

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE MONEY LAUNDERING PREVENTION CENTER, INVESTIGATION BUREAU, MINISTRY OF JUSTICE, REPUBLIC OF CHINA (TAIWAN) AND THE FINANCIAL INVESTIGATION UNIT OF GOVERNMENT OF THE COOK ISLANDS

簽訂日期：民國 96 年 07 月 25 日

生效日期：民國 96 年 07 月 25 日

CONCERNING COOPERATION IN THE EXCHANGE OF FINANCIAL INTELLIGENCE
RELATED TO MONEY LAUNDERING AND FINANCING OF TERRORISM

The Money Laundering Prevention Center, Investigation Bureau, Ministry of Justice, Republic Of China (Taiwan) and The Financial Investigation Unit of Government of The Cook Islands, hereinafter referred to as “the Authorities” , desire, in a spirit of cooperation and mutual interest, and within the framework of each Authority’ s national legislation, to facilitate the prevention and detection of money laundering and also to facilitate the analysis and investigation of persons or companies suspected of criminal activity related to money laundering and/or financing of terrorism.

To those ends, they have reached the understandings set forth below:

1. Scope of Cooperation

The Authorities will cooperate to exchange financial intelligence, in the form of information or documents concerning financial transactions suspected of being related to money laundering or criminal activities connected with money laundering and/or financing of terrorism. To that end, the Authorities will exchange spontaneously or upon request any available financial intelligence that may be relevant to the investigation by the Authorities into financial transactions related to money laundering and/or financing of terrorism and the persons or companies involved.

2. Requests for Financial Intelligence

The requesting Authority should disclose to the requested Authority at a minimum the reason for the request, the purpose for which the information will be used and enough information to enable the requested Authority to determine whether the request complies with its domestic law.

3. Uses of Financial Intelligence

- a. Financial intelligence exchanged between the Authorities may be used only for the specific purpose for which the financial information was sought or provided.
- b. The receiving Authority may not transfer financial intelligence shared by a disclosing Authority to a third party, nor make use of the financial intelligence for investigative, prosecutorial or judicial purposes, without the prior consent of the disclosing Authority.
- c. It is understood that information obtained in accordance with this Memorandum can be used in justice only when related to money laundering originating from predicate offences and/or related to financing of terrorism as provided by the national legislation of the respective Authorities.

4. Confidentiality of Financial Intelligence

The financial intelligence acquired in application of this Memorandum and the fact that the information was provided should be kept confidential. It should be protected by at least the same confidentiality as provided by the national legislation of the receiving Authority for similar information from national sources.

5. Refusal of Providing Financial Intelligence

The Authorities are under no obligation to give assistance if judicial proceedings have already been initiated concerning the same facts as the request is related to.

6. Working Meetings and Consultations

If necessary, the representative of the Authorities will hold working meetings and consultations in order to discuss how to reinforce the cooperation within this Memorandum, and make it more efficient.

7. Communication between the Authorities

Communication between the Authorities shall as far as possible take place in English.

8. Effective date; Amendment; Termination

- a. This Memorandum will become effective upon signature by the Authorities.
- b. This Memorandum may be amended at any time, in writing, as mutually arranged by the Authorities.
- c. Either Authority may terminate this Memorandum of Understanding by 3 months' notice in writing to the other Authority.
- d. Notwithstanding, the termination of this Memorandum of Understanding, the confidential provision refer to in Article 4, shall remain in application.

IN WITNESS

Signed:

WHEREOF, the
undersigned have signed
this Memorandum at on
day of 2007 in duplicate
in the English language.

Signed:

Yu-Yi Chou
Director

Bob WILLIAMS
Head of FIU

Money Laundering

Prevention Center

Ministry of Justice

Republic of

China(Taiwan)

Financial Investigation

Unit

Government of

The Cook Islands