



**ធនាគារជាតិ នៃ កម្ពុជា**

លេខ ៧២១-០១៤-០២៧ រដក

ថ្ងៃ ពុធ ៣ កើត ខែ ភទ្របទ ឆ្នាំ ច សំរឹទ្ធិស័ក ព.ស.២៥៦២  
រាជធានីភ្នំពេញ ថ្ងៃទី ០២ ខែ ឧសភា ឆ្នាំ ២០១៨

**ជម្រាបជូន**

**លោក លោកស្រី អគ្គនាយក អគ្គនាយិកា នាយក នាយិកា នៃ បុគ្គលិក រាយការណ៍ ទាំងអស់**

**កម្មវត្ថុ ៖** របាយការណ៍សាធារណៈ និងរបាយការណ៍ស្តីពីការជំរុញការអនុវត្តតាមប្រឆាំងការសម្អាតប្រាក់ និងហិរញ្ញប្បទានភេរវកម្មជាសកលរបស់ក្រុមការងារហិរញ្ញវត្ថុ (FATF) ។

- យោង ៖**
- ច្បាប់ស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្ម
  - ប្រកាសស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្ម
  - ប្រកាសស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្មរបស់បុគ្គលិករាយការណ៍ ដែលមិនស្ថិតក្រោមការគ្រប់គ្រងរបស់ធនាគារជាតិនៃកម្ពុជា
  - លិខិតរបស់ ស.ហ.ក លេខ ៨១២.០១៦.២២៣.សជណ ចុះថ្ងៃទី ១៧ ខែ វិច្ឆិកា ឆ្នាំ ២០១៦ ។

យោងតាមលិខិតចុះថ្ងៃទី ១៧ ខែ វិច្ឆិកា ឆ្នាំ ២០១៦ ស.ហ.ក បានជូនដំណឹងអំពីការអនុវត្តវិធានការ ចំពោះប្រទេសដែលមានហានិភ័យខ្ពស់និងមានចំណុចខ្វះខាតនៅក្នុងប្រព័ន្ធ AML/CFT ដូចមានចេញផ្សាយ នៅក្នុងរបាយការណ៍សាធារណៈរបស់ក្រុមការងារហិរញ្ញវត្ថុ (FATF) ។ នៅថ្ងៃទី ២៣ ខែ កុម្ភៈ ឆ្នាំ ២០១៨ FATF បានធ្វើបច្ចុប្បន្នកម្ម និងចេញផ្សាយរបាយការណ៍សាធារណៈនេះ ដោយបានស្នើឱ្យដាក់វិធានការប្រឆាំងនិងដាក់ទណ្ឌកម្មហិរញ្ញវត្ថុ ស្របតាមសេចក្តីសម្រេចរបស់ក្រុមប្រឹក្សាសន្តិសុខអង្គការសហប្រជាជាតិ (UNSCRs) ចំពោះសាធារណរដ្ឋប្រជាធិបតេយ្យប្រជាមានិតកូរ៉េ (ប្រទេសកូរ៉េខាងជើង) ដែលកើតចេញពីការគំរាមកំហែងសកម្មភាពខុសច្បាប់និងការផ្តល់ហិរញ្ញប្បទានពាក់ព័ន្ធនឹងការរីកសាយភាយអាវុធប្រល័យលោក។ ជាមួយគ្នានេះ FATF នៅបន្តពន្យារពេលក្នុងការដាក់វិធានការប្រឆាំងលើប្រទេសអ៊ីរ៉ង់និងបន្តពិនិត្យលើវឌ្ឍនភាពដែលបំពេញដោយប្រទេសនេះ (សូមមើលឧបសម្ព័ន្ធ ១ ឬគេហទំព័ររបស់ FATF: <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/public-statement-february-2018.html>) ។

អនុវត្តតាមខ្លឹមសារនៃមាត្រា ១០.គ នៃច្បាប់ស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្ម និងប្រការ ២៧ នៃប្រកាសស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្ម និងប្រការ ២៤ នៃប្រកាសស្តីពីការប្រឆាំងការសម្អាតប្រាក់និងហិរញ្ញប្បទានភេរវកម្មរបស់បុគ្គលិករាយការណ៍ដែល

មិនស្ថិតក្រោមការគ្រប់គ្រងរបស់ធនាគារជាតិនៃកម្ពុជា ស.ហ.ក ស្នើលោក លោកស្រី ជំរុញការអនុវត្ត វិធានការយកចិត្តទុកដាក់ស្គាល់អតិថិជនជាប្រចាំចំពោះទំនាក់ទំនង អាជីវកម្ម និងប្រតិបត្តិការជាមួយ ឯកត្តបុគ្គល អាជីវកម្ម ក្រុមហ៊ុន និងគ្រឹះស្ថានហិរញ្ញវត្ថុមកពីប្រទេសកូរ៉េខាងជើង និងអ៊ីរ៉ង់ ព្រមទាំង ស្វែងរកព័ត៌មានពីគោលបំណង ប្រវត្តិប្រតិបត្តិការ និងទំនាក់ទំនងអាជីវកម្មបែបនេះ ឲ្យបានលម្អិត ជាលាយលក្ខណ៍អក្សរ និងបញ្ជូនមកអាជ្ញាធរមានសមត្ថកិច្ច។

ទន្ទឹមនឹងនេះ FATF ក៏បានចេញផ្សាយរបាយការណ៍ស្តីពីប្រទេសដែលមានកង្វះខាតជាយុទ្ធសាស្ត្រ (សូមមើលឧបសម្ព័ន្ធ ២ ឬគេហទំព័ររបស់ FATF: <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-february-2018.html>) ផងដែរ។ ដូច្នោះ សូម លោក លោកស្រី បញ្ជូនប្រទេសដែលមានដូចនៅក្នុងឧបសម្ព័ន្ធ ២ នេះ ទៅក្នុងដំណើរការវាយតម្លៃហានិភ័យរបស់ គ្រឹះស្ថានលោក លោកស្រី។

អាស្រ័យដូចបានជម្រាបជូនខាងលើ សូម លោក លោកស្រី អគ្គនាយក អគ្គនាយិកា នាយក នាយិកា នៃបុគ្គលរាយការណ៍ទាំងអស់ អនុវត្តឲ្យមានប្រសិទ្ធភាពខ្ពស់ ចាប់ពីថ្ងៃជូនដំណឹងនេះតទៅ។

សូម លោក លោកស្រី អគ្គនាយក អគ្គនាយិកា នាយក នាយិកា មេត្តាទទួលនូវការរាប់អាន អំពីខ្ញុំ។ 

**អង្គការស៊ើបការណ៍ហិរញ្ញវត្ថុកម្ពុជា**  
**អគ្គលេខាធិការ**  
  
**សាយ សំរោត**



## Appendix I

### Public Statement

Paris, 23 February 2018 - The Financial Action Task Force (FATF) is the global standard setting body for anti-money laundering and combating the financing of terrorism (AML/CFT). In order to protect the international financial system from money laundering and financing of terrorism (ML/FT) risks and to encourage greater compliance with the AML/CFT standards, the FATF identified jurisdictions that have strategic deficiencies and works with them to address those deficiencies that pose a risk to the international financial system.

***Jurisdictions subject to a FATF call on its members and other jurisdictions to apply counter-measures to protect the international financial system from the on-going and substantial money laundering and terrorist financing (ML/FT) risks emanating from the DPRK.***

#### ***Democratic People's Republic of Korea (DPRK)***

The FATF remains concerned by the DPRK's failure to address the significant deficiencies in its anti-money laundering and combating the financing of terrorism (AML/CFT) regime and the serious threats they pose to the integrity of the international financial system. The FATF urges the DPRK to immediately and meaningfully address its AML/CFT deficiencies. Further, FATF has serious concerns with the threat posed by DPRK's illicit activities related to the proliferation of weapons of mass destruction (WMDs) and its financing. The FATF reaffirms its 25 February 2011 call on its members and urges all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with the DPRK, including DPRK companies, financial institutions and those acting on their behalf. In addition to enhanced scrutiny, the FATF further calls on its members and urges all jurisdictions to apply effective counter-measures, and targeted financial sanctions in accordance with applicable United Nations Security Council Resolutions, to protect their financial sectors from money laundering, financing of terrorism and WMD proliferation financing (ML/FT/PF) risks emanating from the DPRK. Jurisdictions should take necessary measures to close existing branches, subsidiaries and representative offices of DPRK banks within their territories and terminate correspondent relationships with DPRK banks, where required by relevant UNSC Resolutions.

***Jurisdictions subject to a FATF call on its members and other jurisdictions to apply enhanced due diligence measures proportionate to the risks arising from the jurisdiction***

#### ***Iran***

In June 2016, the FATF welcomed Iran's high-level political commitment to address its strategic AML/CFT deficiencies, and its decision to seek technical assistance in the implementation of the Action Plan. Given that Iran provided that political commitment and the relevant steps it has taken, the FATF decided in November 2017 to continue the suspension of counter-measures.

Since November 2017, Iran has established a cash declaration regime and introduced draft



amendments to its AML and CFT laws. However, Iran's action plan has now expired with a majority of the action items remaining incomplete. Iran should fully address its remaining action items, including by: (1) adequately criminalising terrorist financing, including by removing the exemption for designated groups "attempting to end foreign occupation, colonialism and racism"; (2) identifying and freezing terrorist assets in line with the relevant United Nations Security Council resolutions; (3) ensuring an adequate and enforceable customer due diligence regime; (4) ensuring the full independence of the Financial Intelligence Unit and requiring the submission of STRs for attempted transactions; (5) demonstrating how authorities are identifying and sanctioning unlicensed money/value transfer service providers; (6) ratifying and implementing the Palermo and TF Conventions and clarifying the capability to provide mutual legal assistance; (7) ensuring that financial institutions verify that wire transfers contain complete originator and beneficiary information; (8) establishing a broader range of penalties for violations of the ML offense; and (9) ensuring adequate legislation and procedures to provide for confiscation of property of corresponding value.

Given that Iran has draft legislation currently before Parliament, the FATF decided at its meeting this week to continue the suspension of counter-measures. Depending upon Iran's progress in completing its action plan, the FATF will take further steps in June 2018. The FATF urgently expects Iran to proceed swiftly in the reform path to ensure that it addresses all of the remaining items in its Action Plan by completing and implementing the necessary AML/CFT reforms, in particular passing the necessary legislation.

Iran will remain on the FATF Public Statement until the full Action Plan has been completed. Until Iran implements the measures required to address the deficiencies identified in the Action Plan, the FATF will remain concerned with the terrorist financing risk emanating from Iran and the threat this poses to the international financial system. The FATF, therefore, calls on its members and urges all jurisdictions to continue to advise their financial institutions to apply enhanced due diligence to business relationships and transactions with natural and legal persons from Iran, consistent with FATF Recommendation 19.

website: <http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/public-statement-february-2018.html>

## Appendix II

### Improving Global AML/CFT Compliance: On-going Process - 23 February 2018

Paris, France, 23 February 2018 - As part of its on-going review of compliance with the AML/CFT standards, the FATF identifies the following jurisdictions that have strategic AML/CFT deficiencies for which they have developed an action plan with the FATF. While the situations differ among each jurisdiction, each jurisdiction has provided a written high-level political commitment to address the identified deficiencies. The FATF welcomes these commitments.

A number of jurisdictions have not yet been reviewed by the FATF. The FATF continues to identify additional jurisdictions, on an on-going basis, that pose a risk to the international financial system.

The FATF and the FATF-style regional bodies (FSRBs) will continue to work with the jurisdictions noted below and to report on the progress made in addressing the identified deficiencies. The FATF calls on these jurisdictions to complete the implementation of action plans expeditiously and within the proposed timeframes. The FATF will closely monitor the implementation of these action plans and encourages its members to consider the information presented below.

<b>Jurisdictions with strategic deficiencies</b>	<b>Jurisdictions no longer subject to the FATF's on-going global AML/CFT compliance process</b>
Ethiopia Iraq Serbia Sri Lanka Syria Trinidad and Tobago Tunisia Vanuatu Yemen	<b>Bosnia and Herzegovina</b>

#### Ethiopia

Since February 2017, when Ethiopia made a high-level political commitment to work with the FATF and ESAAMLG to strengthen its effectiveness and address any related technical deficiencies, Ethiopia has taken steps towards improving its AML/CFT regime, including by conducting awareness-raising trainings for its DNFBPs, regulatory bodies, and investigative bodies and disseminating the UN sanctions lists to obliged entities without delay. Ethiopia should continue to work on implementing its action plan to address its deficiencies, including by: (1) fully implementing the results of its national risk assessment; (2) fully integrating designated non-financial businesses and professions into its AML/CFT regime; (3) ensuring that the proceeds and instrumentalities of crime are confiscated; (4) consistently implementing terrorism-related targeted financial sanctions and proportionately supervising non-profit organisations in line with a risk-based approach; and (5) establishing and implementing WMD-related targeted financial sanctions.



## Iraq

Since October 2013, when Iraq made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Iraq has substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing an adequate legal framework for identifying, tracing, and freezing terrorist assets; (3) establishing effective customer due diligence measures; (4) establishing a fully operational and effectively functioning Financial Intelligence Unit; (5) establishing adequate suspicious transaction reporting requirements; and (6) establishing an adequate AML/CFT supervisory and oversight programme for the financial sector. The FATF will conduct an on-site visit to confirm that the implementation of these reforms has begun and is being sustained.

## Serbia

In February 2018, Serbia made a high-level political commitment to work with the FATF and MONEYVAL to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies. Serbia will work to implement its action plan to accomplish these objectives, including by: (1) updating the NRA to develop a better understanding of key risks; (2) subjecting lawyers, notaries, and casinos to supervision; implementing risk-based AML/CFT supervision, and increasing supervisory staff resources commensurate with sectoral risks; (3) implementing measures related to CDD, politically exposed persons, and wire transfers in line with the FATF Standards; (4) establishing an effective mechanism for ensuring timely access to beneficial ownership information regarding legal persons, and a framework to ensure that such information is adequate, accurate, and current; (5) ensuring adequate and effective investigation and prosecution of third-party and stand-alone ML; (6) ensuring the implementation without delay of targeted financial sanctions measures related to terrorist financing, providing guidance to reporting entities, and taking proportionate measures for non-profit organisations in line with a risk-based approach; and (7) ensuring the implementation without delay of targeted financial sanctions related to proliferation financing.

## Sri Lanka

Since November 2017, when Sri Lanka made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Sri Lanka has taken steps towards improving its AML/CFT regime, including by issuing CDD rules for DNFBPs. Sri Lanka should continue to work on implementing its action plan to address its deficiencies, including by: (1) enacting amendments to the MACMA to ensure that mutual legal assistance may be provided on the basis of reciprocity; (2) issuing any necessary guidance and ensuring that implementation of the CDD rules has begun, by way of supervisory actions; (3) enhancing risk-based supervision and outreach to FIs and high-risk DNFBPs, including through prompt and dissuasive enforcement actions and sanctions, as appropriate; (4) providing case studies and statistics to demonstrate that competent authorities can obtain beneficial ownership information in relation to legal persons in a timely manner; (5) issuing a revised Trust Ordinance and demonstrating that implementation has begun; and (6) establishing a TFS regime to implement relevant UNSCRs related to Iran, and demonstrating effective implementation on this and the UN Regulation related to the DPRK.



## Syria

Since February 2010, when Syria made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Syria has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Syria had substantially addressed its action plan at a technical level, including by criminalising terrorist financing and establishing procedures for freezing terrorist assets. While the FATF determined that Syria has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and will conduct an on-site visit at the earliest possible date.

## Trinidad and Tobago

Since November 2017, when Trinidad and Tobago made a high-level political commitment to work with the FATF and CFATF to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Trinidad and Tobago has taken steps towards improving its AML/CFT regime, including the approval of the Counter Terrorism Strategy by the National Security Council, the issuance of a Case Prioritization Policy, and advancing legislation in a number of areas. Trinidad and Tobago should continue to work on implementing its action plan to address its deficiencies, including by: (1) adopting and implementing the relevant measures to enhance international cooperation; (2) addressing issues related to transparency and beneficial ownership; (3) completing the legislative efforts to enhance the processing of ML charges before the courts; (4) taking measures to enhance tracing and confiscation of criminal proceeds; (5) prioritising and prosecuting TF cases when they arise; (6) enacting the necessary amendments related to targeted financial sanctions and implementing measures to monitor NPOs on the basis of risk; and (7) developing, adopting, and implementing the necessary framework to counter proliferation financing.

## Tunisia

Since November 2017, when Tunisia made a high-level political commitment to work with the FATF and MENAFATF to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Tunisia has taken steps towards improving its AML/CFT regime, including by issuing a decree to implement terrorism-related targeted financial sanctions, preparing AML/CFT supervisory manuals, conducting trainings on AML/CFT supervision for the relevant authorities and increasing human resources within the financial intelligence unit. Tunisia should continue to work on implementing its action plan to address its deficiencies, including by: (1) implementing risk-based AML/CFT supervision of the financial sector and fully integrating designated non-financial businesses and professions into its AML/CFT regime; (2) maintaining comprehensive and updated commercial registries and strengthening the system of sanctions for violations of transparency obligations; (3) increasing the efficiency of suspicious transaction report processing by allocating the necessary resources to the financial intelligence unit; (4) establishing a fully functional terrorism-related targeted financial sanctions regime and appropriately monitoring the association sector; and (5) establishing and implementing WMD-related targeted financial sanctions.



## Vanuatu

Since February 2016, when Vanuatu made a high-level political commitment to work with the FATF and APG to address its strategic AML/CFT deficiencies, Vanuatu has substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing adequate procedures for the confiscation of assets related to money laundering; (3) establishing an adequate legal framework for identifying, tracing and freezing terrorist assets and other UN sanctions; (4) ensuring a fully operational and effectively functioning financial intelligence unit; (5) strengthening preventive measures, including for wire transfers; (6) establishing transparency for the financial sector, and for legal persons and arrangements; (7) establishing an adequate AML/CFT supervisory and oversight programme for the whole financial sector and trust and company service providers; and (8) establishing appropriate channels for international co-operation and domestic coordination policies and actions on identified risks and ensuring effective implementation. The FATF will conduct an on-site visit to confirm that the implementation of these reforms has begun and is being sustained.

## Yemen

Since February 2010, when Yemen made a high-level political commitment to work with the FATF and MENAFATF to address its strategic AML/CFT deficiencies, Yemen has made progress to improve its AML/CFT regime. In June 2014, the FATF determined that Yemen had substantially addressed its action plan at a technical level, including by: (1) adequately criminalising money laundering and terrorist financing; (2) establishing procedures to identify and freeze terrorist assets; (3) improving its customer due diligence and suspicious transaction reporting requirements; (4) issuing guidance; (5) developing the monitoring and supervisory capacity of the financial sector supervisory authorities and the financial intelligence unit; and (6) establishing a fully operational and effectively functioning financial intelligence unit. While the FATF determined that Yemen has completed its agreed action plan, due to the security situation, the FATF has been unable to conduct an on-site visit to confirm whether the process of implementing the required reforms and actions has begun and is being sustained. The FATF will continue to monitor the situation, and conduct an on-site visit at the earliest possible date.

### Jurisdictions No Longer Subject to the FATF's On-Going Global AML/CFT Compliance Process

#### **Bosnia and Herzegovina**

The FATF welcomes Bosnia and Herzegovina's significant progress in improving its AML/CFT regime and notes that Bosnia and Herzegovina has established the legal and regulatory framework to meet the commitments in its action plan regarding the strategic deficiencies that the FATF identified in June 2015. Bosnia and Herzegovina is therefore no longer subject to the FATF's monitoring process under its on-going global AML/CFT compliance process. Bosnia and Herzegovina will work with MONEYVAL to improve its AML/CFT framework.