Content

Title：	Regulations Governing Anti-Money Laundering and Counter-Terrorist Financing for Certified Public Bookkeepers and Bookkeeping and Tax Return Filing Agents Ch
Date：	2018.11.09
Legislative：	1. Enacted and promulgated Tai-Tsai-Shuei-Tze No. 10704533290 issued by the Ministry of Finance on March 5, 2018. 2. Amended and promulgated Tai-Tsai-Shuei-Tze No. 10704674180 issued by the Ministry of Finance on November 9, 2018. It's name was amended as “Regulations Governing Anti-Money Laundering and Counter-Terrorist Financing for Certified Public Bookkeepers and Bookkeeping and Tax Return Filing Agents”. and Tax Return Filing Agents".
Content：	Article 1 These Regulations are enacted in accordance with Paragraph 3 of Article 6, Paragraph 4 of Article 7, Paragraph 3 of Article 8 and Paragraph 3 of Article 10 of the Money Laundering Control Act (hereinafter “the Act”) and Paragraph 5 of Article 7 of the Counter-Terrorism Financing Act. Article 2 The terms used herein are defined as follows: 1. Certified public bookkeeper: an individual who has obtained a public bookkeeper certificate and practices as a certified public bookkeeper, as stipulated in Paragraph 1 of Article 2 of the Certified Public Bookkeepers Act; 2. Bookkeeping and tax return filing agent: an individual specified in Paragraph 1 of Article 35 of the Certified Public Bookkeepers Act; 3. High-risk countries or regions: countries or regions listed in Paragraph 2 of Article 11 of the Act; 4. Beneficial owner: a natural person who has the final ownership of or complete control over a customer, or who works as a high-ranking manager for a customer, or who directly or indirectly holds a stake of more than twenty-five percent in the capital of a corporation or association. Article 3 While preparing or engaging in any modes of transaction designated in Subparagraph 5, Paragraph 3, Article 5 of the Act for a customer, a certified public bookkeeper or bookkeeping and tax return filing agent shall verify customer identity and undertake enhanced customer due diligence measures in accordance with Articles 4 to 8, and shall retain identification documents and transaction records in accordance with Article 9. If a transaction falls under the circumstances specified in Article 10, the certified public bookkeeper or bookkeeping and tax return filing agent shall report such transaction to the Investigation Bureau, Ministry of Justice. The term “preparing,” as used in the preceding paragraph, refers to the

execution of preparatory tasks before a transaction.

Article 4

A certified public bookkeeper or bookkeeping and tax return filing agent shall, in any of the following conditions, evaluate the money laundering and terrorist financing risk of the customer and undertake customer due diligence measures of the customer in a risk-based approach:

1. In the course of building a business relationship or conducting an occasional transaction with a customer;
2. When being aware of any transaction of a customer suspected to involve money laundering or terrorist financing; or
3. When doubting the authenticity of the obtained identification information of a customer.

Evaluations of money laundering and terrorist financing risks of customers shall be performed on customer backgrounds, transaction modes, or direct sources or flows of funds. Risk evaluation documents shall also be made pursuant to the following provisions:

1. All risk factors shall be considered to assess the degree of the overall risk, and proper measures shall be established to mitigate risk.
2. Evaluation information shall be updated from time to time.

A transaction shall be evaluated as "high risk" if the funds in the preceding paragraph directly come from, or flow to, a high-risk country or region, or the customer comes from a high-risk country or region, or if the transaction is not carried out face-to-face by a customer and a certified public bookkeeper or a bookkeeping and tax return filing agent, or if new technology is applied to perform the business, or if the customer and the beneficial owner are politically exposed persons entrusted with prominent public function, or their family members and close associates as defined in Paragraph 3 of Article 7 of the Act.

A certified public bookkeeper or bookkeeping and tax return filing agent shall obtain the prior consent of the principal or the management before building a business relationship with a customer if the customer is assessed as "high risk" in terms of money laundering and terrorist financing.

Article 5

A certified public bookkeeper or bookkeeping and tax return filing agent shall not build or maintain a business relationship with a customer using anonymous or fictitious names, and shall, in the course of building a business relationship and conducting an occasional transaction with a customer, undertake customer due diligence measures of the customer within the following scope:

1. If the customer is a natural person: the name, date of birth, gender, identification number, occupation, nationality, residence, and contact methods;
2. If the customer is a company, a sole proprietorship, a partnership, a profit-seeking enterprise incorporated in other ways, or any other corporation or non-corporation:

(1) The name, country of registration, registered address, address of

actual place of business, contact methods, and business activities;
(2) The name and residence of the principal, representative, or manager;
(3) The control structure and beneficial owners.
3. If the customer is a trustee for a trust or any other similar legal arrangement: the name, residence, and contact methods of the trustor, trustee, and beneficiary, or the director, supervisor, trustee, beneficiary, or administrator of the legal arrangement.
If the authorization is granted by an agent of the customer, the certified public bookkeeper or bookkeeping and tax return filing agent shall investigate the representation, and shall undertake customer due diligence measures of the agent in accordance with the preceding paragraph.
Customers with the following status may not be subject to the preceding two paragraphs:
1. Foreign government agencies;
2. Domestic public companies or the subsidiaries thereof;
3. Companies listed in an overseas stock exchange or over-the-counter market with an obligation to disclose their major shareholders in accordance with the regulations of the place where they are listed, or the subsidiaries thereof;
4. Financial institutions supervised by our government and investment vehicles under their management;
5. Financial institutions established in non-high risk countries or regions outside of the Republic of China and investment vehicles under their management;
6. Those who used to have a business relationship with certified public bookkeepers or bookkeeping and tax return filing agents that ended no more than one year ago and who are evaluated as “low risk” in accordance with Paragraph 2 of the preceding article.

Article 6
A certified public bookkeeper or bookkeeping and tax return filing agent shall undertake customer due diligence measures of customer identity in the following manners and use other information to undertake customer due diligence measures of customer identity:
1. If the customer is a natural person, the customer’s original national identity card, resident certificate, passport, or other supporting documents sufficient to prove the customer’s identity shall be verified.
2. If the customer is a company, a sole proprietorship, a partnership, a profit-seeking enterprise incorporated in other ways, or any other corporation or non-corporation, the following documents are required to understand the nature of its business and control structure:
(1) Certificate of establishment or registration;
(2) Constitution, if it is required by regulations;
(3) List of directors or supervisors if such persons have been appointed in accordance with regulations;
(4) List of partners in case of a partnership;
(5) Documents or statements that may prove the identity of beneficial owners.
3. If the customer is a trustee for a trust or any other similar legal

arrangement, the following documents are required to understand the nature and control structure thereof:
(1) Certificate of registration; however, this rule does not apply to those exempt from registration according to law;
(2) The trust agreement or documents regarding the legal arrangement;
(3) Identification documents regarding the trustor, trustee, and beneficiary, or the director, supervisor, trustee, beneficiary, or administrator of the legal arrangement;
(4) Documents or statements that may prove the identity of the owners or beneficial owners.
Any of the aforesaid documents submitted in photocopies shall be verified to be the same as the original based on reasonable grounds or in a reasonable manner.
If a certified public bookkeeper or bookkeeping and tax return filing agent is unable to undertake customer due diligence measures of customer identity within a reasonable period, they shall refuse the authorization or terminate the business relationship at their own discretion. When necessary, they may report any suspicious transaction associated with the customer to the Investigation Bureau, Ministry of Justice in accordance with Paragraph 1 of Article 10 of the Act.
If a certified public bookkeeper or bookkeeping and tax return filing agent suspects that a customer may involve money laundering or terrorist financing, and undertake customer due diligence measures of the customer identity verification process may divulge messages to the customer, then the process may be set aside and the transaction suspected to involve money laundering or terrorist financing shall be directly reported to the Investigation Bureau, Ministry of Justice.

Article 7
For those who are ranked as “high risk” in accordance with Paragraphs 2 and 3 of Article 4, a certified public bookkeeper or bookkeeping and tax return filing agent shall undertake customer due diligence measures of customer identity in accordance with the preceding article and shall also undertake enhanced customer due diligence measures in accordance with the following provisions:
1. Investigating the purpose of the transaction and acquisition of the funds;
2. Paying continuous attention to any of the circumstances that shall be reported, as specified in Article 10, during the continuance of the business relationship;
3. Examining whether the information obtained through customer identification is sufficient at least once a year during the continuance of the business relationship.
Performance of the enhanced customer due diligence measures, as set forth in the preceding paragraph, shall be recorded in writing.

Article 8
If a certified public bookkeeper or bookkeeping and tax return filing agent becomes aware that the identity of a customer has changed during the

continuance of a business relationship or believes that the customer identification documents obtained are false, or if a business relationship has lasted over a year, they shall verify customer identity again. However, this rule does not apply to those evaluated as “low risk.” The obligations to verify customer identity are terminated when the business relationship comes to an end.

Article 9

A certified public bookkeeper or bookkeeping and tax return filing agent shall, during the retention period stipulated in Paragraph 2 of Article 7 and Paragraph 2 of Article 8 of the Act, set up files regarding the customer transactions processed and retain photocopies, electronic files, or transcripts of identification documents or statements provided by customers and other related personnel. In the event that their identity is verified based on reasonable grounds or in a reasonable manner, descriptions of such grounds or manner or related supporting documents that are sufficient to permit reconstruction of individual transactions shall be retained completely, and copies or electronic files of the correspondence, records, and documents regarding the transactions shall be kept.

Article 10

A certified public bookkeeper or bookkeeping and tax return filing agent shall report any customer transaction that falls under any of the following circumstances to the Investigation Bureau, Ministry of Justice in accordance with Paragraph 1 of Article 10 of the Act:

1. The amount of the remuneration exceeds NT$500,000 and is paid in cash, foreign currency cash, or by traveler's checks, foreign currency bills, or other bearer negotiable instruments without justification.
2. The amount of the remuneration exceeds NT$500,000, and the customer makes payments or requests to make payments in multiple or consecutive installments in cash, with each payment less than NT$500,000.
3. The customer is an individual, corporation, or association that is named on a sanctions list published by the Ministry of Justice in accordance with the Terrorist Financing Suppression Act, or is a terrorist organization or terrorist identified or under investigation by other countries or international organizations, as announced by the Ministry of Justice.
4. The funds for the transaction directly come from a high-risk country or region, or will be paid into an account in such country or region, and are related to terrorist activities, terrorist organizations, or terrorist financing.
5. The customer fails to provide specific causes for the transaction that a certified public bookkeeper or bookkeeping and tax return filing agent prepares or engages in as designated in Subparagraph 5, Paragraph 3, Article 5 of the Act, or the causes appear false.
6. It is known that no such customer exists or the facts are sufficient for one to believe that the identity of the customer has been assumed.
7. The customer is a natural person and refuses to meet or establish

direct contact with the certified public bookkeeper or bookkeeping and tax return filing agent without justification.
8. There are other transactions suspected to involve money laundering or terrorist financing.

Article 11
A certified public bookkeeper or bookkeeping and tax return filing agent shall, within ten working days from the date of discovery of the circumstances specified in the preceding article or Paragraphs 3 and 4 of Article 6, file a report with the Investigation Bureau, Ministry of Justice in the format required by the Investigation Bureau, Ministry of Justice via post, fax, e-mail, or other means.
A certified public bookkeeper or bookkeeping and tax return filing agent shall report any obviously significant suspicious money laundering and terrorist financing transaction of urgent nature promptly to the Investigation Bureau, Ministry of Justice by fax or other available means, and ensure that the Investigation Bureau, Ministry of Justice has acknowledged receipt of the report by sending a reply.
The reporting records set forth in the preceding two paragraphs shall be retained in the form of copies or electronic files for a period of five years.

Article 12
If a certified public bookkeeper or bookkeeping and tax return filing agent possesses, manages or is aware of, in the course of business, any asset or property owned or controlled by any of the individuals, legal persons or entities announced to be sanctioned by Ministry of Justice in accordance with Articles 4 and 5 of the Counter-Terrorism Financing Act, the certified public bookkeeper or bookkeeping and tax return filing agent shall deal with the matter in accordance with Article 7 of the Act and inform the National Taxation Bureau in the area where the firm is located.

Article 13
When a certified public bookkeeper or bookkeeping and tax return filing agent prepares for or conducts any of the transactions designated in Subparagraph 5 of Paragraph 3 of Article 5 of the Act for a customer, the firm for which the certified public bookkeeper or bookkeeping and tax return filing agent works shall take the following internal control measures based on the applicable money laundering and terrorist financing risk and the scale of business:
1. Internal control measures for anti-money laundering and counter-terrorist financing are established, and a report on evaluation of money laundering and terrorist financing risks is prepared and updated every two years in accordance with Subparagraph 4 of Paragraph 1 of Article 6 of the Act.
2. Implementation of the Regulations is supervised by the principal or the designated management officer.
3. Entrusted matters in any suspicious money laundering and terrorist financing transaction that has been reported in accordance with Paragraphs 3 and 4 of Article 6, Article 10 and the preceding article shall require

enhanced supervision.
4. When certified public bookkeepers, bookkeeping and tax return filing agents or other personnel engaging in relevant business are selected, their personalities and professional abilities and whether they have a conflict of interests regarding their duties for anti-money laundering and counter-terrorist financing shall be taken into account.
5. A training program for anti-money laundering and counter-terrorist financing is organized for certified public bookkeepers, bookkeeping and tax return filing agents and other personnel. The latest regulations concerning anti-money laundering and counter-terrorist financing are provided for all personnel of the firm.
6. Self-review or internal audit is conducted and is recorded in writing.
The report on risk evaluation mentioned in Subparagraph 1 of the preceding paragraph shall include customers, countries or areas, service and payment channels, and other items to be evaluated.

Article 14
Certified public bookkeepers and bookkeeping and tax return filing agents shall participate in on-the-job training organized by certified public bookkeepers association, bookkeeping and tax return filing agents association; government agency; incorporation or organization, and shall file reports for record to National Federation of Associations of Certified Public Bookkeepers, National Federation of Associations of Bookkeeping and Tax Return Filing Agents, or local associations which they have joined.
Hours, course accreditation, and reporting methods of the on-the-job training mentioned in the preceding paragraph for certified public bookkeepers and bookkeeping and tax return filing agents shall be determined by the National Federation of Associations of Certified Public Bookkeepers and the National Federation of Associations of Bookkeeping and Tax Return Filing Agents, respectively.

Article 15
The decisions and investigations set forth in Paragraphs 4 and 5 of Article 6, Paragraph 5 of Article 7, Paragraph 4 of Article 8 and Paragraph 5 of Article 10 of the Act and Article 12 of the Counter-Terrorism Financing Act shall be made and carried out by the National Taxation Bureaus of all regions upon authorization by the Ministry of Finance.
Audits on compliance with the preceding two articles shall be carried out by the National Taxation Bureaus of all regions upon authorization by the Ministry of Finance, and may be carried out by the National Federation of Associations of Certified Public Bookkeepers, the National Federation of Associations of Bookkeeping and Tax Return Filing Agents, or local associations in a municipality or county (city) if necessary.
National Taxation Bureaus of all regions, when conducting audits on compliance with the preceding two articles, may require assistance of other professionals as needed and shall carry out the audits together with

the National Federation of Associations of Certified Public Bookkeepers, the National Federation of Associations of Bookkeeping and Tax Return Filing Agents, or local associations in a municipality or county (city). For conducting an audit on compliance with the preceding two articles, the National Taxation Bureau, Ministry of Finance in a region, the National Federation of Associations of Certified Public Bookkeepers, the National Federation of Associations of Bookkeeping and Tax Return Filing Agents, or a local association in a municipality or county (city) shall prepare and submit an audit plan to the Ministry of Finance for its approval. After the approval, the plan shall be implemented.

Article 16

These Regulations shall come into effect on the date of promulgation.

Data Source：Ministry of Finance, R.O.C. Laws and Regulations Retrieving System