E

sta semana, [Novitas](https://www.javeriana.edu.co/personales/hbermude/novitas_anteriores.htm) destacó el documento [*Financial Action Task Force 1 February 2019 Public Consultation on the Draft Risk-Based Approach Guidance for Accountants*](http://www.fatf-gafi.org/media/fatf/FATF-RBA%20Guidance%20for%20Accountants.docx). Aunque en nuestro país varios contadores se mostraron en desacuerdo con que la ley les impusiera obligaciones en materia de la lucha contra el lavado de activos y la financiación del terrorismo, resulta muy conveniente estar al tanto de las manifestaciones del FATF – GAFI.

Como puede verse, también en esta materia se adoptó el enfoque de riesgos: “(…) *1. The risk-based approach (RBA) is central to the effective implementation of the revised FATF International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation, which were adopted in 2012* (…)”. ¿Qué asignatura se dedica a los riesgos?

La guía está destinada a los contadores públicos: “(…) *9. This Guidance is for professional accountants in public practice and is aimed to help them to comply with the FATF Recommendations that apply to them. Professional accountant in public practice refers to professional accountants, irrespective of functional classification (for example, audit, tax or consulting) in a firm that provides professional services . Professional accountants should also consider their obligations under the Code of Ethics applicable in their jurisdictions, including IESBA’s “Responding to Non-Compliance with Laws and Regulations (NOCLAR)”* (…)”.

La sección 1.4.3. *Vulnerabilities of accounting services* trata situaciones que ocurren en la *Formation of companies and trusts, Management of companies and trusts,* y *Acting as nominee*.

El profesional debe ser consciente de los retos: “*33. Implementing a RBA can present a number of challenges for accountants in identifying what necessary measures they need to take. A RBA requires resources and expertise, both at a country and sector level, to gather and interpret information on risks, to develop policies and procedures and to train personnel. A RBA is also reliant on individuals exercising sound and well-trained judgement when designing and implementing such policies and procedures. It will also lead to a diversity in practice, although this can result in innovative solutions to address areas of higher risk. On the other hand, accountants may be uncertain as to how to comply with the regulatory framework itself and the accountancy profession may find it difficult to apply an informed approach to RBA*.”

Tal como enseña la sabiduría popular, “*el que anda entre la miel, algo se le pega*”. Nuestra realidad muestra que los empresarios son personas con un nivel medio de tolerancia. Rara vez procuran el total cumplimiento de las normas. Además, todos los controles implican una serie de gastos que muchas entidades no están dispuestas a asumir. Consecuentemente, muchos profesionales también tienen una tolerancia alta, aunque los controles sean mínimos.

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