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保存年

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金融監督管理委員會保險局

書

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附件：如說明(107S402167_1_161629130434.pdf、107S402167_2_161629130434.pdf、107S402167_3_161629130434.pdf)

主旨：轉知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：依據本會107年3月15日金管銀法字第10701054570號函（副本）轉法務部調查局107年3月5日調錢貳字第10735513170號函辦理（該局106年11月8日調錢貳字第10635571730號函檢發之名單停止適用）。檢送來函影本供參。

正本：台灣人壽保險股份有限公司(代表人黃思國先生)、國泰人壽保險股份有限公司(代表人黃調貴先生)、中國人壽保險股份有限公司(代表人王銘陽先生)、南山人壽保險股份有限公司(代表人杜英宗先生)、新光人壽保險股份有限公司(代表人吳東進先生)、富邦人壽保險股份有限公司(代表人蔡明興先生)、三商美邦人壽保險股份有限公司(代表人陳翔玠先生)、全球人壽保險股份有限公司(代表人彭騰德先生)、臺銀人壽保險股份有限公司(代表人劉玉枝女士)、中華郵政股份有限公司(代表人王國材先生)、第一金人壽保險股份有限公司(代表人葉仲惠先生)、保德信國際人壽保險股份有限公司(代表人葛納森先生)、安聯人壽保險股份有限公司(代表人薛傳睿先生)、保誠人壽保險股份有限公司(代表人劉添先生)、國際康健人壽保險股份有限公司(代表人朱立明先生)、合作金庫人壽保險股份有限公司(代表人杜振遠先生)、元大人壽保險股份有限公司(代表人江朝國先生)、宏泰人壽保險股份有限公司(代表人魯煥毅先生)、遠雄人壽保險事業股份有限公司(代表人孟嘉仁先生)、英屬百慕達商友邦人壽保險股份有限公司台灣分公司(代表人侯文成先生)、英屬百慕達商安達人壽保險股份有限公司台灣分公司(代表人黃鳳嬌女士)、法商法國巴黎人壽保險股份有限公司台灣分公司(代表人戴朝暉先生)、英屬曼島商蘇黎世國際人壽保險股份有限公司台灣分公司(代表人陳穎勳女士)、台灣產物保險股份有限公司(代表人李泰宏先生)、兆豐產物保險股份有限公司(代表人梁正德先生)、富邦產物保險股份有限公司(代表人陳燦煌先生)、和泰產物保

險股份有限公司(代表人鄭林經先生)、泰安產物保險股份有限公司(代表人李松季先生)、明台產物保險股份有限公司(代表人熊谷真樹先生)、南山產物保險股份有限公司(代表人陳崇先生)、第一產物保險股份有限公司(代表人李正漢先生)、旺旺友聯產物保險股份有限公司(代表人洪吉雄先生)、新光產物保險股份有限公司(代表人吳昕紘先生)、華南產物保險股份有限公司(代表人吳崇權先生)、國泰世紀產物保險股份有限公司(代表人蔡鎮球先生)、新安東京海上產物保險股份有限公司(代表人陳忠鏗先生)、台壽保產物保險股份有限公司(代表人林欽淼先生)、中央再保險股份有限公司(代表人楊誠對先生)、美商安達產物保險股份有限公司台灣分公司(代表人曾增成先生)、香港商亞洲保險有限公司台灣分公司(代表人宋安樂先生)、法商法國巴黎產物保險股份有限公司台灣分公司(代表人王瑜華女士)、法商科法斯產物保險股份有限公司台灣分公司(代表人張育立先生)、德商科隆再保險股份有限公司台灣分公司(代表人曾蕙芬女士)、英屬百慕達商美國再保險股份有限公司台灣分公司(代表人蔡佩君女士)、新加坡商美國國際產物保險股份有限公司台灣分公司(代表人林建忠先生)

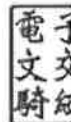
副本：中華民國產物保險商業同業公會(代表人陳燦煌先生)、中華民國人壽保險商業同業公會(代表人黃調貴先生)(以上含附件)、本局綜合監理組

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保存年限：

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密等及解密條件或保密期限：

附件：如文(35513170A0C_ATTCH1.pdf、35513170A0C_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11月8日調錢貳字第10635571730號函檢發之名單停止適用。
- 二、依據FATF於今(107)年2月23日公布之公開聲明(Public Statement-23 February 2018，如附件1)，FATF於今年2月第29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, 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



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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2017年11月決定繼續暫停對該國反制措施。伊朗已建立現金申報制度，並向國會提出防制洗錢及打擊資恐法律草案，惟行動計畫仍有多數項目尚未完成。FATF期待伊朗儘速推動進展，尤其通過相關法案，以確保行動計畫的賸餘項目執行並完成必要改革。FATF於今年7月會議將評估伊朗的進展並採取進一步行動，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2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 February 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



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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、伊拉克、塞爾維亞、斯里蘭卡、敘利亞、千里達及托巴哥、突尼西亞、萬那杜、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-february-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-february-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：

局長 蔡清祥

Improving Global AML/CFT Compliance: On-going Process - 23 February 2018

Paris, France, 23 February 2018 - 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>Ethiopia</u> <u>Iraq</u> <u>Serbia</u> <u>Sri Lanka</u> <u>Syria</u> <u>Trinidad and Tobago</u> <u>Tunisia</u> <u>Vanuatu</u> <u>Yemen</u>	<u>Bosnia and Herzegovina</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 conducting awareness-raising trainings for its DNFBPs, regulatory bodies, and investigative bodies and disseminating the UN sanctions lists to obliged entities without delay. Ethiopia should continue to work on implementing its action plan to address its deficiencies, including by: (1) fully 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 supervising non-profit organisations in line with a risk-based approach; and (5) establishing and implementing WMD-related targeted financial sanctions.

Iraq

Since October 2013, when Iraq made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Iraq has substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing an adequate legal framework for identifying, tracing, and freezing terrorist assets; (3) establishing effective customer due diligence measures; (4) establishing a fully operational and effectively functioning Financial Intelligence Unit; (5) establishing adequate suspicious transaction reporting requirements; and (6) establishing an adequate AML/CFT supervisory and oversight programme for the financial sector. The FATF will conduct an on-site visit to confirm that the implementation of these reforms has begun and is being sustained.

Serbia

In February 2018, 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 will work to implement its action plan to accomplish these objectives, including by: (1) updating the NRA to develop a better understanding of key risks; (2) subjecting lawyers, notaries, and casinos to supervision; implementing risk-based AML/CFT supervision, and increasing supervisory staff resources commensurate with sectoral risks; (3) implementing measures related to CDD, politically exposed persons, and wire transfers in line with the FATF Standards; (4) establishing an effective mechanism for ensuring timely access to beneficial ownership information regarding legal persons, and a framework to ensure that such information is adequate, accurate, and

current; (5) ensuring adequate and effective investigation and prosecution of third-party and stand-alone ML; (6) ensuring 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) ensuring 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 CDD rules for DNFBPs. Sri Lanka should continue to work on implementing its action plan to address its deficiencies, including by: (1) enacting amendments to the MACMA to ensure that mutual legal assistance may be provided on the basis of reciprocity; (2) issuing any necessary guidance and ensuring that implementation of the CDD rules has begun, by way of supervisory actions; (3) enhancing risk-based supervision and outreach to FIs and high-risk DNFBPs, including through prompt and dissuasive enforcement actions and sanctions, as appropriate; (4) providing case studies and statistics to demonstrate that competent authorities can obtain beneficial ownership information in relation to legal persons in a timely manner; (5) issuing a revised Trust Ordinance and demonstrating that implementation has begun; and (6) establishing a TFS regime to implement relevant UNSCRs related to Iran, and demonstrating effective implementation on this and 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 the approval of the Counter Terrorism Strategy by the National Security Council, the issuance of a Case Prioritization Policy, and advancing legislation in a number of areas. Trinidad and Tobago should continue to work on implementing its action plan to address its deficiencies, including by: (1) adopting and implementing the relevant measures to 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 targeted financial sanctions 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 issuing a decree to implement terrorism-related targeted financial sanctions, preparing AML/CFT supervisory manuals, conducting trainings on AML/CFT supervision for the relevant authorities and increasing human resources within the financial intelligence unit. Tunisia should continue to work on implementing its action plan to address its deficiencies, including by: (1) implementing risk-based AML/CFT supervision of the financial sector and fully integrating designated non-financial businesses and professions into its AML/CFT regime; (2) maintaining comprehensive and updated commercial registries and strengthening the system of sanctions for violations of transparency obligations; (3) increasing the efficiency of suspicious transaction report processing by allocating the necessary resources to the financial intelligence unit; (4) establishing a fully functional terrorism-related targeted financial sanctions regime and appropriately monitoring the association sector; and (5) establishing and implementing WMD-related targeted financial sanctions.

Vanuatu

Since February 2016, when Vanuatu made a high-level political commitment to work with the FATF and APG to address its strategic AML/CFT deficiencies, Vanuatu has

substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing adequate procedures for the confiscation of assets related to money laundering; (3) establishing an adequate legal framework for identifying, tracing and freezing terrorist assets and other UN sanctions; (4) ensuring a fully operational and effectively functioning financial intelligence unit; (5) strengthening preventive measures, including for wire transfers; (6) establishing transparency for the financial sector, and for legal persons and arrangements; (7) establishing an adequate AML/CFT supervisory and oversight programme for the whole financial sector and trust and company service providers; and (8) establishing appropriate channels for international co-operation and domestic coordination policies and actions on identified risks and ensuring effective implementation. The FATF will conduct an on-site visit to confirm that the implementation of these reforms has begun and is being sustained.

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

Bosnia and Herzegovina

The FATF welcomes Bosnia and Herzegovina's significant progress in improving its AML/CFT regime and notes that Bosnia and Herzegovina has established the legal and

regulatory framework to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in June 2015. Bosnia and Herzegovina is therefore no longer subject to the FATF's monitoring process under its on-going global AML/CFT compliance process. Bosnia and Herzegovina will work with MONEYVAL to improve its AML/CFT framework.

Public Statement

Paris, 23 February 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 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 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, 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. Given that Iran provided that political commitment and the relevant steps it has taken, the FATF decided in November 2017 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 now 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.

Given that Iran has draft legislation currently before Parliament, the FATF decided at its meeting this week to continue the suspension of counter-measures. Depending upon Iran's progress in completing its action plan, the FATF will take further steps in June 2018. 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 passing the necessary legislation.

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.

