

法規名稱：MEMORANDUM OF UNDERSTANDING BETWEEN THE ANTI-MONEY LAUNDERING DIVISION, INVESTIGATION BUREAU, MINISTRY OF JUSTICE, REPUBLIC OF CHINA AND THE HUNGARIAN FINANCIAL INTELLIGENCE UNIT, NATIONAL TAX AND CUSTOMS ADMINISTRATION, HUNGARY CONCERNING COOPERATION IN THE EXCHANGE OF FINANCIAL INTELLIGENCE RELATED TO MONEY LAUNDERING, ASSOCIATED PREDICATE OFFENCES AND TERRORISM FINANCING

簽訂日期：民國 106 年 01 月 31 日

生效日期：民國 106 年 01 月 31 日

The Anti-Money Laundering Division (AMLDD), Investigation Bureau, Ministry of Justice, Republic of China and the Hungarian Financial Intelligence Unit (HFIU), National Tax and Customs Administration, Hungary, hereinafter referred to as "the FIUs", desire, in a spirit of cooperation and mutual interest, to facilitate the analysis concerning cases of suspected money laundering, associated predicate offences and terrorism financing, with a view to disseminating information which may ultimately result in investigations and prosecutions by competent authorities in their respective countries.

To that end, having regard to the relevant documents of the Egmont Group and, particularly, the “ Charter ” and the “ Principles for Information Exchange between Financial Intelligence Units ” , the FIUs have reached the following understanding.

1. The FIUs will cooperate to assemble, develop and analyse information relevant to suspected money laundering, associated predicate offences and terrorism financing.
2. The FIUs will freely exchange spontaneously or upon request the widest range of information available or obtainable.
3. The FIUs will conduct queries on behalf of the requesting counterpart and provide all information that they would be able to obtain if such queries were carried out domestically.
In particular, the FIUs will provide:
 - a. all information required to be accessible or obtainable

directly or indirectly; this includes in particular the information that the FIUs have the power to obtain for their domestic analysis; and

- b. any other information which the FIUs have the power to obtain or access, directly or indirectly, at the domestic level.
4. The information or documents obtained from the requested FIU can be used or disseminated only for intelligence purposes. The information or documents obtained from the requested FIU cannot be used or disseminated as evidence. The information or documents obtained from the respective FIUs will not be disseminated to any third party, nor be used for administrative or investigative purposes without prior consent of the disclosing FIU. It is understood that information obtained in accordance with this Memorandum of Understanding (MOU) can only be used in analysis and investigation when related to money laundering, associated predicate offences, or terrorism financing.
5. To enable a timely and efficient execution of the requests, the FIUs will make their best efforts to provide, in the requests, relevant factual and legal information, including the description of the case being analysed and the potential link with the country of the requested counterpart. They will also indicate any need for urgency.
6. The FIUs will indicate the reasons for the requests, the parties on behalf of whom those are sent and, to the extent possible, the purpose for which the information will be used.
7. The FIUs will not refuse to provide assistance on the grounds that:
 - a. the request is also considered to involve fiscal matters;
 - b. laws require financial institutions or designated non-financial businesses and professions (except where the relevant information that is sought is held under circumstances where legal privilege or legal professional secrecy applies) to maintain secrecy or confidentiality;

- c. there is an inquiry, investigation or proceeding underway in the Country of the FIU receiving the request, unless the assistance would impede that inquiry, investigation or proceeding;
 - d. the nature or status (civil, administrative, law enforcement etc.) of the requesting FIU is different to its counterpart;
 - e. the case to which the request refers to is not considered relevant or suspicious or the specific type of the predicate offence is not known in the analytical phase.
8. The FIUs will acknowledge receipt of the requests and will respond to such requests in a timely manner. The FIUs will further use their best efforts to provide interim or partial responses in a timely manner in such cases where there may be a delay in providing a full response.
9. The FIUs will use the information exchanged only for the purpose for which it was sought or provided. Any dissemination of the information to other authorities or any use of this information beyond those originally approved will be subject to prior authorization by the requested counterpart.
10. The prior consent for further use or dissemination will be granted by the FIUs promptly and to the largest extent possible. Such consent will not be refused unless this would fall beyond the scope of application of the providing FIU's AML/CFT provisions, could impair a criminal investigation, would be clearly disproportionate to the legitimate interests of a natural or legal person or the State of the providing FIU or would otherwise not be in accordance with fundamental principles of its national law.
11. Any refusal to provide the prior consent will be appropriately motivated and explained and the FIUs will explore alternative ways (e.g. through mutual legal assistance channels) to ensure that the information exchanged can be used by competent law enforcement agencies

- and prosecutors.
12. Upon request and whenever possible, the FIUs will provide feedback to its counterparts on the use of the information provided, as well as on the outcome of the analysis conducted, based on the information provided.
 13. The information acquired in application of the present MOU is confidential. It is protected by at least the same confidentiality as provided by the national legislation of the receiving FIU for similar information from national sources.
 14. Exchanges of information will take place in a secure way and through reliable channels or mechanisms. To this end, the FIUs will use the Egmont Secure Web or other recognized networks that ensure levels of security, reliability and effectiveness at least equivalent to those of the Egmont Secure Web.
 15. The FIUs will jointly arrange, consistent with the legislation of their respective countries, for acceptable procedures of communication and will consult each other with the purpose of implementing this MOU.
 16. In interpreting and implementing this MOU the FIUs will ensure consistency with the provisions of the Egmont Group, particularly with the “ Charter ” and the “ Principles for Information Exchange between Financial Intelligence Units ” . The FIUs will abide directly by these provisions for any further issue which is not covered in this MOU.
 17. Communication between the FIUs shall take place in English.
 18. This MOU will become effective upon the date of signature by the FIUs.
 19. This MOU may be amended at any time by mutual consent in writing.
 20. This MOU is revocable at any time. The termination will become effective as from the reception of the written notification from the other FIU.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Authorities, have signed this MOU.

Signed at Doha, Qatar, on 31 of January, 2017, in duplicate in the English language, this English version being the agreed authentic text and each FIU takes the responsibility for establishing translation in their own language.

For Anti-Money
Laundering Division,
Investigation Bureau,
Ministry of Justice,
Republic of China

For Hungarian
Financial Intelligence
Unit,
National Tax and
Customs
Administration,
Hungary

Hung-Chin(Gilbert) Lee

Gabor Simonka

Director of
Anti-Money
Laundering Division

Head of Hungarian
Financial Intelligence
Unit