



Mongolian Marketing
Consulting Group



САНХҮҮГИЙН
ЗОХИЦУУЛАХ ХОРОО

ANTI-MONEY LAUNDERING AND COMBATING FINANCING OF TERRORISM THE RISK ASSESSMENT OF THE SAVING AND LOAN COOPERATIVES



Financial Regulatory Commission

**ANTI-MONEY LAUNDERING AND COUNTERING FINANCING OF TERRORISM
THE SECTORAL RISK ASSESSMENT OF THE ENTITIES UNDER THE
JURISDICTION OF FINANCIAL REGULATORY COMMISSION**



FINANCIAL REGULATORY COMMISSION
Government house IV, Baga toiruu street 3, Chingeltei district,
Ulaanbaatar 15160, Mongolia
Tel: (976)-51-262789
Fax: (976)-11-329084
Web: <http://www.frc.mn/>

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ABBREVIATIONS

EO	Economic Organization
EE	Economic Entity
APG	Asia Pacific Group
NBFI	Non-Bank Financial Organization
ML	Mmoney Laundering
ML/TF	Money Laundering and Terrorism Financing
AML/CTF	Countering Money Laundering and Terrorism Financing
RE	Reporting Entity
VAT	Value Added Tax
UN	United Nations
UNSC	United Nations Securities Council
FI	Financial institution
NFBPSP	Non-Financial business and professional service providers
STR	Suspicious transaction report
FRC	Financial Regulatory Commission
FID	Financial Information Department
SRA	Sectoral Risk Analysis
SOJSC	State Owned Joint Stock Company
SOLLC	State Owned Limited Liability Company
TF	Terrorism Financing
SGK	State Great Khural
PEP	Politically Exposed Person
NSO	National Statistics Office
NRA	National Risk Assessment
S	Security
SM	Securities Market
SC	Securities Company
SCD	Centralized Securities Depository
REs	Real Estate
FATF	Financial Action Task Force
FSRBs	FATF-style regional bodies
CC	Cooperation Council
SCC	Savings and Credit Cooperation
IMC	Investment Management Company
IF	Investment Fund
JSC	Joint Stock Company
LLC	Limited Liabilities Company
XYT	Mutual Assesment Report
RBA	Risk Based Approach
STFI	Short Term Financial Instrument
FIAS	Financial and Investment Advisory Service provider

EXECUTIVE SUMMARY

Background: In accordance with Article 19.1 of the Law of Mongolia on Anti Money Laundering and Combating Terrorism Financing (AML/CTF), the Financial Regulatory Commission is obliged supervise and regulate entities stipulated in provisions 4.1.2 through 4.1.7 of the same law. The following entities are supervised and regulated by the Financial Regulatory Commission:

1. Non-Bank Financial Institutions (NBFI) (Article 4.1.2 of the above law);
2. Insurance companies; (Article 4.1.3);
3. Licensed securities market entities; (Article 4.1.5);
4. Savings and credit cooperatives; (Article 4.1.6);
5. Real estate agents. (4.1.7).

Sectoral Risk Assessment (SRI) helps FRC supervised reporting entities (RE's) in understanding the risks of money laundering and terrorism financing (MLTF) of each sector. For the development of this sectoral risk assessment report, we referenced the 2016 National Risk Assessment (NRA) of Mongolia on ML/TF, Mutual Assessment Report 2017 of the Financial Action Task Force (FATF), and the methodologies and reports issued by FATF in relation to the assessments of these sectors.






The Sectoral Risk Assessment was conducted in the following two directions:

- **Inherent risk assessment of the sector.** The assessment of the 'inherent' risks of the sector, depending on the specifics of each sector and regulatory level of the national legislative system; regardless of the scope of activities, size of the sector, and activations of the RE's.
- **Present vulnerability of the sector.** The likelihood of the ML/TF depending on the sectoral scope, size, and activations of the RE's; and the present vulnerability level of the sector articulated by the level of ML/TF impact on the financial, reputational, and trust relations to the entity and sector.

The 'inherent' risk assessment of the sector. Each sector is assigned to one of the following risk scales. The scales are based on the 'inherent' exposure of the sector to the ML/TF. These scales disregard any controls and activities that RE's might have in place.



Depending on the availability of the information, the assessment results pose certain level of limitations; furthermore, by improving the accessibility of the information more detailed results can be produced and conclusion drawn. The following figure illustrates the risk assessment results of five sectors under FRC jurisdiction.

Sector	Sectoral risk 2019
 Non-Bank Financial Institution	High
 Insurance companies and professionals	Medium-Low
 Licensed securities market entities	Medium-high
 Savings and credit cooperatives	Low
 Real estate agents	High

Present vulnerability of the sector. For the assessment of the present level of the vulnerability, first we identified the likelihood (the threats and vulnerability) of the ML/TF. The likelihood is assessed based on the inherent assessment, size of the sector, the volume of transactions and turnover, and number of active entities, considering the following variables.

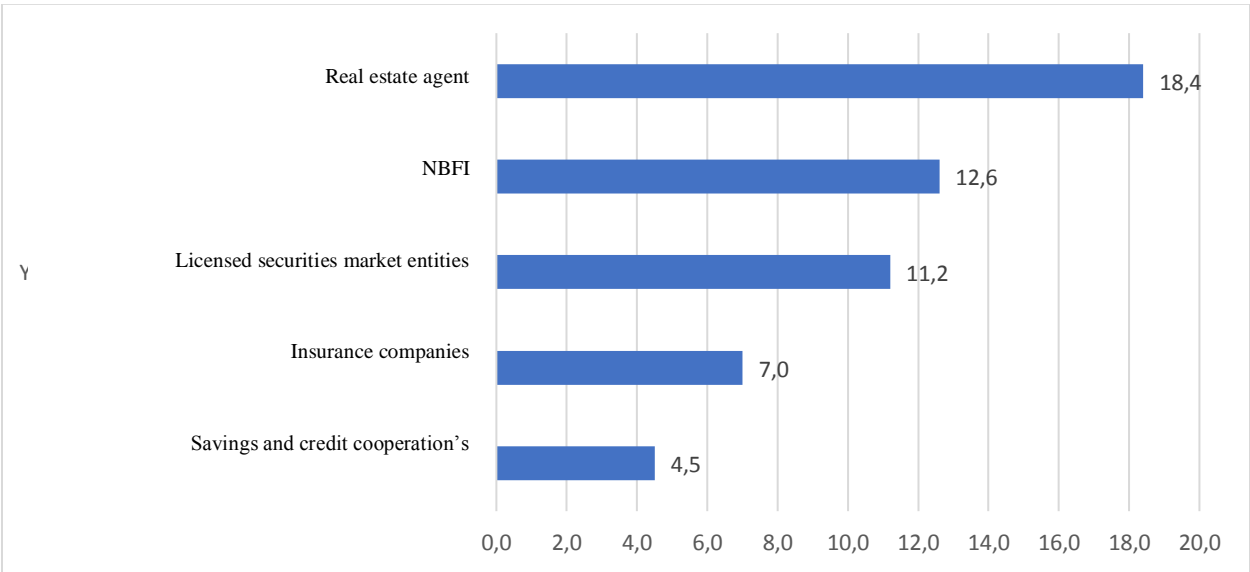
Risk variable	High probability (5)	Low probability (1)
Size of the sector	There are numerous entities that operate in high risk countries and cooperates with many organizations	A few or small-scale entities, the companies operate within the country only.
Products /services	There are number of cash-based products and services, high complexity products and the source of fund is always undefined.	Limited number of cash-based products and services, limited number of transactions or few or simple products, and the source of fund is defined.
Transactions	Large volume of transactions and high number of transactions to the high-risk countries.	The low volume of transactions and transactions are within country only
Customer types	Numerous wealthy and foreign customers, and many customers with complex structure	Domestic customers only
Delivery channel	Never face the customer in person	Directly communicates with customer

Next, the potential impact of the ML/TF risks (from 1- ‘low-impact’ to 5 ‘high-impact’) to the financial, reputational, and trust relations to the sector was evaluated.

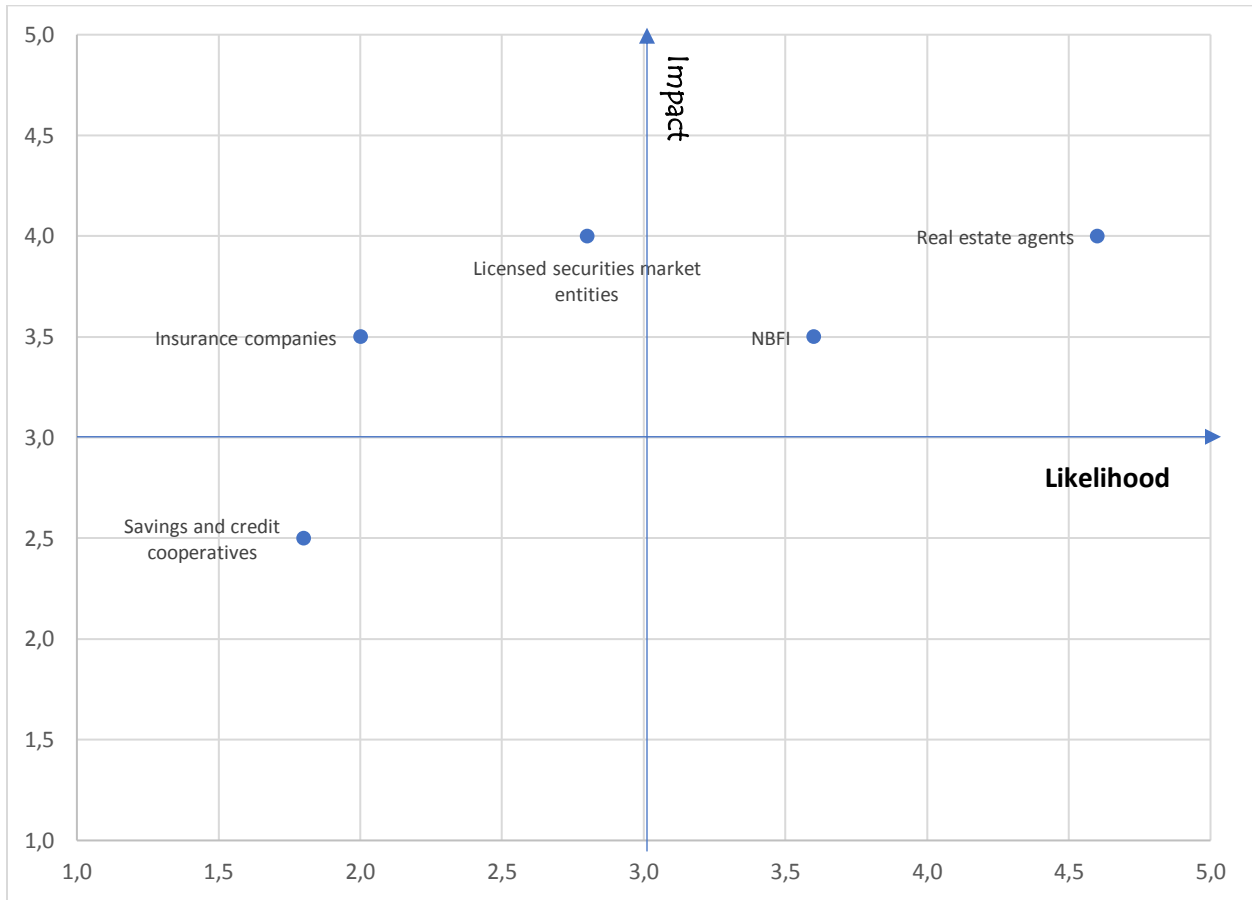
The risk vulnerability scale is identified as a multiplication of likelihood of the operational risk occurrence and the risk impact.



The present risk vulnerability of the sectors



The sectoral risk landscapes



Purpose of the SRA: The objective of the SRA is to identify and communicate the ML/TF risks they may face to the REs in the five sectors supervised by the FRC. Identifying the risks is the first step towards combating ML/TF. This step is integral to implementing a risk-based approach (RBA) in place, adhering the laws and regulations, and allocating resources effectively. The following parties shall be considered in SRA:

1. **RE's:** RE's should review and consider this SRA when they prepare or update their risk assessments.
2. **FRC:** Assessing the risks within each supervised sector enables efficient allocation of limited resources.
3. **National council, Financial Information Department, and other law enforcement organizations:** To generate information and conclusion for the National Risk Assessment (NRA) and supply information source to the Bank of Mongolia and other entities.
4. **Other organisations:** Countries must establish adequate anti-money laundering and countering financing of terrorism supervision in place, as recommended by the FATF, and this SRA contributes towards meeting these obligations.

The features of this SRA: For the first time, FRC is producing the sectoral ML/TF risk assessment of the RE's, stipulated in provisions 4.1.2 through 4.1.7 of the Law of Mongolia on AML/CTF. For identification of risk assessment of each sector, we referenced the National Risk Assessment (NRA) 2016 of Mongolia on ML/TF, Mutual Assessment Report 2017 of the Financial Action Task Force (FATF), and the methodologies and reports issued by FATF and statistical datas of the sectors in 2019 as well as 2019 in relation to the assessments of these sectors.

How REs should use the SRA:

- Review sections 1 to 7
- Review the section assessing your sector
- Review and update own risk assessment.

By reviewing the sections 1 to 7, you will understand the scope of the SRA, its limitations and methods of further reference to this SRA.

Section 8, comprises the dedicated assessment of each sector, covering specific risks, red flags, and sector characteristics. The report provides the list of common red flags that apply to all sectors and specific red flags of each sector.

Individual RE's will vary from the sector average, nevertheless a number of factors which play a part in lowering or raising the risks for the entities in specific areas. This would assist in your understanding of higher risk areas, identified by the FRC. Please refer to Section 7 of this report, titled '*How to interpret the data*'.

If you operate in more than one sector, you should review and apply all relevant risk assessments. The overall risk will depend on a number of factors such as the ML/TF risk present and how much activity is carried out in each category.

RE's recommended to review and update your own risk assessment with a view to incorporating any new risks identified in this SRA. This can be incorporated into the annual review of the risk assessment or carried out as a standalone activity.

Within the FRC monitoring, SRA content will be considered, and then factored it into your ML/TF risk-based approach, as required by Article 4.3 of the Law on AML/CTF. The RE's shall match its policies, procedures and controls examining the potential ML/TFs are managed adequately.

SECTION 1. ML/TF RISK ASSESMENT IN MONGOLIA

The Law of Mongolia on Anti-money laundering and terrorism financing (AML/CTF) was approved on July 8, 2006 by the Parliament of Mongolia. This law was amended on May 31, 2013, renewed on April 26, 2018, and new amendment was made on October 10, 2019.

In provision 19.1 of Article 19 of the law on AML/CTF, it states ‘the Financial Regulatory Commission shall supervise and regulate entities stipulated in provisions 4.1.2 through 4.1.8 of this law...supervise in risk-based approach’.

In Article 2 of the law of AML/CTF, it established the cooperation requirements of the RE’s for the prevention of ML/TF their relation to the State Entities, and Article 3 defined the roles and directions of the authorized entities. As stated in provision 19.2 of the law, FRC is obliged to conduct the sectoral risk assessment of RE’s in its jurisdiction, supervise, regulate, and consult the sectoral RE’s.

Based on the FATF recommendations and international practice, the ML/TF has three levels of risk assessment, which review these risks from different perspectives. Together, the three assessment inform government, authorized entities, and REs of potential risks to help combat ML/TF. The three risk assessments combined provide a picture of the ML/TF risks faced to the country. The following figure shows how these risk assessments provide data to each others (Figure 1). The three levels of the risk assessments are:

National Risk Assessment (NRA)

The NRA reviews ML/TF issues affecting the whole of Mongolia. It is based on information from suspicious transaction reports (STRs) and proceeds of crime records. Information from government organizations, both domestic and international, also contribute to the NRA, and it provides a comprehensive overview of threats and crime trends. The RE’s shall use the NRA to be informed of emerging threats and trends. The public relations officers of the FRC and other authorized entities are recommended to share relevant case studies and predicate offences in staff anti-money laundering and countering financing of terrorism in training and campaigns. Based on the international practice, it is identified that the personnel well understood the nature of the ML/TF crimes demonstrate higher motivations of revealing and combatting the ML/TF actions.

Sector Risk Assessment (SRA)

The authorized entities of AML/CTF produce the sectoral risk assessment of their jurisdiction. The purpose of the sectoral risk assessments produced by these entities are to improve the understandings of the sectoral RE’s, and inform them of the risk indicators, trends and emerging issues. This SRA issued by the FRC analyses the sectoral ML/TF risks covering five sectors defined in provisions 4.1.2 through 4.1.7 of the Law of Mongolia on AML/CTF.

Risk assessments by REs (RA by RE’s)

The RE’s risk assessments are carried out in the following two types:

1. The RE’s self-risk assessment of ML/TF within the framework of ML/TF prevention;

2. The periodic ML/TF risk assessment of the authorized entities of each RE for the enforcement and monitoring of RE's legal obligations.

The RE's self risk assessment of ML/TF: REs must carry out a risk assessment of ML/TF in their business. In provision 4.3 of the law of Mongolia on AML/CTF requires the RE's to implement the risk-based AML/CTF actions, and realistically evaluate their risks based on the following risks, in relation to the characteristics of their business operations and scope:

1. Customer dependent risks;
2. Product and services related risks;
3. Risks related to the methods and channels of delivery;
4. Risks due to geographical locations.

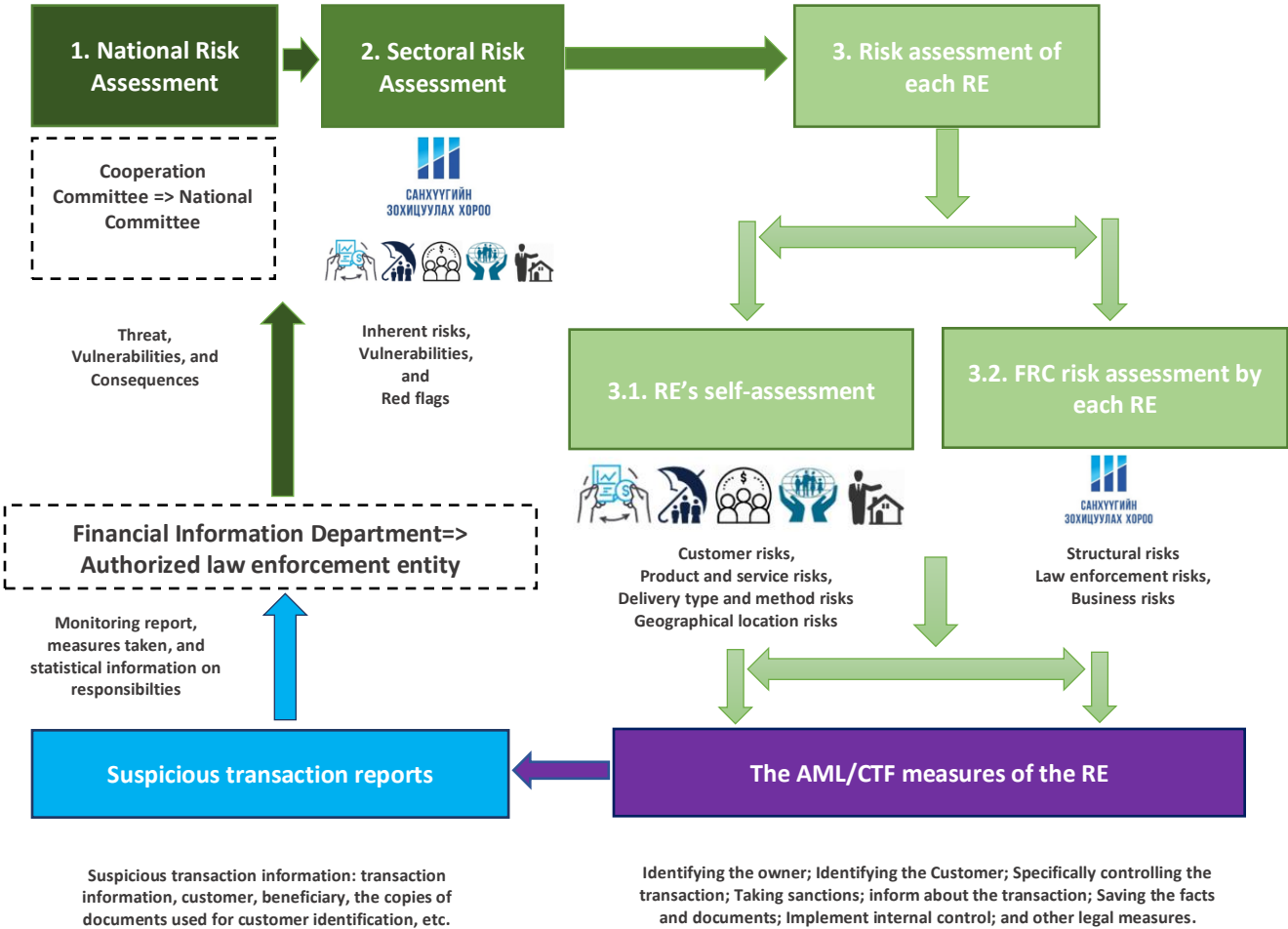
In provision 5.14 of the law, it states the Governor of the Bank of Mongolia shall approve the procedure of the ML/TF prevention; accordingly by the resolution A-26, of Governor of the Bank of Mongolia, dated January 21, 2019 the 'The regulation of preventive measures on anti-money laundering and combating financing of terrorism' was approved. When implementing the preventive measures, the sectoral RE's shall adhere the provisions of above-mentioned law and regulations.

When developing the operational procedures of AML/CTF, the RE's shall use the corresponding SRA, and guidance and recommendations developed by the international organizations, especially the ones issued by the FATF and APG.

The periodic ML/TF risk assessment of the FRC on each RE: As stated in provision 19.2 of the law on AML/CTF, the FRC is obliged to supervise and regulate RE's to ensure compliance, control remotely, and obtain the documents, evidences, reports, information, and explanation for the execution of direct control. According to this provision, based on the information submitted to the FRC, the FRC shall take conduct periodic ML/TF risk assessment, and take following measures based on the results of the risk assessment.

1. Obtain the explanation and clarification regarding the factors affected the high-risk evaluations of the ML/TF risk assessment;
2. Provide guidance and recommendations to the RE's regarding the control of ML/TF risk factors;
3. When necessary issue notices and instructions and take mandatory measures. Specifically, conduct on-site direct control of the RE and take measures depending on the results of the control activities.

Figure 1: Interdependence of the ML/TF risk assessments



SECTION 2. SRA METHODOLOGY

Background of SRA: The following information were used for the development of the SRA report:

- The National Risk Assessment of Mongolia and Mutual Assessment Report;
- The registry of the license holders of Financial Regulatory commission, their monthly and quarterly reports and information;
- The reports of the monitoring actions held by the Financial Regulatory Commission at the entities under its jurisdiction;
- The action report of the National committee and Cooperation Committee;
- Statistical information issued by the Financial Information Department;
- The methodological guidance of risk-based assessment, typology reports and sectoral reports issued by the FATF and APG;
- The other assessment reports and information published prior to this report;
- The other research and reports issued by the other entities.

According to provision 4.3 of Article 4 of the law of Mongolia on AML/CTF and other relevant provisions each sector was assessed by the following factors:

- Customer and the situation due to customer;
- Product and services;
- The methods and types of service and product delivery;
- Geographical location;
- The number of entities of the sector, the number of entities conducting particular activities, and the type and structure of the entity;
- The number of rules and regulations of the sector, and their scope;
- The level of law enforcement of the entities in the sector, the number and types of the breaches identified through monitoring, etc.

Scope: This Sectoral Risk Assessment report covers the sectoral ML/TF risk impacts on the RE's of following 5 sectors defined in provisions 4.1.2 through 4.1.7 of the Law of Mongolia on AML/CTF according to the provision 19.1 of Article 19 of the law on AML/CTF:

1. Non-Bank Financial Institutions (NBFI);
2. Insurance companies and professionals;
3. Investment funds and investment management entities and licensed securities market entities. Identified as 'Licensed securities market entities' together;
4. Savings and credit cooperatives;
5. Real estate agents.

NBFI: The Law of Mongolia on Non-Bank Financial Activities establishes the legal foundations for non-bank financial activities and regulates relations concerning management, organization, licensing, and suspension or revocation of licenses of entities conducting non-bank financial activities. In provision 4.1.1 of Article 4 of the Law on non-bank financial activities is states "' Nonbank financial activities"' shall mean

services stated in Article 7.1 of the current Law, conducted by the business entity, which has obtained the license from the Financial Regulatory Commission’

In provision 7.1 of Article 7 of the Law, it stated the nonbank financial activities shall include the following:

- Lending;
- Factoring;
- Issuing guarantee;
- Issuing payment instrument;
- Electronic payment instruments;
- Foreign currency exchange;
- Trust service;
- Investment into short-term financial instruments;
- Provision of investment and financial and investment advisory services;

Within the framework of the risk assessment the NBFIs identified based on the ‘Non-bank financial institutions’ referred in provision 4.1.2 of Article 4 of the Law on AML/CTF of Mongolia, defined in accordance with provision 4.1.1 of Article 4 of the Law on non-bank financial activities, where is stated “Nonbank financial activities” shall mean services stated in Article 7.1 of the current Law, conducted by the business entity, which has obtained the license from the Financial Regulatory Commission’’. Although, the ‘Issuance of the payment instrument’ license is regulated by the Bank of Mongolia in accordance with the Law of Mongolia on National Payment System 2017, its associated risks are covered within the sectoral risk assessment. Hence, no NBFIs has been awarded with the special permit to operate ‘Financial intermediation activities related to the real estate collateralization’, the corresponding assessment was not reflected in this SRA.

Insurance companies: The Law of Mongolia on Insurance defines the legal framework for conducting insurance activities within the territory of Mongolia; and regulates the control and monitoring relations of authorized state entities, issuance of new licenses, and protection of the rights of insured. In provision 4.1.1 of Article 4 of this Law, it states “insurance” shall mean the operation where an insurer under the insurance contract is obliged to pay insurance compensation or the amount equivalent to the loss or damage caused due to an insurance event to the certain party’.

According to provision 4.1.2 of Article 4 of the Law of Mongolia on Insurance, ‘the “insurer” means the company that obtains a license to conduct insurance activities in the territory of Mongolia in conformity with current law’, and in provision 3.3 it states ‘the legal statuses of the insurance mediator, insurance agent, and insurance loss evaluator shall be regulated in accordance with the Law on professional insurance participation’. Accordingly, as stated in provision 4.1.3 of Law on AML/CTF ‘the insurance companies and professional participants’ are considered for the framework of the sectoral ML/TF risk assessment.

Within the framework of the ML/TF risk assessment of the insurance sector, the insurance companies, mediators, and loss evaluators are covered in accordance with Law on Insurance and Law on professional insurance participation.

Licensed securities market entities: The Law of Mongolia on Securities Market regulates the relations of participants operations, control and monitoring and protection of the investor’s rights. In provision 4.1.1 of Article 4 of this law, it states “Securities market” is the regulated market and non-exchange market

relations related to the public offering of securities, registration, trading, depository arrangements, and transfer of the rights evidenced by the securities’.

In provision 4.1.16 of Article 4 of the Law of Mongolia on Securities Market, “Professionals operating on the securities markets” are the legal entities licensed by the Commission as professional organizations to conduct professional activities and services in the securities market’ and those are covered for this sectoral assessment under provision 4.1.5 of Article 4 of the Law on AML/CTF, ‘Licensed securities market entities’. The other participants of the securities market the issuers of the securities are considered as customers of the Licensed securities market entities.

Moreover, in provision 4.1.32 “investment fund” means fund raised from the public or by way of closed subscription under the direction of an investment management company for the purpose of engaging in the activities described in Article 4.1.18 of this Law’; and in provision 4.1.33 “investment management company” means a licensed and regulated legal entity in the securities market that manages the assets of an investment fund on the basis of a contract entered into with such investment fund’, which are considered as ‘Investment funds and investment management entities’ stated in provision 4.1.5 of the Law on AML/CTF of Mongolia and covered within the sectoral risk assessment of the Licensed securities market entities.

According to provision 24.2 of Article 24 of the Law on Securities Market of Mongolia, ‘The activities specified in Articles 24.1.1 - 24.1.14 and in Article 24.1.18 of this Law shall only be undertaken on the basis of a license issued by the FRC’ and in provision 24.3, where it states ‘The activities specified in Articles 24.1.15 - 24.1.17 of the same law shall be undertaken by a legal entity authorized to undertake concerned activities on the basis of having fulfilled the conditions and requirements set down by, and having registered with, the FRC’ the professional regulated entities are covered in the risk assessment of the sector.

Although, no entity has been issued with the license according to provision 24.4, where it states ‘A license to undertake the activity specified in Article 24.1.14 of this Law shall be issued by the FRC in consultation with the Bank of Mongolia’, the present SRA covers the assessment of ‘credit rating services’ activities.

Savings and credit cooperatives: The Law of Mongolia on Savings and credit cooperatives defines the legislative foundations of the Savings and Credit Cooperatives (SCC) and regulates the relations arisen due to its activities. In provision 3.1.1 of Article 3 of the Law on savings and credit cooperatives is states, the ‘Savings and credit cooperative means a non-profit legal entity established by individuals for the provision of savings and credit services to satisfy their social and cultural needs, governed and supervised in a democratic and collective manner and conducts its business based on the issued license’.

In provision 13.4 of Article 13, ‘The Savings and credit cooperation shall operate monetary savings and credit activities based on the license issued by the FRC’; and in provision 13.5 it states ‘the Savings and credit cooperation may operate the other legally permitted financial operations and services approved by the FRC’. Accordingly, for the purpose of the ML/TF risk assessment, the monetary savings, credit services, and other legally permitted and FRC licensed operations and services of the SCC are considered under provision 4.1.6 of Article 4 of the Law of Mongolia of AML/CTF.

Real estate agents: In provision 4.1.7 of Article 4 of law on AML/CTF, ‘Real estate agents if conducted sales and purchase activities representing their clients’ are considered as RE. However, the real estate business is relatively underdeveloped in Mongolia, the real estate agents do not directly receive cash from the Customers and do not manage the Customer’s assets; moreover, the construction companies conduct their sales without involving the real estate agents. However, the following participants of the real estate

market are covered within the framework of this sector, for they are able to conduct the sales and purchase activities on behalf of their customers:

1. Real estate agent – the entity which mediates between seller and buyer or landlord and tenant, and regulate the sales and purchase agreement negotiating the agreement on behalf of the participants;
2. Real estate developer - the entity, which manages all relevant activities related to the real estate development from allocating the land plot, the land acquisition and settlement, and construction and commissioning, financing, and sales of the real estate. The project developed may have implemented all the project phases itself or may have outsources its phases to contractors.

Limitations: For consistency, when comparing sectors, we aimed to determine the likely inherent ML/TF risk. The risks faced by individual REs will vary from the sector average due to business specific characteristics of individual REs.

Risk scale: . We applied the risk scale below to all risk variables of the sector. We have not included a ‘medium’ risk category to ensure a clear position on the risk rating. For each sector we have rated the ML/TF risk as:



‘Inherent’ risk: The risk that an activity would pose if no controls or other mitigating factors were in place. The SRA evaluates inherent ML/TF risks. Inherent risk disregards any controls a RE might have in place. This is deliberate as these will vary significantly from RE to RE, and depend on their available resources and their commitment to reducing ML/TF risks.

Vulnerability: This is described as a weakness that can be exploited for the purposes of ML/TF. It considers key vulnerabilities across the supervised sectors. This helps identify the sector risk(s). These are:

- Complexity;
- Liquidity;
- Anonymity.

To identify ML/TF risk levels, each sector is assessed against the variables defined in 4.3 of the Law of Mongolia on AML/CTF. The excessive number of vulnerable results, especially highly vulnerable assessments would lead Mongolia to be considered under high-risk classification.

For the analysis, first the likelihood (threat and vulnerability) of ML/TF risks were identified. For the likelihood evaluation the factors such as inherent risk evaluation, size of sector, the volume of transaction and turnover, and number of entities were considered for the following variables.

Risk variable	High probability (5)	Low probability (1)
Size of the sector	There are numerous entities that operate in high risk countries and cooperates with many organizations	A few or small-scale entities, the companies operate within the country only.
Products /services	There are number of cash-based products and services, high complexity products, and the source of fund is always undefined.	Limited number of cash-based products and services, limited number of transactions or few or simple products, and the source of fund is identifiable.

Transactions	Large volume of transactions, and high number of transactions to high-risk countries.	The low volume of transactions and transactions are within country only
Customer types	Numerous wealthy and foreign customers, and many customers with complex structure	Domestic customers only
Delivery channel	Never face the customer in person	Directly face to face communication with customer






Next, the potential impact of the ML/TF risks (from 1- ‘low-impact’ to 5 ‘high-impact’) to the financial, reputational, and trust relations to the sector was evaluated.

The risk vulnerability scale is identified as a multiplication of likelihood of the operational risk occurrence and the risk impact.





SECTION 3. RISK KEY

The risk keys described below would help in determining the main ML/TF vulnerability. The vulnerabilities are grouped into factors that may either increase or decrease a particular risk. This helps REs to determine if their risk is higher or lower than the overall risk estimate in their sector. REs need to keep this risk key on top of mind when they review the individual sectors outlined in sector risk in Section 8.

Vulnerability Variable	What increases the risk?	What reduces the risk?
 <p>Customer</p>	<ul style="list-style-type: none"> • High net worth individuals • Foreign citizens, legal entities, and domestic citizens dominate • Complicated to identify the customer • Large base of customers • Numerous professional customers • Do not require membership, or unstable customer base 	<ul style="list-style-type: none"> • Low-income customers • Mostly local legal entities • Possible to directly identify the customer • Small and clear customers • Simple customers • With a strict membership rule or clear and constant customer base
 <p>Product, and Services</p>	<ul style="list-style-type: none"> • High value, fluctuating transactions • Relatively high benefit level, regardless the high fee • Highly liquid products/services • Requires multiple phases and participants- complex • Cash based transaction • Short-term • Commission-based selling, leading to conflicts of interest 	<ul style="list-style-type: none"> • Low value, constant or pre-defined transactions • Low cost, no reimbursement and repayments • Low liquidity, strict conditions • Involves one participant only • Long term • No commission offered based on selling
 <p>Methods and types of delivery</p>	<ul style="list-style-type: none"> • Enables the customer anonymity • No face-to-face identity verification • No direct customer interaction • Due diligence carried out by other institutions • Transactions carried out remotely. 	<ul style="list-style-type: none"> • Regular face-to-face contact • Directly contacts customer • RE carries out customer due diligence itself.
 <p>Geographical location</p>	<ul style="list-style-type: none"> • Customers based in other jurisdictions • Customers operate through the branch and representative offices • Operate in the free-economic or border region, or low monitoring and based in high risk locations 	<ul style="list-style-type: none"> • Customers based in the same country and region of the jurisdiction • Do not have branch or representative offices
 <p>Structure and organization</p>	<ul style="list-style-type: none"> • The direct and other owners of the RE are composed of PEPs (Politically Exposed Persons) or other risk prone owners нь • No limitation on number and requirements on direct owners, complex to identify the direct owners • High volume and necessity of the statutory fund 	<ul style="list-style-type: none"> • No PEPs or high-risk persons amongst the RE owners • There is limitation for the number and requirements of the direct owners and the owners are easily identified • The necessity and volume of the statutory fund is low

SECTORAL RISK ASSESSMENT

	<ul style="list-style-type: none"> • High ‘inherent’ risk of the RE • Highly competitive and active marketing campaigns • High-risk companies within the financial group • Large organizations, may face difficulties in implementing the AML/CTF activities • Small entities may have loose understanding of ML/TF • Insufficient staff and high turnover. 	<ul style="list-style-type: none"> • Low competition and legally limited marketing potential • Independent of financial grouping
 <p>Regulation</p>	<ul style="list-style-type: none"> • No or weak regulatory environment of the sector or particular activity • No entity in charge of payments and registrations or the entity is malfunctioning 	<ul style="list-style-type: none"> • Satisfactory level regulation of the sector and activity • The entity in charge of payment and registration functions efficiently
 <p>Compliance</p>	<ul style="list-style-type: none"> • Unsatisfactory level of understanding, knowledge, and tendency of RE’s • Weak or inexistent internal control of RE’s • The RE’s never been or inefficiently monitored • Constantly fail to submit reports, delay or cooking the books, or misreport • Have history of tax avoidance and organized crime 	<ul style="list-style-type: none"> • The RE’s have sufficient level of ML/TF understanding, knowledge, and tendency • The RE’s have sufficiently established internal control • Regularly control and monitor of the RE’s and take measures • The reports and information are submitted on time, no breach is observed • Fully adheres the Tax laws and never participated in an organized crime

SECTION 4. RED FLAGS

Red flags indicate unusual customer activity and should prompt a RE to carry out further investigation. The following red flags come from different sources and could occur and may raise the demand of control.

<p>At the start of the customer relationship</p>	<ul style="list-style-type: none"> • Customer is nervous and reluctant to provide identity documents • No connection between customer’s place of residence and the financial institution • The information a customer provided does not align with information from other sources • Customer has unexplained wealth inconsistent with their economic situation • A wholesale customer who is an inexperienced investor • Customer has complex trust or other legal arrangements which aim to hide beneficial ownership. • Customer is a PEP • Customer resides in a high risk country rated by international sources such as Financial Action Taskforce or Transparency International
<ul style="list-style-type: none"> • Unusual or unexplained lump sums added to an account which does not align with the customer’s known wealth • Unusual settlements – such as third parties’ cheques sent for no apparent reason • Transactions that lack economic sense such as buy and sell orders with little gain or loss to give the impression of account activity • Investments are quickly followed by sales or transfer of assets • Customer who keeps losing money and replenishes the account in excess of their known wealth • Customer’s investments are inconsistent with their investment profile • Previously dormant accounts suddenly have unexplained wire transfer activities • A new customer who introduces other high-net worth customers shortly after onboarding • Cash is added to an account and withdrawn shortly after, with no trading • Customer age does not align with the investment or trading behaviour – they could be used as a mule (very younger or older customer) • Customer’s wealth is not aligned with their known background • Customer makes large or structured cash deposits into the RE bank account to facilitate investment 	<p>During the customer relationship</p>
<p>Ending a customer relationship</p>	<ul style="list-style-type: none"> • An account is only used for one transaction, contrary to its normal use • Customer closes their account after requesting additional customer due diligence documents (like source of funds) • Customer requests funds to be sent to a third party account with no apparent connection or to an overseas account.

SECTION 5. MONEY LAUNDERING THE PROCEEDS OF CRIME

5.1 Stages of money laundering

Money laundering (ML) involves concealing the origins of funds or assets. There are three recognised stages of ML:

- **Placement:** Criminals introduce proceeds of crime into the financial system.
- **Layering:** This occurs when the proceeds of crime are in the financial system. It can involve numerous transactions designed to confuse the tracing of funds to their original source.
- **Integration:** This occurs when the funds become legitimate following the additional transactions conducted.

The five sectors under the FRC jurisdictions have potential of being used in all three stages of money laundering, especially in the in the layering and integration stages.

5.2 Predicate offences and their characteristics

Money laundering (ML) is an intention of concealing the origins of funds or assets obtained through the crime and illegal deeds, circulating fund in the economic cycle, and making the ‘dirty’ money to look as ‘clean’ or legitimate income. The crime and illegal deed, that generate the ‘dirty’ money is called predicate offense. The reporting entities shall have basic understanding and knowledge, regarding the money laundering and predicate offenses.

High-risk predicate offences include fraud, anti-environmental crimes, tax avoidance, bribery; and medium risk offenses include drug dealing, smuggling or illegal cross border trade, organized crime and crimes against the banking regulations, theft, and assets related to the foreign crimes. Majority of the income generated through the predicate offence are laundered within Mongolia and the remaining (especially the bribes) are laundered in offshore regions.¹

The situation regarding the above mentioned high and medium risk offenses are analyzed based on the registered crime records. The RE’s of the sector, and their employees shall have understanding and knowledge of the predicate offences and factors impacting them and plan the preventive measures, especially consider in the operation of customer identification.

Fraud: Amongst the other offenses against the asset ownership, the fraud is the second common offence next to the theft. According to the National Police Agency (NPA) in 2018, total of 5,372 fraud incidents were registered, which is 79.3% higher than 2017 data.² Due to this type of a crime, in 2017 in total 9,275 citizens and 4 legal entities were victimized, and out of total damage of 123.2 billion MNT, roughly 48.4 billion MNT or 39.3 percent were reimbursed and 26.6 billion MNT worth assets were arrested. The average

¹ ‘Anti-money laundering and counter-terrorist financing measures Mongolia Mutual Evaluation Report’ APG, September 2017.

² ‘The state statistics of the crime and violations, 2018’. National Police Agency

fraud loss was equivalent to 41.1 million MNT.³ The fraud crimes are mostly committed due to the following situation:

- (i) The fraud crime is mostly committed due to the financial difficulties. Specifically, increased number of crimes conducted to obtain the basic necessities of life, such as handphones, vehicles, and apartment; the people borrow items based on lie, avoid returning them, and execute civil agreements such as purchase and sales agreements, and contract work agreement for the purpose. Specifically, the fraud is committed by executing the loan agreements and disappearing without repaying the loan, and growing number of the loan related crimes are commonly caused by financial difficulties such as inability of paying the bank loan, borrowing monetary assistance from individual loaners (sharks) to pay the bank loan, and becoming unable to satisfy the requirements of the bank loan, and sudden demand of fund, etc.
- (ii) There are numerous cases of fraud of obtaining assets with lie taking advantage of the weak vigilant people. For example: criminals introduce themselves as personnel from the authorized entities and commit fraudulent crimes in the form of fee payment (specifically, deceitfully promising to issue special permit and/or land permit). Also, it is observed to deceive people based on the religious beliefs, to gain material benefit by pretending to be a monk or an astrologist.
- (iii) The social trend and situation. Based on the people’s willingness to emigrate, work abroad, the fraud related to visa issuance is causing huge amount of damage to people. Moreover, due to the increased desire to study abroad amongst the Mongolian youth, the deception of obtaining others resources promising to mediate to the foreign schools is newly rising type of crime.⁴

Crime against the environment: In 2017, roughly 128 incidents of this type of crime was registered, which is increased by 56 incidents or 77.8 percent compared to the previous year. In 2016, total of 165 incidents of this crime was registered, out of which 4.9 billion MNT worth damage was caused, and 2.7 billion MNT or roughly 55.1 percent was recovered during the investigation stage. The crime against the environment is a socially dangerous crime, that usually happens in the countryside using the weapon and equipment, and the trade, transportation, storage and consumption of the poached trophies are conducted only between the seller and buyer in hidden. The most of the crime cases are related to illegal or unlicensed wildlife hunt, timber wood preparation, minerals extraction, and hazardous chemicals usage. Specifically, in case of the mineral extraction the most of the cases are related to the conspiracy between public officers, business entities, and company owners; and mining operations held in the specially protected areas. For example:

Typology example #1 (Predicate crime): In the territory of Zaamar soum of Tuv province, the director of the “Suld mining resources” LLC conspired with the Soum Governor to extract the mineral resource illegally, and the “Mon dulaan trade” LLC exceeded the permit granted by the MU000211 license, illegally conducted mineral extraction works in 4.5 hectares of land area, causing 614.9 million MNT worth damage.

In Ulziit soum of Bayankhongor province, citizen G and B conducted illegal mineral extraction operations, under the cover of environmental rehabilitation works.

In the territory of the Naran bag of the Bayandalai soum of Umnugobi province, citizen G raked 9.8kgs of Orobanchaceae Vent.

³ “The white book of crimes of Mongolia- 2017”, The regulatory commission of crime prevention of Mongolia, 2018.

⁴ “The white book of crimes of Mongolia- 2016”, The regulatory commission of crime prevention of Mongolia, 2017.

The reasons of the crime against the environment are caused by the people's desire to earn easy money, and delusion of healing if the parts of animal or plants are consumed.

Roughly 15 percent of this type of crimes are related to the illegal exploration and extraction of the mineral resources, which compared to over 2000 legal entities and 90 thousand of individuals conducting mineral exploration, it is possibly due to the hidden pattern of this type of crime. The types of 'ninjas' enhanced in types, with hauling of gold, tungsten, mineral stones, charcoal, and pine nuts.⁵

The crime of tax avoidance: Based on the international criminology research, behind 1 case of crime 3-10 hidden crimes exist; and as per special crime cases of bribery and tax avoidance it is highly probable of hiding 1:100 crimes behind one incident. If roughly 60-90 cases of tax avoidance are investigated a year in Mongolia, 600-900 tax avoidance incidents may have been committed. The approximate amount of loss of the state budget gain could be estimated based on the amount of 36 trillion MNT income, declared following the Law of Mongolia on Promotion of Economic Transparency, approved in 2015. The tax avoidance crime is conducted in the following forms.

1. Executing the sales and purchase agreement of the taxable property, goods, work, and specific rights for price lower or higher than market price;
2. Colluding with other tax payers, to fabricate the initial financial and accounting documents and concealing the taxable income, reducing on purpose, increasing the cost artificially, and unreasonably misrepresenting the financial statements, tax statement, and settlement reports;
3. Operate business without registering to the state registry and avoid registering with VAT tax payer registry;
4. Declare the imported goods price lower to the customs office and state higher value for the VAT return;
5. Import and sell the goods under the other individuals names to avoid tax application and statement;
6. Be unavailable at the state registered address and location, be absent, and disregard the tax authority summon without respectful reason;
7. Tax avoidance using the transfer price and thin capitalization methods.⁶

Crime of corruption: In 2017, the Independent Authority Against Corruption has received 658 complaints and information about the cases with criminal characteristics, and based on its types about 337 cases related to abuse of authority, 63 cases of corruption, 76 cases of bribery, 82 cases of poaching of assets by the officials, 51 cases related to unexplained enrichment or asset concealment, 48 incidents of violation of procurement regulation, 50 cases of inappropriate expenditure of budget asset, and 6 other cases were investigated.

Out of 709 officials, investigated under the complaints: 137 were in public and 115 are in state administrative offices, 220 in state special and 105 are in managing positions of public services, 47 are of the managing positions of private entities, 41 are the managing personnel of the state-owned entities, and 44 other officials.

For 174 incidents or 26.4 percent of the criminal complaints the case registration was applied (opening of criminal case), 375 cases or 58 percent were refused to apply case registration (refusal of criminal case),

⁵ "The white book of crimes of Mongolia- 2016", The regulatory commission of crime prevention of Mongolia, 2017

⁶ "The white book of crimes of Mongolia- 2016", The regulatory commission of crime prevention of Mongolia, 2017.

and 93 or 14.3 percent were transferred to the corresponding prosecutor's office according to their jurisdiction.

In total 427 criminal cases were investigated, against 1301 incidents related to the legal jurisdiction for 654 defendants. Out of investigated cases, 106 or 24.8 percent⁷ of these were transferred to the prosecutor's office with proposal to proceed with trial and 94 incidents or 22.0 percent were transferred to the prosecutor's office with proposal to close the registration case, 48 cases or 11.2 percent were transferred to their registered court, 14 incidents of 3.2 percent were applied to other criminal incidents, 2 cases were dismissed, and 163 incidents were remaining open by the end of the year.

⁷ "The white book of crimes of Mongolia- 2017", The regulatory commission of crime prevention of Mongolia, 2018.

SECTION 6. TERRORISM FINANCING

On October 10, 2019 the State Great Khural of Mongolia has approved the Law on Countering Weapons of Mass Destruction and Terrorism.

In provision 3.1.1 of Law on Countering Weapons of Mass Destruction and Terrorism ‘the “terrorism” means the unlawful use or intent of using the force and violence against to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political, religious, or ideology objectives’ ; and as stated in provision 3.1.3.yo “the financing of terrorism, direct and indirect assistance and support” are considered as “terrorist activity”’.

According to the Law of Mongolia on AML/CTF, in provision 3.1.2 it defined “terrorism financing” means the direct and indirect accumulation, modification, transfer, and expenditure of fund, being aware of its intent to be used for the terrorist action and activities of the terrorists’; and in provision 3.1.11 it stated “the financing of the spread of Countering Weapons of Mass Destruction” has the meaning stated in provision 3.1.20 of the Law on Countering Weapons of Mass Destruction and Terrorism’.

Moreover, in provision 3.1.20 of the Law on Countering Weapons of Mass Destruction and Terrorism it stated “the financing of the spread of Countering Weapons of Mass Destruction” means direct and indirect accumulation, transfer and expense of fund for the intent of financing the activities of processing of raw materials, manufacturing, obtaining, storing, possessing, transporting, exporting, transferring, accumulating, selling, and purchasing spread of chemical, biological and mass destruction weapon, prohibited by the international conventions’.

In this report, the definitions stated in provision 3.1.2 of Law of Mongolia on AML/CTF, the ‘terrorism financing’, and the definition of ‘the financing of the spread of Countering Weapons of Mass Destruction’ stated in provision 3.1.20 of the Law on Countering Weapons of Mass Destruction and Terrorism are referred together as ‘terrorism financing’ for the purpose sector analysis.

For the implementation of terrorist activity, the terrorists would need funding. These could be simple expenditures, such as apartment rental and food bill, etc. The characteristics of the terrorist financing activities is similar to money laundering in many ways. However, the TF has its special feature in its preventive measures.

As per characteristics, it is complicated to identify the TF action. The source of the funding could be both legal and illegal, and the transactions are mostly low value. Therefore, in terms of TF activity it aims to conceal the source of funding and essence of funded activities.

In 2017 Mutual assessment report of APG, it concluded ‘Mongolia’s exposure to terrorism financing (TF) threats seems to be limited. Based on available open source information, Mongolia has no reported or identified instances of Al Qaeda, Taliban or ISIL related activities, and Mongolia has not been identified as a major source or route jurisdiction for foreign terrorist fighter (FTFs). Furthermore, there have been no reports of terrorist attacks or indigenous terrorist groups operating in Mongolia’.

The General Intelligence Agency of Mongolia issued the ‘Risk assessment of financing of terrorism and mass destruction weapons’⁸.

⁸ Монгол Улсын Тагнуулын ерөнхий газар: <https://gia.gov.mn/5/item/548>

The risk assessment of terrorism financing is the ‘speculation’ analysis on the summary of the assessments of vulnerabilities and threats of government, non-government, and citizen’s control on expenditure, accumulation, transferred assets, turnover that directly or indirectly relate to the terrorist activities of terrorist organization, grouping, and individuals.⁹

As a result of the analysis based on the task force research and information submitted by the member organizations, the general risk level of financing terrorism and mass destruction weapons of Mongolia is in **Yellow** or “**Medium-High**” level (Although, the risk of conducting terrorist activity in Mongolia is low, the circumstances of probable formation of terrorism foundation in our country is in medium level, which is dragging the risk to the “medium-high” level); thus it is mandatory to implement fundamental measures countering and preventing the terrorism financing throughout Mongolia.

The risk assessment sector	Risk assessment against the terrorism financing	The risk assessment against the financing of the spread of CWMD
Financial entities except the banks	57.5%	62.5%
Real estate agents	60.0%	62.5%
Commercial banks	41.25%	50.0%
Legal entities – for profit	47.5%	50.0%
Legal entities – Non-Government Organizations	62.5%	65.0%
Border monitoring	48.75%	60.0%

Where: 0-20% No risk, 21-40% low risk, 41-60% medium risk, 61-80% high risk, and 81-100% at real risk.

Currently, in the sectors except the banking, no terrorism financing incident was identified. FRC considers the services of the non-bank financing sectors pose relatively low risk of terrorism financing, except for currency exchange and foreign monetary transactions. Besides, throughout the sector the legal environment in regards of countering the money laundering and terrorism financing is relatively improved; and for the enforcement of the laws, it is striving to reflect special measures and articles to the relevant rules and regulations for the prevention of terrorism financing.

Although, the FRC constantly organizes corresponding training and information campaign within the non-bank financial sectors, due to the insufficient understanding, knowledge, and information on terrorism financing of the regulated sector is correspondingly increasing the risk.

The risk of fund accumulation and income generation for the purpose of terrorism financing is more probable within the sector, compared to direct financing the terrorism. Specifically, the non-bank financial sector is providing services and products directed domestically only, which is one of the reasons of increased risk of the sector.¹⁰

Nevertheless, in the era of globalization the RE’s shall act vigilantly and be alert all the time.

In provision 6¹.1 of the Law of Mongolia on AML/CTF it stated, ‘the entity defined in provision 4.1 of current law, shall not provide services to person, any group and consolidation defined in provision 3.1.17 and 3.1.18 of the Law on Countering Weapons of Mass Destruction and Terrorism’. In accordance with chapter 6¹ of Law of Mongolia on AML/CTF, the RE’s shall bear the following responsibilities:

⁹ Аргачлалыг талаарх дэлгэрэнгүй мэдээллийг <https://gia.gov.mn/5/item/548> линкээр орж үзнэ үү.

¹⁰ <https://gia.gov.mn/5/item/548>

1. Identify whether the customer and beneficiary of the transaction are included in the list of sanctioned persons, legal entities, any groupings, and consolidations;
2. As soon as identifying the party included in the list of sanctioned persons, legal entities, any grouping, and consolidations, it shall immediately halt the account and asset movements without advance notice, limiting the transactions without the resolutions of the authorized entities, and shall immediately notify the intelligence organizations and financial information department;
3. Implement thorough customer due diligence, identification procedure for the countries announced to have low involvement in the ML/TF monitoring by the international organizations in charge of ML/TF, when necessary it shall take measures defined in the law or the regulations issued in accordance with the law.

In provision 3.1.17 of the Law on Countering Weapons of Mass Destruction and Terrorism it stated “the sanctioned list” means the list of personnel and legal entities approved by the resolution of the United Nations Security Council’, and in provision 3.1.18 it defined “domestic sanctioned list” means the list of personnel and legal entities approved by the Government, based on the proposal for countering weapons and mass destruction and terrorism issued by the authority in charge of combatting the terrorism’.

Therefore, RE’s responsible to use the sanctioned list and domestic sanctioned list in their operations, implement actions to identify the customers, and implement sanctions.

Key indicators and considerations related to terrorist financing

Some of the key considerations that may indicate the TF involvement are shown below. These are not all potential forms, and the RE’s shall include the other potential factors depending on the characteristics of their own operations.

- Initiate numerous asset transactions to the beneficiaries located in the high-risk regions;
- Fund transfer of individuals and companies to the organizations identified and suspected to have relation to the TF;
- Account transaction conducted by multiple customers, using the same address and telephone number (conduct operations);
- Open account using fake identity;
- The customers residing or returning from the conflicting zone;
- Sudden activation of the account irrelevant to the nature and characteristics of the customer;
- Numerous low value domestic transactions conducted to one account, etc.

Since the TF risk arena is speedily transforming, it is recommended for the RE’s to consider long term prospect and reflect newly forming conditions when conducting TF risk assessment. The RE’s shall efficiently reflect newly identified conditions in its measures and regulations against ML/TF and continuously control the implementations and present conditions of the TF.

Within the framework of the ML/TF prevention, the RE’s shall use the following two groups of sanctions list in their customer identification activity:

1. The Consolidated sanctions list issued by the UN Security Council (United Nations Security Council Consolidated List)¹¹;

¹¹ <https://www.un.org/securitycouncil/content/un-sc-consolidated-list>

2. The list of Non-Cooperative Countries or Territories for ‘**Call for action**’ (black) and the ‘grey’ list of jurisdictions with strategic deficiencies issued by FATF.

The United Nations Security Council Consolidated List: It is mandatory to access the above link and download the United Nations Security Council Consolidated List information of persons, legal entities, any groups, and consolidations (in pdf, xml, and html format), and use in their actions of customer identification.

As per this list, it consists of two sets of individuals and legal entities list sorted in Latin alphabetic order. The list also includes the possible information regarding the customer identification, specifically four types of names, the form it is written in native language, birth place, and birthday.

The list issued by the FATF: As of October 30, 2019, the FATF judged the following two countries in its ‘high-risk’ countries list and defined to be non-cooperative in the global fight against money laundering and terrorist financing:

1. Iran¹²;
2. Democratic People’s Republic of Korea¹³

Moreover, the FATF considered the following countries as jurisdictions with strategic deficiencies and included in the ‘grey list’ of the other monitored countries with unsatisfactory ML/TF monitoring structure implemented:

1. Bahamas;
2. Botswana;
3. Cambodia;
4. Ghana;
5. Iceland;
6. Mongolia;
7. Pakistan;
8. Panama;
9. Syria;
10. Trinidad and Tobago;
11. Yemen;
12. Zimbabwe¹⁴.

It is mandatory for RE’s to constantly access the FATF website, obtain renewed list of jurisdictions in the “black” and “grey list”, to use this information in their customer identification activities.

Since no criminal incident on TF and financing of the WMDT is registered, for the purpose of information some of the typology cases published in the “APG yearly typologies report-2019”, August 2019 are included below.

¹² <https://www.fatf-gafi.org/countries/#Iran>

¹³ [https://www.fatf-gafi.org/countries/#Democratic%20People's%20Republic%20of%20Korea%20\(DPRK\)](https://www.fatf-gafi.org/countries/#Democratic%20People's%20Republic%20of%20Korea%20(DPRK))

¹⁴ <https://www.fatf-gafi.org/countries/#other-monitored-jurisdictions>

Typology example #2 (Financing the terrorism - Malaysia):**Typology example #3 (Financing the terrorism - Philippines):**

The Maute Group (MG) is a Daesh/Islamic State of Iraq and Syria (ISIS) inspired group in the Southern Philippines. The group consists of known clans in the area belonging to prominent families. Based on the analysis and findings, CJ (a foreign terrorist organization) cell members sent international fund transfers to the Philippines from January to February 2017. These transactions were all received through the same remittance agency and network of who was using an international remittance platform. Although the beneficiaries of these transactions were the official business entities in the Philippines, the transactions were not relevant to the nature of their businesses. Using the system, foreign fighters in Syria were able to access funds in person or funds were made available in jurisdiction without the need for international funds transfers, remittance or physical movement of currency.

SECTION 7. HOW TO INTERPRET THE DATA

Inherent risk tables

Individual REs will vary to some degree from the average inherent risk of the sector, due to them having differing exposure to the factors, characteristics, and scope of their activities.

To allow REs to be flexible with how they apply the sector risk rating to their own business, we have provided a number of factors we think lower or heighten the risk of ML/TF for individual REs in this report. This report aims to provide REs with an understanding and information, about the identified potentially higher or lower risk areas within the sector. It is important for RE's to evaluate where their business differs from the sector generally and rate their risks accordingly.

Timeframe

The regulated RE's are required to file monthly, quarterly, and annual financial statements and other reports to the FRC. The data and information reflected into this report are based on the information of the special permit, licenses database as of first half of 2019 and the report and statements filed by RE's as of the end of 2018.





















As per the predicate crime statistics and dataset referred in item 5.2 of report, the information, conclusions, and typology examples of the “The white book of crimes of Mongolia- 2016” and “The white book of crimes of Mongolia- 2017” issued by the regulatory commission of crime prevention of Mongolia, 2018.

Moreover, the ‘Money laundering risk assessment report’ on RE's issued by FRC in 2018 was considered as well.

As per real estate agents and corresponding registration entities, the analysis is based specifically on the information of the Legal entities registration department and Asset registration department of State Registration Agency, professional union of the sector, and information of the large entities operating in the sector. Moreover, the ‘Money laundering and terrorism financing risk assessment report of the real estate agents’-2018, developed by the MIRIM Consulting LLC and Mongolian economic analysis and research center NGO conducted by the request of FRC was used for the purpose of this report.


As per regulated entities, the RE's may operate in several regulated sectors and conduct several regulated activities within the sector, in such a case it shall be noted, that the data related to the individual RE are included in each section relevant to their activities. Moreover, reader shall bear in mind that the information is limited with the operational information, and statistical indicators of RE's operating in the sector.

SECTION 8. SECTOR SPECIFIC RISKS

 <p>Non-Bank Financial Institutions</p>	 <p>1,601.7 thous Customers</p> <p>* Accumulated count</p>	<p>*</p>  <p>1.3 billion MNT</p> <p>Amount of total assets</p>	 <p>539 Number of RE's</p> <p>* The number of NBFIs</p>
 <p>Insurance companies and professionals</p>	 <p>717,751 Customers</p> <p>* Number of Insured</p>	<p>*</p>  <p>178.7 billion MNT</p> <p>Total insurance premium</p>	 <p>18 Number of RE's</p> <p>* Insurers 16 Life insurer 1 Double insurers 1</p>
 <p>Licensed securities market entities</p>	 <p>1,304,371 Customers</p> <p>* The number of securities account holders</p>	<p>* The</p>  <p>245.5 billion MNT</p> <p>total amount of securities trade</p>	 <p>53 Number of RE's</p> <p>* The number of securities companies conducting brokering, dealing, underwriting, and investment advisory services -53;</p>
 <p>Savings and credit cooperative</p>	 <p>62,556 Customers</p> <p>* Number of members</p>	<p>* The</p>  <p>200.2 billion MNT</p> <p>amount of total assets</p>	 <p>275 Number of RE's</p> <p>* The Number of Savings and credit cooperatives with licenses issued by the FRC</p>
 <p>Real estate agent</p>	 <p>∞ Customers</p> <p>* It is impossible to identify the number of Customers served by the real estate agents</p>	<p>* It is</p>  <p>∞ MNT</p> <p>Impossible to identify the Volume of the sales mediated by the real estate agents</p>	 <p>104 Number of RE's</p> <p>* Roughly 104 companies are actively operating.</p>

Saving and loan cooperatives

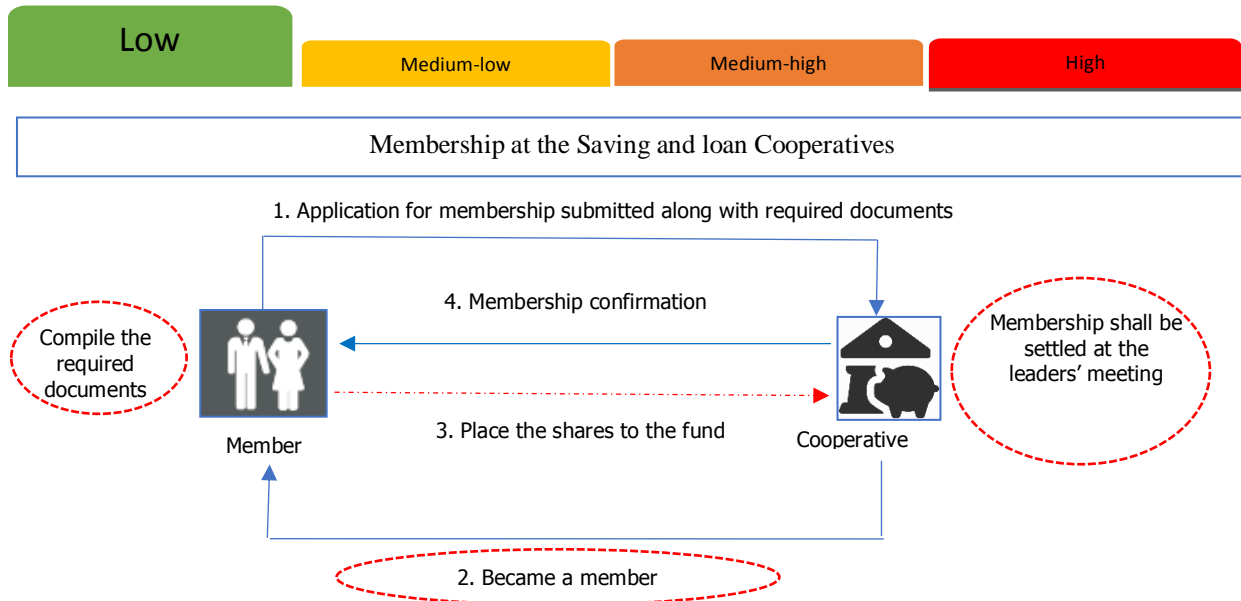


No	Activity	Definitions of the activity	Inherent ML/TF risks
1	 Cash saving, loan issue	Non-profit activity with democratic management and public control to offer the saving and loan services to members for purpose to meet their common needs of socio-economy and culture. (3.1.1).	Low inherent risks. <ul style="list-style-type: none"> • Flexible law or procedure for the cooperative membership shall give the chance for high risky customers to become a member in the cooperative. • Customer is reluctant to provide identity documents to be become a member; • Cash transfer to third party ; • Cash payment on behalf of member to third party; • Large amount transactions for example – sudden loan repayment ; • Shortly request for loan repayment.
2	Others financial activities and services not restricted by governing laws adapted at the Financial regulating Committee	Saving and loan cooperative may offer the financial services and activities not prohibited by laws and regulations as instructed by Financial regulating committee (13.5).	Risk of particular activity shall be assessed. The activities approved by Financial regulating committee are: <ol style="list-style-type: none"> 1. Implementing project and programs- customers and beneficiaries of that project and program are members of the cooperative. So low risk for ML/TF 2. Financial lease services - customers and leaser are all members of the cooperative, so low risk for ML/TF. But risk may associate with members when they transfer the financial lease services to other through some people. Therefore new members are carefully reviewed and recognized according to applicable guideline for client recognition process. 3. Insurance intermediary- low risk.

Saving and loan activities at the Saving and loan cooperatives



Description of activities – ML/TF inherent risk



With accordance of law on the Saving and loan cooperatives, the cooperative serves only its members, proper recognition for members during the application periods has to be done in order to prevent from any risks and hazards. The figure presents of membership process for the saving and loan cooperative. The discussion on membership at the leaders' metting has to focus on the issues as follows after receipt of application and request (1) to become a member in the cooperative;

1. Client recognition. PEPs, individuals or entities from countries high risk justifications , countries where low control on ML/TF designated by the international organization for ML/TF and blacklisted individuals, group, community or entities in UN Security council
2. The status of customers: Involving in medium and high risky crimes and run the activities related to the criminals and ML/TF activities
3. Relations of customers. Applicant possesses the requirements for membership in the cooperative, same occupations, employed at the same organization company, operating in same district, region, membership status in association and unions (religion, social, employment, educational background group) or living at same city or districts.
4. Having the conflict of interests. Family members and relatives of members in Saving and loan cooperative.
5. Crosscheck of membership in other cooperatives. Membership status in other saving and loan cooperatives shall be carefully investigated not subject to bylaw of the cooperative permits the double membership status in the other cooperatives.
6. History records of customers. History of issued loans to the applicant, membership status in other cooperatives, re-membership application after dislisted from the cooperative members, the reasons

for dislist like not performing the duties and mandatory breach or violation in the governing bylaw and procedure as well governing law and regulations.

Article 19.2 in law on the saving and loan cooperatives says that cooperative members should be only citizen of Mongolia and domestic entities, so low risk for ML/TF activities depending on abroad environment. However, increased number of members in the cooperative may bring some risks. It is required to check that cooperative members possess the requirements as stated in article 19.3.1-19.3.3 in law on the saving and loan cooperatives and membership composition for the cooperative whether it is from members in associations or union joined for the same activities and operations for instance religion and etc.

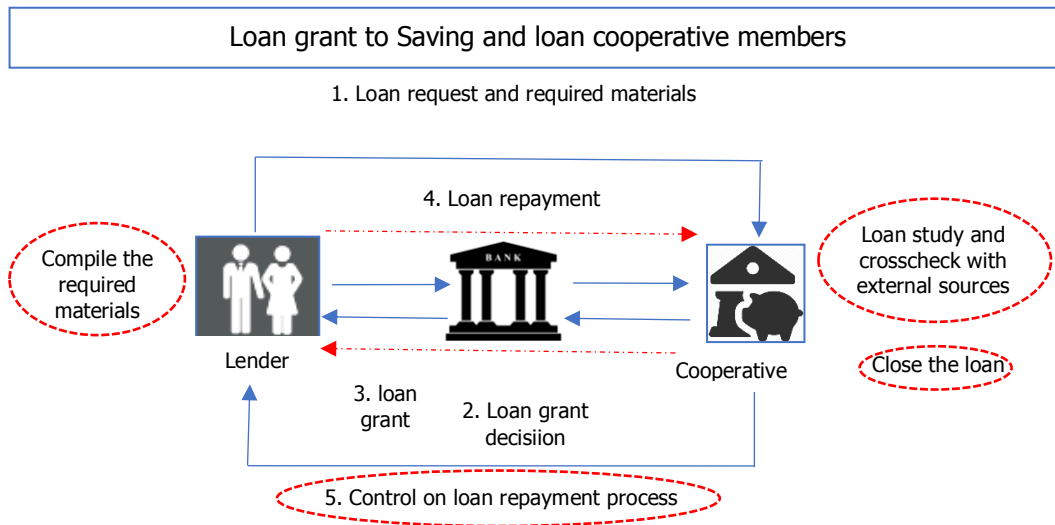
For risk assessment, the geographic location of the activities, branch or sister organizations and obtained knowledge and concepts of ML/TF by customers have to be carefully considered.

The review and auditing on membership process presented in the bylaw of saving and loan cooperative has to be carried out according to article 21 in law on the saving and loan cooperatives.

During the stage of investments from members (3), non-bank transfer of shares and cash investment may associate ML risk. Therefore, the source of investment has to be properly investigated during this stage. Moreover, source of the investment from members should be investigated.

Members are asked to explain the origin and sources for their investment and revenues to the saving.

The loan grant to the cooperative members is described in below figure.








At the stage of decision made for loan request from a member (1), it is required to check the end owner and loan purpose whether member uses its name for loan granted to others accordingly.



During loan repayment stage (4), the requirements to grant the loan in cash and loan repayment only in cash (Dot red line), not at the bank account may increase the risk for ML.

At the stage of loan repayment (4), control on the loan repayment process (5), the loan repayment closed before the schedule and loan overrepayment have to be carefully reviewed and checked up.

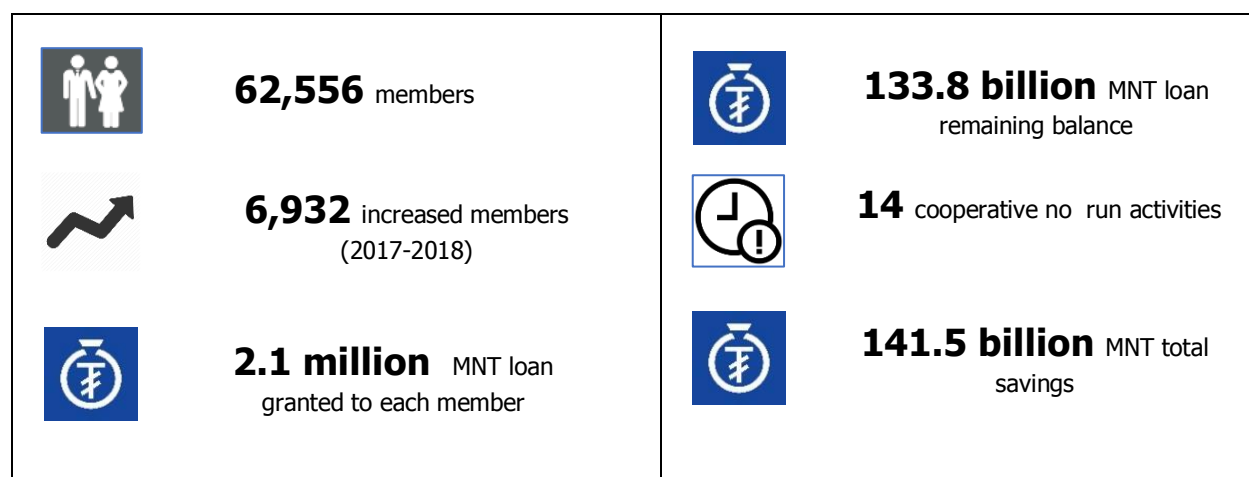
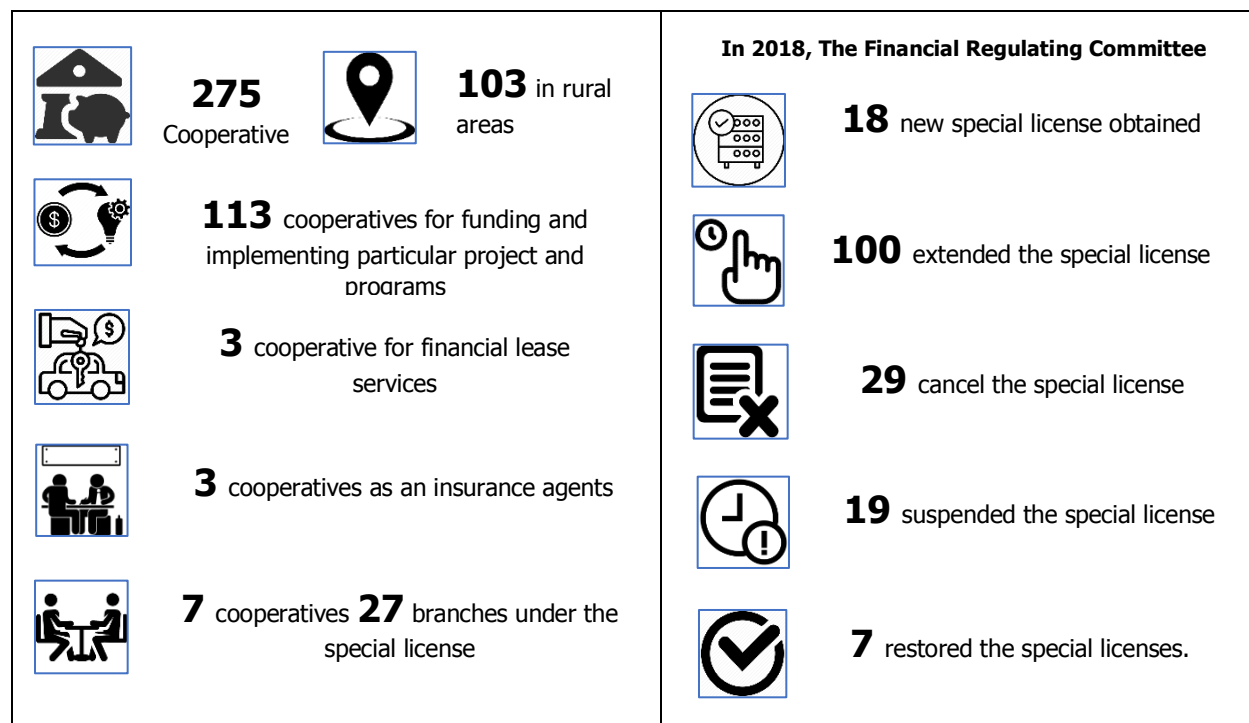
Inherent risks in activities of the Saving and loan cooperatives

Vulnerability variables	What increases the risk?	What reduces the risk?
 <p>Customer</p>	<ul style="list-style-type: none"> • High members turnover and increased number of cooperative members . • Flexible bylaw for membership for instance share investment, transfer the shares to others, loan repayment with members share and free leave the cooperative. • Cooperative bylaw permits the double membership status and membership in other association and union • No special control on membership with PEPs and high risky rated customers • ML/TF high risky body may freely become a member in the cooperative • Saving and loan cooperative found on the base of interests society and union membership principles 	<ul style="list-style-type: none"> • Few number of regular members. Constant turnover • Strongly restricted the members' movement and turnover . • No permit the double mamebership status in the cooperative bylaw. • There is special attention and control on PEPs and high risky rated bodies for the cooperative membership. • Limitation to be mamber for high risky rated individuals • That cooperative found with peoples employed at same companies and living in same region or districts
 <p>Product and services</p>	<ul style="list-style-type: none"> • Able to get high amounted loan • Allows the overrepayment before the schedule date • No extra fee or charge for loan close before the schedule date • Short contract terms with flexible conditions • Do activities to implement the project and program with funding, financial lease and insurance borkering at the same timing 	<ul style="list-style-type: none"> • Loan granted with small amount • No permit the loan repayment before the schedule date • Low liquity, fixed terms, extra charge for loan repayment before the schedule date • Only activities for cash saving and loan
 <p>Delivery channels</p>	<ul style="list-style-type: none"> • Online receipt of loan request and materials to make the loan grant decision • Allow the cash for loan repayment • Contact with lenders through broker or intermediary 	<ul style="list-style-type: none"> • Receive the loan request and materials in person to make the decision for loan grant • Loan grant and loan repayments are through bak accounts r • Contact with lenders through broker or intermediary
 <p>Geographic location</p>	<ul style="list-style-type: none"> • Operating in rural areas • Activities through representative offices • Operating in economic free zone, border area where is low control and high risky zone for the crimes and criminals 	<ul style="list-style-type: none"> • Operating at same region or country where control is taken • No branch
 <p>Structural organization</p>	<ul style="list-style-type: none"> • Leader and control council is composed of PEPs and other high risky rated bodies • Proactive marketing activities , 	<ul style="list-style-type: none"> • Leader and control council has no PEPs and other high risky rated bodies • Low rate for membership and small amount of shares by members

SECTORAL RISK ASSESSMENT

	<ul style="list-style-type: none"> • Cooperative members are obligated to joining members • Insufficient staff and high staff turnover . 	<ul style="list-style-type: none"> • Marketing activities are limited by law
 <p>Regulation</p>	<ul style="list-style-type: none"> • Not proper cooperative bylaw and procedure 	<ul style="list-style-type: none"> • Have the well and smooth bylaw for the cooperative
 <p>Compliance</p>	<ul style="list-style-type: none"> • Cooperative members lack of sufficient concept and knowledge of ML/TF risks • Low internal auditing system • No more inspection and investigation • Breach and violation to delay submission of information and reports, sending the confused and incorrect information and data • Involved in well organized crimes and records with tax evasion 	<ul style="list-style-type: none"> • Cooperative members are familiar with concept and knowledge about ML/TF risks • Effective and productive internal auditing system • No shortcoming and breach at the inspection and control • Regular and timely submission of information and reports, no delay and problems with reports • Proper comply with legal requirements and no part in the crimes well organized

The basic service indicators of activities in Saving and loan cooperative



* Source: “2018 Financial report compilation of saving and loan cooperatives, Saving and loan cooperative department at Financial regulating committee

Loan remaining balance at Saving and Loan Cooperatives by end of 2018 year

Loan amount (by intervals)	Number of cooperatives	Loan amount in million tugriks	Average amount of loan per cooperative (in million tugriks)
More that 1 billion MNT	16	104,247.8	6,515.49
From 500 millions to 1 billion MNT	7	5,349.4	764.20
From 501 million 500 million MNT	82	15,567.2	189.84

From 50 million 100 million MNT	87	6,743.4	77.51
From 10 million 50 million MNT	57	1,774.7	31.14
Up to 10 million MNT	16	81.7	5.10
No loan activities	14	-	-
Total	275	133,764.2	479.4

* Source: “2018 Financial report compilation of saving and loan cooperatives, Saving and loan cooperative department at Financial regulating committee.

Present vulnerability level of activities in saving and loan cooperative

Risk factors	Point scale	Explanation
Size of the sector	3.0	Relatively large number of cooperatives, but activity scope is narrow.
Product and service	2.0	Savings from only members and loan granted. Low amount of loan
Transactions	2.0	Large number of transactions with low amount
Customers	1.0	Savings from only members and loan granted
Delivery channels	1.0	Face –to-face registration of members and loan grant
Average scale	1.8	

Impact	Impact scale	Explanation
Economic – Financial impact	2.0	Medium-low level of finance-economic impact. (low amount of owned capital, but large number of members)
Reputational – Trust impact	3.0	Medium level of reputation-trust impact (vital role in micro finance market. If trust in cooperatives lowering, micro finance market shall be adversely impacted)
Average scale	2.5	

Risk level	4.5
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