate as NPOs was assessed separately (see analysis under R. 8). In view of the fact that the exercise did not cover majority of legal persons, Reviewers consider this deficiency in relation to TF as having weight in the overall rating of c.24.2. **Hence, c.24.2 is partly met.** In relation to the deficiency regarding private companies which hold a Category 1 Global License, Mauritius amended its laws to require registration and the registration requirements include: a) the name of the company and the address of its registered office; (b) the name and address of any management company or registered agent appointed by the company, as the case may be; (c) proof of incorporation; (d) legal form and status; (e) basic regulating powers; and (f) list of directors. Members of the public can access this information upon payment of Rs100 (which is equivalent to USD2.34 [s.14(8) of Companies Act]. The information is extracted by the Registrar of Companies and provided to the applicant within 4 hours. The amount of the fee is therefore considered to be reasonable. **Mauritius has fully addressed the outstanding shortcoming and hence c.24.3 is met.**
32. Companies are required to keep a share register which shall indicate the number and class of shares held by each shareholder, full names and address of current shareholder and the constitution of the legal person. The information is filed with the company registry and kept at the company's registered office [s. 91 (1) and (3) and s.190(2)(j) of the Companies Act]. However, the above requirement does not extend to information about the address of registered office, proof of incorporation, legal form and status. As for Limited partnerships, they are required to keep the following information at their registered offices: the partnership agreement and any subsequent amendments; a register of all the partners which specify the type of partnership (general or limited) and in the case of an individual, the full name and address, or in the case of a body corporate or incorporated body, its full name, registered office or, if none, its principal place of business; the amount of capital contribution of each limited partner and all the documents should be filed with the Registrar from time to time (s.39 of the Limited Partnership Act). **Hence, c. 24.4 is mostly met.**
33. In the 2nd FUR of September, 2019, c.24.5 was re-rated Met. However, the deficiency noted in relation to c.24.4 will have a cascading effect on c.25.5. For this reason, the rating of c.24.5 has been revised to Mostly Met.

34. Mauritius has some measures in place to ensure companies co-operate with competent authorities to the fullest extent possible in determining the beneficial owner. In terms of s.190(6) of the Companies Act, all companies are required to authorise at least one officer, who shall be ordinarily resident in Mauritius, to provide, upon request by any competent authority, all basic information and beneficial ownership information of the company. However, there are no similar provisions in relation to limited liability partnerships. The total number of limited liability partnerships constitutes less than 1% of total legal persons registered in Mauritius. Out of the existing number of limited liability partnerships, only 2 have global business licence. In addition, they were rated as having a medium ML risk. On this basis, the impact of the deficiency on the overall rating of c.24 is considered low. **Hence, this c. 24.8 is mostly met.**
35. Mauritius has a range of sanctions to enforce compliance with legal persons transparency obligations. However, the scope of the sanctions is limited as discussed below. Failure to provide information required at the time of registration (basic information) will result in the legal person not being registered. Subsequent to registration, if a company does not file updated information following changes to directors or shareholders, it is fined an amount not exceeding 200,000 rupees (for directors) or 300,000 rupees for shareholders (s.91 3C and s.142 of the Companies Act). With respect to the rest of the obligations, there is a blanket provision which states that a company which contravenes the requirements of the Companies Act shall be liable, on conviction to a fine not exceeding 200,000 rupees (s.341 (j) of Companies Act). In the MER, it was observed that the maximum fines are low and may not be dissuasive for some big global businesses. The amounts have not changed since then. In addition, with the consent of the Director of Public Prosecutions, the offences can be compounded. A company is not sanctioned for violating one requirement and sanctioned by a specific penalty, but several violations are put together under the general regime of violations of the provisions of the Companies Act. A company and the authorities discuss and agree on the amount which the company will pay instead of being prosecuted and being subjected to criminal sanctions. The amount of the fine is not known in advance. For this purpose, it is not possible to determine whether or not the sanctions imposed under the 'compounding of offences' are proportionate or dissuasive.
36. In relation to limited liability partnerships, if the applicants do not provide all the requirements for the registration of a Limited Liability Partnership, then the entity will not be registered (s.22 & s.23 of the Limited Liability Partnerships Act 2016). If a limited liability company does not file with the Registrar changes to its name, partners or registered office, it commits an offence and is liable, on conviction, to a fine not exceeding 200,000 rupees. In addition, the Registrar may, with the consent of the Director of Public Prosecutions, compound an offence committed by a person under this Act where the person agrees, in writing, to pay to the Registrar an acceptable amount not exceeding the maximum penalty imposed under this Act for that offence (s.66 of the Limited Liability Partnership Act). Other than compounding offences, the law does not

provide for administrative sanctions on violation of individual requirements. **In view of the foregoing shortcomings, c.24.13 is rated partly met.**

Weighting and conclusion

37. Mauritius has strengthened its regime to ensure transparency of basic and beneficial ownership information for legal persons and the country meets or mostly meets most of the criteria. However, some shortcomings remain. The risk assessment of legal persons did not include TF. The scope of sanctions is limited in the sense that, for most of the violations, there are only criminal sanctions and the application of the principle of 'compounding offences' renders it difficult to determine whether or not the sanctions are proportionate and dissuasive. Furthermore, apart from administrative penalties under the principle of 'compounding offences', the Limited Liability Partnership Act does not provide for administrative sanctions on violation of individual requirements. In addition, the deficiency in c.24.4 will have a cascading effect on c.24.5 which was rated Met in the MER.
38. **Mauritius is re-rated Largely Compliant with Recommendation 24.**

3.1.3 Recommendation 33: Statistics (Originally rated PC and proposed rating C)

39. In its MER, Mauritius was rated PC with R.33. The main deficiencies highlighted in the MER were: (a) inconsistent statistics on disseminations made by the FIU and received by LEAs except ICAC; (b) inadequate statistics maintained by the central authority in relation to MLA.
40. Mauritius has put in place measures to eliminate inconsistencies noted in the statistics related to disseminations amongst competent authorities. Disseminations are made by the FIU in a secured and swift manner to relevant LEAs and supervisory bodies via the message board component of the GoAML. As such, statistics on the disseminations to competent authorities and for any period, are kept on the GoAML database. Additionally, with a view to ensure the accuracy and completeness of the above statistics, the FIU has entered into Standard Operating Protocols (SoPs) since 2019 with LEAs, i.e., ICAC, Police, MRA, IRSA and ARID. The SoPs cover various aspects relating to secured measures for exchange of information; the responsiveness to request based intelligence as well as spontaneous intelligence sharing; the scope of intelligence to be provided to avoid duplicity and increase efficiency; and the feedback mechanism on intelligence shared with LEAs.
41. In relation to MLA, the Attorney General's Office has established a separate registry for MLA and Extraditions which has database for MLA and Extradition. The Registry keeps records of the requests made, requests received, actions taken, the type of offence, average time of processing, whether the file is in progress, completed or in abeyance, as well as the Attorney and Counsel designated to work on the case, on a daily basis. This system also caters for adding a brief description of the type of MLA request as well as the movement of the file. In this way, it efficiently tracks the location and movement of each file.

Weighting and conclusion

42. Mauritius has addressed all the outstanding deficiencies.
43. **Mauritius is re-rated Compliant with Recommendation 33.**

IV. CONCLUSION

44. Overall, Mauritius has made progress in addressing deficiencies in technical compliance identified in its MER to justify re-rating of R.8 (initially rated NC) to Largely Compliant, R.24 (re-rated PC under 2nd FUR) to Largely Compliant and Recommendation 33 (initially rated PC) to Compliant.
45. Considering progress made by Mauritius since the adoption of its MER, its technical compliance with the FATF Recommendations has been revised as shown in Table 4.1 below.
46. Mauritius will remain in enhanced follow-up in view of the fact that it had 11 Immediate Outcomes rated Low/ Moderate Level of Effectiveness.

Table 4.1. Technical compliance re-ratings, September 2021

Recommendations and Corresponding Ratings													
1	2	3	4	5	6	7	8	9	10	11	12	13	14
C	C	C	C	C	C	C	LC	C	C	LC	C	C	C
15	16	17	18	19	20	21	22	23	24	25	26	27	28
PC	C	C	C	C	C	C	C	C	LC	LC	LC	C	LC
29	30	31	32	33	34	35	36	37	38	39	40		
C	C	C	LC	C	LC	C	LC	LC	LC	LC	LC		

Note: Four technical compliance ratings are available: compliant (C), largely compliant (LC), partially compliant (PC), and non-compliant.