

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE MONEY LAUNDERING PREVENTION CENTER(MLPC) OF THE REPUBLIC OF CHINA(TAIWAN) AND KOREA FINANCIAL INTELLIGENCE UNIT (KoFIU) OF THE REPUBLIC OF KOREA CONCERNING COOPERATION IN THE EXCHANGE OF FINANCIAL INTELLIGENCE RELATED TO MONEY LAUNDERING

簽訂日期：民國 95 年 11 月 29 日

生效日期：民國 95 年 11 月 29 日

The Money Laundering Prevention Center(MLPC ) of the Republic of China (Taiwan) and Korea Financial Intelligence Unit (KoFIU) of the Republic of Korea, 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.

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. 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 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 the disclosing Authority to a third party, nor make use of the financial intelligence for investigative, prosecutorial or judicial purposes, without 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 provided in the anti-money laundering 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 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 30 days' notice in writing to the other Authority.
- d. Notwithstanding the termination of this Memorandum of Understanding, the confidential provision referred to in article 4 shall remain in application.

Signed at \_\_\_\_\_, on \_\_\_\_\_, in the English language (this English text being the agreed authentic text, and each party taking the responsibility for establishing translation in their own language).

Signed :  
Yu-Yi Chou  
Director  
Money Laundering  
Prevention Center  
Republic of  
China (Taiwan)

Signed :  
Tae-Kyun Kwon  
Commissioner  
Korea Financial  
Intelligence Unit  
Republic of Korea