

內政部 函

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受文者：中華民國地政士公會全國聯合會

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速別：普通件

密等及解密條件或保密期限：

附件：如說明 (301000000A106135348300-1. pdf)

裝 主旨：轉知法務部調查局更新「防制洗錢金融行動工作組織」
(Financial Action Task Force, 簡稱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，請查照並轉知所屬會員。

訂 說明：依據本部106年6月30日內授警字第1060890463號函轉法務
部調查局106年6月26日調錢貳字第10635539670號函辦
理，並附該局函及附件影本1份。

正本：中華民國不動產仲介經紀商業同業公會全國聯合會、中華民國不動產代銷經紀
商業同業公會全國聯合會、中華民國地政士公會全國聯合會

副本：本部地政司【不動產交易科】

線

法務部調查局 函

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受文者：內政部

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速別：普通件

密等及解密條件或保密期限：

附件：如文(35539670A0C_ATTCH1.pdf、35539670A0C_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106年3月8日調錢貳字第10635513450號函檢發之名單停止適用。
- 二、依據FATF2017年6月23日公布之公開聲明(Public Statement-23 June 2017, 如附件1)，FATF於今(106)年2月第28屆第2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, DPRK)：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

警政署刑事警察局106/06/27



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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，決定繼續暫停對該國的反制措施，並保持觀察該國執行行動計畫進展。伊朗仍將續列名FATF公開聲明嚴重缺失國家迄行動計畫完全執行為止，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23日另公布加強全球遵循進展文件 (Improving Global AML/CFT Compliance: on-going process - 23 June 2017, 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：波士尼亞與赫塞哥維納、衣索比亞、伊拉克、敘利亞、烏干達、萬那杜、葉門。

四、FATF前揭公開聲明請參閱：<http://www.fatf-gafi.org/publications/high-riskandnon-cooperative-jurisdictions/documents/public-statement-june-2017.html>；加強全球遵循進展文件請參閱：<http://www.fatf-gafi.org/publications/high-riskandnon-cooperative-jurisdictions/documents/fatf-compliance-june-2017.ht>

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正本：司法院、法務部、金融監督管理委員會、內政部、經濟部、行政院農業委員會
、中央銀行、中華郵政股份有限公司

副本：

電子公文交換戳記
局長 蔡清祥

清祥

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Public Statement - 23 June 2017

Valencia, Spain. 23 June 2017- 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 identified jurisdictions that have strategic deficiencies and works with them to address those deficiencies that pose a risk to the international financial system.

Jurisdictions subject to a FATF call on its members and other jurisdictions to apply counter-measures to protect the international financial system from the on-going and substantial money laundering and terrorist financing (ML/FT) risks emanating from the DPRK.

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 threat this poses to the integrity of the international financial system. The FATF urges the DPRK to immediately and meaningfully address its AML/CFT deficiencies. Further, FATF has serious concerns with the threat posed by 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.

Jurisdictions 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. In light of Iran's demonstration of its political commitment and the relevant steps it has taken in line with its Action Plan, the FATF has decided to continue the suspension of counter-measures. The FATF will keep monitoring progress in the implementation of the Action Plan and consider next steps.

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. The FATF urges Iran to fully address its AML/CFT deficiencies, in particular those related to terrorist financing.

The FATF will continue to engage with Iran and closely monitor its progress.

Improving Global AML/CFT Compliance: On-going Process - 23 June 2017

Valencia, Spain, 23 June 2017 - As part of its on-going 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 on-going 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>Bosnia and Herzegovina</u>	<u>Afghanistan</u>
<u>Ethiopia</u>	<u>Lao PDR</u>
<u>Iraq</u>	
<u>Syria</u>	
<u>Uganda</u>	
<u>Vanuatu</u>	
<u>Yemen</u>	

Bosnia and Herzegovina

In June 2015, Bosnia and Herzegovina made a high-level political commitment to work with the FATF and MONEYVAL to address its strategic AML/CFT deficiencies. Since

February 2017, Bosnia and Herzegovina adopted several laws, including amendments to the criminal codes and amendments to financial sector laws. The FATF will need to review the final versions of these laws to determine the extent to which they address certain deficiencies, including: (1) harmonising criminalisation of terrorist financing and money laundering in the remaining criminal code; (2) establishing adequate procedures for the confiscation of assets; and (3) establishing an adequate supervisory framework. Bosnia and Herzegovina will also need to continue progress in implementing adequate and appropriate measures for the non-profit sector and cross-border currency controls. The FATF encourages Bosnia and Herzegovina to continue implementing its action plan to address its AML/CFT deficiencies.

Ethiopia

In February 2017, 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 begun working to implement its action plan, which includes: (1) implementing the results of its national risk assessment; (2) fully integrating designated non-financial businesses and professions 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 regulating non-profit organizations in line with a risk-based approach; and (5) establishing and implementing WMD-related targeted financial sanctions. The FATF encourages Ethiopia to continue implementing its action plan to address its AML/CFT deficiencies.

Iraq

In October 2013, Iraq made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies. Since February 2017, Iraq has taken steps towards improving its AML/CFT regime. Iraq should continue to implement its action plan to address its remaining deficiencies, including by: (1) continuing to implement its legal framework and related procedures for identifying and freezing terrorist assets; (2) ensuring that all financial institutions are subject to adequate customer due diligence requirements; (3) ensuring that all financial institutions are subject to adequate suspicious transaction reporting requirements; and (4) establishing and implementing an adequate AML/CFT supervisory and oversight programme for all financial institutions. The FATF encourages Iraq to continue implementing its action plan to address its remaining AML/CFT deficiencies.

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 action plan agreed upon with the FATF, due to the security situation, the FATF has been unable to conduct an on-site visit to assess whether the process of implementing the required reforms and actions is underway. The FATF will continue to monitor the situation, and will conduct an on-site visit at the earliest possible date.

Uganda

Since February 2014, when Uganda made a high-level political commitment to work with the FATF and ESAAMLG to address its strategic AML/CFT deficiencies, Uganda has substantially addressed its action plan at a technical level, including by: (1) adequately criminalising terrorist financing; (2) establishing adequate procedures for freezing terrorist assets in accordance with UNSCRs 1267 and 1373, and their successor resolutions; (3) ensuring that all financial institutions are subject to adequate record-keeping requirements; (4) establishing a fully operational and effectively functioning financial intelligence unit; (5) introducing an appropriate legal basis to permit the competent authorities to provide a wide range of mutual legal assistance; and (6) ensuring that appropriate laws and procedures are in place with regard to international co-operation for the financial intelligence unit and supervisory authorities. The FATF will conduct an on-site visit to confirm that the process of implementing the required reforms and actions is underway to address deficiencies previously identified by the FATF.

Vanuatu

In February 2016, Vanuatu made a high-level political commitment to work with the FATF and APG to address its strategic AML/CFT deficiencies. Since February 2017, Vanuatu has taken steps towards improving its AML/CFT regime, including by the passage and entry into force of 12 amendment acts and introducing one new act related to targeted financial sanctions. The FATF will need to review the final versions of these laws. Vanuatu should continue to work on implementing its action plan to address its deficiencies, including by: (1) assessing and responding to offshore terrorist financing risks; (2) adequately criminalising money laundering and terrorist financing; (3) establishing and implementing adequate procedures for the confiscation of assets related to money laundering; (4) establishing and implementing an adequate legal framework for

identifying, tracing and freezing terrorist assets and other UNSCR sanctions; (5) ensuring a fully operational and effectively functioning financial intelligence unit; (6) strengthening preventive measures, including for wire transfers; (7) establishing transparency for the financial sector, and for legal persons and arrangements; (8) implementing an risk-based AML/CFT supervisory and oversight programme for all the financial sector and trust and company service providers; and (9) establishing appropriate channels for international co-operation and domestic coordination policies and actions on identified risks and ensuring effective implementation. The FATF encourages Vanuatu to continue implementing its action plan to address its AML/CFT deficiencies.

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 adequately criminalising money laundering and terrorist financing; establishing procedures to identify and freeze terrorist assets; improving its customer due diligence and suspicious transaction reporting requirements; issuing guidance; developing the monitoring and supervisory capacity of the financial sector supervisory authorities and the financial intelligence unit; and establishing a fully operational and effectively functioning FIU. While the FATF determined that Yemen has completed its action plan agreed upon with the FATF, due to the security situation, the FATF has been unable to conduct an on-site visit to assess whether the process of implementing the required reforms and actions is underway. 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

Afghanistan

The FATF welcomes Afghanistan's significant progress in improving its AML/CFT regime and notes that Afghanistan has established the legal and regulatory framework to meet its commitments in its action plan regarding the strategic deficiencies that the FATF had identified in June 2012. Afghanistan is therefore no longer subject to the FATF's monitoring process under its on-going global AML/CFT compliance process. Afghanistan will work with APG as it continues to address the full range of

AML/CFT issues identified in its mutual evaluation report, in particular, fully implementing the cross-border regulations at its official land border crossing points.

Lao PDR

The FATF welcomes Lao PDR's significant progress in improving its AML/CFT regime and notes that Lao PDR has established the legal and regulatory framework to meet its commitments in its action plan regarding the strategic deficiencies that the FATF had identified in January 2015. Lao PDR is therefore no longer subject to the FATF's monitoring process under its on-going global AML/CFT compliance process. Lao PDR will work with APG as it continues to address the full range of AML/CFT issues identified in its mutual evaluation report.