Sanctions Policy

1. Definition

Financial sanctions[1] are restrictive measures of a financial nature implemented by international organisations or by (individual) countries, which are applicable to jurisdictions, persons or entities for the purpose of combating terrorism and maintaining or restoring international peace and security.

Included among the countries or international organisations that maintain lists of designated persons, groups or entities are the European Union in accordance with the Common Foreign and Security Policy (CFSP), the Sanctions Committee, in accordance with the various Resolutions of the United Nations Security Council (UNSC) and the Office of Foreign Assets Control (OFAC).

2. Enforceability

The enforcing of the sanctions decreed constitutes an obligation for both the public and private sectors, affecting the activity of credit institutions such as Banco Comercial do Atlântico (BCA).

In Portugal, Law No 97/2017 of 23 August 2017 - Regulates the implementation and enforcement of restrictive measures adopted by the United Nations or the European Union and establishes the penalties applicable to infringements of these measures.

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[1] Sanctions are instruments of a diplomatic or economic nature whose purpose is to modify actions or policies, such as violations of international law or of human rights, or policies that do not respect the rule of law or democratic principles.

In Cape Verde, there is no special criminal regime for non-compliance with the financial or commercial sanctions imposed by the various international organizations.

However, in the scope of its activity, the BCA as a subsidiary of CGD is bound by compliance with sanctions decreed by CFSP and UNSC, while ensuring compliance with the penalty systems in force in the jurisdictions where it operates, namely those enforced by OFAC. In addition, several are the duties to act accordingly, contained in Law no. 27 / VIII / 2013, of January 21, amended by Law 119 / VIII / 2016 of March 24, Law 38 / VII / 2009, of April 27 amended by Law 120 / VIII / 2016 of March 24 and Notice n° 5/2017 from Central bank.

3. General Operating Principles

BCA has implemented a compliance programme that incorporates the international sanctions policy, which is managed by the Department Compliance Office (DFC).

DFC is responsible for assessing whether the sanctions policy is in conformity with applicable legislation and sanctions, while regularly monitoring its efficiency and promoting any changes necessary for its improvement.

BCA has implemented a set of policies and procedures aimed at making sure the Institution does not establish or maintain business relations or processes any transactions for/on behalf of sanctioned persons, entities or countries.

In this regard, it filters customers and stakeholders in transactions, by checking them against the lists of sanctioned persons and entities issued by CFSP, UNSC and OFAC, among others.

BCA has a customer acceptance policy that relies on a risk-based approach, having implemented an active system for the filtering of persons and entities when establishing business relationships.

It also filters its customer database on a regular basis and ensures the in line filtering of international inbound and outbound transfers.

As part of its system for the prevention of money laundering and combating the financing of terrorism, it has implemented integrated customer and transaction monitoring systems, whose warnings are examined by a technical team under DFC.

When establishing or maintaining banking correspondence relations with foreign banks, CGD conducts the respective compliance risk analysis, consisting of the rating of all institutions and conducting a risk assessment on those that entail high risk.

Employees in the area of compliance are regularly given adequate training, aimed at helping them understand and enforce the sanctions policy.

BCA actively collaborates with both supervisory and legal authorities concerning the enforcement of sanction systems.

Banco Comercial do Atlântico

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