

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE ANTI-MONEY LAUNDERING DIVISION, INVESTIGATION BUREAU, MINISTRY OF JUSTICE, REPUBLIC OF CHINA (TAIWAN) AND FINANCIAL INTELLIGENCE UNIT OF SINT MAARTEN CONCERNING COOPERATION IN THE EXCHANGE OF INFORMATION RELATED TO MONEY LAUNDERING, TERRORIST FINANCING AND RELATED CRIMES

簽訂日期：民國 103 年 06 月 05 日

生效日期：民國 103 年 06 月 05 日

The Anti-Money Laundering Division, Investigation Bureau, Ministry of Justice, Republic of China (Taiwan) and the Financial Intelligence Unit of Sint Maarten (hereinafter, each referred to as “ the Authority ” or collectively 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 exchange of information in support of investigations or prosecutions concerning financial transactions suspected of being related to money laundering or criminal activities related to money laundering, terrorist financing and related crimes.

To that end, the Authorities, with the purpose of fostering said information exchange to the fullest extent possible, have reached the following understanding:

Objective

To set out the framework whereby the Authorities, to the full extent allowed by the laws of their respective countries, will provide to each other information that they have reasonable grounds to suspect would be relevant to investigations or prosecutions concerning financial transactions suspected of being related to money laundering or criminal activities related to money laundering, terrorist financing and related crimes.

Information Exchange

1. To the extent authorized by the laws of its country, and consistent with its own policies and procedures, each

Authority will provide upon request from the other any available information in its possession, that it has access to, or that it is authorized by law to collect concerning financial transactions that are suspected of being related to money laundering, terrorist financing, or related crimes, or that may be relevant to the investigation or prosecution of money laundering, terrorist financing, or related crimes. In accordance with the laws of its country and its own policies and procedures, each Authority may also spontaneously provide such information to the other. A requesting Authority will, to the extent possible, provide a brief statement of the underlying facts justifying any request for information such as the suspected illegal activity being investigated, the identity of the suspected offenders and the reasons for believing the relevant information will be with the other party.

Use and Disclosure of Responsive Information

- 2(a). The requesting Authority will use the information provided in response to a request for information only for the purposes relevant to the investigation or prosecution of money laundering, terrorist financing or related crimes and will be used strictly for intelligence purposes. The requesting Authority will disclose the information provided in response only to those parties identified in the request.
- (b). The requesting Authority's use and/or disclosure (including use and/or disclosure in an administrative, prosecutorial or judicial proceeding) of the information provided in response to a request beyond that discussed in paragraph 2(a) is prohibited unless the requesting Authority obtains the prior written consent of the disclosing Authority.

Use and Disclosure of Information Contained in a Request



- 3(a). In the event that the requesting Authority uses information received from the other Authority to initiate legal action (such as asset freezing or prosecution) or is subject to legal process or proceedings that would require the disclosure of the information, the requesting Authority will immediately and to the extent permitted under its national legislation inform the other Authority of said legal action or disclosure.
- (b). The requesting Authority shall not disclose information received from the other Authority to parties or for purposes not identified in the request without the prior written consent of the other Authority other than to obtain information in order to respond to request.

Compelled Disclosure

- 4(a). If a requesting Authority is subject to legal process or proceedings that could require the disclosure of information it has received from the other Authority, the Authority subject to such process or proceedings will immediately notify the other Authority and seek the written consent of the other Authority to disclose information.
- (b). In the event that the other Authority objects to disclosure of its information as described in 4(a), the Authority subject to the legal process or proceedings will take reasonable efforts to ensure that the information will not be disseminated to any third party or that appropriate limitations are placed upon the disclosure.
- (c). The Authorities are under no obligation to give assistance if they determine that the release of the information or documents requested may unduly prejudice an investigation or proceeding in the country of the requested Authority, or if judicial proceedings have already been initiated concerning the same fact(s) as the request is related to, or if provision of such information would likely prejudice

the sovereignty, security, national interest or other essential interest of the requested Authority.

Confidentiality

5. All information exchanged by the Authorities will be subjected to strict controls and safeguards to ensure that the information is used only in an authorized manner and as stipulated in this Memorandum of Understanding (hereinafter referred to as “MOU”) and treated with the strictest confidence. Exchanged information will be protected by the same level of confidentiality as provided by the legislation of the country of the requesting Authority for similar information obtained from domestic sources.

Limitations

6. Nothing in this MOU compels one Authority to lend assistance to the other Authority, especially where judicial proceedings have been initiated on the same facts or if such assistance is contrary to the interests of the requested Authority. If an Authority decides not to accede to a request, that Authority will notify the requesting Authority of its decision and reasons, in writing.

Form of Correspondence

7. To the extent possible, all requests for information, responses to requests for information, exchanged information, notices, and consents provided pursuant to this MOU should be confirmed in writing.

English as Official Language

8. Communication between the Authorities will take place in English.

Amendments

9. This MOU may be amended from time to time by mutual written

consent.

Further Communication

10. The Authorities will discuss other avenues of cooperation between them in the prevention, detection and deterrence of money laundering and terrorist financing.

Term and Termination

11. This MOU will become effective upon the date of signature by the Authorities.
12. This MOU is revocable at any time. The termination will become effective as of the receipt by an Authority of the written notification from the other Authority. However, if one Authority discloses or uses information provided by the other Authority in a manner contrary to the provisions of this MOU and without the consent of the other Authority, the other Authority may terminate this MOU immediately by any means of communication. Oral termination should at all times be confirmed in writing. The terms and conditions of this MOU dealing with the confidentiality of information received prior to the termination of this MOU will remain in force after the termination of this MOU.

In witness whereof, the undersigned, being duly authorized by their respective Authorities, have signed this MOU.

Signed in Lima, Peru, on this 5th of June, 2014, in duplicate copies in the English language, this English version being the agreed authentic text and each Authority takes the responsibility for establishing any translation into their own language.

FOR THE

FOR THE FINANCIAL



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LAUNDERING
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INVESTIGATION
BUREAU, MINISTRY
OF JUSTICE,
REPUBLIC OF
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