

中華民國證券投資信託暨顧問商業同業公會 函

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發文日期：中華民國107年7月18日
發文字號：中信顧字第1070051798號
速別：普通件
密等及解密條件或保密期限：
附件：如文

主旨：函轉金融監督管理委員會檢送法務部調查局函知更新
「防制洗錢金融行動工作組織 (FATF)」公布防制洗錢
與打擊資恐有嚴重缺失之國家或地區、及其他未遵循或
未充分遵循國際防制洗錢組織建議之國家或地區名單一
案，請查照。

說明：依金融監督管理委員會107年7月17日金管證券字第
1070326302號函辦理。

正本：本公會各投信會員公司、本公會各投顧會員公司
副本：

理事長 **張錫**

裝

訂

線

檔 號：

保存年限：

金融監督管理委員會 函

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受文者：中華民國證券投資信託暨顧問商業同業公會

發文日期：中華民國107年7月17日

發文字號：金管證券字第1070326302號

速別：普通件

密等及解密條件或保密期限：

附件：如說明(第一件 A45020000DORGUNIT107071703263020A1B326302.PDF)

主旨：有關法務部調查局函知更新「防制洗錢金融行動工作組織（FATF）」公布防制洗錢與打擊資恐有嚴重缺失之國家或地區、及其他未遵循或未充分遵循國際防制洗錢組織建議之國家或地區名單一案，請轉知所屬會員，請查照。

說明：依據法務部調查局107年7月2日調錢貳字第10735544490號函辦理（該局107年3月5日調錢貳字第10735513170號函檢發之名單停止適用）。檢附上函暨附件影本1份。

正本：中華民國證券商業同業公會、中華民國證券投資信託暨顧問商業同業公會、中華民國期貨業商業同業公會、中華民國會計師公會全國聯合會

副本：臺灣證券交易所股份有限公司、臺灣期貨交易所股份有限公司、財團法人中華民國證券櫃檯買賣中心、臺灣集中保管結算所股份有限公司、元大證券金融股份有限公司、環華證券金融股份有限公司



授權單位主管決行並鈐印



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受文者：金融監督管理委員會

發文日期：中華民國107年7月2日
發文字號：調錢貳字第10735544490號
類別：普通件
密等及解密條件或保密期限：
附件：如文(35544490A0C_ATTCH1.pdf、35544490A0C_ATTCH2.pdf)

主旨：更新「防制洗錢金融行動工作組織」(Financial Action Task Force, 下稱「FATF」)公布防制洗錢與打擊資恐有嚴重缺失之國家或地區、及其他未遵循或未充分遵循國際防制洗錢組織建議之國家或地區名單，請察照。

說明：

- 一、本局107年3月5日調錢貳字第10735513170號函檢發之名單停止適用。
- 二、依據FATF於今(107)年6月29日公布之公開聲明(Public Statement-29 June 2018, 如附件1)，FATF於今年6月第29屆第3次會員大會提列防制洗錢與打擊資恐嚴重缺失之名單，力促各國對列名國家採取相關作為，略以：

(一)北韓(Democratic People's Republic of Korea, DPR K)：FATF呼籲其成員及其他司法管轄體應對該國採取反制措施，以保護國際金融體系，避免來自該國的洗錢與資恐風險，並應建議其金融機構特別注意與該國包括公司、金融機構及其代理人間之業務關係與交易，除加強監管外，並採取有效的反制措施，依據聯合國安全理

金管會 總收文

第1頁，共3頁

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事會相關決議實施目標性金融制裁，以保護其金融部門免於來自該國的洗錢、資恐及資助大規模毀滅性武器擴散性風險；FATF續促各司法管轄體，依據相關聯合國安理會決議要求，採取必要的措施，關閉北韓銀行在其管轄區域內分公司、子公司與辦事處，並結束與北韓銀行間的通匯關係。

(二) 伊朗 (Iran)：FATF於2016年6月對該國高階層政治承諾及尋求技術協助執行「行動計畫」(Action Plan)，以因應其防制洗錢與打擊資恐嚴重缺失的相關措施表示歡迎，鑒於伊朗展現政治承諾並採取相關行動，FATF於2018年2月決定繼續暫停對該國反制措施。伊朗行動計畫仍有多數項目尚待落實，FATF期待伊朗儘速推動進展，尤其係施行必要法案，FATF亦期待伊朗修正其防制洗錢及打擊資恐法律，並批准聯合國巴勒摩公約及反資助恐怖主義公約，俾充分遵循2018年10月的FATF標準。在行動計畫完全執行前，伊朗仍將續列名FATF公開聲明嚴重缺失國家；FATF仍將持續關注該國資恐風險及對國際金融體系的威脅，並呼籲其成員及其他司法管轄體持續建議其金融機構對與該國自然人及法人間之業務關係與交易採取強化客戶審查，以遵循FATF第19項建議。

三、FATF於今年6月29日另公布加強全球遵循進展文件 (Improving Global AML/CFT Compliance: on-going process-29 June 2018, 如附件2)，提列其他未遵循或未充分遵循國際防制洗錢組織建議之國家或地區，該等國家雖亦存在防制洗錢與打擊資恐嚴重缺失，惟已提交書面政治承諾並

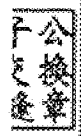
與FATF合作發展行動計畫以應對相關缺失，列名者包括：衣索比亞、巴基斯坦、塞爾維亞、斯里蘭卡、敘利亞、千里達及托巴哥、突尼西亞、葉門。

四、FATF前揭公開聲明請參閱：<http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/public-statement-june-2018.html>；加強全球遵循進展文件請參閱：<http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-june-2018.html>。

正本：法務部、司法院民事廳、金融監督管理委員會、中央銀行、內政部地政司、經濟部商業司、財政部賦稅署、行政院農業委員會農業金融局、中華郵政股份有限公司

副本：2018/07/03
10:23:01

局長 蔡清祥



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Public Statement

Paris, France, 29 June 2018 - The Financial Action Task Force (FATF) is the global standard-setting body for anti-money laundering and combating the financing of terrorism (AML/CFT). In order to protect the international financial system from money laundering and financing of terrorism (ML/FT) risks and to encourage greater compliance with the AML/CFT standards, the FATF identifies jurisdictions that have strategic deficiencies and works with them to address those deficiencies that pose a risk to the international financial system.

Jurisdiction subject to a FATF call on its members and other jurisdictions to apply counter-measures to protect the international financial system from the ongoing and substantial money laundering and financing of terrorism (ML/FT) risks.

Democratic People's Republic of Korea (DPRK)

The FATF remains concerned by the DPRK's failure to address the significant deficiencies in its anti-money laundering and combating the financing of terrorism (AML/CFT) regime and the serious threats they pose to the integrity of the international financial system. The FATF urges the DPRK to immediately and meaningfully address its AML/CFT deficiencies. Further, the FATF has serious concerns with the threat posed by the DPRK's illicit activities related to the proliferation of weapons of mass destruction (WMDs) and its financing.

The FATF reaffirms its 25 February 2011 call on its members and urges all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with the DPRK, including DPRK companies, financial institutions, and those acting on their behalf. In addition to enhanced scrutiny, the FATF further calls on its members and urges all jurisdictions to apply effective counter-measures, and targeted financial sanctions in accordance with applicable United Nations Security Council Resolutions, to protect their financial sectors from money laundering, financing of terrorism and WMD proliferation financing (ML/FT/PF) risks emanating from the DPRK. Jurisdictions should take necessary measures to close existing branches, subsidiaries and representative offices of DPRK banks within their territories and terminate correspondent relationships with DPRK banks, where required by relevant UNSC resolutions.

Jurisdiction subject to a FATF call on its members and other jurisdictions to apply enhanced due diligence measures proportionate to the risks arising from the jurisdiction.

Iran

In June 2016, the FATF welcomed Iran's high-level political commitment to address its strategic AML/CFT deficiencies, and its decision to seek technical assistance in the implementation of the Action Plan. Given that Iran provided that political commitment and the relevant steps it has taken, the FATF decided in February 2018 to continue the suspension of counter-measures.

Since November 2017, Iran has established a cash declaration regime and introduced draft amendments to its AML and CFT laws. However, Iran's action plan has expired with a majority of the action items remaining incomplete. Iran should fully address its remaining action items, including by: (1) adequately criminalising terrorist financing, including by removing the exemption for designated groups "attempting to end foreign occupation, colonialism and racism"; (2) identifying and freezing terrorist assets in line with the relevant United Nations Security Council resolutions; (3) ensuring an adequate and enforceable customer due diligence regime; (4) ensuring the full independence of the Financial Intelligence Unit and requiring the submission of STRs for attempted transactions; (5) demonstrating how authorities are identifying and sanctioning unlicensed money/value transfer service providers; (6) ratifying and implementing the Palermo and TF Conventions and clarifying the capability to provide mutual legal assistance; (7) ensuring that financial institutions verify that wire transfers contain complete originator and beneficiary information; (8) establishing a broader range of penalties for violations of the ML offense; and (9) ensuring adequate legislation and procedures to provide for confiscation of property of corresponding value.

The FATF is disappointed with Iran's failure to implement its action plan to address its significant AML/CFT deficiencies. Given the Iranian government's continued efforts to finalize and pass amendments to its AML and CFT laws, the FATF decided at its meeting this week to continue the suspension of counter-measures. The FATF urgently expects Iran to proceed swiftly in the reform path to ensure that it addresses all of the remaining items in its Action Plan by completing and implementing the necessary AML/CFT reforms, in particular enacting the necessary legislation. We expect Iran to enact amendments to its AML and CFT laws and ratify the Palermo and TF Conventions in full compliance with the FATF Standards by October 2018, otherwise, the FATF will decide upon appropriate and necessary actions at that time.

Iran will remain on the FATF Public Statement until the full Action Plan has been completed. Until Iran implements the measures required to address the deficiencies identified in the Action Plan, the FATF will remain concerned with the terrorist financing risk emanating from Iran and the threat this poses to the international financial system. The FATF, therefore, calls on its members and urges all jurisdictions to continue to advise their financial institutions to apply enhanced due diligence to business relationships and transactions with natural and legal persons from Iran, consistent with FATF Recommendation 19.



Improving Global AML/CFT Compliance: On-going Process - 29 June 2018

Paris, France, 29 June 2018 -As part of its ongoing review of compliance with the AML/CFT standards, the FATF identifies the following jurisdictions that have strategic AML/CFT deficiencies for which they have developed an action plan with the FATF. While the situations differ among each jurisdiction, each jurisdiction has provided a written high-level political commitment to address the identified deficiencies. The FATF welcomes these commitments.

A number of jurisdictions have not yet been reviewed by the FATF. The FATF continues to identify additional jurisdictions, on an ongoing basis, that pose a risk to the international financial system.

The FATF and the FATF-style regional bodies (FSRBs) will continue to work with the jurisdictions noted below and to report on the progress made in addressing the identified deficiencies. The FATF calls on these jurisdictions to complete the implementation of action plans expeditiously and within the proposed timeframes. The FATF will closely monitor the implementation of these action plans and encourages its members to consider the information presented below.

Jurisdictions with strategic deficiencies	Jurisdictions no longer subject to the FATF's on-going global AML/CFT compliance process
<u>Ethiopia</u>	<u>Iraq</u>
<u>Pakistan</u>	<u>Vanuatu</u>
<u>Serbia</u>	
<u>Sri Lanka</u>	
<u>Syria</u>	
<u>Trinidad and Tobago</u>	
<u>Tunisia</u>	
<u>Yemen</u>	

Ethiopia

Since February 2017, when Ethiopia made a high-level political commitment to work with the FATF and ESAAMLG to strengthen its effectiveness and address any related technical deficiencies, Ethiopia has taken steps towards improving its AML/CFT regime, including by developing a risk-based supervision manual for the designated non-financial businesses and professions (DNFBPs) and commencing risk-based supervision for higher-risk DNFBPs and non-profit organizations (NPOs). Ethiopia should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) fully implementing the results of its national risk assessment; (2) fully integrating DNFBPs into its AML/CFT regime; (3) ensuring that the proceeds and instrumentalities of crime are confiscated; (4) consistently implementing terrorism-related targeted financial sanctions and proportionately supervising NPOs in line with a risk-based approach; and (5) establishing and implementing WMD-related targeted financial sanctions.

Pakistan

In June 2018, Pakistan made a high-level political commitment to work with the FATF and APG to strengthen its AML/CFT regime and to address its strategic counter-terrorist financing-related deficiencies. Pakistan will work to implement its action plan to accomplish these objectives, including by: (1) demonstrating that TF risks are properly identified, assessed, and that supervision is applied on a risk-sensitive basis; (2) demonstrating that remedial actions and sanctions are applied in cases of AML/CFT violations, and that these actions have an effect on AML/CFT compliance by financial institutions; (3) demonstrating that competent authorities are cooperating and taking action to identify and take enforcement action against illegal money or value transfer services (MVTs); (4) demonstrating that authorities are identifying cash couriers and enforcing controls on illicit movement of currency and understanding the risk of cash couriers being used for TF; (5) improving inter-agency coordination including between provincial and federal authorities on combating TF risks; (6) demonstrating that law enforcement agencies (LEAs) are identifying and investigating the widest range of TF activity and that TF investigations and prosecutions target designated persons and entities, and persons and entities acting on behalf or at the direction of the designated persons or entities; (7) demonstrating that TF prosecutions result in effective, proportionate and dissuasive sanctions and enhancing the capacity and support for prosecutors and the judiciary; and (8) demonstrating effective implementation of targeted financial sanctions (supported by a comprehensive legal obligation) against all 1267 and 1373 designated terrorists and those acting for or on their behalf, including preventing the raising and moving of funds, identifying and freezing assets (movable and immovable), and prohibiting access to funds and financial services; (9) demonstrating enforcement against TFS violations including administrative and criminal penalties and provincial and federal authorities cooperating on

enforcement cases; (10) demonstrating that facilities and services owned or controlled by designated persons are deprived of their resources and the usage of the resources.

Serbia

Since February 2018, when Serbia made a high-level political commitment to work with the FATF and MONEYVAL to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Serbia has taken steps towards improving its AML/CFT regime, including by: bringing into force amendments to its AML/CFT law; establishing a central registry; amending its Law on the Freezing of Assets; updating its NRA; and commencing risk-based supervision. Serbia should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) communicating the results of the updated NRA to key stakeholders and demonstrating that obligated entities have adequate risk mitigation-related requirements; (2) subjecting lawyers, to AML/CFT supervision in practice, integrating the results of institutional risk assessments into supervisory matrices, and demonstrating the timely and effective imposition of sanctions; (3) demonstrating the implementation of new requirements related to CDD, politically exposed persons, and wire transfers; (4) demonstrating that competent authorities have timely access to beneficial ownership information regarding legal persons, and that such information is adequate, accurate, and current; (5) ensuring adequate and effective investigation and prosecution of third-party and stand-alone ML; (6) demonstrating the implementation without delay of targeted financial sanctions measures related to terrorist financing, providing guidance to reporting entities, and taking proportionate measures for non-profit organisations in line with a risk-based approach; and (7) demonstrating the implementation without delay of targeted financial sanctions related to proliferation financing.

Sri Lanka

Since November 2017, when Sri Lanka made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Sri Lanka has taken steps towards improving its AML/CFT regime, including by issuing DNFBP sector-specific AML/CFT guidelines, enacting amendments to its Trust Ordinance to establish a central register of trusts, and undertaking outreach to its higher risk DNFBP sectors. Sri Lanka should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) enacting amendments to the MACMA to ensure that mutual legal assistance may be provided on the basis of reciprocity; (2) enhancing risk-based supervision and outreach to FIs and high-risk DNFBPs, including through prompt and dissuasive enforcement actions

and sanctions, as appropriate; (3) continuing to provide additional case studies and statistics to demonstrate that competent authorities can obtain beneficial ownership information in relation to legal persons in a timely manner; (4) continue demonstrating the implementation of the central register of trusts; and (5) establishing a targeted financial sanctions (TFS) regime to implement relevant UNSCRs related to Iran, and demonstrating effective implementation of this and of the UN Regulation related to the DPRK.

Syria

Since February 2010, when Syria made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Syria has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Syria had substantially addressed its action plan at a technical level, including by criminalising terrorist financing and establishing procedures for freezing terrorist assets. While the FATF determined that Syria has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and will conduct an on-site visit at the earliest possible date.

Trinidad and Tobago

Since November 2017, when Trinidad and Tobago made a high-level political commitment to work with the FATF and CFATF to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Trinidad and Tobago has taken steps towards improving its AML/CFT regime, including enacting amendments to legislation improving measures for international cooperation on tax offences and advancing legislation on a number of criminal justice reforms. Trinidad and Tobago should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) adopting and implementing the relevant measures to further enhance international cooperation; (2) addressing issues related to transparency and beneficial ownership; (3) completing the legislative efforts to enhance the processing of ML charges before the courts; (4) taking measures to enhance tracing and confiscation of criminal proceeds; (5) prioritising and prosecuting TF cases when they arise; (6) enacting the necessary amendments related to TFS and implementing measures to monitor NPOs on the basis of risk; and (7) developing, adopting, and implementing the necessary framework to counter proliferation financing.

Tunisia

Since November 2017, when Tunisia made a high-level political commitment to work with the FATF and MENAFATF to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Tunisia has taken steps towards improving its AML/CFT regime, including by adopting AML/CFT supervisory manuals and initiating risk-based supervision for the securities and insurance sectors; issuing the by-laws for the DNFBPs; and applying a risk-based approach to STR analysis. Tunisia should continue to work on implementing its action plan to address its strategic deficiencies, including by: (1) fully integrating the DNFBPs into its AML/CFT regime; (2) maintaining comprehensive and updated commercial registries and strengthening the system of sanctions for violations of transparency obligations; (3) continuing to demonstrate increasing efficiency with regard to suspicious transaction report processing; (4) demonstrating that its terrorism-related TFS regime is fully functional and that it is appropriately monitoring the association sector; and (5) establishing and implementing WMD-related targeted financial sanctions.

Yemen

Since February 2010, when Yemen made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Yemen has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Yemen had substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing procedures to identify and freeze terrorist assets; (3) improving its customer due diligence and suspicious transaction reporting requirements; (4) issuing guidance; (5) developing the monitoring and supervisory capacity of the financial sector supervisory authorities and the financial intelligence unit; and (6) establishing a fully operational and effectively functioning financial intelligence unit. While the FATF determined that Yemen has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and conduct an on-site visit at the earliest possible date.

Jurisdictions No Longer Subject to the FATF's On-Going Global AML/CFT Compliance Process

Iraq

The FATF welcomes Iraq's significant progress in improving its AML/CFT regime and notes that Iraq has established the legal and regulatory framework to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in October 2013. Iraq is therefore no longer subject to the FATF's monitoring process under its ongoing global AML/CFT compliance process. Iraq will work with MENAFATF to improve further its AML/CFT regime.

Vanuatu

The FATF welcomes Vanuatu's significant progress in improving its AML/CFT regime and notes that Vanuatu has established the legal and regulatory framework to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in February 2016. Vanuatu is therefore no longer subject to the FATF's monitoring process under its ongoing global AML/CFT compliance process. Vanuatu will work with APG to improve further its AML/CFT regime.

