Content

Title：	Regulations Governing Anti-Money Laundering and Counter-Terrorist Financing for Certified Public Bookkeepers and Bookkeeping and Tax Return Filing Agents Ch
Date：	2021.01.11
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”. 3.Amended and promulgated Tai-Tsai-Shuei-Tze No. 10904706660 issued by the Ministry of Finance on January 11, 2021.
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, and who prepares for or carries out any of the transactions in the items under Subparagraph 5, Paragraph 3, Article 5 of the Act; 2. Bookkeeping and tax return filing agent: an individual specified in Paragraph 1 of Article 35 of the Certified Public Bookkeepers Act, and who prepares for or carries out any of the transactions in the items under Subparagraph 5, Paragraph 3, Article 5 of the Act; 3. High-risk countries or regions: countries or regions listed in Paragraph 2 of Article 11 of the Act; 4. Business relationship: a public bookkeeper certificate or bookkeeping and tax return filing agent prepares for or carries out any of the transactions in the items under Subparagraph 5, Paragraph 3, Article 5 of the Act; 5. Preparing: refers to the execution of preparatory tasks before a transaction; 6. 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 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. Establishing business relations with any customer;
2. When being aware of any transaction of a customer suspected to be involved in money laundering or terrorist financing; or
3. When doubting the veracity or adequacy of the obtained identification information of a customer.
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 limited 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, list of responsible persons in case of a limited 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 be involved in money laundering or terrorist

financing, and undertakes 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 4
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 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 limited 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.

Article 5
A certified public bookkeeper or bookkeeping and tax return filing agent shall understand and, as appropriate, obtain information on the purpose and intended nature of the business relationship; perform customer backgrounds, transaction modes, or direct sources or flows of funds to evaluate money laundering and terrorist financing risks of customers; and record the findings in writing.
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 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 6
For those who are ranked as “high risk” in accordance with Paragraphs 1 and 2 of the preceding article, 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 7
A certified public bookkeeper or bookkeeping and tax return filing agent shall conduct ongoing due diligence on the business relationship and observe the following provisions:
1. A certified public bookkeeper or bookkeeping and tax return filing agent shall scrutinize transactions undertaken throughout the business relationship to ensure that the transactions being conducted are consistent with the certified public bookkeeper's or bookkeeping and tax return filing agent's knowledge of the customer, its business and risk profile, including, where necessary, the source of funds.
2. A certified public bookkeeper or bookkeeping and tax return filing agent shall periodically review the existing records to ensure that documents, data, or information of the customer and its beneficial owner(s) collected under the customer due diligence process are kept up-to-date.
3. A certified public bookkeeper or bookkeeping and tax return filing agent shall apply customer due diligence requirements to existing customers on the basis of materiality and risk, and after taking into account whether and when customer due diligence measures have previously been undertaken and the adequacy of data obtained, conduct due diligence on such existing relationships at appropriate times, including when learning of any material change to the customer's identity and background information.
4. A certified public bookkeeper or bookkeeping and tax return filing agent may rely on existing customer records to undertake identification and verification. Therefore, a certified public bookkeeper or bookkeeping and tax return filing agent is allowed to carry out transactions without repeatedly identifying and verifying the identity of an existing customer. However, a certified public bookkeeper or bookkeeping and tax return filing agent shall conduct customer due diligence measures again in accordance with Article 3 herein if he or she has doubts about the veracity or adequacy of the records, such as, where there is a suspicion of money

laundering in relation to that customer, or where there is a material change in the way that the customer's transactions or accounts are operated, which is not consistent with the customer's business profile." The obligations to undertake customer due diligence measures of customer identity are terminated when the business relationship comes to an end.

Article 8

A certified public bookkeeper or bookkeeping and tax return filing agent shall perform his or her own customer due diligence operations in Article 3 to the preceding Article. However, if it is otherwise permitted by law or the Ministry of Finance that a certified public bookkeeper or bookkeeping and tax return filing agent may rely on third parties to perform the identification and verification of the identities of customers, agents, and beneficial owners or the purpose and intended nature of the business relationship, the a certified public bookkeeper or bookkeeping and tax return filing agent relying on the third party shall still bear the ultimate responsibility for customer due diligence measures and comply with the following provisions:

1. A certified public bookkeeper or bookkeeping and tax return filing agent relying on a third party shall be able to immediately obtain the necessary customer due diligence information.
2. A certified public bookkeeper or bookkeeping and tax return filing agent shall take adequate steps to satisfy itself that copies of identification data and other relevant documentation relating to the customer due diligence requirements will be made available from the third party upon request without delay.
3. A certified public bookkeeper or bookkeeping and tax return filing agent shall make sure that the third party he or she relies on is regulated, supervised, or monitored, and has appropriate measures in place for compliance with customer due diligence and record-keeping requirements.
4. A certified public bookkeeper or bookkeeping and tax return filing agent shall make sure that the jurisdiction where the third party that the certified public bookkeeper or bookkeeping and tax return filing agent relies on is located has AML/CFT regulations in place that are consistent with the standards set out by the Financial Action Task Force.

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 Counter-Terrorism Financing 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 customer 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 in the items under Subparagraph 5, Paragraph 3, Article 5 of the Act.

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 5 of Article 3 or where it is deemed necessary to report under Paragraphs 4 of Article 3, 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

A certified public bookkeeper or bookkeeping and tax return filing agent shall comply with the following provisions in their watch list filtering programs on customers and beneficial owner of transactions :
1. A certified public bookkeeper or bookkeeping and tax return filing agent shall establish policies and procedures for watch list filtering, to detect, match, and filter whether customers, or beneficial owners are individuals, legal persons, or organizations sanctioned under Article 4 and 5 of the Counter-Terrorism Financing Act or terrorists or terrorist groups identified or investigated by a foreign government or an international organization.
2. The policies and procedures for watch list filtering shall include at least matching and filtering logics, implementation procedures, and evaluation standards, and shall be documented.
3. A certified public bookkeeper or bookkeeping and tax return filing agent shall document his/her watch list filtering and maintain records for a time period in accordance with Article 9.
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 the 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
A certified public bookkeeper or bookkeeping and tax return filing agent shall assess the ML/TF risks prior to development of new products, new services, and new business practices, including new delivery mechanisms, and the use of new or developing technologies for both new and pre-existing products or services, and take appropriate measures to manage and mitigate those risks.

Article 14
A certified public bookkeeper or bookkeeping and tax return filing agent and their registered firm shall take the following internal control measures based on the applicable money laundering and terrorist financing risk and the scale of business in Paragraph 1 of Article 6 of the Act:
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.
2. Internal control measures in the preceding Article shall be supervised by the principal or the designated management officer to monitor the implementation of those controls, enhance them if necessary, and take enhanced measures to manage and mitigate the risks where higher risks are identified.
3. Entrusted matters in any suspicious money laundering and terrorist financing transaction that has been reported in accordance with Paragraphs 4 and 5 of Article 3, Article 10, and Paragraph 2 of Article 12 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 interest 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 15
Certified public bookkeepers and bookkeeping and tax return filing agents shall participate in on-the-job training organized by certified public bookkeepers' associations, bookkeeping and tax return filing agents' associations, and the professional training units approved by the National Taxation Bureau of the Ministry of Finance in accordance with the Regulations on Article 35 of the Certified Public Bookkeepers Act.
The on-the-job training in the preceding paragraph is limited to physical courses, and the training hours per year shall not be less than two hours. However, the certified public bookkeepers who apply for registration for practicing for the first time are not subject to the minimum training hours in the year they apply for practicing.
The on-the-job training agency (institution) shall issue a training certificate (including hours and course certificate) to certified public bookkeepers and bookkeeping and tax return filing agents who participated in the on-the-job training in the preceding paragraph. Within 15 days after the completion of the training, a list of qualified trainees, the training course name, training hours, and other information will be reported to the National Taxation Bureaus in the area where their firms are located.

Article 16
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.
When the national taxation bureaus of the Ministry of Finance conduct the inspection specified in Article 14 and adjudication and investigation in Paragraph 1, they may order a certified public bookkeeper or bookkeeping and tax return filing agent or their registered firms to present relevant account books, documents, electronic data files, and other relevant materials mentioned in Subparagraph 5, Paragraph 3, Article 5 of the Act.

Article 17
These Regulations shall come into effect on the date of promulgation, except for Article 15, which shall take effect on January 1, 2021.

Files： Regulations Governing Anti-Money Laundering and Counter-Terrorist Financing for Certified Public Bookkeepers and Bookkeeping and Tax Return Filing Agents.pdf

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