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**Ad Hoc Committee established by General Assembly
resolution 51/210 of 17 December 1996**
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Proposal submitted by France

Revised text of article 17

Article 17

Option 1

States Parties shall cooperate in the prevention of the offences set forth in article 2, including:

1. By taking all practicable measures, including, if necessary, adapting their domestic legislation, to prevent and counter preparations in their respective territories for the commission of those offences within or outside their territories, including:

(a) Measures to prohibit in their territories activities of persons, groups and organizations that knowingly encourage, instigate, organize or engage in the commission of offences as set forth in article 2;

(b) Measures requiring their financial institutions and other professions involved in financial transactions to improve the identification of their usual or occasional customers, as well as customers in whose interest accounts are opened. For this purpose, States shall consider:

(i) Adopting regulations prohibiting the opening of anonymous accounts or the opening of accounts under obviously fictitious names;

[Adopting regulations prohibiting the opening of accounts whose beneficiary is unidentified or unidentifiable.]

(ii) With respect to the identification of legal entities, verifying the existence and the legal structure of the customer by obtaining, from the customer or public records, proof of incorporation as a company, including information on the name of the client, its legal form, its address, its directors and provisions on the legal entity's authority to bind;

(iii) Taking measures for preserving for at least five years the necessary documents in connection with the transactions carried out;

- (c) Measures for the supervision and licensing of all money-transmission agencies;
- (d) Implementation of feasible measures to detect or monitor the physical cross-border transport of cash and bearer negotiable instruments, subject to strict safeguards to ensure proper use of information and without impeding in any way the freedom of capital movements.

2. By exchanging accurate and verified information in accordance with their domestic law, and coordinating administrative and other measures taken, as appropriate, to prevent the commission of offences as set forth in article 2, in particular:

(a) By establishing and maintaining channels of communication between their competent agencies and services to facilitate the secure and rapid exchange of information concerning all aspects of offences established in accordance with article 2 of the Convention;

(b) By cooperating with one another in conducting inquiries, with respect to the offences established in accordance with article 2 of the Convention, concerning:

- (i) The identity, whereabouts and activities of persons suspected of being involved in offences referred to in this Convention;
- (ii) The movement of funds or property relating to the commission of such offences.

[3. Each State Party shall not assist either actively or passively any person or organization in the negotiation, conclusion, implementation, execution or enforcement of any contract or agreement to commit an offence as set forth in article 2.]

Option 2

Proposal submitted by Australia (A/AC.252/1999/WP.38).
