

FATF



FATF GUIDANCE

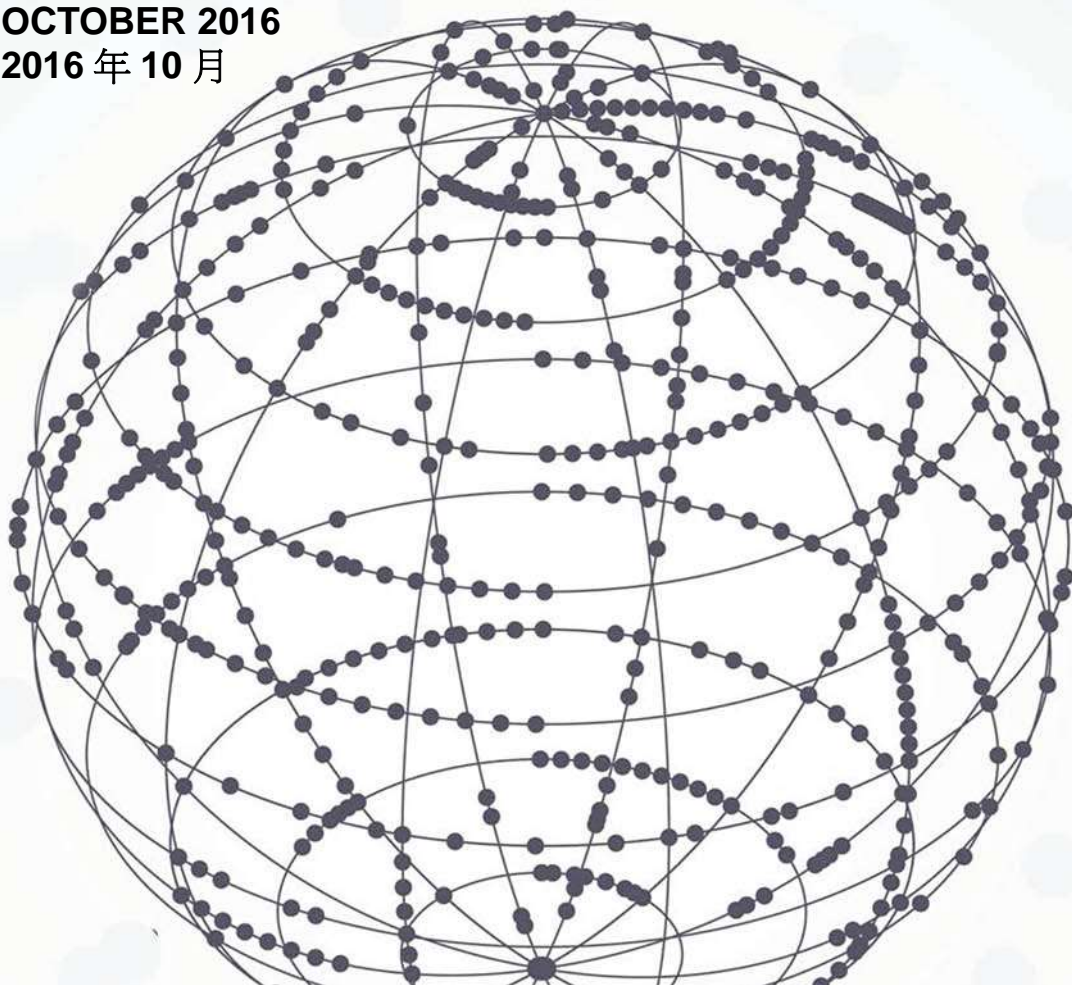
防制洗錢金融行動工作組織指引

CORRESPONDENT BANKING SERVICES

通匯銀行服務

OCTOBER 2016

2016年10月





The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard.

防制洗錢金融行動工作組織（FATF）是一個獨立的政府間組織，旨在發展與提升政策，保護全球性金融系統，以對抗洗錢、資恐及資助武擴。FATF 建議已被認定為全球性防制洗錢（AML）與打擊資恐（CFT）標準。

For more information about the FATF, please visit www.fatf-gafi.org
如需有關 FATF 更完整的資訊，請參閱其網站：www.fatf-gafi.org

This document and/or any map included herein are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area.

此文件及／或其任何地圖皆無損於任何領土的主權狀態、國際邊境與國境的定界，以及任何領土、城市或區域的名稱。

Citing reference:
參考資料：

FATF (2016), *Guidance on correspondent banking services*, FATF, Paris
www.fatf-gafi.org/publications/fatfrecommendations/documents/correspondent-banking-services.html
FATF (2016)，*通匯銀行服務指引*，FATF，巴黎
www.fatf-gafi.org/publications/fatfrecommendations/documents/correspondent-banking-services.html

© 2016 FATF/OECD. All rights reserved.
No reproduction or translation of this publication may be made without prior written permission.
Applications for such permission, for all or part of this publication, should be made to the FATF Secretariat, 2 rue André Pascal 75775 Paris Cedex 16, France

© 2016 FATF/OECD 版權所有。
未經事先書面同意不得再製或翻譯本出版品。
本出版品業經 FATF 秘書處授權，由中華臺北行政院洗錢防制辦公室譯為中文，如有出入以公布於 FATF 官網：www.fatf-gafi.org 之英文版為準。

LIST OF ACRONYMS

縮寫對照表

AML	Anti-money laundering 防制洗錢
BCBS	Basel Committee on Banking Supervision 巴賽爾銀行監理委員會
CDD	Customer Due Diligence 客戶審查
CFT	Counter-terrorist financing 打擊資恐
CPMI	Committee on Payments and Market Infrastructures 國際清算銀行支付暨市場基礎設施委員會
DNFBP	Designated Non-Financial Business Professions 指定之非金融事業或人員
EDD	Enhanced Due Diligence 加強客戶審查
MVTS	Money or value transfers service 金錢或價值移轉服務
RBA	Risk-based approach 風險基礎方法

GUIDANCE ON CORRESPONDENT BANKING SERVICES 通匯銀行服務指引

This Guidance should be read in conjunction with the *FATF Recommendations*, especially Recommendations 1, 6, 7, 10, 11, 13, 14, 16, 20 and 26, their Interpretive Notes and the Glossary. 這份指引應與 *FATF 建議* 一起閱讀，特別是建議第 1、6、7、10、11、13、14、16、20 和 26 項，以及各該建議的註釋與詞彙表。

This Guidance should also be read in conjunction with the following FATF guidance papers and typologies reports which relate to proper implementation of the risk-based approach (RBA) in the banking and money or value transfer (MVTS) sectors:

這份指引也應與以下 FATF 指導文件和洗錢態樣報告一起閱讀，這些皆涉及如何在銀行與金錢或價值移轉服務（MVTS）領域正確執行風險基礎方法（RBA）。

- FATF RBA Guidance for the banking sector, 2014
- FATF 銀行業風險基礎方法指引，2014
- FATF RBA Guidance for Money or Value Transfer Services, 2016
- FATF 金錢或價值移轉服務風險基礎方法指引，2016
- Guidance on the Risk-Based Approach for Effective Supervision and Enforcement by AML/CFT Supervisors of the Financial Sector and Law Enforcement, 2015
- 金融業防制洗錢／打擊資恐監理機關有效監理與執行及有效執法之風險基礎方法指引，2015
- FATF Guidance on AML/CFT and Financial Inclusion, 2013
- FATF 防制洗錢／打擊資恐及普惠金融指引，2013
- FATF Guidance on Politically Exposed Persons, 2013
- FATF 擔任重要政治性職務人士指引，2013
- FATF Report: Money Laundering through Money Remittance and Currency Exchange Providers, 2010 and
- FATF 報告：透過金融匯款與貨幣匯兌商洗錢，2010 及
- FATF Report: The role of Hawala and other similar service providers in money laundering and terrorist financing, 2013.
- FATF 報告：Hawala 及其他類似服務機構的防制洗錢及打擊資助恐怖主義角色，2013

The following guidance papers and tools are also relevant sources of information on how to manage the risks of correspondent banking relationships:

以下指引文件與工具也是有關如何管理通匯銀行往來關係風險的重要資訊來源：

- Basel Committee on Banking Supervision, Guidance on Sound Management of Risks Related to Money Laundering and Financing of Terrorism, 2014
- 巴賽爾銀行監理委員會，健全防制洗錢與打擊資助恐怖主義風險管理指引，2014

- Wolfsberg Group, Anti-Money Laundering Principles for Correspondent Banking, 2014, and
- 沃爾夫斯堡集團，通匯銀行防制洗錢原則，2014 及
- Wolfsberg Group, Anti-Money Laundering Questionnaire, 2014.
- 沃爾夫斯堡集團，防制洗錢問卷調查表，2014。
- Committee on Payments and Market Infrastructures, Correspondent Banking – consultative report, 2015
- 國際清算銀行支付暨市場基礎設施委員會，通匯銀行 – 諮詢報告，2015
- Basel Committee on Banking Supervision Supervisory Guidance for Managing Risks Associated with the Settlement of Foreign Exchange Transactions, 2016
- 巴賽爾銀行監理委員會，外匯交易結算相關風險管理之監理指引，2016

I. INTRODUCTION

I. 序言

A. BACKGROUND – FATF ACTION TO ADDRESS DE-RISKING IN THE CORRESPONDENT BANKING CONTEXT

A. 背景 – FATF 針對通匯銀行去風險之相關行動

1. In the wake of the global financial crisis and countries' response to it, the international community has been increasingly concerned about *de-risking*. The FATF understands this term to mean situations where financial institutions terminate or restrict business relationships with entire countries or classes of customer in order to avoid, rather than manage, risks in line with the FATF's risk-based approach (RBA). This is a serious concern for the FATF and the FATF-style regional bodies (FSRBs) to the extent that de-risking may drive financial transactions into less/non-regulated channels, reducing transparency of financial flows and creating financial exclusion, thereby increasing exposure to money laundering and terrorist financing (ML/TF) risks.

1. 全球金融危機以及各國的應變措施導致國際社會越來越關心去風險議題。FATF 瞭解，這個名詞意味著金融機構將終止或限制與整個國家或某客戶階層的業務關係，以遂行 FATF 的風險基礎方法 (RBA)，避開風險，而非管理風險。對 FATF 及區域性防制洗錢組織 (FSRB) 而言，這是非常嚴重的問題，因為去風險可能導致金融交易轉向監管較少或無監管的管道，降低金流的透明度，造成非正規金融管道崛起，從而增加洗錢和資助恐怖分子 (洗錢/資恐) 風險。

2. Analytical work undertaken so far by different bodies, including the FATF,¹ shows that de-risking is a complex issue driven by various considerations including: profitability; reputational and liability risks; changes in banks' financial risk appetites; the amount of financial penalties imposed by supervisory and law enforcement authorities, increased compliance costs associated with implementing conflicting regulatory requirements, including anti-money laundering and counter-terrorist financing (AML/CFT) and confusion caused by the term Know-Your-Customer's-Customer (KYCC). A recent survey² also shows that in some cases, banks will exit the relationship solely on the basis of profits ("de-marketing"), irrespective of the risk context and of market circumstances.

2. 不同機構 (包括 FATF¹) 所做的分析指出，去風險是個複雜的議題，須考慮不同的因素，包括獲利性、商譽與責任風險、改變銀行的金融風險接受度、監管機關和執法機關科處的金融罰款金額，以及因執行彼此衝突的監理規範而造成法規成本增加，包括防制洗錢/打擊資恐 (AML/CFT) 以及「瞭解你客戶的客戶」(KYCC) 一詞造成的困惑。最近的調查² 也顯示，在某些個案，銀行僅因利潤因素就離開市場 (「去市場」)，並未考量風險環境與市場情勢。

¹ The FATF circulated a questionnaire to banks and MVTs in late 2015 to gather information from the private sector which helped to form the basis of this guidance.

¹ FATF 於 2015 年年底對銀行和 MVTs 進行問卷調查，蒐集私部門的資訊，以利製作指引。

² ACAMS/Dow Jones (2016), *Global Anti-Money Laundering Survey Results 2016*, http://files.acams.org/pdfs/2016/Dow_Jones_and_ACAMS_Global_Anti-Money_Laundering_Survey_Results_2016.pdf.

² ACAMS/Dow Jones (2016), *2016 年全球防制洗錢調查結果*，http://files.acams.org/pdfs/2016/Dow_Jones_and_ACAMS_Global_Anti-Money_Laundering_Survey_Results_2016.pdf。

3. The term KYCC has created a lot of confusion. To clarify, the *FATF Recommendations* do not require financial institutions to conduct customer due diligence on the customers of their customer (i.e., each individual customer). In a correspondent banking relationship, the correspondent institution will monitor the respondent institution's transactions with a view to detecting any changes in the respondent institution's risk profile or implementation of risk mitigation measures (i.e. compliance with AML/CFT measures and applicable targeted financial sanctions), any unusual activity or transaction on the part of the respondent, or any potential deviations from the agreed terms of the arrangements governing the correspondent relationship. In practice, where such concerns are detected, the correspondent institution will follow up with the respondent institution by making a request for information (RFI) on any particular transaction(s), possibly leading to more information being requested on a specific customer or customers of the respondent bank. There is no expectation, intention or requirement for the correspondent institution to conduct customer due diligence on its respondent institution's customers.

3. KYCC 一詞造成許多困惑。為了明確起見，*FATF 建議並未要求金融機構對其客戶的客戶*（也就分別針對每一位客戶）執行客戶審查。在通匯銀行往來關係中，通匯機構會監控委託機構的交易，注意委託機構風險組合的任何變動或是否採取風險降低措施（即遵循防制洗錢／打擊資恐措施及採取目標性金融制裁）、委託機構任何不尋常的活動或交易，或可能違反通匯銀行合約條款之情形。實務上，一旦發現有此疑慮，通匯機構會追蹤委託機構，要求針對任何特定交易提供資訊（RFI），而此資訊可能導致要求提供更多涉及委託銀行特定客戶的資訊，但 *FATF 並未期待、打算或要求通匯機構對其委託機構的客戶執行客戶審查。*

4. In June 2015, the FATF issued a public statement³ to clarify that, when establishing correspondent banking relationships, correspondent institutions are required to perform customer due diligence (CDD) on the respondent institution, and gather sufficient information about the respondent institution to understand its business, reputation and the quality of its supervision, including whether it has been subject to a ML/TF investigation or regulatory action, and to assess the respondent institution's AML/CFT controls. It was clarified that the *FATF Recommendations* do not require correspondent institutions to perform CDD on the customers of their respondent institutions when establishing correspondent banking relationships or in the course of the relationship.

4. *FATF 於 2015 年發表公開聲明³，說明在建立通匯銀行往來關係時，要求通匯機構針對其委託機構執行客戶審查（CDD），並蒐集足夠的委託機構資訊，瞭解其業務、商譽與監理品質（包括委託機構是否接受洗錢／資恐之調查或監理），以及評估委託機構的防制洗錢／打擊資恐控管情形。須說明的是，FATF 建議並未要求通匯機構在建立通匯銀行往來關係或在建立此關係的過程中，針對其委託機構的客戶執行客戶審查。*

5. Although the financial sector welcomed that and other FATF public statements on de-risking,⁴ it also sought further clarification on supervisory expectations for conducting customer due diligence on correspondent institution's respondents. In turn, supervisors and regulators need to be clear about how they assess financial institutions against those expectations. For that reason, the FATF committed to

³ See FATF (2015), *Drivers for “de-risking” go beyond anti-money laundering / terrorist financing* www.fatf-gafi.org/publications/fatfrecommendations/documents/derisking-goes-beyond-amlcft.html.

³ 參閱 FATF(2015)，「去風險」程度逾越防制洗錢／打擊資助恐怖主義的背後原因 www.fatf-gafi.org/publications/fatfrecommendations/documents/derisking-goes-beyond-amlcft.html.

⁴ See the public statements issued by FATF on de-risking in [October 2014](#), [June 2015](#) and [October 2015](#).

⁴ 請參閱 FATF 於 [2014 年 10 月](#)、[2015 年 3 月](#)和 [2015 年 10 月](#)公開發表的去風險聲明。

developing guidance to further clarify supervisory expectations for correspondent banking relationships in relation to the obligations defined by the FATF standards. This clarification is consistent with the FATF's overall approach to de-risking which is based on the effective implementation of the global AML/CFT standards, in line with the FATF's RBA. The *FATF Recommendations* require financial institutions to identify, assess and understand their ML/TF risks, and implement AML/CFT measures that are commensurate with the risks identified. Indeed, the RBA is the cornerstone of an effective AML/CFT system, and is essential to effectively managing risks.

5. 儘管金融業支持 FATF 的這項聲明及其他 FATF 針對去風險之公開聲明⁴，FATF 仍然尋求進一步說明有關通匯機構針對其委託銀行執行客戶審查的監理目標。此外，監理與監管機關對於如何評估金融機構是否符合監理目標亦須有明確的認知，為此，FATF 致力於擬定本指引，以進一步說明在 FATF 標準之義務下，對通匯銀行往來關係的監理目標。本指引與 FATF 整體的去風險方法相符，係以有效執行全球防制洗錢／打擊資恐標準為基礎，亦與 FATF 的風險基礎方法一致。FATF 建議要求金融機構辨識、評估及瞭解其洗錢／資恐風險，並根據發現的風險，採取與該風險相當的防制洗錢／打擊資恐措施。事實上，風險基礎方法不僅是確保防制洗錢／打擊資恐體系有效的基石，也是有效管理風險所需的必要元素。

6. Prudential and other regulatory requirements as well as the complexity, number and changes in sanctions regimes, and also uncertainty related to the interplay of different sanctions regimes and their applicability to financial institutions, were also mentioned as drivers of de-risking. AML/CFT regulations are therefore only one of a multitude of factors cited for closing correspondent banking relationships. These results are largely in line with the prevailing understanding of the FATF and other international organisations doing work in this area, including the Financial Stability Board (FSB), Committee on Payments and Market Infrastructures (CPMI), Basel Committee for Banking Supervision (BCBS)'s Anti-Money Laundering Experts Group (AMLEG), International Monetary Fund (IMF) and the World Bank.

6. 造成去風險的推動因素包括審慎監理及其他監管要求、裁罰體系的複雜度、次數與變更、不同裁罰體系間交互作用的不確定性，以及各種裁罰體系對金融機構的適用性等。防制洗錢／打擊資恐規範只是各種導致結束通匯銀行往來關係的因素之一。這些結果與 FATF 和國際間相關組織的見解相符，這類國際組織包括金融穩定委員會（FSB）、國際清算銀行支付暨市場基礎設施委員會（CPMI）、巴賽爾銀行監理委員會（BCBS）的防制洗錢專家小組（AMLEG）、國際貨幣基金（IMF）和世界銀行。

7. Although many of the factors contributing to de-risking go far beyond AML/CFT and the FATF mandate, the FATF is committed to addressing this issue to the extent it can by issuing guidance clarifying how to implement the FATF's RBA properly and effectively, consistent with previous FATF guidance.⁵

7. 雖然許多這些去風險相關因素都已逾越防制洗錢／打擊資恐和 FATF 任務，FATF 仍然致力於處理這些議題，希望藉由發行指引說明如何正確有效地執行 FATF 的風險基礎方法。⁵

⁵ Including [Revised Guidance on AML/CFT and Financial Inclusion \(2013\)](#).

⁵ 包括防制洗錢／打擊資恐及普惠金融指引修訂版（2013）

8. Correspondent banking is an activity that has been negatively impacted by de-risking in certain regions⁶ and sectors. This is of concern to the international community, as correspondent banking is an important means of facilitating cross-border movements of funds, and enabling financial institutions to access financial services in different currencies and foreign jurisdictions, thereby supporting international trade, charitable giving, commerce and remittances flows, all of which contributing to promoting financial inclusion.

8. 在某些地區⁶ 與行業，去風險為通匯銀行業務帶來負面影響。這是國際社會關注的議題，因為通匯銀行業務是促進跨境資金移動的重要方式，且有助於金融機構以不同的貨幣在不同的外國司法管轄區獲得金融服務，進而支持國際貿易、慈善捐贈，以及商業交易與匯款，而這些都對促進普惠金融提供了助益。

B. THE PURPOSE OF THIS GUIDANCE, THE TARGET AUDIENCE, AND THE STATUS OF THIS GUIDANCE

B. 指引的目的、適用對象與位階

9. The purpose of this Guidance is to address de-risking by clarifying the application of the FATF standards in the context of correspondent banking relationships and money or value transfer service (MVTS) providers rendering similar services (i.e. MVTS acting as intermediaries in processing and/or executing the transactions of their own customers through accounts – see II d) below) by:

9. 本指引的目的在於處理去風險議題，說明 FATF 標準在通匯銀行往來關係，與金錢或價值移轉服務（MVTS）業者提供類似服務（也就是說，金錢或價值移轉服務扮演中介角色，透過帳戶處理及／或執行自己客戶的交易時 – 參閱以下 II d）的應用，以及：

- a) supporting the development of a common understanding of what the RBA entails for banks engaged in correspondent banking activity and MVTS providers rendering similar services; respondent institutions with MVTS providers as customers; and financial institutions relying on third-party MVTS providers, in their role as intermediaries, to execute payment transactions,
- a) 支持形成共同認知及瞭解風險基礎方法的影響，範圍包括：從事通匯銀行業務的銀行及提供類似服務的金錢或價值移轉服務業者、以金錢或價值移轉服務機構為客戶的委託機構，以及仰賴第三方金錢或價值移轉服務業者扮演中介角色的金融機構進行支付交易時。

⁶ Refer to: [Joint Survey by the Union of Arab Banks \(UAB\) and the International Monetary Fund \(IMF\); The World Bank's Fact Finding Summary from De-risking Surveys and Withdrawal from Correspondent Banking: Where, Why, and What to Do About It.](#)

⁶ 參閱：阿拉伯銀行（UAB）與國際貨幣基金（IMF）聯盟聯合調查；世界銀行的去風險調查結果總結與取消通匯銀行業務：何處、為何、該做些什麼。

- b) clarifying the interplay between the FATF standards on cross-border correspondent banking (Recommendation 13) and MVTs providers acting as intermediaries, and the FATF standards on customer due diligence (Recommendation 10) and wire transfers (Recommendation 16), as well as on targeted financial sanctions (Recommendations 6 and 7),
 - b) 說明各相關 FATF 標準間之交互作用，包括跨境通匯銀行業務（建議第 13 項）和以金錢或價值移轉服務業者擔任中介機構，其他 FATF 標準如客戶審查（建議第 10 項）、電匯（建議第 16 項）與目標性金融制裁（建議第 6 與 7 項）。
 - c) highlighting the extent to which correspondent institutions and MVTs providers offering similar services may gain a sufficient understanding of the customers of the respondent institutions and the associated risks, and
 - c) 強調通匯機構與提供類似服務的金錢或價值移轉服務業者可充分瞭解委託機構的客戶與相關風險，以及
 - d) clarifying the expectations for correspondent institutions when dealing with respondents whose customer bases include MVTs providers.
 - d) 說明當委託機構客戶包括金錢或價值移轉服務業者時，對該通匯機構的監理期望。
10. The target audiences of this Guidance are:
10. 本指引的適用對象為：
- a) banks and MVTs providers engaged in providing correspondent banking or respondent banking services,
 - a) 提供通匯銀行或委託銀行服務的銀行和金錢或價值移轉服務業者；
 - b) financial institutions with account holders that are MVTs which in turn provide correspondent banking-type services to their own customers (as opposed to MVTs providers who are holding and using their account for their own corporate purposes), and
 - b) 帳戶持有人為金錢或價值移轉服務業者的金融機構，且該金錢或價值移轉服務業者藉此為其本身客戶提供通匯銀行類型之服務（此與其為自家公司目的而持有和使用帳戶的金錢或價值移轉服務業者不同）；及
 - c) competent authorities (particularly AML/CFT regulators and supervisors of banks and of MVTs providers).
 - c) 主管機關（特別是銀行和金錢或價值移轉服務業者的防制洗錢／打擊資恐監理機關）。

11. It should be noted that this Guidance has been prepared in collaboration with the FSB, which is coordinating work to assess and address the extent and causes of banks' withdrawal from correspondent banking to identify possible policy responses to address this issue⁷, through the implementation of a

⁷ FSB (2015), *Report to the G20 on actions taken to assess and address the decline in correspondent banking*. www.fsb.org/wp-content/uploads/Correspondent-banking-report-to-G20-Summit.pdf

⁷ FSB (2015), *銀行通匯往來業務式微之評估與處理行動 – G20 報告*. www.fsb.org/wp-content/uploads/Correspondent-banking-report-to-G20-Summit.pdf

four-point action plan (data collection, clarification of regulatory expectations, domestic capacity building, and strengthening the tools for due diligence) coordinated by the Correspondent Banking Coordination Group. Other international organisations doing related work in the correspondent banking area (for ex. CPMI and BCBS) have also been closely associated to development of this FATF Guidance.

11. 應指出的是，本指引係與 FSB 共同製作。FSB 負責協調工作，以評估和處理銀行取消通匯銀行業務關係的程度與原因，同時透過一項由通匯銀行協調小組協調的 4 點行動計畫（蒐集資料、說明監理期望、能力培養，以及加強客戶審查工具），以辨識處理此議題所需的政策措施⁷。其他在通匯銀行領域從事相關工作的國際組織（例如 CPMI 與 BCBS）密切參與此一 FATF 指引的擬定。

12. This Guidance draws on the experiences of countries and of the private sector to assist competent authorities and financial institutions in effectively implementing applicable *FATF Recommendations* using the risk-based approach to avoid the unintended consequences of de-risking. It also uses input from other relevant standard setters, and especially the BCBS with its *Guidance on Sound management of risks related to money laundering and financing of terrorism* (Annex II on correspondent banking). This FATF Guidance is non-binding and does not overrule the purview of national authorities to, among other things, assess and regulate correspondent banking activities and MVTs sectors as per the legal, supervisory and regulatory frameworks established in each country and/or region, the ML/TF risks present in each jurisdiction, individual institution's risk assessments and other contextual factors (e.g. sophistication and maturity of the national regulatory and supervisory regime).

12. 此指引參酌各國及私部門經驗，協助權責機關和金融機構運用風險基礎方法，有效實施適用的 FATF 建議，避免去風險帶來意料之外的結果。本指引亦利用其他相關標準制定機構的資訊，特別包括 BCBS 及其健全防制洗錢與打擊資助恐怖主義風險管理指引（附錄 II 通匯銀行業務）。本指引不具拘束力，亦不影響各國根據各司法管轄區域的法律、監理和監管架構洗錢／資恐風險、個別機構的風險評估，以及其他因素（例如國家監理和監管體制的周全性和成熟度）、評估和監管通匯銀行活動，與金錢或價值移轉服務業者之權限。

II. DEFINITIONS

II. 定義

13. The following definitions apply for the purposes of this Guidance:

13. 以下定義適用於本指引：

- a) *Correspondent banking* is the provision of banking services by one bank (the “correspondent bank”) to another bank (the “respondent bank”). Large international banks typically act as correspondents for thousands of other banks around the world. Respondent banks may be provided with a wide range of services, including cash management (e.g. interest-bearing accounts in a variety of currencies), international wire transfers, cheque clearing, payable-through accounts and foreign exchange services⁸.
- a) 通匯銀行業務係指一銀行（通匯銀行）提供銀行服務給另一銀行（委託銀行）。大型國際銀行通常扮演通匯銀行的角色，提供服務給全球數千家銀行。委託銀行可得到各

⁸ FATF Glossary

種服務，包括現金管理（例如由多種貨幣構成的計息帳戶）、國際電匯、支票結算、過渡帳戶（Payable-through Account）與外匯服務⁸。

Correspondent banking does not include one-off transactions or the mere exchange of SWIFT Relationship Management Application keys (RMA)⁹ in the context of non-customer relationships, but rather is characterised by its on-going, repetitive nature. 通匯銀行業務不包括一次性交易，或單純於非客戶關係交換 SWIFT 關係管理應用（RMA）金鑰之業務⁹，而是以持續提供重複性業務為其特色。

Correspondent banking services encompass a wide range of services which do not all carry the same level of ML/TF risks. Some correspondent banking services present a higher ML/TF risk because the correspondent institution processes or executes transactions for its customer's customers.

通匯銀行提供一系列服務，但並非所有服務都有相同程度的洗錢／資恐風險。有些通匯銀行服務中，通匯機構為其客戶的客戶處理和進行交易，因而具有較高的洗錢／資恐風險。

Hence, the focus of this guidance is correspondent banking relationships that are higher risk, in particular cross-border correspondent banking relationships involving the execution of third party payments.

然而，本指引著重於具有較高風險的通匯銀行關係，特別包括涉及第三方付款的跨境通匯銀行往來關係。

This guidance also applies to money or value transfer services (MVTS) acting as intermediaries for the transfer of funds or value (see d below), in line with Recommendation 13 which applies to financial institutions engaging in cross-border correspondent banking and other similar relationships. This guidance does not apply to securities transactions, 本指引亦適用於金錢或價值移轉服務（MVTS），此服務在金錢或價值的移轉（參閱後述）過程中扮演中介角色，且與建議第13項的內容相符。該建議適用於跨境通匯銀行業務和其他類似關係的金融機構。本指引不適用於有價證券交易。

- b) *correspondent institution* means the bank or MVTS provider which processes and/or executes transactions for customers of the respondent institution or MVTS provider the account of which is used to process and/or execute the transaction of its customer. The correspondent institution generally does not have direct business relationships with the customers of the respondent institution, unless it provides payable-through-account services (see paragraph 21 below). Those respondents' customers may be individuals, corporations

⁸ FATF 詞彙表。

⁹ The SWIFT RMA is a messaging capability enabling SWIFT members to exchange messages over the network and can create a non-customer relationship in particular cases of cash management, custody, trade finance, exchange of messages with payments and securities markets infrastructure entities, e.g., exchanges depositories

⁹ SWIFT RMA 提供訊息傳遞功能，可由 SWIFT 會員透過網路交換訊息，且可在現金管理、代管、貿易融資、支付訊息交換及證券市場基礎設施機構（例如交易所保管機構）等特殊個案中建立非客戶關係。

or financial services firms.¹⁰ In addition to the processing of third-party payments, a correspondent institution may also provide other services to the respondent institution, such as trade-finance related services, cash clearing, liquidity management and short-term borrowing, foreign exchange or investment in a particular currency,

- b) 通匯機構係指為委託機構的客戶處理及／或從事交易的銀行或金錢或價值移轉服務業者，或將帳戶用於處理及／或從事客戶交易的金錢或價值移轉服務業者。通匯機構除提供過渡帳戶服務（參閱以下第 21 段）外，與委託機構的客戶通常無直接業務關係。委託機構的客戶可能是個人、法人或金融服務公司。¹⁰ 除了處理第三方付款外，通匯機構還可提供委託機構其他服務，例如貿易金融相關服務、現金結算、流動資金管理、短期借款、外匯交易或投資特定外幣。
- c) *respondent institution* means the financial institution that is the direct customer of the correspondent institution,
- c) 委託機構係指為通匯機構直接客戶的金融機構。
- d) *money or value transfer service (MVTS)* refers to financial services that involve the acceptance of cash, cheques, other monetary instruments or other means of stored value and the payment of a corresponding sum in cash or other form to a beneficiary by means of a communication, message, transfer, or through a clearing network to which the MVTS provider belongs. Transactions performed by such service providers can involve one or more intermediaries and a final payment to a third party, and may include new payment methods. Sometimes these services have ties to particular geographic regions and are described using a variety of specific terms, including *hawala*, *hundi*, and *fei-chen*.¹¹
- d) 金錢或價值移轉服務（MVTS）係指涉及收受現金、支票、其他貨幣支付工具或其他儲值工具的金融服務，其服務內容還包括透過通訊、訊息、轉帳或金錢或價值移轉服務業者所在的清算網路，以現金或其他方式支付相應的金額給受款人。金錢或價值移轉服務業者從事的交易可能涉及一個或多個中間機構，並在最後支付予第三方，也可能涉及新的支付方法。這類服務有些與特定地理區域有著密切的關係，且以不同的名詞描述，包括 *hawala*、*hundi* 和 *fei-chen*。¹¹

MVTS providers “offer similar services” as correspondent institutions when they act as intermediaries for other MVTS providers or where an MVTS provider is accessing banking or similar services through the account of another MVTS customer of the bank, MVTS 機構若扮演其他金錢或價值移轉服務業者的中介角色，或透過其他金錢或價值移轉服務客戶在銀行的帳戶取得銀行服務或類似服務，該金錢或價值移轉服務業者即「提供與通匯機構類似的服務」。

¹⁰ This definition is generally in line with the definition of *correspondent bank* set out of page 24 of the Basel Committee on Banking Supervision guidance on *Sound management of risks related to money laundering and financing of terrorism*, which has been extended for the purposes of this guidance to also include MVTS which are providing financial services as intermediaries in the same way that a correspondent bank would.

¹⁰ 此定義與巴賽爾銀行監理委員會健全防制洗錢與打擊資助恐怖主義風險管理指引 第 24 頁的定義大致相同，只是為了符合本指引的宗旨而為延伸解釋，納入與通匯銀行同樣扮演中介金融服務角色的 MVTS。

¹¹ This definition can be found in the Glossary to the *FATF Recommendations*.

¹¹ 可在 *FATF 建議* 的詞彙表找到此定義。

- e) from the Glossary of the *FATF Recommendations*, the definitions of *competent authorities*,¹² and *financial institutions*.¹³
- e) 主管機關¹² 和 金融機構¹³ 的定義引用自 *FATF 建議*。

III. IDENTIFYING THE RISKS – THE INTERPLAY OF RECOMMENDATIONS 10 AND 13

III. 辨識風險 – 建議第 10 與 13 項的相互關係

A. DUE DILIGENCE ON THE RESPONDENT INSTITUTION

A. 審查委託機構

14. The requirements of both FATF Recommendations 10 and 13 must be met in all cases before cross-border correspondent banking services may be provided to a respondent institution. FATF Recommendation 13 requires additional measures to be applied to cross-border correspondent banking relationships, in addition to performing the CDD and enhanced due diligence (EDD) measures in FATF

¹² *Competent authorities* refers to all public authorities with designated responsibilities for combating money laundering and/or terrorist financing. In particular, this includes the FIU; the authorities that have the function of investigating and/or prosecuting money laundering, associated predicate offences and terrorist financing, and seizing/freezing and confiscating criminal assets; authorities receiving reports on cross-border transportation of currency & BNIs; and authorities that have AML/CFT supervisory or monitoring responsibilities aimed at ensuring compliance by financial institutions and DNFBPs with AML/CFT requirements. SRBs are not to be regarded as competent authorities.

¹² 主管機關係指所有被指定負責打擊洗錢及／或資恐的所有公部門機關。主管機關特別包括金融情報中心；對洗錢、相關前置犯罪、資恐及查封／凍結和沒收犯罪資產等擁有調查及／或追訴權的機關；受理跨境運送貨幣與無記名可轉讓金融工具申報的機關；以及為確保金融機構與指定之非金融事業或人員遵守防制洗錢／打擊資恐規範而負有防制洗錢／打擊資恐監理或監控責任的機關。自律團體不視為主管機關。

¹³ *Financial institutions* means any natural or legal person who conducts as a business one or more of the following activities or operations for or on behalf of a customer: 1. Acceptance of deposits and other repayable funds from the public; 2. Lending; 3. Financial leasing; 4. Money or value transfer services; 5. Issuing and managing means of payment (e.g. credit and debit cards, cheques, traveller's cheques, money orders and bankers' drafts, electronic money); 6. Financial guarantees and commitments; 7. Trading in: (a) money market instruments (cheques, bills, certificates of deposit, derivatives etc.); (b) foreign exchange; (c) exchange, interest rate and index instruments; (d) transferable securities; (e) commodity futures trading. 8. Participation in securities issues and the provision of financial services related to such issues; 9. Individual and collective portfolio management; 10. Safekeeping and administration of cash or liquid securities on behalf of other persons; 11. Otherwise investing, administering or managing funds or money on behalf of other persons; 12. Underwriting and placement of life insurance and other investment related insurance; 13. Money and currency changing.

¹³ 金融機構係指從經營業務角度為客戶或代表客戶從事以下一項或多項活動或作業的任何自然人或法人：1. 接受民眾的存款及其他可償還資金；2. 貸款；3. 融資租賃；4. 金錢移轉服務；5. 發行及管理支付工具（例如信用卡、簽帳卡、支票、旅行支票、匯票、銀行本票、電子貨幣）；6. 財務擔保與保證；7. 從事 (a) 貨幣市場支付工具（支票、票據、定存單、衍生性金融工具）；(b) 外匯；(c) 匯率、利率、指數工具；(d) 可轉讓有價證券；(e) 商品期貨交易買賣。8. 參與有價證券發行，以及提供與該發行有關的融資服務；9. 個別或集體投資組合管理；10. 為他人保管及管理現金或流動性證券；11. 為他人從基金投資、保管與管理；12. 承銷和配售人壽保險及其他投資型保險；13. 金錢與現鈔兌換。

Recommendation 10 for high risk customers.¹⁴ Such additional measures are appropriate because cross-border correspondent banking relationships are seen to be inherently higher risk than domestic correspondent customer relationships. Consequently, simplified CDD measures are never appropriate in the cross-border correspondent banking context, when activities described in para. 13 (a) are conducted.

14. 提供跨境通匯銀行服務給委託機構前，務必確定符合建議第 10 與 13 項的要求。除了依 FATF 建議第 10 項對高風險客戶執行客戶審查及加強客戶審查（EDD）措施外，FATF 建議第 13 項還要求對跨境通匯銀行往來關係採取其他措施¹⁴。這些都是適切的額外措施，因為和國內通匯銀行往來關係相比，跨境通匯銀行往來關係本質上具有較高的風險。因此，若進行第 13(a) 項描述的活動，簡化的客戶審查措施必定無法適用於跨境通匯銀行。

15. Although additional CDD measures always apply to cross-border correspondent banking relationships as described above, correspondent banking relationships may be diverse in nature and therefore some may be higher risk than others. Financial institutions should therefore recognise the degree of risk of different types correspondent banking activity, including in activities considered as higher risks, as described in para. 13 (a).

15. 如上所述，額外的客戶審查措施係用於跨境通匯銀行往來關係。然而，通匯銀行往來關係具有多元性質，其中有些可能具有較高的風險。因此，金融機構應瞭解各種通匯銀行活動類型的風險程度，包括第 13(a) 項所描述視為具有較高風險的活動。

16. Correspondent institutions, in assessing the risks of their respondent must ensure that the assessment is sufficiently robust to consider all the relevant risk factors. By doing so, the different levels of inherent risks are clearly understood and appropriate controls applied to each, ensuring the effective management of these risks. Accordingly, the extent to which additional measures should be applied will vary on a case-by-case basis, depending on the level or type of residual risk, including the measures the respondent institution has implemented to mitigate its own ML/TF risks. Factors to consider in assessing correspondent banking risks could include for instance the respondent institution's jurisdiction, the products/services it offers and its customer base. It is not possible to develop a conclusive list of types of higher risk relationships for several reasons. First, there is no exhaustive list of risk factors that could be used to identify such relationships that would apply equally to all relationships. Second, both relevant risk factors and applicable risk mitigation measures must be considered together to form an accurate and comprehensive picture of the risks. For these reasons, any effort to define what constitutes a higher risk relationship could have the unintended consequence of encouraging rather than discouraging de-risking by promoting a more rules-based and tick-the-box approach to risk management. The risk factors included in the Annex II of the BCBS Guidelines on *Sound management of risks related to money laundering and financing of terrorism*¹⁵ are examples of factors which correspondent institutions can use when assessing the risks of their correspondent banking relationships.

16. 通匯機構在評估委託機構的風險時，應先確定該評估足以涵蓋所有相關風險因素。通匯機構藉此評估並清楚瞭解固有風險的程度，以及對各風險採取的控制措施，確保有效管理風險。由以上說明可知，額外措施應實施至何種程度須視剩餘風險的程度或類型，並依個案認定，包括委託機

¹⁴ For information on cases in which enhanced CDD measures are required, refer to the Interpretive Note for FATF Recommendation 10, paragraph 20.

¹⁴ 如需有關須採取 CDD 強化措施的個案資訊，請參閱 FATF 建議第 10 項第 20 段的註釋。

¹⁵ Para 7.

¹⁵ 第 7 項。

構為降低其洗錢／資恐風險而採取的措施。評估通匯銀行風險時，應考量的因素包括委託機構所在之司法領域、該機構提供的產品或服務，以及該機構的客戶群。基於以下理由，無法根據類型編列一份確切的高風險關係清單。首先，沒有一份鉅細靡遺的風險因素清單可用來辨識高風險關係，或同等適用於所有關係。其次，必須同時考慮相關風險因素和可採取的降低風險措施，才能正確瞭解風險的全貌。因此，任何為界定較高風險關係的構成因素所做的努力，都可能因為推動更傾向規則基礎且逐項勾選（tick-the-box）的方法，而出乎意料之外地助長（而非防止）去風險結果。BCBS 健全防制洗錢與打擊資助恐怖主義風險管理指引¹⁵ 附錄 II 描述的風險因素僅為範例，供通匯機構在評估其通匯銀行關係之風險時參考。

17. When entering into a business relationship, as a first step, the correspondent institution should identify and verify the identity of the respondent institution, using reliable, independent source documents, data or information (Recommendation 10 (a)). It should also identify and take reasonable measures to verify the identity of the beneficial owner(s), such that the correspondent institution is satisfied that it knows who the beneficial owner(s) of the respondent institution is/are. In order to do that, the correspondent institution should also understand the ownership and control structure of the respondent institution.¹⁶ The information about the ownership and control structure includes conducting verification enabling the correspondent institution to be satisfied that the respondent institution is not a shell bank.¹⁷

17. 建立業務關係時，通匯機構應做的第一件事是使用取自獨立來源的可靠文件、資料或資訊，辨識和驗證委託機構的身分（建議第 10(a)項）。通匯機構還應辨識並採取合理措施驗證實質受益人的身分，確定知道誰是委託機構的實質受益人。為此，通匯機構應瞭解委託機構的所有權與控制結構¹⁶。所有權與控制結構資訊包括相關驗證，讓通匯機構確定委託機構不是空殼銀行¹⁷。

18. Additionally, the correspondent institution should gather sufficient information to understand the purpose and intended nature of the correspondent banking relationship with the respondent institution.¹⁸ This includes understanding what types of customers the respondent institution intends to service through the correspondent banking relationship and how it will offer services (e.g. through nested relationships as noted in para. 21), including the expected activity level, the transaction volume and value, the nature of the planned transactions and the extent to which any of these are assessed as high risk by the respondent institution.

¹⁶ FATF Recommendation 10, sub-paragraph 4(a) and (b)

¹⁶ FATF 建議第 10 項，第 4(a) 及 (b) 款。

¹⁷ FATF Recommendation 13 prohibits financial institutions from entering into correspondent banking relationships with shell banks. The Glossary to the *FATF Recommendations* defines the term *shell bank* to mean a bank that has no physical presence in the country in which it is incorporated and licensed, and which is unaffiliated with a regulated financial group that is subject to effective consolidated supervision. *Physical presence* means meaningful mind and management located within a country. The existence simply of a local agent or low level staff does not in itself constitute physical presence.

¹⁷ FATF 建議第 13 項禁止金融機構與空殼銀行建立銀行通匯往來關係。依 *FATF 建議詞彙表* 的定義，空殼銀行係指未在其成立及核准國實體呈現，且未與受到有效合併監理控管的金融集團具有任何關聯的銀行。實體呈現係指在特定國家實施有意義的謀劃與管理。若僅在當地設置代理機構或低階人員，不構成實體呈現。

¹⁸ FATF Recommendation 10, sub-paragraph 4(c).

¹⁸ FATF 建議第 10 項第 4(c) 款。

18. 此外，通匯機構應蒐集足夠資訊，瞭解其與委託機構間的通匯銀行關係具有何種目的與性質¹⁸。瞭解事項包括委託機構打算透過通匯銀行關係服務何種類型的客戶，以及委託銀行提供服務的方式（例如透過第 21 項描述的嵌套關係 [Nested Relationship]），包括預期的活動層級、交易量與交易額、各項交易計畫的性質，以及前述各項經委託機構評估為高風險的情形。

19. The correspondent institution should also gather sufficient information and determine from publicly available information the reputation of the respondent institution and the quality of its supervision, including whether (and when) it has been subject to a ML/TF investigation or regulatory action.¹⁹

19. 通匯機構還應蒐集足夠的資訊，並根據公開資訊判定委託機構的商譽及其監理品質，包括權責機關是否（及何時）曾經對其進行洗錢／資恐調查或採取監理行動¹⁹。

20. In addition, the correspondent institution should assess the respondent institution's AML/CFT controls.²⁰ In practice, such an assessment should involve reviewing the respondent institution's AML/CFT systems and controls framework. The assessment should include confirming that the respondent institution's AML/CFT controls are subject to independent audit (which could be external or internal). A more detailed/in-depth review should be conducted for higher risk relationships, possibly including reviewing the independent audit, interview of compliance officers, a third party review and potentially an onsite visit.

20. 此外，通匯機構應評估委託機構的防制洗錢／打擊資恐控制機制²⁰。實務上，此一評估需要檢視委託機構的防制洗錢／打擊資恐體系與控制架構。評估內容應包括確認委託機構的防制洗錢／打擊資恐控制是否接受內部或外部獨立稽核。對於風險較高的關係應進行更詳細深入的檢視，包括檢視獨立稽核報告、訪談法令遵循主管、透過第三方檢視，以及現場查訪。

21. The correspondent institution should also understand how the respondent institution will be offering services available through the correspondent banking relationship to its customers and assess the nature and level of risk associated with offering arrangements. There are several possible arrangements for offering services, e.g.

21. 通匯機構亦應瞭解委託機構如何透過通匯銀行關係提供服務給其客戶，同時評估其相關性質與風險程度。可能安排如下：

- by establishing correspondent accounts to which the respondent institution's financial institution customers do not have direct access, but instead transact indirectly through the account via payment instructions delivered to the respondent institution;
- 開立通匯帳戶，但委託機構的金融機構客戶不直接使用該帳戶，而是透過下達付款指示給委託機構，再經由該帳戶間接完成交易。

¹⁹ FATF Recommendation 13, sub-paragraph (a).

¹⁹ FATF 建議第 13 項第 (a) 款。

²⁰ FATF Recommendation 13, sub-paragraph (b). One of the tools that could be used as a starting point is the Wolfsberg questionnaire

²⁰ FATF 建議第 13 項第 (b) 款可使用沃爾夫斯堡問卷調查表作為切入調查的工具。

- by establishing *nested relationships*²¹ (i.e. downstream banking) which require that:
 - 建立嵌套關係²¹（即下游銀行業務），此關係要求：
 - ✓ the correspondent institution is duly informed about the existence of such relationships and the operations/transactions of the customers of the nested institutions, that the locations in which the nested institutions conduct business are transparent to, and understood by, the correspondent institution, and the respondent is transparent in formatting payment instruction so all involved parties are included for monitoring and screening purposes;
 - ✓ 通匯機構充分瞭解此嵌套關係的存在以及嵌套機構的客戶之運作／交易，各嵌套機構的營業地點對通匯機構皆透明並為通匯機構瞭解，且委託機構付款指示的格式編排透明，故能涵蓋所有相關當事人以利監控與篩選；
 - ✓ the correspondent institution has measures in place to detect potential, undisclosed nested relationships provided by the respondent and takes appropriate follow-up action when a respondent does not disclose the existence of a nested relationship;
 - ✓ 通匯機構具備相關措施以偵查委託機構未揭露的潛在嵌套關係，並在委託機構不揭露嵌套關係的存在時，採取適合的追蹤措施；
 - ✓ the correspondent institution understands the respondent’s control framework with respect to those relationships. Such review should take into account the implementation of appropriate controls to address the underlying risks posed by these relationships (for instance, if the transaction monitoring procedures are comprehensive of the relevant factors, whether they are based on manual transaction reviews and the accuracy of the automated ones, whether the institution has the resources to conduct such reviews, etc.);
 - ✓ 通匯機構瞭解委託機構就上述嵌套關係設置的控制架構。上述檢視應考慮採取適合的控制措施，以處理嵌套關係引起的潛在風險（例如，交易監控程序是否已充分納入相關因素、監控程序是否以人工檢視和自動檢視的精準度、機構是否擁有執行檢視的資源等等）；
- by establishing *payable-through accounts*²² which can also be offered provided that the correspondent institution identifies risks associated with the relationship and applies

²¹ “Nested correspondent banking refers to the use of a bank’s correspondent relationship by a number of respondent banks through their relationships with the bank’s direct respondent bank to conduct transactions and obtain access to other financial services.” (footnote 43 in Annex II of the BCBS *Guidelines on Sound management of risks related to money laundering and financing of terrorism*)

²¹ 「嵌套通匯關係指多家委託銀行透過與某家銀行直接委託的關係，而利用該銀行的通匯關係進行交易及獲得其他金融服務」（BCBS 健全防制洗錢與打擊資助恐怖主義風險管理指引 附錄 II 註腳 43）；

²² Payable-through-accounts (pass-by accounts) are correspondent accounts that are used directly by third parties to transact business on their own behalf (INR 13). They are used by foreign financial institutions to give their customers access to the domestic banking system. This enables the foreign bank’s customers to write checks and make deposits at a bank in the jurisdiction like any other account holder (in effect, giving customers of respondent banks access to more services).

enhanced controls to monitor transaction activity that are commensurate with the identified risks. The correspondent should have policies, procedures and processes in place to enable it to identify the ultimate user of the account and needs to be satisfied that the respondent institution has conducted sufficient CDD on the customers having direct access to the account of the correspondent institution, has appropriate controls in place to identify and monitor the transactions conducted by those customers and is able to provide relevant, individual CDD information upon request to the correspondent institution.²³

- 開立過渡帳戶²²，若通匯機構在發現涉及通匯銀行關係的風險時，如可採取與該風險相當的加強控制措施，並監控相關交易活動，方能提供過渡帳戶服務。通匯機構應制定準則、程序與流程，以確保能辨識帳戶的最終使用者，以及委託機構確實對其直接使用通匯機構帳戶的客戶執行客戶審查、擬定適切的控制措施，以辨識和監控受審查客戶的交易，且能依通匯機構的要求提供個別客戶之審查資訊²³。

²² 過渡帳戶（Pass-by Account）係指第三方為自行交易而直接使用的通匯帳戶（INR 13）。外國金融機構利用過渡帳戶提供其客戶使用國內銀行系統的機會。如此一來，外國銀行的客戶就能和所有其他帳戶持有人一樣開立支票和存款（實際上能讓委託銀行的客戶獲得更多服務）。

²³ FATF Recommendation 13, sub-paragraph (e).

²³ FATF 建議第 13 項第 (e) 款。

B. DEVELOPING AN UNDERSTANDING OF THE RESPONDENT INSTITUTION'S BUSINESS

B. 瞭解委託機構的業務

22. The correspondent institution should also gather sufficient information to understand the nature of the respondent institution's business in line with the risks identified.²⁴ This means that correspondent institutions are required to understand the target markets and customer segments that are served by their respondent (as outlined in para. 18) as part of their assessment of risks. Understanding the business profile of the respondent institution requires the correspondent to consider all relevant risk factors²⁵ (e.g. developing a general overview of the respondent institution's products and services and customer base, including nested relationships; countries and markets in which it operates; transactions in which it engages on behalf of its customer base and delivery channels it uses).²⁶ This includes verification by the correspondent institution that the respondent institution does not permit its accounts to be used by shell banks.²⁷

22. 通匯機構應充分蒐集資訊，並根據辨識的風險瞭解委託機構的業務性質²⁴。這表示通匯機構應瞭解委託機構的目標市場與目標客戶群（如第 18 項所述），並以此作為風險評估的一部分。為了通盤瞭解委託機構的業務，通匯機構須考量所有相關風險因素²⁵（例如全面概括瞭解委託機構的產品、服務與客戶群，包括嵌套關係、營運所在國與市場、為其客戶群從事的交易型態，及提供管道）²⁶。考量內容包括通匯機構驗證委託機構是否允許空殼公司使用其帳戶²⁷。

²⁴ FATF Recommendation 13, sub-paragraph (a).

²⁴ FATF 建議第 13 項第 (a) 款。

²⁵ In the context of a correspondent banking relationship, the correspondent institution's customer is the respondent institution.

²⁵ 在銀行通匯往來關係下，通匯機構的客戶為委託機構。

²⁶ FATF Interpretive Note to Recommendation 10, paragraph 15.

²⁶ FATF 建議第 10 項，第 15 段註釋。

²⁷ FATF Recommendation 13, second paragraph.

²⁷ FATF 建議第 13 項，第 2 段。

IV. VERIFYING RESPONDENT INSTITUTIONS' INFORMATION, AND ASSESSING/DOCUMENTING HIGHER RISKS

IV. 驗證委託機構的資訊，評估／記錄較高的風險

23. When establishing new correspondent banking relationships, the correspondent institution may obtain information required by Recommendations 10 and 13 directly from the respondent institution. However, as noted in para. 17 above, this information needs to be verified in order to meet the requirements of those Recommendations.

23. 建立新的通匯銀行關係時，通匯機構可從委託機構取得建議第 10 及 13 項要求的資訊。然而，如前述第 17 項所述，須驗證此資訊以符合建議第 10 及 13 項的要求。

24. Examples of potential reliable, independent sources of information for the verification of identity of natural persons, legal persons and arrangements include: corporate registries, registries maintained by competent authorities on the creation or licencing of respondent institutions, registries of beneficial ownership and other examples mentioned in the BCBS General Guide on Account Opening.²⁸

24. 為驗證自然人、法人或法律協議的身分而使用資訊時，該資訊的潛在可靠獨立來源包括公司登記處、主管機關維護關於委託機構設立及許可之登記處、實質受益人登記處，及 BCBS 一般開戶指引提到的範例²⁸。

25. Some examples of potential sources of information on level of risks include, but are not limited to: the AML/CFT laws and regulations of the home country or the host country where the respondent institution is doing business and how they apply, public databases of legal decisions and/or regulatory or enforcement actions, annual reports that have been filed with a stock exchange, country assessment reports or other information published by international bodies which measure compliance and address ML/TF risks (including the FATF, FSRBs, BCBS, IMF and World Bank), lists issued by the FATF in the context of its International Cooperation Review Group process, reputable newspapers, journals or other open source electronic media, third party databases, national or supranational risk assessments, information from the respondent institution's management and compliance officer(s) and public information from the regulator and supervisor.

25. 有關風險程度的資訊可能出自（但不限於）以下來源：委託機關從事商業活動之母國或地主國的防制洗錢／打擊資恐法律與規範（不論其適用範圍為何）、有關法律判決及／或監管或執法行動的公開資料庫、向證券交易所提出的年報、國家評估報告或評量遵循程度與處理洗錢／資恐風險之國際機構（包括 FATF、自律團體、BCBS、IMF 和世界銀行）出版的其他資訊、FATF 在其國際合作審議小組流程發佈的名單、聲名卓著的報紙、期刊或其他開放來源電子媒體、第三方資料庫、國家或超國家風險評估資訊、委託機構管理階層與遵循主管提供的資訊，以及監管和監理機關的公開資訊。

26. Where the correspondent institution has identified a higher risk correspondent banking relationship, it should apply enhanced measures that are in line with the risks associated to that

²⁸ Annex 4, General Guide to Account Opening, pages 29 to 39 of the Basel Committee on Banking Supervision guidance on [Sound management of risks related to money laundering and financing of terrorism](#) (February 2016).

²⁸ 巴賽爾銀行監理委員會健全[防制洗錢與打擊資助恐怖主義風險管理](#)指引第 29 至 39 頁，附錄 4，一般開戶指引（2016 年 2 月）。

relationship. For example, in some circumstances, closer interaction (conference phones or face-to-face meetings) with the respondent institution's management and compliance officer(s) may be appropriate.

26. 通匯機構發現具有較高風險的個別通匯銀行關係時，應採取與該關係風險相當的加強措施。例如，在某些情況下，可能需與委託機構的管理階層和法令遵循主管做更密切的互動（電話或面對面互動）。

27. Where correspondent institutions are permitted to rely on other banks (that may already have a correspondent relationship with the respondent institution), they should ensure that a copy of the CDD information relied on will be made available upon request without delay, be satisfied they can obtain supporting documentation, be satisfied the bank being relied on is regulated and has measures in place that are reliable.²⁹ The ultimate responsibility for implementing AML/CFT measures remains with the correspondent institution.

27. 若通匯機構獲得允許可以信賴其他銀行（可能已經和委託機構建立通匯銀行關係的銀行），應確保在提出要求時能立即獲得可靠的客戶審查資訊、取得佐證文件，以及該銀行已被監管並具備可靠的措施²⁹。防制洗錢／打擊資恐措施的執行最終應由通匯機構負責。

28. In all cases, the correspondent institution should obtain approval from senior management before establishing new cross-border correspondent relationships, as required by FATF Recommendation 13.³⁰

28. 不論在何種情況下，通匯機構在建立新的跨境通匯銀行往來關係前，應依 FATF 建議第 13 項的要求，先取得高階管理階層的核准³⁰。

V. MANAGING THE RISKS

V. 管理風險

A. ONGOING DUE DILIGENCE ON THE RESPONDENT INSTITUTION

A. 持續執行委託機構之客戶審查

29. Correspondent institutions are required to conduct ongoing due diligence of the correspondent banking relationship, including periodical reviews of the CDD information on the respondent institution. This is to ensure that such information is kept up-to-date in line with the risks associated with the relationship.³¹ The process of managing ML/TF risk in the relationship should be ongoing, and applied to existing relationships as well as new ones. The frequency with which periodic reviews are undertaken will depend on the level of risk associated with the respondent institution. Where such reviews reveal changes in the respondent institution, the correspondent institution should consider whether it should adjust its risk

²⁹ FATF Recommendation 17.

²⁹ FATF 建議第 17 項。

³⁰ Sub-paragraph (c).

³⁰ 第(c)款。

³¹ FATF Interpretive Note to Recommendation 10, paragraph 23.

³¹ FATF 建議第 10 項，第 23 段註釋。

assessment of the respondent institution and what further information may be needed to support this adjustment. Potential obstacles may relate to how data protection and privacy laws are applied.³²

29. 通匯機構應對通匯銀行往來關係持續進行客戶審查，包括定期審查委託機構的客戶審查資訊。此措施可確保該客戶審查資訊保持在最新狀態並與其風險一致³¹。通匯機構往來關係的洗錢／資恐風險管理應為持續過程，且應適用於現有和全新的關係。定期審查的實施頻率須視委託機構涉及的風險程度而定。若審查發現委託機構做了某些改變，通匯機構應考慮是否調整其對委託機構的風險評估，以及還需要哪些資訊來支持此調整。潛在阻礙可能與如何適用資料保護法和隱私法有關³²。

B. ONGOING TRANSACTION MONITORING

B. 持續監控交易

30. In line with Recommendation 10, ongoing monitoring of the correspondent banking account activity has to be conducted for compliance with targeted financial sanctions and to detect any changes in the respondent institution's transaction pattern or activity that may indicate unusual activity, or any potential deviations from the correspondent relationship. Depending on the risks associated with the correspondent banking relationship, various monitoring techniques and tools can be used. Correspondent institutions should put in place and periodically review risk-based procedures specifying the applicable monitoring techniques and the criteria triggering their adoption. While deciding the type and extent of the monitoring technique, correspondent institutions should take into consideration the respondent's past behaviour in the course of the correspondent relationship, in particular any failures to satisfy previous requests for information. In higher risk scenarios for example, real-time monitoring of transactions can take place to ensure that controls are effective in detecting any unusual activity that may be occurring in the account, with a view to analysing it and reporting any suspicious transactions.

30. 建議第 10 項要求持續監控通匯銀行往來帳戶，確保遵循目標性金融制裁，並查明委託機構的交易模式或活動是否改變並顯示有不尋常的活動，或是否可能偏離通匯銀行往來關係。視通匯銀行往來關係相關風險的不同，可採用不同的監控方法與工具。通匯機構應制定並定期審查以風險為基礎之程序，明訂適用的監控方法以及該方法的啟動標準。決定監控方法的類型與範圍時，通匯機構應考量委託機構過去在通匯銀行往來關係過程中的行為，特別包括過去未依要求提供資訊的情形。例如，在風險較高的關係中，可藉即時監控交易偵測出發生在帳戶內的不尋常活動，並經分析後申報可疑交易報告。

³² The FATF is currently developing best practices on information sharing (enterprise-wide, between financial institutions not part of the same group, and between public and private authorities).

³² FATF 目前正在研擬最佳資訊共享實務（企業內、隸屬不同集團的金融機構之間，以及公私部門之間）。

C. ONGOING MONITORING AND THE INTERPLAY WITH RECOMMENDATIONS 6, 7 AND 16

C. 持續監控以及與建議第 6、7 及 16 項的相互關係。

31. Correspondent banking relationships should always be subject to on-going monitoring. They may also be subject to targeted monitoring depending on any unique risk factors, e.g. high suspicious activity report filing, payment flows inconsistent with stated purpose of account. The level and nature of transaction monitoring will vary, depending on the risks and the nature of the correspondent banking services being provided. For example, if the main purpose of the correspondent banking relationship is to process cross-border wire transfers³³ on behalf of the respondent institution's customers, the focus of account monitoring could be how well the respondent institution is implementing sanctions screening and its requirements under FATF Recommendations 6, 7 and 16. In such cases, particular areas of interest could include information on the respondent institution's mechanisms for screening transactions lacking required originator and beneficiary information in a manner that is consistent with straight-through processing,³⁴ its risk-based policies and procedures for determining how to handle such transactions, its systems for sanctions screening,³⁵ and its procedures and systems for clearing false positives.³⁶

31. 應持續監控通匯銀行往來關係。也可能因為任何特別的風險因素而對通匯銀行往來關係進行針對性監控，例如提出高度可疑活動報告，或與帳戶預定用途不符的付款流向。監控的程度與性質因風險以及通匯銀行往來服務的性質而有所不同。例如，若通匯銀行往來關係的主要目的在於為委託機構的客戶處理跨境電匯³³，帳戶監控的主要內容可設定為委託機構在制裁名單篩選方面的實施程度，以及 FATF 建議第 6、7 及 16 項對制裁名單篩選的要求。在這些個案中應特別注意以下相關資訊：委託機構以符合直通作業程序，針對缺乏必要匯款人與收款人資訊的交易進行篩選的機制³⁴；委託機構用以決定如何處理此類交易的風險基礎準則與程序；委託機構的制裁名單篩選系統³⁵；及委託機構用來剔除誤報的程序與制度³⁶。

³³ As defined in Recommendation 16.

³³ 定義於 FATF 建議第 16 項。

³⁴ FATF Interpretive Note to Recommendation 16, paragraphs 17 and 18.

³⁴ FATF 建議第 16 項第 17 及 18 段註釋。

³⁵ FATF Recommendations 6 and 7 requires financial institutions to freeze the funds of persons and entities designated by, or under the authority of, the United Nations Security Council or designated by countries pursuant to resolution 1373 (2001), and prohibits financial institutions from making funds available to such designated persons and entities.

³⁵ FATF 建議第 6、7 項要求金融機構依聯合國安全理事會的指定或在其授權下，或依各國按照 1373 號決議文（2001）之指定，凍結個人與組織的資金，並禁止金融機構提供資金給該指定之個人與組織。

³⁶ This does not relieve the correspondent institution of the obligation to have procedures in place to identify the missing originator and beneficiary information.

³⁶ 但前述建議並不免除通匯機構為辨識缺乏的匯款人與收款人資訊而制定程序的義務。

D. ONGOING MONITORING AND REQUEST FOR INFORMATION ABOUT TRANSACTIONS

D. 持續監控與要求交易資訊

32. Where the monitoring system of the correspondent institution flags a transaction which could signal unusual activity, the correspondent institution should have internal processes to further review the activity, which may involve requesting transaction information of the respondent institution in order to clarify the situation and possibly clear the alert. This request for additional information should be targeted on the specific transaction which created an alert in the system, and could include, depending on the risk level of the transaction, a request to access information about the customer of the respondent institution as a means to get a proper understanding of the reasonableness of the transaction. This does not amount to a requirement to conduct CDD on the customer of the respondent. In practice, the correspondent institution will follow up with the respondent institution after the transaction is completed by making a request for information on that particular transaction(s) (RFI). Subsequently, the correspondent institution should also review its control systems in order to detect similar transactions. Such questions may include some, but not necessarily all, of the following:

32. 若通匯機構的監控系統標示一筆可能顯露不尋常活動的交易，通匯機構應透過內部流程詳細審查該活動，而且可能必須要求委託機構提供交易資訊，以便說明狀況，並可能取消警示。必須針對在系統內產生警示的特定交易才能要求提供額外資訊，且視交易風險程度的不同，可能要求取得委託機構客戶的資訊，以釐清交易的合理性。前述情形並不同於要求對委託機構執行客戶審查。實務上，通匯機構會在交易完成後追蹤委託機構，要求其提供該交易的相關資訊（RFI）。通匯機構接著應檢視其控制系統，以查明其他類似交易。這類問題可能包括以下項目，但不必包括全部：

- Duration of customer “X” relationship with the respondent institution and whether the respondent institution classifies the customer as a high risk customer.
- 客戶「X」與委託機構關係的持續時間，以及委託機構是否將該客戶歸類為高風險客戶。
- Purpose of the account(s) maintained by customer “X” (business, personal, other).
- 客戶「X」維持的帳戶用於何種用途（商業、個人、其他）。
- Details of customer’s “X” parent company and the name(s) of the beneficial owner(s).
- 客戶「X」母公司的詳細資訊及實質受益人的名稱或姓名。
- Source of the funds of customer “X”.
- 客戶「X」的資金來源。
- Consistency between the transactional history in the account profile of customer “X”, and his KYC data, or with any other information available to the bank.
- 客戶「X」帳戶組合的交易歷史與其 KYC 資料或銀行可用的任何資料是否一致。
- Rationale of the transaction between customers “X” and a counterparty.
- 客戶「X」與任一相對方交易的合理性。
- Nature of the relationship between customers “X” and a counterparty.
- 客戶「X」與任一相對方關係的性質。
- Possible affiliation of customers “X” with a third-party.
- 客戶「X」與任一第三方可能的從屬關係。

- Additional details regarding the goods/services being exchanged by the customers “X” and third-parties that are not found directly in the payment details of the transaction that may explain it.
- 有關客戶「X」與第三方交易的貨物／服務，除得以說明該筆交易的支付明細外，其他任何未直接涵蓋於該支付明細的詳細資訊。
- If possible, location of customer or third-party as originator/beneficiary and/or,
- 若可能，客戶或身為匯款人／受款人之第三方的所在地點，及／或
- Status of the bank account of customer “X” (opened/closed).
- 客戶「X」的銀行帳戶狀態（開戶／關閉）。

33. Where the correspondent institution requests further information on a transaction from the respondent, it expects the respondent to respond in a timely fashion and provide documents/information to the level of detail requested. Where that does not happen, it may trigger concerns that the respondent is unable to manage its risks and lead to the filing of a suspicious transaction report by the correspondent institution. A request for information could be followed by a reassessment of the respondent’s business and risk profile where/when necessary.

33. 通匯機構要求委託機構提供詳細交易資訊時，即期待委託機構能及時回應，並提供符合要求程度的詳細文件／資訊。若委託機構不符合期望，可能導致通匯機構擔心委託機構無法管理風險，並進而提出可疑交易報告。要求提供資訊後，可能會視需要再次評估委託機構的業務與風險組合。

E. CLEAR TERMS GOVERNING THE CORRESPONDENT BANKING RELATIONSHIP E. 以文件管理通匯銀行往來關係

34. One way for correspondent institutions to manage their risks more effectively from the outset is to enter into a written agreement with the respondent institution before correspondent services are provided. This is consistent with FATF Recommendation 13 that requires a clear understanding of the respective responsibilities of each institution.³⁷ The content of the agreement should include how the correspondent institution will monitor the relationship to ascertain how effectively the respondent institution is applying CDD measures to its customers, and implementing AML/CFT controls.

34. 提供通匯銀行往來服務前與委託機構簽訂書面合約，是通匯機構自始有效管理風險的一種方法。此方法與 FATF 建議第 13 項相符。該建議要求清楚瞭解各機構應自行承擔的責任³⁷。合約內容應包括通匯機構如何監控關係，以瞭解委託機構對其客戶執行客戶審查及防制洗錢／打擊資恐控制的有效性。

35. Such an agreement could also specify the products and services to be provided under the correspondent banking relationship, the respondent institution’s responsibilities concerning compliance with AML/CFT requirements, permitted third-party usage of the correspondent account and applicable internal controls to these situations, any potential restrictions that the correspondent institution may want to place on the use of the correspondent account (e.g. limiting transaction types, volumes, etc.), conditions regarding the requests for information on particular transactions, especially in the case of “payable

³⁷ Sub-paragraph (d).

³⁷ 第 (d) 款

through accounts” relationships, and cases and procedures for terminating or limiting a business relationship. Contractual details would vary depending on the circumstances including the nature of the correspondent banking relationship and the level of risk.

35. 這類合約也可規定在通匯銀行關係下應提供的產品與服務、委託機構遵循防制洗錢／打擊資恐規範的義務、允許第三方使用通匯帳戶以及針對以上情況採取的內部控制、通匯機構希望對通匯帳戶的使用附加的任何可能限制（例如限制交易類型、交易量等等）、針對特定交易要求提供資訊的條件（特別包括「過渡帳戶」之個案），以及結束或限制業務關係的個案與程序。合約細節視情況而定，包括通匯銀行關係的性質與風險程度。

36. Written agreements also have the advantage of documenting the intended purpose and use of correspondent banking relationships, which may have the added benefit of allowing the correspondent institution to demonstrate to its regulator some of the steps it has taken to understand the risks presented by its correspondent relationships.

36. 書面合約的另一個好處在於明訂通匯銀行關係的預定目的與用途，通匯機構還可藉此書面合約向監管機關證明已採取部分措施瞭解通匯銀行關係的風險。

F. ONGOING COMMUNICATION AND DIALOGUE

F. 持續溝通與對話

37. Correspondent banking relationships are, by their nature, based on mutual trust between the correspondent and the respondent institutions, particularly that the AML/CFT controls are being effectively implemented by the respondent institution. Consequently, it is important for correspondent institutions to maintain an ongoing and open dialogue with the respondent institution(s), including helping them understand the correspondent’s AML/CFT policy and expectations, and when needed, engaging with them to improve their AML/CFT controls and processes. Such communication supports the monitoring requirement by helping to flag new and emerging risks and better understand existing ones, clear up in a timely manner any incidents that may arise during the course of the business relationship, strengthen risk mitigation measures, and resolve any issues that may arise concerning the exchange of information. This process can also assist in building the capacity of respondent institutions. It can also help to avoid unnecessary restriction on or termination of a relationship without a thorough assessment of the risks associated with the specific customer (rather than the class of customers) in line with the RBA (i.e. avoiding de-risking).³⁸ It can also prevent a “cascade” effect, where respondent institutions close their

³⁸ “Regulators and supervisors should also ensure that financial institutions are taking a risk-based approach to implementing AML/CFT measures, without prejudice to rules-based measures such as targeted financial sanctions. Implementation by financial institutions should be aimed at managing (not avoiding) risks. What is not in line with the FATF standards is the wholesale cutting loose of entire countries and classes of customer, without taking into account, seriously and comprehensively, their level of money laundering and terrorist financing risk and applicable risk mitigation measures for those countries and for customers within a particular sector” ([FATF Takes Action to Tackle De-risking](#), FATF public statement of October 2015).

³⁸ 「監管與監理機關應確保金融機構採取風險基礎方法執行防制洗錢／打擊資恐措施，而無損於強制性規範，例如目標性金融制裁。任意解除特定國家全部或某一類客戶之業務關係，而未經全面考量洗錢和資助恐怖分子風險程度，以及適用於各該國家或客戶等級的風險降低措施，則不符合 FATF 的標準」（[FATF 採取措施防止去風險](#)，FATF 2015 年 10 月公開聲明）。

(highest risk) client accounts as a way to reduce their own corporate risk profile and maintain the relationships with their own correspondent institutions.

37. 通匯銀行關係依其性質係建立在通匯與委託機構的相互信任基礎上，特別包括委託機構持續有效執行防制洗錢／打擊資恐控制。因此，通匯機構與委託機構持續進行坦誠對話便顯得非常重要，包括協助委託機構瞭解通匯機構的防制洗錢／打擊資恐政策與期望，並視需要與委託機構共同改善其防制洗錢／打擊資恐控制與流程。這些溝通有助於辨識新發生的風險和全面瞭解目前風險、及時排除業務關係過程中可能發生的任何事件、強化降低風險的措施，以及解決可能發生的資訊交換問題，進而達到監控要求的目的。此過程亦有助於培養委託機構的能力，還能避免未經對特定客戶（而非特定等級的客戶）進行全面風險評估前，即作出不必要的限制或結束該關係以遵循 RBA 原則（即避免去風險）³⁸。此過程還能避免「連鎖」效應（Cascade Effect），也就是委託機構為了減少自己公司的風險而關閉（最高風險）客戶的帳戶，以維持與通匯機構的關係。

38. It is also important that regulators and supervisors maintain an open dialogue with correspondent institutions to clarify regulatory/supervisory expectations regarding the management of risks associated with foreign correspondent banking relationships.

38. 同樣重要的是，監管和監理機關與通匯機構保持坦誠對話，以釐清外國通匯銀行關係之相關風險管理的監管／監理期望。

G. ADJUSTING THE MITIGATION MEASURES TO THE EVOLUTION OF RISKS G. 調整降低風險措施以因應風險變化

39. As noted above, correspondent banking relationships are very diverse in nature and therefore covering a large range of high risk levels. The level and nature of risk may fluctuate over the course of any relationship and adjustments should be made in the correspondent institution's risk management strategy to reflect these changes. This is why ongoing monitoring, including periodic reviews, is important, so that the correspondent institution is aware of when the level/nature of residual risk (i.e. the risk remaining after a financial institution's AML/CFT control framework is applied to a particular situation) changes.

39. 如上所述，通匯銀行往來關係的性質非常多元，而且涵蓋各種不同程度的風險。在整個關係過程中，風險的程度與性質可能發生變化，故通匯機構應調整風險管理策略以反映這些變化。這就是為什麼持續監控（包括定期審查）如此重要的原因。通匯機構可藉由監控瞭解剩餘風險（即金融機構針對特定情況執行防制洗錢／打擊資恐控制架構後剩餘的風險）何時產生程度／性質上的變化。

40. Correspondent institutions should have policies and procedures in place tailored to the different categories of higher risk correspondent relationships, and the appropriate risk mitigation required or available to retain the relationship by using enhanced due diligence. If higher risks are encountered which are not mitigated by existing enhanced due diligence, the correspondent institution should use this process to further enhance the assessment of the relationship and risk mitigation applied to the account. The objective should be to determine whether the inherent risk level is justified and if so what further, more enhanced, measures can be applied. For example, if the respondent is affected by negative news regarding its beneficial owners, the correspondent institutions could decide to limit services to such a bank.

40. 通匯機構應針對風險較高的各種通匯銀行往來關係制定準則與程序，並須提供適切的降低風險措施，以加強客戶審查維持通匯銀行往來關係。若無法透過加強客戶審查降低較高的風險，通匯機構應使用此流程再加強評估通匯銀行往來關係與帳戶的風險降低情形。目的應在於確定固有風險程度是否可被證明適當控制。若不是，則可決定進一步採取更強化的措施。例如，若委託機構受到有關其實質受益人負面消息的影響，通匯機構可決定限制對該銀行的服務。

41. The *FATF Recommendations* do require customer relationships to be terminated where identified risks cannot be managed in line with the risk-based approach.³⁹ However, the other options offered by Recommendation 10 should be explored prior to termination (such as refusing to conduct the transaction, and/or filing a suspicious transaction report). Alternatively, a limitation of services or restriction of individual products/transactions can be considered in order to provide the possibility for clarification or remediation by the respondent institution, before the decision to terminate activity is taken. In any event, correspondent institutions should clearly communicate their concerns to respondent institutions, at senior management level, and inform them of their concerns and the measures needed to address these concerns as a condition to maintain the correspondent banking relationship. Depending on the concerns, correspondent institutions should also consider giving notice periods to respondents, allowing them to find alternatives.

41. 若無法透過風險基礎方法管理被辨識的風險，*FATF 建議*要求終止客戶關係³⁹。然而，終止前應探究建議第 10 項提供的其他選項（例如拒絕進行交易，及／或提出可疑交易報告）。或者可考慮限制服務或限制個別產品／交易，以便在決定終止活動前，提供委託機構說明或改正的可能性。不論在任何情況下，通匯機構都應由資深管理層級向委託機構明確傳達關注，並告知通匯機構的擔憂，以及作為維持通匯銀行往來關係條件的必要處理措施。視關注內容的不同，通匯機構亦應考慮給予通知期間，好讓委託機構提出替代方案。

VI. ADDITIONAL GUIDANCE FOR FINANCIAL INSTITUTIONS WHICH HAVE MVTs CUSTOMERS

VI. 針對客戶為金錢或價值移轉服務業者之補充指引

42. As part of their normal CDD processes, financial institutions are required to understand the purpose and nature of the intended business relationship.⁴⁰ This means that, in practice, where the customer is an MVTs provider, the financial institution should understand whether the MVTs provider intends to use the account for its own corporate or settlement purposes, or whether it intends to use the account to provide correspondent services to its own customers (i.e. the MVTs will be acting as a correspondent institution for its own customers).

42. 金融機構計劃建立業務關係時，應瞭解該業務關係的目的與性質，並以此作為一般客戶審查流程的一部分⁴⁰。也就是說，在實務上，若客戶為金錢或價值移轉服務業者，金融機構應瞭解金錢或價值移轉服務業者是否打算將帳戶用於其自己公司或用於結算用途，或是否打算透過帳戶提供其客戶通匯銀行往來服務（也就是金錢或價值移轉服務擔任其客戶的通匯機構）。

43. Where the MVTs provider offers correspondent services for its own customers through its account, the correspondent institution should consider all of the factors listed above in Sections III, IV and V, on a case-by-case basis, in terms of identifying the risks, verifying information, and establishing

³⁹ FATF Recommendation 10, 7th paragraph.

³⁹ FATF 建議第 10 項第 7 段。

⁴⁰ FATF Recommendation 10, paragraph 4(c).

⁴⁰ FATF 建議第 10 項第 4 (c) 款。

appropriate risk mitigation measures. In particular, there is no obligation triggered by the *FATF Recommendations* to a financial institution to apply CDD measures to the customers of the MVTS.

43. 若金錢或價值移轉服務業者透過其帳戶提供自己客戶通匯銀行往來服務，通匯機構應根據個案考量上述第 III、IV 及 V 節列舉的所有因素，以辨識風險、驗證資訊，以及制定適切的風險降低措施。須特別提出的是，*FATF 建議*未要求金融機構對其金錢或價值移轉服務業者的客戶採取客戶審查措施。

44. To facilitate its own risk management, a correspondent institution could consider encouraging or requiring MVTS customers to open one account for conducting their own corporate or settlement activities, and another separate account for providing correspondent banking services on behalf of their customers. This procedure may facilitate effective monitoring of these two activities commensurate with the different types of risk that they present. Separate accounts may also be considered for higher risk activities or higher risk customers and nested or downstream relationships to ensure an appropriate level of transparency and effective monitoring.

44. 通匯機構為了便於管理風險，可考慮鼓勵或要求金錢或價值移轉服務業者開立一個用於其公司本身或結算用途的帳戶，然後另外再開一個用來為其自己客戶提供通匯銀行往來服務的帳戶。此程序有利於根據前述兩種活動呈現的不同風險類型，執行與風險相稱之有效監控。對於風險較高的活動或客戶以及嵌套或下游關係，也可考慮分別開立不同的帳戶，以確保適切的透明度和有效監控。

45. Banks should flag unusual movements of funds and transactions conducted by their MVTS customers so that such funds or transactions are scrutinised in a timely manner and a determination made as to whether they could be suspicious. If they are suspicious, banks should file a STR.

45. 銀行應標示其金錢或價值移轉服務業者的不尋常資金流動與交易，確保及時對該資金或交易進行詳細審查，並確定是否為可疑資金或交易。若可疑，銀行應提出疑似洗錢或資恐交易報告。

46. In considering the risks and appropriate risk mitigation measures, it is also important to note that MVTS providers are *financial institutions* under the *FATF Recommendations*⁴¹ and are subject to the full range of AML/CFT preventive measures in FATF Recommendations 9 to 23 applicable to MVTS providers. Countries are also required to ensure that MVTS providers are supervised and monitored in line with FATF Recommendations 14 and 26. Correspondent institutions should take into consideration the manner in which these measures are implemented, in order to understand what their MVTS customers' obligations are and how they are supervised. Countries are also encouraged to communicate their MVTS supervisory policies and approaches to promote a shared understanding of what is expected from correspondent institutions and from MVTS with respect to risk management and mitigation processes. Given the important role that MVTS providers play in facilitating financial inclusion, banks are encouraged to work closely with their MVTS customers to ensure that they understand the banks' risk management objectives and strategies for establishing and maintaining controls to ensure effective ML/TF risk monitoring and identification. The same general processes outlined in Part V above should be considered in this regard, particularly section G.

46. 考量風險和適切的降低風險措施時，應注意金錢或價值移轉服務業者是 *FATF 建議*定義的金融機構⁴¹，且應適用 *FATF 建議*第 9 至 23 項要求適用於金錢或價值移轉服務業者的各種 AML/CFT

⁴¹ See the definition of MVTS providers in the Glossary of the *FATF Recommendations*.

⁴¹ 參閱 *FATF 建議*詞彙表的 MVTS 提供機構定義。

預防措施。各國應確保金錢或價值移轉服務業者皆依 FATF 建議第 14 至 26 項受到監理與監控。通匯機構應考量這些措施的執行方式，瞭解金錢或價值移轉服務業者的義務，以及如何監理金錢或價值移轉服務業者。各國亦應傳達對金錢或價值移轉服務業者之監理政策與方法，以促進相關機構瞭解，在風險管理與風險降低流程方面對通匯機構和金錢或價值移轉服務業者抱持的期望。基於金錢或價值移轉服務業者在促進普惠金融方面扮演的重要角色，銀行應與其金錢或價值移轉服務業者密切合作，確保其瞭解銀行的風險管理目標以及控制措施的建立與維持策略，確保有效監控與辨識洗錢／資恐風險。在這方面應考量以上 V 部分描述的一般流程，特別應注意 G 節。



CORRESPONDENT BANKING SERVICES

通匯銀行往來服務

This guidance explains the FATF's requirements in the context of correspondent banking services. In particular, it clarifies that the FATF Recommendations do not require correspondent financial institutions to conduct customer due diligence on each individual customer of their correspondent institutions' customers. The guidance also highlights that not all correspondent banking relationships carry the same level of money laundering or terrorist financing risks, hence the enhanced due diligence measures have to be commensurate to the degree of risks identified.

本指引說明 FATF 有關通匯銀行服務的要求。本指引特別說明 FATF 建議並未要求通匯金融機構對其委託機構的個別客戶執行客戶審查。本指引亦提出，並非所有通匯銀行往來關係都承擔相同程度的洗錢或資恐風險。因此，加強客戶審查措施應與辨識的風險程度相當。

The FATF developed this guidance with input from the private sector, and in collaboration with other interested international bodies, including the Financial Stability Board (FSB). The guidance should be read in conjunction with earlier FATF guidance and reports, as indicated in the guidance itself.

FATF 使用私部門的資訊制定此指引，並與其他關注此議題的國際機構合作，包括金融穩定委員會（FSB）。此指引應與 FATF 先前制定的指引及各指引提及的報告一起閱讀。

