

FATF



資助武器擴散風險評估及抵減指引

GUIDANCE ON PROLIFERATION FINANCING RISK ASSESSMENT AND MITIGATION



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防制洗錢金融行動工作組織

防制洗錢金融行動工作組織（下稱「FATF」）係一獨立的跨政府組織，旨在發展與推廣政策，以保護全球金融體系，防制洗錢、打擊資恐以及資助大規模毀滅性武器擴散。FATF 建議已被認定為是全球性防制洗錢（下稱「AML」）與打擊資恐（下稱「CFT」）的標準。

The Financial Action Task Force (FATF) is an independent inter-governmental body that develops and promotes policies to protect the global financial system against money laundering, terrorist financing and the financing of proliferation of weapons of mass destruction. The FATF Recommendations are recognised as the global anti-money laundering (AML) and counter-terrorist financing (CFT) standard

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縮寫對照表 Acronyms

AML/CFT	洗錢防制及打擊資恐 (Anti-money laundering/Countering the Financing of Terrorism)
CDD	客戶盡職審查 Customer Due Diligence
CPF	打擊資助武擴 Counter Proliferation Financing
DNFBP	指定之非金融事業或人員 Designated Non-financial Business and Profession
DPRK	北韓 Democratic People's Republic of Korea
FATF	防制洗錢金融行動工作組織 Financial Action Task Force
INR.	建議注釋 Interpretive Note to Recommendation
ML/TF	洗錢 / 資恐 Money Laundering/Terrorist Financing
MVTS	金錢或價值移轉服務 Money or Value Transfer Service
NRA	國家風險評估 National Risk Assessment
OPs	執行部分 Operative Paragraphs

PF	資助武擴 Proliferation Financing
PoE	專家小組 Panel of Experts
SRB	自律團體 Self-Regulatory Body
TCSP	信託及公司服務業者 Trust and Company Service Provider
TFS	目標性金融制裁 Targeted Financial Sanctions
UNSC	聯合國安理會 United Nations Security Council
UNSCR	聯合國安理會決議 United Nations Security Council Resolution
VASP	虛擬資產服務提供商 Virtual Asset Service Provider
WMD	大規模毀滅性武器 Weapons of Mass Destruction

背景 Background and context

1. 於 2020 年 10 月，FATF 修正建議第 1 項及其注釋（建議第 1 項及建議注釋第 1 項），要求各國¹及私部門實體²應辨識、評估、瞭解並抵減資助武擴風險（PF 風險）。在建議第 1 項及本指引之背景下，資助武擴風險係嚴格地限指可能違反、不執行或規避建議第 7 項³所提及之目標性金融制裁義務。

In October 2020, the FATF revised Recommendation¹ and its Interpretive Note (R.1 and INR.1) to require countries¹ and private sector entities² to identify, assess, understand and mitigate their proliferation financing risks (PF risk). In the context of R.1 and of this Guidance, proliferation financing risk refers strictly and only to the potential breach, non-implementation or evasion of the targeted financial sanctions (TFS) obligations referred to in Recommendation 7.³

¹ 所有提及國家或各國者均同樣適用於聯合國安理會決議中所提及之領土、司法管轄區或會員國。

All references to country or countries apply equally to territories or jurisdictions or member states as referred in UNSCRs

² 所有提及「私部門實體」、「私部門」或「私部門機構」者，係指金融機構、指定之非金融事業或人員及虛擬資產服務提供商。提及金融機構及 / 或指定之非金融事業或人員者，亦意指虛擬資產服務提供商。

All references to “private sector entities”, “private sector(s)” or “private sector firms” refer to financial institutions, designated non-financial businesses and professions (DNFBPs), and virtual asset service providers (VASPs). References to “financial institutions and/or DNFBPs” are also relevant to VASPs

³ 建議第 7 項注釋之第 1 段及第 2 段，以及相關註腳規定建議第 7 項之義

2. 除了各國之義務外，修正之 FATF 國際標準要求私部門實體應制定識別、評估、監測、管理和抵減資助武擴風險之程序。私部門實體得在其現有之目標性金融制裁及 / 或法令遵循計畫之框架內進行，毋須建立重複之資助武擴風險評估或抵減之程序。
In addition to obligations for countries, the revised FATF Standards require private sector entities to have in place processes to identify, assess, monitor, manage and mitigate proliferation financing risks. Private sector entities may do so within the framework of their existing targeted financial sanctions and/or compliance programmes, and are not expected to establish duplicative processes for proliferation financing risk assessment or mitigation.
3. 本指引試圖就建議第 1 項及建議第 1 項注釋之修正所產生之影響建立共識，特別是關於各國及私部門實體應如何執行資助武

務範圍；其中包括僅限於執行目標性金融制裁，且不包含聯合國安理會決議之其他要求（包括聯合國安理會決議第 1540 號（2004 年））。與資助武擴相關之 FATF 國際標準要求，僅限於建議第 1、2、7 及 15 項。因此，建議第 1 項中關於資助武擴風險評估及抵減之要求並不會涉及其他建議之規範範圍。

Paragraphs 1 and 2 of the Interpretive Note to Recommendation 7, and the related footnotes, set out the scope of Recommendation 7 obligations; including that, it is limited to the implementation of targeted financial sanctions and does not cover other requirements of the UNSCRs (including UNSCR 1540 (2004)). The requirements of the FATF Standards relating to proliferation financing are limited to Recommendations 1, 2, 7 and 15 only. The requirements under Recommendation 1 for PF risk assessment and mitigation, therefore, do not expand the scope of other requirements under other Recommendations.

擴風險評估及抵減之新要求，基於建議第 7 項規範下之目標性金融制裁具規則性。

This Guidance seeks to develop a common understanding about the impact of the amendments to R.1 and INR.1, in particular, on how countries and private sector entities could implement the new requirements to assess and mitigate proliferation financing risks given the rule-based nature of the targeted financial sanctions under Recommendation 7.

4. 資助武擴風險之來源取決於以下幾個因素：

The source of proliferation financing risks would depend upon a number of factors as follows:

- a. **可能違反或不執行目標性金融制裁之風險：**指經指名之團體及個人⁴在取得金融服務及 / 或資金或其他資產時，可能會產生之風險。舉例來說，這些風險可能造因於國家層級延遲通知指名資訊、私部門實體缺乏明確之義務、部分私部門實體未能採取適當之政策及程序來處理資助武擴之風險（例如，建立客戶關係流程及持續監控程序鬆散、缺乏員工教育訓練、無效的風險管理程序、缺乏適當之制裁檢核系統或不規律或不靈活之檢核程序，以及普遍缺乏法令遵循文化）；

Risk of a potential breach or non-implementation of targeted financial sanctions: This risk may materialise when designated entities and individuals⁴ access financial services,

⁴ 所有提及「個人」同樣適用於聯合國安理會決議中所提之「人」。在與北韓相關之聯合國安理會決議中，義務也意指代表指名之「人」或「個

and/or funds or other assets, as a result, for example, of delay in communication of designations at the national level, lack of clear obligations on private sector entities, failure on the part of private sector entities to adopt adequate policies and procedures to address their proliferation financing risks (e.g. weak customer onboarding procedures and ongoing monitoring processes, lack of staff training, ineffective risk management procedures, lack of a proper sanctions screening system or irregular or inflexible screening procedures, and a general lack of compliance culture);

- b. **規避目標性金融制裁風險**：指經指名之人及實體共同規避目標性金融制裁（例如，透過使用空殼公司或前台公司、合資企業、人頭帳戶、中間人和其他欺詐 / 虛假之中介）時，可能會產生之風險。

Risk of evasion of targeted financial sanctions: This risk may materialise due to concerted efforts of designated persons and entities to circumvent targeted financial sanctions (e.g. by using shell or front companies, joint ventures, dummy accounts, middlemen and other fraudulent/sham intermediaries).

人」行事之「人」或「個人」。

All references to “individuals” apply equally to “persons” as referred in UNSCRs. In the DPRK UNSCRs, obligations also refer to those “persons” or “individuals” acting on these designated persons/individuals’ behalf.

目標及範圍 Objectives and scope

5. 此非拘束性之指引借鑒各國及私部門之經驗，以協助權責機關及私部門實體有效地履行新的義務。本指引之目的為：

This non-binding Guidance draws on the experiences of countries and of the private sector, and may assist competent authorities and private sector entities to effectively implement the new obligations. The purpose of this Guidance is:

- a. 提供協助公部門及私部門執行新要求之指引，用以辨識、評估及瞭解建議第 1 項所定義之資助武擴風險；
to provide guidance to assist public and private sectors in implementing the new requirements to identify, assess and understand their proliferation financing risk as defined in R.1;
 - b. 提供指引，以協助公部門及私部門執行抵減其所辨識出資助武擴風險之要求事項；及
to provide guidance to assist public and private sectors in implementing the requirement to mitigate the proliferation financing risks, which they identify; and
 - c. 提供監理機關 / 自律團體額外之指引，以監督或監控資助武擴風險之評估及抵減。
to provide additional guidance to supervisors/self-regulatory bodies (SRBs) on supervision or monitoring of proliferation financing risk assessment and mitigation.
6. 建議第 1 項要求各國及私部門實體辨識、評估及瞭解「資助武

擴風險」。依建議第 1 項之內容，「資助武擴風險」係嚴格地限指可能違反、不執行或規避建議第 7 項所提及之目標性金融制裁義務。建議第 7 項之義務適用於北韓及伊朗此二個國家，其要求各國應毫不遲延地凍結其資金或其他資產，並確保無資金或資產得直接或間接提供予或嘉惠於 (a) 經聯合國指名之個人或實體、(b) 代表其行事或受其指示之個人或實體、或 (c) 為其所有或受其控制之個人或實體。建議第 1 項及第 7 項之完整內容請見附件 A。

Recommendation 1 requires countries and private sector entities to identify, assess, and understand “proliferation financing risks”. In the context of Recommendation 1, “proliferation financing risk” refers strictly and only to the potential breach, nonimplementation or evasion of the targeted financial obligations referred to in Recommendation 7. These R.7 obligations apply to two country-specific regimes for the Democratic People’s Republic of Korea (DPRK) and Iran, require countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly to or for the benefit of (a) any person or entity designated by the United Nations (UN), (b) persons and entities acting on their behalf or at their direction, (c) those owned or controlled by them. The full text of Recommendations 1 and 7 is set out at Annex A.

7. 本指引旨在協助各國及私部門實體履行建議第 1 項所規定之具體義務。然而，本指引亦提及在相關情況下，建議第 1 項中雖未要求、但與反武擴之更廣泛問題相關之資訊（例如，

不清楚是否與指名之北韓或伊朗相關之實體有所連結），或以活動為基礎之限制或其他措施（適用於北韓及伊朗且為聯合國成員應遵守之強制性義務，但未包含在建議第 7 項），並不在 FATF 建議之範圍。該資訊（明定於註腳中），並非建議第 1 項所要求，亦不會在 FATF 相互評鑑或評估過程中進行評估，但對其之了解有助各國和私部門實體履行相關之 FATF 義務，並避免與聯合國安理會決議或各國法律所規定、但並非 FATF 國際標準所定之義務產生衝突或重疊。建議第 1 項及其注釋第 1 項之修正亦未變更或擴大私部門實體於建議第 7 項之及建議第 9 項至第 23 項所規範之打擊洗錢與資恐之既有義務。

This Guidance is intended to assist countries and private sector entities in implementing these specific obligations under R.1. Nevertheless, it also notes, where relevant, information which is not required under R.1 but relates to broader issues of counter proliferation (e.g. where it is not clear whether or not there is a link to DPRK or Iran designated entities), or activity-based prohibitions or other measures (which apply to DPRK and Iran and impose mandatory obligations for UN Member States, but are not included in R.7), are out of the scope of the FATF Recommendations. This information – indicated in footnotes – is not required under R.1, and is not assessed in the FATF mutual evaluation or assessment process, but awareness of it could be helpful for countries and private sector entities to implement relevant FATF obligations, and to avoid conflict or duplication

with obligations imposed by UNSCRs or national laws, but not included under the FATF Standards. The amendments to R.1 and INR.1 also do not change or extend the existing obligations on private sector entities with respect to Recommendation 7 and to combating money laundering and terrorist financing (ML/TF) set out in Recommendations 9 to 23.

8. 本指引不具拘束力，並不限制國家權責機關及私部門實體從事資助武擴風險評估及對已辨識之風險採取適當行動之自由。本指引承認評估或抵減資助武擴風險並無一體適用之方法。各國及私部門實體應依據不同部門及部門內不同機構之背景、風險程度及重要性執行相關措施。以此作法將確保以與相關實體面臨之風險合乎比例之方式履行其義務，並符合其他目標（例如普惠金融）。

This Guidance is non-binding and does not restrict the freedom of national authorities and private sector entities in the conduct of their proliferation financing risk assessments and to take action as appropriate to address the risks identified. The Guidance recognises that there is no one-size-fits-all approach when assessing or mitigating proliferation financing risks. Countries and private sector entities should implement measures, having regard to the context, risk profile and materiality of different sectors and institutions within a sector. This approach would ensure the implementation of obligations in a manner that is proportionate to the risks faced by relevant entities, and be consistent with other complementary objectives such as financial inclusion.

9. FATF 國際標準提供了彈性，讓各國得免除特定類型的金融機構、指定之非金融事業或人員或虛擬資產服務提供商對於辨識、評估、監控、管理及抵減資助武擴風險之要求，前提是已證明與這類私營部門實體有關的資助武擴風險為低度。各國應考量及時及以負責任之方式運用此種彈性，並考量金融排斥之疑慮。由於風險程度會隨著時間發生變化，各國應監控此類豁免。無論如何，在所有情況下，都必須按照建議第 7 項之要求全面執行目標性金融制裁。

The FATF Standards provide flexibility to countries to exempt a particular type of financial institution, DNFBP or VASP from the requirements to identify, assess, monitor, manage and mitigate proliferation financing risks, provided there is a proven low risk of proliferation financing relating to such private sector entities. Countries should consider using this flexibility in a timely and responsive manner to take into account financial exclusion concerns. As risk profiles can change over time, countries should monitor such exemptions. Nevertheless, full application of the targeted financial sanctions as required by Recommendation 7 is mandatory in all cases.

10. 此指引並未超越或取代 *2018 FATF 打擊資助武擴指引*。除了各國及私部門實體所適用之建議第 1 項及建議注釋第 1 項相關資助武擴風險評估及抵減之新義務外，2018 年之指引仍具有相關性。

This Guidance does not supersede or replace the *2018 FATF Guidance on Counter Proliferation Financing*. The contents of

the *2018 Guidance* remain relevant, save for the new obligations relating to proliferation financing risk assessment and mitigation introduced in R.1 and INR.1 for countries and private sector entities.

11. 本指引亦認知到部分國家及私部門實體可能會選擇更廣泛地評估其暴露於資助武擴之風險，即不限於可能違反、不執行或規避目標性金融制裁。雖然如此作法是在 FATF 要求之範圍外，故不會包含在 FATF 之評估過程，但各國及私部門實體得繼續進行此類更廣泛之風險評估，並根據其框架或政策採取行動以抵減已識別之風險。

This Guidance also acknowledges that some countries and private sector entities may choose to assess their exposure to proliferation financing risks in a wider context, i.e. not limited to the potential breach, non-implementation or evasion of targeted financial sanctions. While it is outside the scope of FATF requirements and thus not going to be covered under the FATF assessment process, countries and private sector entities may continue to conduct such wider risk assessments, and take action to mitigate the identified risks, in accordance with their frameworks and policies.

目標對象、狀態及內容

Target audience, status, and contents

12. 本指引係針對以下之對象：

The Guidance is aimed at the following audience:

- a. 各國及其權責機關，包含監理機關。

Countries and their competent authorities, including supervisors;

- b. 金融機構、指定之非金融事業或人員（DNFBPs）；
以及

Financial institutions and Designated Non-Financial Businesses and Professions (DNFBPs); and

- c. 虛擬資產服務提供商（VASPs），如其未被歸類於金融機構或指定之非金融事業或人員。

Virtual Asset Service Providers (VASPs) if they are not classified as financial institutions or DNFBPs.

- 13. 本指引係著重於 2020 年 10 月公布之建議第 1 項以及建議注釋第 1 項所規定之資助武擴風險評估及抵減之新義務，並由以下三個部分組成：

The Guidance is focused on new obligations under R.1 and INR.1 on proliferation financing risk assessment and mitigation introduced in October 2020. It consists of the following three sections:

- a. 第一節：資助武擴風險評估；

Section 1: Assessment of proliferation financing risks;

- b. 第二節：抵減資助武擴風險；以及

Section 2: Mitigation of proliferation financing risks;
and

- c. 第三節：資助武擴風險評估及抵減之監理。

Section 3: Supervision of proliferation financing risk assessment and mitigation.

- 14. FATF 於 2021 年 6 月採用現行指引。

The FATF adopted the present Guidance in June 2021.

第一節：資助武器擴散風險評估

SECTION ONE: ASSESSMENT OF PROLIFERATION FINANCING RISKS

簡介 Introduction

15. 定期辨識、評估以及瞭解資助武擴風險，對於加強各國或私部門防止參與大規模毀滅性武器擴散之經指名之人及實體⁵從事籌集、儲存、移動及使用資金以及其他金融資產之能力至關重要。執行武擴及資助武擴目標性金融制裁對於強化打擊資助武擴制度而言是極為重要的。

Identifying, assessing, and understanding proliferation financing risks on a regular basis is essential in strengthening a country's or private sector's ability to prevent designated persons and entities⁵ involved in Weapons of Mass Destruction (WMD) proliferation from raising, storing, moving, and using funds, and thus other financial assets. The implementation of TFS related to proliferation and its financing is essential for a stronger Counter Proliferation Financing (CPF) regime.

16. FATF 國際標準建議第 1 項要求各國需指定權責機關或機制進行協調風險評估之行動，並運用資源確保能有效抵減風險，以做為洗錢及資恐風險評估之一環。FATF 於 2020 年 10 月更新了其標準（建議第 1 項），要求各國和私部門實體辨識、

⁵ 如相關聯合國安理會決議之執行部分 (OPs) 所載，成員國有義務對經指

評估及瞭解各國及各自之私部門之資助武擴風險，並採取行動抵減其風險。本節為公部門和私部門之資助武擴風險評估提供指引並提出了重要問題。⁶

The FATF Standards, under Recommendation 1, require countries to designate an authority or mechanism to co-ordinate actions to assess risks, and apply resources to ensure the risks are mitigated effectively, as part of the ML and TF risk assessments. In October 2020, the FATF updated its Standards (R.1) to require countries and private sector entities to identify, assess, and understand the proliferation financing risks for the country and respective private sector, and to take action to mitigate these risks. This section provides guidance and highlights salient issues distinctive to a proliferation financing risk assessment for both public and private sectors.⁶

名之人及實體，以及代表其行事，或受其指示或被其擁有或控制之人及實體，執行目標性金融制裁。本指引使用「經指名之人及實體」作為簡寫。As included in the operative paragraphs (OPs) of relevant UNSCRs, it is the obligation of member states to impose targeted financial sanctions on designated persons and entities, as well as persons and entities acting on their behalf, at their direction, or owned or controlled by them. This guidance document uses “designated persons and entities” as a shorthand.

⁶ 本節建立在 FATF 先前於風險評估及反資助武擴方面之著作基礎上：2018 年 FATF 打擊資助武擴指引、2013 年 FATF 國家洗錢及資恐風險評估指引、2019 年 FATF 資恐風險評估、2008 年 FATF 資助武擴報告及 2010 年 FATF 打擊資助武擴：政策發展及諮詢現狀報告；以及聯合國安理會（UNSC）專家小組（PoE）及其他聯合國打擊武擴機構之報告。參見參考書目。

This section builds on the FATF’s previous work on risk assessments

17. FATF 國際標準就司法管轄區以及私部門實體如何評估其風險提供了彈性，且並未明確描述風險之評估方法。根據建議第 1 項中之定義，在評估違反、不執行或規避資助武擴目標性金融制裁風險時，並沒有一體適用之方法。

The FATF Standards provide flexibility in how jurisdictions and private sector entities assess their risks, and do not prescribe a risk assessment methodology. There should not be a one-size-fits-all approach in assessing risks of breach, nonimplementation or evasion of PF-TFS as per the definition in Recommendation 1.

18. 本指引之範圍涵蓋可能違反、不執行或規避建議第 7 項目標性金融制裁之風險評估。此評估可在更廣泛之一系列國家風險評估（NRAs）中作為其中的一部分進行，或以更特定之獨立評估為之。然而，FATF 國際標準不要求對更廣義的資助武擴風險⁷進行風險評估。另應注意的是，瞭解可能違反、不執行或規避資助武擴目標性金融制裁之風險評估，是一個由相關國家和私部門機構所決定之程序，且與其已進行之洗錢及資恐風險評估方法相比，可能不需要另行制定一個完全不同或全新的方法論程序。如果既有之風險評估方法足以包含

and counter proliferation financing: 2018 FATF Guidance on Counter Proliferation Financing, 2013 FATF Guidance on National Money Laundering (ML), Terrorist Financing (TF) Risk Assessment, 2019 FATF Guidance on Terrorist Financing Risk Assessment, 2008 FATF Proliferation Financing Report, and 2010 FATF Combating Proliferation Financing: A Status Report on Policy Development and Consultation; as well as reports from United Nations Security Council (UNSC) Panel of Experts (PoE) and other UN counter-proliferation bodies. See bibliography.

資助武擴風險評估，則不需要進行單獨的風險評估。

The scope of this Guidance covers the risk assessment of the potential breach, nonimplementation or evasion of TFS referred to in Recommendation 7. These assessments may be conducted as part of broader National Risk Assessments (NRAs), or more specific stand-alone assessments. However, the FATF Standards do not require a risk assessment of broader PF risks⁷. It should

⁷ 更新後的建議第 1 項，並未涵蓋更廣義之資助武擴風險，亦即「大規模毀滅性武器之擴散風險」及「資助武擴風險」。「大規模毀滅性武器之擴散」是指製造、獲取、擁有、開發、出口、轉運、中介、運輸、轉移、儲存或使用核子或生化武器及其運載工具和相關材料（包括用於非合法目的兩用技術和兩用物品）。「資助武擴」係指以大規模毀滅性武器擴散為目的，為個人或實體籌集、轉移或提供全部或一部資金、其他資產或其他經濟資源，包括其運載工具或相關材料之擴散（包括用於非合法目的兩用技術和兩用物品）。雖然 FATF 國際標準並未要求，但對大規模毀滅性武器擴散之風險及其可能融資之認識可能有助於瞭解違反、不執行或規避資助武擴目標性金融制裁（即 FATF 國際標準涵蓋之資助武擴風險之狹義定義），並協助以風險為本之措施及目標性金融制裁之執行。The broader PF risks, which are not covered in the updated Recommendation 1, refer to the risk of WMD proliferation and the risk of financing of proliferation. WMD proliferation refers to the manufacture, acquisition, possession, development, export, trans-shipment, brokering, transport, transfer, stockpiling or use of nuclear, chemical or biological weapons and their means of delivery and related materials (including both dual-use technologies and dual use goods used for non-legitimate purposes). The financing of proliferation refers to the risk of raising, moving, or making available funds, other assets or other economic resources, or financing, in whole or in part, to persons or entities for purposes of WMD proliferation, including the proliferation of their means of delivery or related materials (including both dual-use technologies and dual-use goods for non-legitimate

also be noted that a risk assessment to understand the potential risk of breach, non-implementation or evasion of PF-TFS, which is a process to be determined by the relevant country and private sector firms, may not necessarily require an entirely distinct or new methodological process, compared to how they have undertaken ML or TF risk assessments. It needs not require a stand-alone risk assessment if pre-existing risk assessment methodologies are adequate to incorporate PF risks.

評估及瞭解資助武擴風險之重要概念

Key Concepts relevant to Assessing and Understanding Proliferation Financing Risks

19. 與洗錢 / 資恐風險評估類似，各國及私部門於開始進行資助武擴風險評估前應就重要概念達成共識。本節根據 2013 年 FATF 國家洗錢及資恐風險評估指引（以下簡稱「NRA 指引」）和 2019 年 FATF 資恐風險評估指引（以下簡稱「TFRA 指引」），以及 2018 年 FATF 打擊資助武擴指引之定義，提供建議第一項規定之資助武擴風險評估之部分重要概念。

purposes. An understanding of the risk of WMD proliferation and its underlying financing, which is not required under the FATF Standards, may have a positive contribution to the understanding of the risk of the breach, non-implementation or evasion of PF-TFS (i.e. the narrow definition of PF risks covered in the FATF Standards), and assist the implementation of risk-based measures and targeted financial sanctions.

Similar to an ML/TF risk assessment, countries and private sector should have a common understanding of key concepts before conducting a proliferation financing risk assessment. This section sets out some key concepts relevant to assessing proliferation financing risks as set out in Recommendation 1, drawing from the definitions provided in the *2013 FATF Guidance on National ML and TF Risk Assessments* (hereafter “NRA Guidance”) and the *2019 FATF Guidance on Terrorist Financing Risk Assessment* (hereafter “TFRA Guidance”), as well as the *2018 FATF Guidance on Counter Proliferation Financing*.

風險 Risk

20. 資助武擴風險，與洗錢 / 資恐風險相似，可被視為由三項因子運作造成：威脅、弱點及後果。在建議第 1 項之以及本指引背景下，其係指辨識、評估以及瞭解建議第 7 項所提及可能違反、不執行或規避目標性金融制裁義務之義務。

A proliferation financing risk, similar to an ML/TF risk, can be seen as **a function of three factors: threat, vulnerability, and consequence**. In the context of Recommendation 1 and this Guidance, it refers to the obligations to identify, assess, and understand the risks of potential breach, non-implementation or evasion of the targeted financial sanctions obligations referred to in Recommendation 7.

21. 另一與任何風險評估程序相關之概念為瞭解固有風險以及剩餘風險，並如同各國及私部門機構就洗錢及資助武擴風險已

採行之類似方法，將這些概念專門應用於資助武擴風險。

Another concept relevant for any risk assessment process is the understanding of **inherent risk** and **residual risk**, and applying those concepts specifically to PF risks, in a similar way that countries and private sector firms have already done so for ML and TF risks.

- a. **固有風險**是指於採取任何抵減或減少行為人利用該風險之可能性之措施（該措施通常被稱為控制或控制措施）前之自然程度之風險。瞭解固有之風險雖未被要求及規定於標準中，但因為它可以促進對控制措施是否有效，以及在不採取控制措施之情形時，對各國或私部門機構之風險之相對應之瞭解及評估，故相當重要並且有益。對於一個國家而言，固有風險可能是指各種因素，例如與北韓以及伊朗資助武擴目標性金融制裁制度下之經指名之人及實體之密切聯繫、該國之軍民兩用商品或受出口管制商品之生產水準及此類產品的貿易模式，以及旨在執行相關聯合國安理會決議之法規漏洞。對於私部門機構而言，它可能是指私部門機構所提供之服務的性質、類型和複雜性、或其客戶之類型、其客戶及 / 或實質受益人之地理分佈，以及分配管道。

Inherent risk refers to the natural level of risk, prior to introducing any measures to mitigate or reduce the likelihood of an actor exploiting that risk – those measures are often referred to as controls or control

measures. Understanding inherent risk, though not required and specified in the Standards, is important and beneficial as it can facilitate the corresponding understanding and assessment of whether the control measures are effective, and in the case where no control measures are to be introduced, the impact of such risk to the country or to the private sector firm. For a country, inherent risk may refer to various factors, for example close links with designated persons and entities under the DPRK and Iran PF-TFS regimes, or level of production of dual use goods or goods subject to export controls in the country, and trade patterns of such products, as well as loopholes in regulations aimed at the implementation of the relevant United Nations Security Council Resolutions (UNSCRs). For a private sector firm, it may refer to the nature, types, and complexity of services provided by the private sector firm, or its customer types, geographical distribution of its customers and/or beneficial owners, and channels of distribution.

- b. **剩餘風險**是指風險抵減程序後所殘存之風險程度。瞭解剩餘風險可讓各國及私部門機構決定在其司法管轄區內或是商業運作範圍是否有效管理資助武擴風險。高度之剩餘風險表示控制措施不足，各國或私部門機構應針對該風險進行補救行動。剩餘風險的一個例子是金融機構、指定之非金融事業或人員或虛擬資產服

務提供商即使在導入強化之檢核措施後，仍無法識別受制裁之個人 / 實體。

As for **residual risk**, it refers to the level of risk, which remain after the risk mitigation process. An understanding of residual risk allows countries and private sector firms to determine if they are effectively managing proliferation financing risk within their jurisdiction or business operations. A high degree of residual risk may suggest that control measures are inadequate and that a country or a private sector firm should take remedial action to address that risk. An example of residual risk is that the financial institutions, DNFBPs or VASPs cannot identify the sanctioned individuals/entities even after introducing enhanced screening measures.

威脅、弱點及後果

Threat, Vulnerability, and Consequence

22. 2013 年 FATF NRA 指引及 2019 年 FATF TFRA 指引 列出了其他概念，即與風險評估相關的威脅、弱點及後果。以下是專屬於資助武擴風險評估之要素：

The 2013 FATF NRA Guidance and the 2019 FATF TFRA Guidance set out other concepts, namely threat, vulnerability, and consequence relevant to a risk assessment. Below are elements specific to a PF risk assessment:

- a. **威脅**是指在過去、現在或將來曾造成或有可能規避、違反或利用未能執行資助武擴目標性金融制裁之經指名之人及實體。此威脅也可能由為經指名之人及實體或代表其行事之人或實體⁸造成。其可能為實際或可能之威脅。並非所有威脅對各國及私部門機構都具有相同的風險等級。

Threat refers to designated persons and entities that have previously caused or with the potential to evade, breach or exploit a failure to implement PF-TFS in the past, present or future. Such threat may also be caused by those persons or entities⁸ acting for or on behalf of designated persons or entities. It can be an actual or a potential threat. Not all threats present the same risk level to all countries and private sector firms.

- b. **弱點**是指可被威脅利用或可能用於支持或促進違反、不執行或規避資助武擴目標性金融制裁之事項。以一個國家而言，弱點可能包括構成該國打擊資助武擴制度之法律或法規鬆散，或該國之國家背景特徵可能會為經指名之人及實體提供募集或轉移資金或其他資產的機會。例如，司法管轄區對防制洗錢 / 打擊資恐之控制薄弱，或不收集有關根據其法律成立之實體之實

⁸ 北韓資助武擴目標性金融制裁，例如聯合國安理會決議 1718 (2006) OP8(d)，涵蓋人或實體代表經指名之人及實體行事或依其指示行事。DPRK PF-TFS, i.e. UNSCR 1718 (2006) OP8(d), covers persons or entities acting on behalf or at the direction of designated persons and entities.

質受益人資訊，或是司法管轄區的犯罪、走私、詐欺或其他非法活動盛行。對於私部門機構而言，弱點可能包括特定部門、金融產品或服務類型之特徵，這些特徵對參與違反、不執行或規避資助武擴目標性金融制裁之人或實體具有吸引力。

Vulnerability refers to matters that can be exploited by the threat or that may support or facilitate the breach, non-implementation or evasion of PF-TFS. For a country, these vulnerabilities may include weaknesses in the laws or regulations that comprise a country's national counter proliferation financing regime, or contextual features of a country that may provide opportunities for designated persons and entities to raise or move funds or other assets. For example, a jurisdiction with weak AML/CFT controls or that does not collect information about the beneficial owners of entities incorporated under its laws, or a jurisdiction with a high level of crime, smuggling, fraud or other illicit activities. For private sector firms, vulnerabilities may include features of a particular sector, a financial product or type of service that make them attractive for a person or entity engaged in the breach, nonimplementation or evasion of PF-TFS.

- c. **後果**係指將資金或資產提供給經指名之人及實體之結果，這最終可能使他們得以獲取其所需之材料、物品

或系統，用以開發及維護非法核子、生化武器系統（或其運載工具），或者經指名之人或實體凍結之資產被未經授權用於資助武擴。任何違反、不執行或規避資助武擴－目標性金融制裁也可能對國家、相關部門或私部門機構之名譽造成損害，以及遭致聯合國及 / 或國家權責機關指定之制裁等懲罰措施。最終，資助武擴之後果，亦即使用大規模毀滅性武器本身，或使用大規模毀滅性武器所造成之威脅，比洗錢或其他金融犯罪的後果更嚴重，更類似於與資恐後果相關之可能生命損失。其可能因國家、管道或來源而異。

Consequence refers to the outcome where funds or assets are made available to designated persons and entities, which could ultimately allow them, for instance, to source the required materials, items, or systems for developing and maintaining illicit nuclear, chemical or biological weapon systems (or their means of delivery), or where frozen assets of designated persons or entities would be used without authorisation for proliferation financing. A breach, non-implementation or evasion of PF-TFS may also cause reputational damages to the country, relevant sector(s) or private sector firms, and punitive measures such as sanction designations by the UN and/or national authorities. Ultimately, the consequence of proliferation financing, i.e. the threat of use or the use of a weapon of mass destruction, is more

severe than that of ML or other financial crimes, and is more similar to the potential loss of life associated with the consequences of TF. It is likely to differ between countries, channels or sources.

資助武器擴散風險評估的階段

Stages of PF Risk Assessment

23. **資助武器擴散風險評估**是一種以各參與方同意之方法為基礎，用以辨識、分析和瞭解資助武擴風險之產物或過程，期望透過制定適當之措施以抵減或降低經評估的風險至較低或可接受之水準。與洗錢 / 資恐風險評估之過程相似，應將其就威脅、弱點及後果所為之全面性評估提供予政府及私部門。各國評估資助武擴風險時應具備全面性，得為各國提供打擊資助武擴之策略，並得協助有效執行以風險為本之資助武擴目標性金融制裁之措施。其亦應幫助該國及私部門機構決定與列出抵減不同風險所需資源之優先次序，以抵減不同之風險。進行資助武擴風險評估之最終目標在於確保相關聯合國安理會決議規定之資助武擴目標性金融制裁之相關措施得以完全執行，以有效避免 FATF 國際標準所規範之違反、不執行或規避與資助武擴目標性金融制裁。就範圍而言，視各國或私部門機構之情形而定，資助武擴風險評估相較洗錢 / 資恐風險評估可能更為聚焦（例如，因為應評估之風險範圍相較於洗錢 / 資恐來得小）。

A proliferation financing risk assessment is a product or

process based on a methodology, agreed by those parties involved, that attempts to identify, analyse, and understand PF risks, with a view to developing appropriate measures to mitigate or reduce an assessed level of risk to a lower or acceptable level. Similar to process of an ML/TF risk assessment, it should make informed judgments about threats, vulnerabilities, and consequences, based on thorough review of information available to governments and the private sector. For a national PF risk assessment, it should be comprehensive enough to inform national counter proliferation financing strategies, and to assist in the effective implementation of risk-based measures supporting PF-TFS. It should also help countries and private sector firms to determine and prioritise the amount of resources necessary to mitigate the different risks. The ultimate goal of conducting a proliferation financing risk assessment is to ensure full implementation of PF-TFS requirements under relevant UNSCRs, effectively preventing the breach, non-implementation or evasion of PF-TFS under the FATF Standards. In terms of scope, a PF risk assessment may likely to be more targeted than an ML/TF risk assessment (e.g. because the scope of the risk to be assessed is more narrow than that of ML/TF), depending on the context of different countries and private sector firms.

24. FATF 國際標準提供各國及私部門如何評估其資助武擴風險之彈性，並未提供特定的風險評估方法。由於風險評估程序涉及多個機關及利害關係人，且通常持續一段時間，將程序分

為不同階段並遵循結構化途徑通常是有益的。如同洗錢 / 資恐風險評估，資助武擴風險評估可依循六個重要階段進行，依序為：（1）初步界定範圍；（2）計畫及組織；（3）辨識威脅及弱點；（4）分析；（5）評估以及後續；以及（6）更新，其細節如 2013 年 FATF NRA 指引以及 2019 年 FATF TFRA 指引中所陳述。本節重點為資助武擴風險評估程序不同的特別問題。⁹

The **FATF** Standards provide flexibility in how countries and private sector assess their PF risks and do not prescribe a particular risk assessment methodology. As the risk assessment process involves a number of agencies and stakeholders, and often stretches over a period of time, it would generally be beneficial to organise the process into different stages and follow a structured approach. A PF risk assessment may follow the same six key stages as an ML/TF risk assessment. They are: (1) preliminary scoping; (2) planning and organisation; (3) identification of threats and vulnerabilities; (4) analysis; (5) evaluation and follow-up; and (6) update, which are elaborated in both the *2013 FATF NRA Guidance and 2019 FATF TFRA Guidance* in great detail. This section will focus on salient issues distinctive to the PF risk assessment process.⁹

⁹ 各國及私部門得參考 2013 年 FATF NRA 指引第 2 部份及 2019 年 FATF TFRA 指引第 1 部份所規定，關於第一階段及第二階段之初步界定範圍及目標設定以及計畫及組織；以及 NRA 指引之第 4 部份及第 5 部份，就第三階段到第五階段之辨識、分析及結果之一般討論。

界定優先範圍 Preliminary Scoping

25. 在 2020 年 10 月修訂 FATF 國際標準之前，僅有少數國家及私部門機構完成該國或私部門資助武擴風險評估¹⁰。與洗錢/資恐風險評估相同，強烈建議各國及私部門機構於開始評估之前，應先進行範圍界定工作，以確定評估的**目標、範圍和重點**。此項作業得考慮可能採用之方法以及各國或私部門之背景之適用性等問題。在此階段，公部門¹¹及私部門皆可以考量其國內之情況，包括各國所面臨之特有的威脅以及弱點、各國之反武擴背景，以及更廣義之反武擴及反資助武擴之活動、策略，以及各部門、公司以及客戶資料。

Prior to the amendments of the FATF Standards in October 2020, only a limited number of countries and private sector firms have completed a national or private sector PF risk assessment.¹⁰ As with an ML/TF risk assessment, countries, and private sector

Countries and private sector are encouraged to refer to Part 2 of the 2013 FATF NRA Guidance and Part 1 of the 2019 FATF TFRA Guidance concerning stages 1 and 2 for guidance on preliminary scoping and objectives setting, and planning and organisation; and Parts 4 and 5 of the NRA Guidance for more generic discussion on stages 3 to 5 on identification, analysis, and outcome.

¹⁰ 自本指引公布之日起，以下司法管轄區已公布資助武擴風險評估。其為開曼群島、直布羅陀、拉脫維亞、葡萄牙和美國。此資助武擴風險評估尚未於 FATF 相互評鑑和評估過程中進行評估。

The following jurisdictions have publicly released a PF risk assessment as of the publication of this Guidance. They are Cayman Islands, Gibraltar, Latvia, Portugal and the United States. These PF risk assessments have not been assessed in the FATF Mutual Evaluations and assessment processes.

firms are strongly encouraged to conduct a scoping exercise first to determine the **objectives, scope, and focus of the assessment** before commencement. This exercise may consider issues such as potential methodologies and their applicability in the national or private sector context. At this stage, both public¹¹ and private sectors may take into account their domestic circumstances, including the unique national threat profile and vulnerabilities, national counter proliferation context and wider counter proliferation and counter proliferation financing activities and strategies, as well as sector, company, and customer profiles.

26. 鑑於關於違反、不執行或規避與資助武擴目標性金融制裁態樣之文獻有限，故進行**背景分析**以作為範圍界定之一部，對公部門和私部門機構都有益。¹² 政府及私部門得將分析重點放在檢視近期聯合國安理會專家小組（PoE）自北韓及伊朗相關報告中辨識出關於違反、逃避或規避目標性金融制裁之近期方法、趨勢以及態樣、其他司法管轄區既有之資助武擴風險評估、其他違反、逃避或規避目標性金融制裁之常見態樣、近期相關案例，以及相關高等教育機構所發布的實例說明，並將該等資訊應用於國家或商業環境。各國及私部門亦應辨識於風險評估過程中所試圖解決之訊息及資訊落差。資

¹¹ 對於國家風險評估而言，得就是否單獨對資助武擴風險進行單獨評估，或當作更廣泛的國家風險評估，包括洗錢及資恐風險之一部分，一併評估考量與決定。

For a national risk assessment, it may include considerations and decision of whether the PF risk is to be assessed standalone, or as part of a broader NRA that includes an ML and a TF risk assessment.

助武擴風險評估亦可能包含聯合國安理會決議所規範之資助武擴之目標性金融制裁義務¹³ 適用之金融機構、指定之非金融事業或人員、虛擬資產服務提供商以及其產品或服務，供權責機關辨識相關機關或部門利害關係人參與該過程。此外，資助武擴風險評估亦可考量各國及區域特有之資助武擴威脅背景，以及不同產業間之重要性及重大性。

Given the limited literature on typologies of the breach, non-implementation or evasion of PF-TFS, conducting a **contextual analysis** as part of scoping may be beneficial for both public and private sectors.¹² Governments and private sector firms may focus their analysis on reviewing various recent methods, trends, and typologies of the breach, non-implementation or evasion of PF-TFS identified in the UNSC Panels of Experts (PoE) on DPRK and Iran's reports, existing available PF risk assessments prepared by other jurisdictions, other typologies common to TFS breaching, circumvention or evasion, and where relevant recent case examples and, where relevant, illustrated examples published by tertiary institutes, and apply the information therein to the national or business context. Countries and private sector firms should also identify information and data gaps that they should attempt to address while going through the risk assessment process. A PF risk assessment may also include a mapping of the

¹² 依據截至目前為止已發布之 FATF MERs 之檢視。
Based on review of FATF MERs published to date.

UNSCR PF-TFS obligations¹³ applicable to financial institutions, DNFBPs and VASPs and their products or services, allowing the authorities to identify relevant agency and sector stakeholders to participate in the process. In addition, it may consider the unique national and regional PF threat profile, and the importance and materiality of different sectors.

計畫與組織 Planning and Organization

27. 系統化及一致性之程序，對資助武擴風險評估非常重要。在開始評估資助武擴風險前，各國及私部門機構得準備專案計畫並辨識來自不同機關（構）/部門及利害關係人之相關人員¹⁴。在私部門機構內，利害關係人機構得包括但不限於：銀行、金錢或價值移轉服務（MVTs）機構¹⁵、保險公司、信託及公司服務業者以及律師。在機構層面，資助武擴風險評估可能包括法令遵循人員、高級行政主管、董事會成員、相關業務負責人和面對客戶之代表人員（例如，銀行之理專）。各國及私部門機構亦可設計用於收集資料以及後續分析及更新之機制；並且記錄調查結果。此將有助於精進方法，並隨著時間對結果進行比較。考慮到各國及私部門機構可能係準備其第一次資助武擴風險評估，且某些訊息及調查結果可能具有敏感性，各國得考慮制定在機構之間共享風險評估方法之

¹³ 2018年FATF打擊資助武擴指引提供了有關聯合國安理會決議之資助武擴之目標性金融制裁要求清單。詳見該指引之附件C。

The 2018 FATF Guidance on Counter Proliferation Financing provides a list of requirements of UNSCR TFS of proliferation financing. See Annex C of the 2018 Guidance for details.

機制、分析及評估結果並在適當的情況下與金融機構、指定之非金融事業或人員以及虛擬資產服務提供商共享。例如，透過閉門簡報討論評估之結果。此外，各國得考慮在可能的時候公開其評估¹⁶ 資助武擴風險之結果（或該結果已經篩選處理過的版本），並開發一個安全的平台，以便在可能¹⁷ 之情況下，與金融機構、指定之非金融事業或人員以及虛擬資產服務提供商進行持續的參與、協商和資訊共享。此類資訊之揭露及共享將促進對資助武擴風險之理解和對打擊資助武擴要求之遵守。對於首次進行資助武擴風險評估之國家，其亦可考慮與其他具有資助武擴風險評估經驗之類似司法管轄區或具有類似資助武擴風險曝險之司法管轄區交流或接觸，以便利用其經驗、已學到之教訓、良好做法，幫助改進其評估方法。

A systematic and consistent process is crucial to a meaningful PF risk assessment. Prior to the commencement of a PF risk assessment, countries and private sector firms may wish to prepare a project plan and identify the relevant personnel from different agencies/departments and stakeholders.¹⁴ Within the

¹⁴ 2018 年 FATF 打擊資助武擴指引提供共同參與執行關於資助武擴之聯合國安理會決議之機構或當局之名單。各國資助武擴風險評估之主要單位應使相關機構或權責機關參與風險評估程序，以便收集／統計數據，並就分析初稿提供回饋。這些機構或當局也將有助於在整個風險評估過程中與各相關產業之利害關係人者接觸。詳細資訊請參閱第 56 段。
The 2018 FATF Guidance on Counter Proliferation Financing provides a list of agencies or authorities commonly involved in the implementation of UNSCRs on proliferation financing. The leading agency of a national PF risk assessment should involve these agencies or authorities in the risk assessment processes in terms of data/statistics collection, and providing

private sector, stakeholder firms may include, but are not limited to: banks, money or value transfer service (MVTS) institutions,¹⁵ insurance companies, trust and company service providers and lawyers. At the firm level, a PF risk assessment may include, in addition to compliance staff, senior executive leadership, members of the board of directors, heads of relevant business lines, and representatives of customer facing personnel (for example, relationship managers at a bank). Countries and private sector firms may also devise a mechanism for data collection and subsequent analysis and update; and for documenting the findings. This would facilitate the refinement of the methodology, and comparison of findings over time. Considering that countries and private sector firms may be preparing their first PF risk assessments, and some of the information and findings may be of sensitive nature, countries may consider developing a mechanism for sharing the methodology, analysis, and results of the risk assessment among agencies and with financial institutions, DNFBPs and VASPs where appropriate. For example, through

feedback on draft analysis. These agencies or authorities would also be helpful in engaging their respective industry stakeholders throughout the risk assessment process. See paragraph 56 for details.

¹⁵ 實務上，貿易公司可能作為金錢或價值移轉服務營運，並利用其銀行帳戶為其交易夥伴轉移資金。

Trading companies might, sometimes in practice, operate as MVTS institutions and rely upon their bank accounts to transmit funds on behalf of their trading partners.

closed-door briefings to discuss outcomes of the assessment.¹⁶ In addition, countries may consider making available the results of their PF risk assessment in the public domain (or a sanitised version of the results) where possible,¹⁷ as well as developing a secured platform to allow ongoing engagement, consultations, and information sharing with financial institutions, DNFBPs and VASPs, where appropriate, to the extent possible. The publication and sharing of such information will promote the understanding of PF risks and compliance with CPF requirements. For countries conducting their first PF risk assessments, they may also consider liaising or engaging with other similar jurisdictions that have experiences in PF risks assessments, or jurisdictions that share similar PF risk exposure to leverage of their experiences, lessons-learnt, good practices to help refine their assessment methodology.

¹⁶ 考量到恐怖主義及資助武擴相關資訊本質上之機密性，2019 年 FATF TFRA 指引提供為解決資訊共享之困難可採取之途徑之相關內容。詳情見第 26 段。

The 2019 FATF TFRA Guidance provides content on approaches taken to overcome information sharing challenges considering the necessary confidential nature of terrorism and TF related information. See paragraph 26 for details.

¹⁷ 具有機密成分的風險評估可能會被遮蓋或摘要以分派給金融機構、指定之非金融事業或人員以及虛擬資產服務提供商，並且可能需要進一步調整以使此類評估可供更廣泛的公共使用。

Risk assessments with classified components may be redacted or summarised for dissemination to financial institutions, DNFBPs and VASPs, and that further adaptation may need to be made for such assessments to be made available for broader, public consumption.

識別 Identification

a) 威脅 Threats

28. 對於國家及私部門機構資助武擴風險評估而言，作為識別程序之良好基礎，首先需先從編一份主要已知或可疑之威脅清單開始，包括已知之已被利用之關鍵產業、產品或服務，經指名之人或實體所從事之類型及活動，以及經指名之人或實體未被剝奪或被識別資產之主要原因。此特別有用，因為建議第七項及與北韓相關之聯合國安理會決議之資助武擴目標性金融制裁要求，不僅關注於經指名之人及實體，亦及於代表其行事之人或實體。

A good foundation of the identification process, for both national and private sector firm PF risk assessments, is to begin by **compiling a list of major known or suspected threats**; key sectors, products, or services that have been exploited; types and activities that designated individuals/entities engaged in; and the primary reasons why designated persons and entities are not deprived of their assets or identified. This is especially useful as the R.7 and DPRK-related UNSCR PFTFS requirements focus not only on the designated persons and entities, but also persons and entities acting on their behalf.

29. 雖然識別資助武擴之威脅的方法可能類似於洗錢 / 資恐的方法¹⁸，但國家和私部門機構應注意資助武擴威脅之性質與洗錢 / 資恐之威脅有很大的不同。不像洗錢及資恐之威脅，資助武擴之威脅可能來自聯合國安理會相關決議（即北韓和伊朗）指名之人及實體，以及他們為了掩飾其活動而創造之國

際網絡；其亦可以間接與經指名之人及實體相關¹⁹。因此，經指名之人及實體之融資需求和方法可能不一定與洗錢者及恐怖分子之融資需求及方法相同。在可能違反、不執行或規避與資助武擴目標性金融制裁之情況下，各國及私部門機構應注意，資金可能來自合法及非法之活動，用以募集資金或取得外匯，且該資金可能未必涉及洗錢。以利用合法活動為例，其可能包括採購或交易軍民兩用貨物或受出口管制²⁰之貨物，或進行違反相關聯合國安理會決議²¹之自然資源貿易。至於非法活動，可能的例子包括走私現金²²、黃金和其他高價值商品²³、網路攻擊²⁴、販毒²⁵、出口武器及自然資源，例如沙子²⁶等。這些活動可能發生在多個司法管轄區。通常經指名之員或實體使用空殼公司及前台公司進行此類業務。該等策略，目的是為掩蓋經濟資源、資產和資金最終提供給經指名之人或實體之事實。

While the **methodology** of identifying PF threats could be similar to that of ML/TF¹⁸, countries and private sector firms should note that the **nature of PF threats** is significantly different from ML/TF threats. Unlike ML and TF threats, PF threats can be posed by persons and entities designated pursuant to relevant UNSCRs (i.e. DPRK and Iran) and the international networks they have created to disguise their activities; and can also be indirectly related to designated persons and entities¹⁹. As

¹⁸ 2013 FATF NRA 指引解釋可用於辨識階段的兩種不同途徑。詳見第 47 段到第 49 段。

The 2013 FATF NRA Guidance explains two different approaches that can be used at the identification stage. See paragraphs 47 to 49 for details.

¹⁹ 舉例來說，北韓之資助武擴目標性金融制裁（例如，聯合國安理會第

a result, the financing needs and methods of designated persons and entities may not necessarily be the same as those of money launderers and terrorists. In the context of potential breach, non-implementation or evasion of PFTFS, countries and private sector firms should note that the financing can be sourced from both legitimate and illegitimate activities for raising funds or for obtaining foreign exchange, and may not necessarily involve laundering of proceeds. Possible examples of exploitation of legitimate activities may include procuring or trading of dual-use goods or goods subject to export control²⁰ or the trade in

1718 號 (2006) 決議規定由經指名之人或實體直接或間接擁有或控制之資金、其他金融資產及經濟資源皆包括在內。FATA 標準 (R.7.2(b)) 規定適用於北韓及伊朗，具體規定凍結資產之義務擴張到其他範圍，包括『(ii) 經指名之人或實體自己所有或共有，或直接或間接擁有或控制之資金或其他資產；(iii) 經指名之人或實體直接或間接擁有或控制之資金或其他資產所衍生或產生之資金或其他資產，以及 (IV) 代表經指名之人或實體行事或受其指示之人及實體之資金或其他資產。』For example, the DPRK PF-TFS (e.g. UNSCR 1718 (2006)) stipulates that funds, other financial assets and economic resources that are owned or controlled, directly or indirectly, by designated persons and entities are covered. The FATF Standards (R.7.2(b)), applicable to both the DPRK and Iran regimes, specify that the freezing obligations should extend to, among other things, “(ii) those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities; and (iii) the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities, as well as (iv) funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.”

²⁰ 軍民兩用貨物或受出口管制的貨物的例子可見於 2008 年 FATF 資助武

natural resources in contravention of relevant UNSCRs.²¹ As for illegitimate activities, possible examples may include smuggling of cash,²² gold, and other highvalue goods,²³ cyberattacks,²⁴ drugs

擴態樣報告（第7頁），或其他國際機構，如核能供應者集體管制清單、澳大利亞集體共同管制清單、導彈技術管制制度指引及設備、軟體和技術附件。

Examples of dual-use goods or goods subject to export control can be found in the 2008 FATF Typologies Report of Proliferation Financing (page 7), or other international bodies such as Nuclear Suppliers Group Control Lists, the Australia Group Common Control Lists, Missile Technology Control Regime Guidelines and the Equipment, Software and Technology Annex.

²¹ 聯合國安理會 1718 號決議專家小組報告提供了範例，包括出售可用於紀錄及複製聲音及影像之高階電機、電子設備。

UNSCR 1718 PoE Report provides example, amongst others, sale of high-end electrical/electronic apparatus for recording and reproducing sound and images.

²² 聯合國安理會 1718 號決議專家小組報告。

UNSCR 1718 PoE Report.

²³ 聯合國安理會 1718 號決議專家小組報告提供了範例，包括出售豪華遊艇。

UNSCR 1718 PoE Report provides example, amongst others, sale of luxury yachts.

²⁴ 聯合國安理會 1718 號決議專家小組報告識別出北韓曾經使用網路攻擊，藉以非法強迫金融機構和虛擬資產服務提供商（交易所）轉移資金，並以此規避金融制裁及獲取外匯。此類攻擊已成為規避制裁之重要工具，自 2016 年以來，其複雜程度和規模不斷加大。

UNSCR 1718 PoE Report identifies that the DPRK had been using cyberattacks to illegally force the transfer of funds from financial institutions and VASPs (exchanges), as a means to evade financial sanctions and to gain foreign currency. Such attacks have become an important tool in the evasion of sanctions and have grown in sophistication and scale since 2016.

trafficking,²⁵ export of arms and natural resources such as sand,²⁶ etc. These activities can occur across multiple jurisdictions. Frequently, designated persons and entities use front and shell companies to conduct such businesses. Doing so is a deliberate strategy to obscure the fact that economic resources, assets, and funds are being ultimately made available to designated persons or entities.

30. 各國和私部門機構應注意不同的國家和私部門機構有各自之不同的風險狀況，並將面對不同類型與程度之資助武擴威脅。因此，鼓勵於收集威脅資訊²⁷時，採取整體辦法，並利用與國內、區域及國際武擴籌資威脅有關之現有資訊來源。

Countries and the private sector should note that different countries and private sector firms would have its own different risk profiles and would face different types and extent of proliferation financing threats. They are therefore encouraged to

²⁵ 聯合國安理會 1718 號決議專家小組報告。

UNSCR 1718 PoE Report.

²⁶ 聯合國安理會 1718 號決議專家小組報告。例如，2020 年 3 月報告，列舉了北韓如何繼續透過非法海上出口商品，特別是煤炭和沙子，規避聯合國安理會，以及「該類交易過去提供收入以挹注該國核能及彈道導彈之方案」。

UNSCR 1718 PoE Report. For example, the March 2020 report provides examples, among other things, of how the DPRK has continued to evade UNSCRs through illicit maritime export of commodities, notably coal and sand, and that “such sales provide a revenue stream that has historically contributed to the country’s nuclear and ballistic missile programmes”.

take a holistic approach when gathering threat information,²⁷ and to draw on available information sources relating to domestic, regional, and international proliferation financing threats.

為何資助武擴風險評估與幾乎沒有已知或疑似違反、不執行或規避與資助武擴目標性金融制裁之國家相關

Why is a proliferation financing risk assessment relevant in countries with little to no known or suspected breach, non-implementation or evasion of PF-TFS?

特定國家沒有涉及已知或疑似違反、不執行或規避與資助武擴目標性金融制裁，並不代表該國家或私部門機構面臨較低或無任何資助武擴之風險。經指名之人及實體利用各種不斷改變之方法掩飾其非法活動，並且利用其所控制之網路，有意的在多個司法管轄區進行活動。因此，各國及私部門機構仍應考量在其管轄範圍內或透過客戶關係或使用其產品，直接或間接向個人或實體提供資金之可能性。儘管缺乏當地案例研究，為了更瞭解這些可能的曝險，各國和私部門機構亦可利用情境建構等

²⁷ 2019 年 FATF TFRA 指引提供了權責機關在識別資恐威脅時所收集的資訊，得適用於資助武擴目的。詳見第 31 段及第 32 段。

The 2019 FATF TFRA Guidance gives examples of information gathered by authorities when identifying TF threats, which could be adapted for PF purposes. See paragraphs 31 and 32 for details.

技術，或與國內或區域營運專家進行焦點團體討論，以評估其資助武擴風險。專家小組（POE）報告（例如，執行聯合國安理會第 1718 號（2006 年）決議及聯合國安理會第 1874 號（2009 年）決議以及相關決議之專家小組）亦強調可能使國家或是公司暴露於資助武器擴散風險當中之方法。以下是聯合國安理會專家小組報告提供的案例。

The absence of cases involving known or suspected breaches, nonimplementation or evasion of PF-TFS in a particular country does not necessarily mean that a country or a private sector firm faces low or any proliferation financing risk. Designated persons and entities have made use of diverse and constantly evolving methods to disguise their illicit activities, and the networks they control deliberately spread their operations across multiple jurisdictions. Consequently, countries and private sector firms should still consider the likelihood of funds being made available directly or indirectly to these persons or entities in their jurisdictions or through customer relationships or use of their products. To better understand this potential risk exposure, countries and private sector firms may also make use of techniques such as scenario building, or focus groups with domestic or regional operational experts, to assess their proliferation financing risks despite the lack of local case studies. Reports of the Panels of Experts (PoE) (e.g. PoEs carrying out the mandate

specified in UNSCR 1718 (2006) and UNSCR 1874 (2009) and relevant resolutions) also highlight the methods which may expose a country or a firm to PF risks. Below is an example illustrated in UNSC PoE Report.

北韓國營之對外貿易銀行（FTB）之活動凸顯了此風險，雖然 FTB 已被指名，但已在多個司法管轄區經營多個前台分支機構，而且透過美國金融系統洗錢，以獲取北韓武器計劃所需之組件。FTB 在國外設有通匯銀行帳戶及代表處，以設置前台公司進行交易。在 2020 年 6 月，美國政府最後以各前台公司所持有之通匯帳戶為 FTB 所最終控制為由，凍結該通匯帳戶中之數百萬美元。這些公司在亞洲、中東以及歐洲均有從事業務。

The activities of DPRK state-owned Foreign Trade Bank (FTB) highlights this risk. FTB, despite its designated status, has operated multiple cover branches in several jurisdictions and was the centrepiece of efforts to launder money through the United States (U.S.) financial system in order to acquire components for the DPRK's weapons programmes. FTB maintained correspondent bank accounts and representative offices abroad that created and staffed front companies to conduct transactions. In June 2020, U.S. authorities seized millions of dollars held in correspondent accounts in the names of front companies that were ultimately controlled by FTB. The companies involved operated in Asia, Middle East, and Europe.

備註：有關低風險之抵減風險措施之指引，詳見第 2 節（第 66 段到第 67 段）。2019 年 FATF TFRA 指引亦就無（或疑似）恐怖主義或資恐案件之司法管轄區域，分別提供指引（第 34 段到第 35 段）。

Remarks: See Section 2 for guidance on risk mitigation measures in case of low risks (paragraphs 66-67). The *2019 FATF TFRA Guidance* has separately provided guidance on considerations for jurisdictions with no or very few known (or suspected) terrorism or TF cases (paragraphs 34-35).

31. **可能的資訊來源**，可能包括實際發生或已知之態樣；涉及違反、不執行或規避與資助武擴目標性金融制裁之案件類型、計畫或情形之摘要；以及經聯合國安理會決議指名與資助武擴目標性金融制裁之人及實體²⁸。以下指標表建立於 2018 年 FATF 反資助武擴指引之基礎上，列出了可能違反、不執行或規避與資助武擴目標性金融制裁可能之活動情形。

Potential information sources may include actual or known typologies; summaries of case types, schemes, or circumstances involved in the breach, nonimplementation or evasion of PF-TFS; and designated persons and entities targeted by relevant UNSCR PF-TFS.²⁸ The table of indicators below, built on the *2018 FATF*

²⁸ 可用的資源包括：2008 年 FATF 資助武擴態樣報告以及 2018 年 FATF 反資助武擴指引，以及這兩份報告所引用的參考資料、近期聯合國安理會第 1718 號決議專家小組報告等。2019 年 FATF TFRA 指引分別就資恐內容之資訊蒐集程序提供建議方法與應考量之事項（詳見第 2 部分）。

Guidance on Counter Proliferation Financing, sets out situations indicating possible activities of the potential breach, non-implementation or evasion of PF-TFS.

- a. 對於國家資助武擴風險評估而言，建議主管機關使用既有之金融情報以及執法機關資料。就瞭解資助武擴威脅的重要性而言，海關文件（例如，報關單）將提供違反、不執行或規避與資助武擴目標性金融制裁如何發生之額外資訊。另一重要來源，如有，乃關於 (i) 全球、區域和國家武擴威脅； (ii) 經指名之人及實體以及代表其行事，或受其指示之人以及與有武擴疑慮國家（即北韓和伊朗）密切聯繫之人員及實體資金來源、金流及其使用； (iii) 可能資助武擴活動之情報（如果有的話，可包括來自外國情報機構之情報）之國內外情報。此資訊可能不會立即揭露明顯與資助武擴相關之活動，但與建構威脅及弱點之整體情況相關。自私部門機構所蒐集之情報亦相當重要，因私部門機構可能握有違反目標性金融制裁或相關態樣之資訊。

For a **national PF risk assessment**, authorities are also encouraged to make use of available financial intelligence and law enforcement data. Important to

Useful sources may include: The 2008 FATF Typologies Report on PF and the 2018 FATF Guidance on CPF as well as the reference materials quoted in these two reports, recent UNSCR 1718 PoE reports, etc. The 2019 FATF TFRA Guidance has separately provided guidance on good approaches and considerations during the information collection process in the TF context (see Part 2).

the understanding of PF threats, customs documents (e.g. customs declaration) would provide additional information on how the breach, non-implementation or evasion of PF-TFS activities could occur. Another important source, where available, is domestic and foreign intelligence on (i) global, regional, and national proliferation threats; (ii) source, movement, and use of funds by designated persons and entities, as well as those acting on their behalf or at their direction, and with close connections to countries of proliferation concerns (i.e. DPRK and Iran); and (iii) intelligence on potential PF activities (including those from foreign intelligence agencies, where available). This information may not immediately reveal apparent PF-related activity, but may be relevant to building an overall picture of threats and vulnerabilities. Information gathered from the private sector is also important, as private sector firms may have information on the breach of TFS or relevant typologies.

- b. 對於**私部門機構之資助武擴風險評估**，公司及集團範圍之資料庫包括於初始及持續（特別是法人及協議之實質受益權）之客戶審查（CDD）所蒐集的客戶審查（CDD）資訊，以及如有，亦包含涉及銷售軍民兩用物品或受到出口管制之物品之交易記錄。另一個可能之重要來源為威脅分析報告、國家資助武擴風險評估以及涉及違反、不執行或規避與資助武擴目標性金融

制裁案件之監理機關公告。為識別經指名之人員及實體，及代表其行事或受其指示之人之內部控制規定，亦可能與遵循資助武擴風險相關之目標性金融制裁相關。

For a **PF risk assessment by a private sector firm**, firm and group-wide databases containing customer due diligence (CDD) information collected during the on boarding and ongoing due diligence (particularly the beneficial ownership of legal persons and arrangements), and, if available, transaction records involving the sale of dual-use goods or goods subject to export control would be relevant. Another possible important source could be threat analysis reports, national PF risk assessments, and supervisory circulars on cases involving the breach, non-implementation or evasion of PF-TFS. Internal controls rules designed to identify designated persons and entities and those acting on their behalf or at their direction may also be relevant for compliance with PF-TFS.

**可能違反、不執行或規避與資助武擴目標性金融制裁之
指標**

**Indicators of the potential breach, non-implementation
or evasion of PF-TFS**

風險指標可顯示或暗示已發生異常或可疑活動之可能性。與客戶或交易相關之單一獨立指標之存在，並不能單獨證實資助武擴之嫌疑，單一指標也不一定能提供此類活動的明確指示，但如有需要，應進一步進行監測和檢查。相同的，如有數個指標發生（特別是來自於多個類別），應進行進一步檢查。一項或多項指標是否即代表資助武擴，亦取決於該機構提供之業務線、產品或服務；它如何與客戶互動；以及該機構之人力和技術資源。

A risk indicator demonstrates or suggests the likelihood of the occurrence of unusual or suspicious activity. The existence of a single standalone indicator in relation to a customer or transaction may not alone warrant suspicion of proliferation financing, nor will a single indicator necessarily provide a clear indication of such activity, but it could prompt further monitoring and examination, as appropriate. Similarly, the occurrence of several indicators (especially from multiple categories) could also warrant closer examination. Whether one or more of the indicators suggests proliferation finance is also dependent on the business lines, products or services that an institution offers; how it interacts with its customers; and on the institution's human and technological resources.

以下羅列之指標皆與公部門或私部門機構相關。對後者而言，該等指標與金融機構、指定之非金融事業或人員以及虛擬資產服務提供商相關，不論是屬於小型、中型或大型集團。在

私部門機構，這些指標旨在提供負責法令遵循、交易篩選及監控、調查分析、客戶關係建立及管理，及其他避免金融犯罪之領域使用。

The indicators listed below are relevant to both the public and private sectors. With respect to the latter, the indicators are relevant to financial institutions, designated non-financial businesses and professions and virtual asset service providers, regardless of whether they are small and mid-size businesses or large conglomerates. Within the private sector, these indicators are intended to be used by personnel responsible for compliance, transaction screening and monitoring, investigative analysis, client onboarding and relationship management, and other areas that work to prevent financial crime.

部分風險指標需要進行各種資料元素（例如，金融交易、海關資料以及公開市場價格）之交互比對。基於這種對於外部資料的依賴，私部門機構可能無法察覺所有以下已辨識之指標。對於某些風險指標而言，私部門機構需要權責機關提供之額外背景資訊，例如透過公 - 私部門夥伴關係以及執法單位及金融情報單位之合作。這些風險指標在程度上可能有所不同且權重不會一致，部分指標可能較重要，而其他可能較不重要。於使用這些指標時，私部門實體亦應考量客戶資料的整體狀況，包括自客戶盡職調審查程序所獲得之客戶資訊、交易中所涉及之交易融資方法，以及其他相關之背景風險因素。其中部分風險指標不一定與違反、不執行或規避資助武擴目標性金融制裁有關，因此不是強制性的，但可能有助於

私部門機構瞭解更廣泛的風險。該清單並不完整且僅根據 *2018 FATF 打擊資助武擴指引（附件 A）* 就近期規避制裁之態樣，羅列最新之常見指標（例如利用空殼公司）。此列表應與本指引關於風險抵減之第 2 部分一起閱讀。

Some of the risk indicators require the cross-comparison of various data elements (e.g. financial transactions, customs data, and open market prices) often held in external sources. Due to this reliance on external data, the private sector will not observe all of the indicators identified below. For some of the risk indicators, the private sector will need additional contextual information from competent authorities, e.g. via public-private partnership and engagement with law enforcement authorities or financial intelligence units. These risk indicators may vary in degree and may not always weigh equal, with some potentially highly indicator and others less so. In using these indicators, private sector entities should also take into consideration the totality of the customer profile, including information obtained from the customer during the due diligence process, trade financing methods involved in the transactions, and other relevant contextual risk factors. Some of these risk indicators do not necessarily correspond to the breach, non-implementation, or evasion of PF-TFS, and are therefore not mandatory, but could be helpful to the private sector in understanding the wider risks. This list is by no means exhaustive and highlights only the most up-to-date and prevalent indicators (e.g. the use of shell companies)

based on recent typologies of sanctions evasion, following the publication of the *2018 FATF Guidance on Counter Proliferation Financing (Annex A)*. This list should be read in conjunction with Section 2 of this Guidance on risk mitigation.

- **客戶資料風險指標**

- **Customer Profile Risk Indicators**

- 在接受客戶時，客戶就欲從事之交易活動，提供模糊或不完整之資訊。客戶在經詢問後，不願意提供其活動之相關額外資訊。

- During on-boarding, a customer provides vague or incomplete information about their proposed trading activities. Customer is reluctant to provide additional information about their activities when queried;

- 在盡職調查的後續階段，客戶（尤其是貿易實體）之所有人或資深管理人員出現在受制裁名單或負面新聞。例如過去之洗錢案件、詐欺或其他犯罪活動，或正在進行或過去之調查或有罪判決，包括出現於出口管制制度之禁止人員清單。

- During subsequent stages of due diligence, a customer, particularly a trade entity, its owners or senior managers, appear in sanctioned lists or negative news, e.g. past ML schemes, fraud, other criminal activities, or ongoing or past investigations

or convictions, including appearing on a list of denied persons for the purposes of export control regimes;

- o 客戶為與武擴或散布疑慮之國家相關之人，例如透過業務或貿易關係—該資訊可從國家風險評估程序或相關國家打擊資助武擴權責機關取得；

The customer is a person connected with a country of proliferation or diversion concern, e.g. through business or trade relations – this information may be obtained from the national risk assessment process or relevant national CPF authorities;

- o 客戶交易軍民兩用貨物或受出口管制物品或複雜設備之貨物，但其缺乏技術背景，或與其說明之活動範圍不一致；

The customer is a person dealing with dual-use goods or goods subject to export control goods or complex equipment for which he/she lacks technical background, or which is incongruent with their stated line of activity;

- o 客戶從事複雜之買賣交易，該等交易涉及大量第三方中介機構，而與其在建立客戶關係時宣稱之商業背景不符；

A customer engages in complex trade deals

involving numerous third-party intermediaries in lines of business that do not accord with their stated business profile established at onboarding;

- o 客戶或其交易對手宣稱其經營商業，從事看似為匯款業務或直付帳戶之交易。這些帳戶涉及大量快速流動、日結金額很小，且沒有明確理由之交易。在某些情形，交易活動相關之匯款人似乎是與國家資助之武擴計畫相關的實體（例如在有武擴或散布疑慮之國家附近經營之空殼公司），而受益人似乎與受出口管制之製造商或託運人相關；

A customer or counterparty, declared to be a commercial business, conducts transactions that suggest that they are acting as a money-remittance business or a pay-through account. These accounts involve a rapid movement of high volume transactions and a small end-of-day balance without clear business reasons. In some cases, the activity associated with originators appear to be entities who may connected a state-sponsored proliferation programme (such as shell companies operating near countries of proliferation or diversion concern), and the beneficiaries appear to be associated with manufacturers or shippers subject to export controls;

- 附屬於大學或研究機構之客戶，從事軍民兩用或出口管制商品之貿易。

A customer affiliated with a university or research institution is involved in the trading of dual-use goods or goods subject to export control.

- **帳戶及交易活動風險指標**

Account and Transaction Activity Risk Indicators

- 交易之匯款人或受益人為通常居住或設立於具有武擴或散布疑慮之國家（例如，伊朗或北韓）之個人或實體。

The originator or beneficiary of a transaction is a person or an entity ordinarily resident of or domiciled in a country of proliferation or diversion concern (i.e. DPRK and Iran);

- 帳戶持有人進行之交易涉及軍民兩用或出口管制規定之物品，或帳戶持有人先前曾經違反軍民兩用或出口管制制度規定。

Account holders conduct transactions that involve items controlled under dual-use or export control regimes, or the account holders have previously violated requirements under dual-use or export control regimes;

- 帳戶或交易涉及所有權架構不透明之公司、前台公司或空殼公司，例如，公司無高度資本化

水準或顯示出具有其他空殼公司之指標。各國或私部門機構得於風險評估過程中識別更多指標，例如長期靜止之帳戶之活動激增；

Accounts or transactions involve possible companies with opaque ownership structures, front companies, or shell companies, e.g. companies do not have a high level of capitalisation or displays other shell company indicators. Countries or the private sector may identify more indicators during the risk assessment process, such as long periods of account dormancy followed by a surge of activity;

- o 交易貨物之公司代表人間之聯繫，顯示為相同之所有人或管理人員、相同實體地址、IP 位址或電話號碼，或者其共同協調活動；

Demonstrating links between representatives of companies exchanging goods, i.e. same owners or management, same physical address, IP address or telephone number, or their activities may be coordinated;

- o 帳戶持有人以迂迴之方式進行金融交易。

Account holder conducts financial transaction in a circuitous manner;

- o 帳戶活動或交易之相關金融機構匯款人或受益人設立於執行聯合國安理會決議之義務及 FATF 國際標準薄弱或出口管制制度薄弱之國家（亦與通匯銀行業務相關）；

Account activity or transactions where the originator or beneficiary of associated financial institutions is domiciled in a country with weak implementation of relevant UNSCR obligations and FATF Standards or a weak export control regime (also relevant to correspondent banking services);

- o 製造或貿易公司之客戶希望於工業產品交易時或更普遍之貿易交易中使用現金。對於金融機構而言，該交易可辨識出突然有大量現金存款流入該實體之帳戶，然後提取現金；

Customer of a manufacturing or trading firm wants to use cash in transactions for industrial items or for trade transactions more generally. For financial institutions, the transactions are visible through sudden influxes of cash deposits to the entity's accounts, followed by cash withdrawals;

- o 交易係基於「分類帳」之安排而進行，無需頻繁之國際金融交易。分類帳之安排由相關之公司進行並且代表彼此保存交易記錄。這些公司有時會透過轉帳以平衡這些帳戶；

Transactions are made on the basis of “ledger” arrangements that obviate the need for frequent international financial transactions. Ledger arrangements are conducted by linked companies who maintain a record of transactions made on each other’s behalf. Occasionally, these companies will make transfers to balance these accounts;

- 客戶使用個人帳戶購買受出口管制之工業物品或與其公司業務活動或業務線不相關之工業物品。

Customer uses a personal account to purchase industrial items that are under export control, or otherwise not associated with corporate activities or congruent lines of business.

- **海事部門風險指標**

- Maritime Sector Risk Indicators**

- 北韓的資助武擴目標性金融制裁，亦即聯合國安理會第 2270 號（2016 年）決議執行部分第 23 段，已將同決議案附件三中之北韓公司海洋海事管理局及其船隻指名為由海洋海事管理局控制或操作之經濟資源，因此受聯合國安理會第 1718 號（2006 年）決議執行部分第 8（d）段規定之資產凍結之限制。聯合國安理會第 2270 號（2016 年）決議（執行部分第 12 段

亦確認聯合國安理會第 2270 號（2016 年）決議執行部分第 8（d）段提及之「經濟資源」包括可能被用於獲取資金、貨物或服務之各種資產，例如船隻（包括海運船隻）。DPRK PF-TFS, i.e. UNSCR 2270 (2016) OP 23, has designated the DPRK firm Ocean Maritime Management and vessels in Annex III of the same UNSCR as economic resources controlled or operated by OMM and therefore subject to the asset freeze imposed in OP 8(d) of UNSCR 1718 (2006). UNSCR 2270 (2016) OP 12 also affirms that “economic resources” as referred to in OP 8(d) of UNSCR 2270 (2016), includes assets of every kind, which may potentially may be used to obtain funds, goods, or services, such as vessels (including maritime vessels).

- o 貿易實體之註冊地址很可能為大規模註冊地址，例如高密度住宅、郵政信箱住址、商業住宅或工業園區，尤其是沒有提及特定住宅單位之情形；

A trade entity is registered at an address that is likely to be a mass registration address, e.g. high-density residential buildings, post-box addresses, commercial buildings or industrial complexes, especially when there is no reference to a specific unit;

- o 籌備運輸的個人或實體將貨運轉運公司列為貨物最終目的地；

The person or entity preparing a shipment lists a freight forwarding firm as the product's final destination;

- o 運輸最終目的地與進口商所在地不一致；
The destination of a shipment is different from the importer's location;
- o 契約、發票或其他貿易文件間之資訊存在不一致，例如出口實體名稱與收款方名稱不一致；發票與基礎合約之價格不一致；或實際商品的數量、品質、體積或價值與其描述不一致；
Inconsistencies are identified across contracts, invoices, or other trade documents, e.g. contradictions between the name of the exporting entity and the name of the recipient of the payment; differing prices on invoices and underlying contracts; or discrepancies between the quantity, quality, volume, or value of the actual commodities and their descriptions;
- o 運輸之貨物之申報價值低於運費；
Shipment of goods have a low declared value vis-à-vis the shipping cost;
- o 運輸之貨物與其運輸目的地國家之技術水準不相符，例如半導體製造設備被運往無電子工業

之國家；

Shipment of goods incompatible with the technical level of the country to which it is being shipped, e.g. semiconductor manufacturing equipment being shipped to a country that has no electronics industry;

- o 以迂迴形式運輸貨物（如資訊可得），包括無明顯業務或商業目的而有多個目的地、頻繁跳旗跡象，或使用小型或舊船隊；Shipment of goods is made in a circuitous fashion (if information is available), including multiple destinations with no apparent business or commercial purpose, indications of frequent flags hopping, or using a small or old fleet;
- o 運輸之貨物與一般地理貿易模式不一致，例如該目的地國家通常不出口或進口貿易文件所列之貨物。
Shipment of goods is inconsistent with normal geographic trade patterns, e.g. the destination country does not normally export or import the goods listed in trade transaction documents;
- o 貨物之運輸路線途經聯合國安理會決議相關義

務及 FATF 國際標準、出口管制法律實行不力或出口管制法律執行不力之國家；

Shipment of goods is routed through a country with weak implementation of relevant UNSCR obligations and FATF Standards, export control laws or weak enforcement of export control laws;

- 進口商品之付款，於無明確經濟原因下由商品受貨人以外的實體支付，例如由一與貿易交易無關之空殼或前台公司支付。

Payment for imported commodities is made by an entity other than the consignee of the commodities with no clear economic reasons, e.g. by a shell or front company not involved in the trade transaction.

- **貿易融資風險指標**

- Trade Finance Risk Indicators**

- 北韓的資助武擴目標性金融制裁，亦即聯合國安理會第 2087 號（2013 年）決議執行部分第 5（a）段、聯合國安理會第 2094 號（2013 年）決議執行部分第 8 段、聯合國安理會第 2270 號（2016 年）決議執行部分第 10 段、聯合國安理會第 2321 號（2016 年）決議執行部分第 3 段、聯合國安理會第 2371 號（2017 年）決議執行部分第 18 段、聯合國安理會第 2375 號（2017 年）決議執行部分第 3 段規定，決議附件一及

二所列之個人及實體受聯合國安理會第 1718 號（2006 年）決議執行部分第 8（d）段規定之資產凍結之限制。此指定實體包括貿易公司。

DPRK PF-TFS, i.e. UNSCR 2087 (2013) OP 5(a), UNSCR 2094 (2013) OP 8, UNSCR 2270 (2016) OP 10, UNSCR 2321 (2016) OP3, UNSCR 2371 (2017) OP 18, UNSCR 2375 (2017) OP 3, specifies that individuals and entities listed in Annex I and II of the resolutions are subject to the asset freeze imposed in OP 8(d) of UNSCR 1718 (2006). These designated entities include trading companies.

- o 於帳戶核准前，客戶要求以信用狀為貿易交易，以運輸軍民兩用貨物或受出口管制之貨物；
Prior to account approval, customer requests letter of credit for trade transaction for shipment of dual-use goods or goods subject to export control;
- o 貿易文件及資金流動中欠缺完整資訊或資訊不一致，例如姓名、公司、地址、最終目的地等；
Lack of full information or inconsistencies are identified in trade documents and financial flows, such as names, companies, addresses, final destination, etc.;
- o 原始信用狀或其他文件中無法辨識匯款人或受款人之電匯指示或付款細節之交易。

Transactions include wire instructions or payment details from or due to parties not identified on the original letter of credit or other documentation.

資料來源：2018 年 FATF 打擊資助武擴指引（附件 A）及聯合國安理會專家小組（PoE）報告

Source: 2018 FATF Guidance on Counter Proliferation Financing (Annex A) and UNSC PoE Reports

b) 弱點 Vulnerabilities

32. 於制定資助武擴威脅列表後，下一步是編製資助武擴主要弱點之列表。鼓勵各國及私部門實體考慮調整其用於識別以資助武擴為目的之洗錢 / 資恐弱點之方法。與洗錢 / 資恐相似，這些弱點可能基於眾多因素，例如結構性、部門性、產品或服務、客戶及交易。通過綜合評估識別該弱點與國家概況及已識別之威脅有內在連結，且結果會因國家及部門而異，並且可能不會於同一程度上適用於所有國家及私部門實體。

After formulating a list of PF threats, the next step is to compile a list of major PF vulnerabilities. Countries and private sector entities are encouraged to consider adapting their methodology used for identifying ML/TF vulnerabilities for PF purposes. Similar to ML/TF, these vulnerabilities could be based on a number of factors, such as structural, sectoral, product or service, customers and transactions. The vulnerabilities identified through a comprehensive assessment is inherently linked to a country's

context and identified threats, and the results will be different from country to country, as well as from sector to sector, and may not be applicable to all countries and private sector entities in the same degree.

33. **結構性弱點**係指一個國家在打擊資助武擴機制上之弱點，這些弱點使該國家或私部門實體（包括其業務和產品）對經指名之人及團體或代表其行事或受其控制之人產生吸引力（如本指引第 2 節所述）。以下是一些不完整且可能仍需於風險評估過程中進一步分析的例子：

Structural vulnerabilities refer to weaknesses in the national counter proliferation financing regime that makes the country or the private sector entity (including its business and products) attractive to designated persons and entities, or those acting on their behalf or under their control, as noted in Section 2 of this **Guidance**. Some examples, which are non-exhaustive and may require further analysis during the risk assessment process, may include countries:

- a. 國家之治理、執法、出口管制及 / 或監理機制薄弱、各機關對資助武擴風險之認識薄弱，以及於 FATF 聲明中或經 FATF 相互評鑑識別為具有薄弱之防制洗錢 / 打擊資恐 / 打擊資助武擴機制；

having weak governance, law enforcement, export controls and/or regulatory regimes, weak knowledge of PF risks across agencies, and weak AML/CFT/CPF regimes identified

- in FATF Statements or during FATF Mutual Evaluations;
- b. 國家欠缺打擊資助武擴框架之立法且未訂定國家層級打擊資助武擴優先事項，且於聯合國安理會決議之資助武擴目標性金融制裁及 FATF 國際標準（尤其是建議第 7 項及直接成果 11）有執行問題；
- lacking a legislative CPF framework and national CPF priorities, and having an implementation issue with UNSCR PF-TFS and FATF Standards (especially R.7 and IO.11);
- c. 國家受聯合國制裁、禁運或其他措施制裁；
- being subject to sanctions, embargoes, or other measures imposed by the UN;
- d. 國家有經指名之人及實體得利用之嚴重組織犯罪、貪腐或其他犯罪活動；
- having significant levels of organised crime, corruption, or other criminal activities which could be exploited by designated persons and entities;
- e. 國家之市場進入、公司成立及實質受益權要求寬鬆，及對客戶與實質受益人身分之內部識別及確認控制不佳，因此使識別經指名之人及實體更為困難；
- having loose market entry, company formation and beneficial ownership requirements and poor internal identification and verification controls on customer and beneficial ownership

identities, thereby making it more difficult to identify the designated persons and entities;

- f. 國家欠缺公家機關之跨機關合作文化及私部門之遵循文化。

lacking a culture of inter-agency co-operation among public authorities and a culture of compliance with private sectors.

34. 如 2018 年 FATF 打擊資助武擴指引第 C 部分所述，另一關鍵考量因素係國家之概況特點，為可能違反、不執行或規避資助武擴目標性金融制裁提供機會。聯合國安理會專家小組於執行聯合國安理會第 1718 號（2006 年）決議及聯合國安理會第 1874 號（2009 年）決議之授權（下稱「聯合國安理會第 1718 號決議專家小組」）之近期報告中，已知經指名之人及實體亦藉由其他區域的國家轉移其活動，尤其是藉由國際或區域性金融、交易、運輸或公司設立服務中心，以及走私過境國。這些中心提供經指名之人及實體（以及代表他們或依其指示行事者）所需之服務以規避資助武擴目標性金融制裁。這些中心的規模、複雜性及連結性，以及經由這些中心所進行之大量交易，皆使經指名之人及實體更容易隱藏其非法活動。

As illustrated in Part C of the 2018 FATF Guidance on Counter Proliferation Financing, another key consideration is the contextual features of a country that provide opportunities for the potential breach, non-implementation or evasion of PF-TFS. In

more recent reports of the UNSC PoE carrying out the mandate specified in UNSCR 1718 (2006) and UNSCR 1874 (2009) (hereafter “the UNSCR 1718 PoE”), designated persons and entities are known to have also shifted their activities through countries in other regions, especially through an international or a regional financial, trading, shipping, or company formation services centre, as well as transit countries for smuggling. These centres provide the needed services to designated persons and entities (and those acting on their behalf or in their direction) to circumvent PF-TFS. The size, complexity and connectivity of these centres, as well as large volume of transactions passing through these centres also make it easier for designated persons and entities to hide their illicit activities.

35. 對於私部門機構之資助武擴風險評估，考量因素亦得包括公司業務之性質、規模、多樣性及地理足跡；目標市場及客戶概況；及私部門機構經手之交易量與規模。

For a PF risk assessment by a private sector firm, considerations may also include the nature, scale, diversity, and geographical footprint of the firm’s business; target market(s) and customer profiles; and the volume and size of transactions handled by a private sector firm.

為什麼與北韓及伊朗距離遙遠之國家或私部門機構仍涉 及資助武擴風險評估？

Why is a PF risk assessment relevant to countries or private sector firms that are far away from the DPRK and Iran?

正如近期態樣所示，經指名之人及實體持續發展規避目標性金融制裁之新方法，無論其地理位置是否鄰近武擴國家（例如北韓及伊朗）。例如他們可能會安排迂迴的金融交易及 / 或貨運，途經防制洗錢 / 打擊資恐 / 打擊資助武擴機制控制薄弱之國家。聯合國安理會第 1718 號決議專家小組已確認經指名之人及實體藉由遠至非洲及歐洲國家進行交易，以掩飾資金及貨物流動。過去伊朗聯合國安理會專家小組報告（例如 S/2014/394 號、S/2015/401 號）發現經指名之人及實體於其他具備發展大規模毀滅性武器技術能力地區之國家，進行受制裁之活動（例如於其學術或研究機構）。As noted in recent typologies, designated persons and entities continue to explore new ways to evade targeted financial sanctions, regardless of the geographical proximity to proliferating states (i.e. the DPRK and Iran). For example, they may arrange circuitous financial transactions and/or shipments, passing through countries that have weak AML/CFT/CPF controls. The UNSCR 1718 PoE had identified designated persons and entities routing their transactions through countries as far away as those in Africa and Europe to disguise the fund and shipment flows. Past Iran

UNSC PoE Reports (e.g. S/2014/394, S/2015/401) had found that designated persons and entities conducted sanctioned activities in countries in other regions that were equipped with WMD technology development capabilities (e.g. in their academic or research institutes).

開曼群島於其資助武擴指引介紹中直接指出此點：「作為國際金融中心，開曼群島面臨源自外部及內部之資助武擴（PF）。金融服務佔 GDP 的 40%，其中大部分的金融服務之目標客群為非居民者，是以導致較高的資助武擴風險。目前沒有證據顯示開曼群島之受監理實體涉及資助武擴活動，然而，雖然可能沒有與資助武擴直接連結，於國際金融市場經營業務時金融系統曝險仍構成資助武擴風險。」

The Cayman Islands made this point directly in the introduction to its proliferation financing guidance: “As an international financial centre, the Cayman Islands is exposed to Proliferation Financing (PF) arising from external and internal sources. Financial services accounts for 40% of the GDP with majority of the financial services targeted towards nonresident customers, which contribute to higher PF risks. There is currently no evidence to suggest that Cayman Islands regulated entities are involved in financing proliferation activities. However, whilst there may be no direct PF links, the exposure of financial system when conducting business in the international financial market poses PF risks.”

資料來源：開曼群島財務報告局刊物（2020年2月）
識別資助武擴－為什麼你需要關注資助武擴的防止及偵測

Source: *Cayman Islands Financial Reporting Authority Publication*
(February 2020) *Identifying Proliferation Financing – Why Should You Be Concerned with the Prevention and Detection of Proliferation Financing*

36. **部門性弱點**係指特定部門之弱點及背景特徵，促使經指名之人及實體利用其規避資助武擴制裁。弱點如低度之資助武擴風險意識與對目標性金融制裁要求之理解，及部門內整體薄弱的遵循文化，皆構成遭濫用之弱點。考量因素可能包括各部門及子部門之資金流動的相對複雜性與範圍。

Sectoral vulnerabilities refer to weakness in and contextual features of a particular sector that prompt designated persons and entities to exploit it for PF sanction evasion purposes. Weaknesses such as a low level of PF risk awareness, understanding of TFS requirements, and an overall weak culture of compliance within a sector all constitute vulnerabilities for misuse. Considerations may also include the relative complexity and reach of funds movement of each sector and sub-sector.

37. 基於迄今洗錢 / 資恐風險評估之經驗，各國往往更重視銀行或金錢或價值移轉部門，因經指名之人及實體需要進入國際金融系統以處理來自海外的組件或材料之付款，這些通常與武擴國家（例如北韓或伊朗）有較直接的金融關聯。²⁹ 金融部門僅是被該經指名之人及實體利用的一個部門。然而，近期的態樣凸顯了其他部門如何面臨經指名之人及實體或代表

他們或依其指示行事者利用，目的係為了可能違反、不執行或規避資助武擴目標性金融制裁。因此各國應注意聯合國對特定部門的制裁係針對經濟體系的哪些部分，因這些部門會更容易涉及對資助武擴目標性金融制裁之可能違反、不執行或規避。如近期聯合國安理會專家小組報告所述，這些部門包括但不限於：

Based on the experiences of ML/TF risk assessments to date, countries tend to place greater emphasis on the banking or money or value transfer sectors, as designated persons and entities needed to access the international financial system to process payments for components or materials from overseas sources, which often have more direct financial links to proliferating states (i.e. the DPRK and Iran).²⁹The financial sector is only one sector that these actors have exploited. However, recent typologies have underscored how other sectors face exploitation by designated

²⁹ 「儘管在 2017 年加強金融制裁，北韓的欺罔行為及會員國未能辨識及防止該行為之情，正在系統性地破壞金融制裁的有效性。北韓得以持續進入國際金融體系，因其金融網路已迅速適應最新的制裁，利用規避手段使其非法活動難以被偵查。」（2019 年，聯合國安理會 1718 年專家小組報告）

“Despite the strengthening of financial sanctions in 2017, their effectiveness is being systematically undermined by the deceptive practices of the DPRK and the failure by Member States to recognise and prevent them. The DPRK enjoys ongoing access to the international financial system, as its financial networks have quickly adapted to the latest sanctions, using evasive methods in ways that make it difficult to detect their illicit activity.” (UNSCR 1718 PoE Report, 2019)

persons and entities, or those acting on their behalf or under their control, for the purposes of effecting a potential breach, non-implementation or evasion of PF-TFS. Countries should therefore be aware of which parts of the economy are subject to sector-specific UN sanctions, as these sectors would present a higher exposure to potential breach, non-implementation or evasion of PF-TFS. These sectors, as noted in recent UNSC PoE reports, include, but are not limited to:

- a. **信託及公司服務業者**：創設經指名之人及實體用以掩蓋金融交易與其之關聯之公司實體；
trust and company service providers: creating corporate entities that designated persons and entities use to obscure the links between a financial transaction and a designated person or entity;
- b. **貴金屬商及寶石商**：為經指名之人及實體提供得跨越國家邊境隱密移轉金融資源之替代方法；
dealers in precious metals and stones: providing an alternative method for designated persons and entities to surreptitiously move financial resources across international borders;
- c. **虛擬資產服務提供商**：為經指名之人及實體提供其開採或竊盜之產品，以及提供得及時跨境移轉資金的平台；及
virtual assets service providers: providing products to designated persons and entities have mined and stolen,

and providing a platform for moving sums of money across international borders instantly; and

- d. **海事部門**：經指名之人及實體亦利用海事部門，為他們運輸使用於大規模毀滅性武器或其運輸系統之組件及材料提供管道，以進行違反聯合國安理會決議規定之非法金融部門活動，其所得可以為大規模毀滅性武器計畫提供基礎融資。

the maritime sector: designated persons and entities also exploit the maritime sector, which provide them the means to deliver components and materials for use in WMD or their delivery systems, to illicitly engage in economic sectors in violation of the provisions of UNSCRs, the revenue from which can provide the underlying financing for a WMD programme.

指定之非金融事業或人員如何被濫用於可能違反、不執行或規避資助武擴目標性金融制裁？

How are DNFbps misused for the purposes of the potential breach, nonimplementation, or evasion of PF-TFS?

- **信託及公司服務業者（包括律師、公證人及其他提供該等服務之法律人員及會計師）：**利用空殼及前台公司、藉由代名人控制具所有權之法人、無明顯商業原因之法人或法律協議、公司設立服務。

Trust and company service providers (including lawyers, notaries, and other legal professionals and accountants providing these services): use of shell and front companies, legal persons with ownership and control through nominees, legal persons or legal arrangements without apparent business reasons, company formation services.

北韓及伊朗的資助武擴目標性金融制裁（例如聯合國安理會第 2231 號（2015 年）決議、聯合國安理會第 2270 號（2016 年）決議執行部分第 16 段）所載，兩國經常利用前台公司、空殼公司、合資企業及複雜、不透明之所有權結構以違反相關聯合國安全理事會決議施加之措施，另聯合國安理會第 2270 號（2016 年）決議亦要求聯合國安理會 1718 年委員會，辨識參與此類行為之個人及實體，及指名其受北韓及伊朗的相關目標性金融制裁。

DPRK and Iran PF-TFS (e.g. UNSCR 2231 (2015), UNSCR 2270 (2016) OP 16) note that the both countries frequently

use front companies, shell companies, joint ventures and complex, opaque ownership structures for the purpose of violating measures imposed in relevant UNSCRs, and the UNSCR 2270 (2016) also directs the UNSC 1718 Committee to identify individuals and entities engaging in such practices and designate them to be subject to relevant targeted financial sanctions in DPRK UNSCRs.

聯合國安理會 1718 年專家小組所識別之近期態樣顯示，經指名之人及實體以及代表其行事者已迅速適應制裁，並且發展複雜計畫使其非法活動更難被偵測。2019 年的一項聯合國安理會 1718 年專家小組調查發現，經指名之人及實體及代表他們行事者至少已設立五家前台公司，以隱藏其涉及亞洲兩個不同司法管轄區之多個跨境（以美元計價）金融交易之實質受益權，且於每筆不同的交易皆使用不同的前台公司。於聯合國安理會 1718 年專家小組之另一個調查中，空殼公司及前台公司被設立以移轉資金予經指名之人及實體，且於聯合國安理會 1718 年專家小組開始調查該等公司時，該等公司旋即被關閉。

Recent typologies identified by the UNSCR 1718 PoE indicated that designated persons and entities, and those persons and entities acting on their behalf have quickly adapted to sanctions and developed complex schemes to make it difficult to detect their illicit activities. One UNSCR 1718 PoE investigation in 2019 found that at least five front companies had been established by designated entities and those acting on their behalf to hide their beneficial ownership

of the various cross-border (US-Dollar-denominated) financial transactions involving two different jurisdictions in Asia, and a different front company was used in each different transaction. In another UNSCR 1718 PoE investigation, shell and front companies were set up for transferring funds to designated persons and entities, and the companies were subsequently closed when the UNSCR 1718 PoE started enquiries about the companies.

- **貴金屬商及寶石商**：經指名之人及實體委任此類交易商運輸黃金及鑽石，以獲得外匯為其交易融資。聯合國安理會 1718 年專家小組報告凸顯一項對北韓外交代表處於中東兩國間走私黃金的調查（2020 年 8 月報告），及北韓涉入撒哈拉以南非洲之黃金開採（2020 年 3 月報告）。

Dealers in precious metals and stones: designated persons and entities engaging such dealers to transport gold and diamonds to obtain foreign exchanges to finance their transactions. UNSC 1718 PoE reports highlight an investigation into DPRK diplomatic representatives smuggling gold between two countries in the Middle East (August 2020 Report) and the DPRK's involvement in gold mining in Sub-Saharan Africa (March 2020 Report).

備註：請參考第二節之抵減風險措施指引

資料來源：聯合國安理會 1718 年專家小組報告（S/2019/691；S/2020/151 號；S/2020/840 號）

Remarks: See Section 2 for guidance on risk mitigation measures

Source: UNSCR 1718 PoE Report (S/2019/691; S/2020/151; S/2020/840)

38. 對於**私部門機構之資助武擴風險評估**，得考量與其產品、服務、客戶及交易相關之弱點，弱點係指可被利用以規避制裁之缺點及特點。

For a **PF risk assessment by a private sector firm**, it may consider the vulnerabilities associated with its products, services, customers and transactions. The vulnerabilities refer to weaknesses and features, which could be exploited for sanctions evasion purposes.

39. **產品或特定服務之弱點**可能包括由金融機構或指定之非金融事業或人員提供的產品或服務是否性質複雜、範圍是否跨越邊境（例如透過分銷通路）、客戶是否容易取得、是否吸引多樣化客戶群，或是否由多個子公司或分支機構所提供。

Product- or service-specific vulnerabilities may include whether a product or service provided by the financial institution or the DNFBP is complex in nature, has a cross-border reach (e.g. via the distribution channels), is easily accessible to customers, attracts a diverse customer base, or is offered by multiple subsidiaries or branches.

哪些類型的銀行服務 / 產品存在被利用於可能違反、不執行或規避資助武擴目標性金融制裁之弱點？

Which types of banking services/products are vulnerable to the potential breach, non-implementation, or evasion of PF-TFS?

銀行提供之**通匯銀行業務服務**雖然並非皆為高風險領域，但越來越常被經指名之人及實體利用，因其經常利用國際貿易進行規避制裁之活動。通匯銀行業務服務係指一個銀行（通匯銀行）對另外一個銀行（往來銀行）提供銀行業務服務，大型國際銀行型態上通常擔任其他世界各地上千個銀行之通匯銀行，提供往來銀行廣泛的各項服務，涵蓋現金管理（例如不同貨幣之付息帳戶）、國際電匯、票據清算、過渡帳戶及外匯服務等。該服務使金融機構得經營業務及提供服務予外國客戶，而無需於國外設立機構。通常單一一個交易會牽涉數個中介金融機構。這些服務容許處理電匯、國際貿易結算、匯款及跨境付款。正如 2017 年以來的數個聯合國安理會 1718 年專家小組報告所指出，通匯銀行業務服務使經指名之人及實體及其同夥得藉由個人及前台公司之帳戶，定期向亞洲及中東的各個促進交易人轉帳，以便該促進交易人得代表他們進行交易。他們亦於亞洲的其他司法管轄權區設立一家公司，該公司會安排向供應商付款事宜並於網絡內進行轉帳，且透過數家美國通匯銀行展開一連串的交易，而難以追溯該交易之來源或受益人。正如這些案例所示，金融機構在篩選透過外國往來銀行進行之交易時，可能會面臨挑戰，因為經

指名之人及實體往往創設多層的公司實體及空殼公司以進入國際金融體系。金融機構應該要了解其外國往來銀行的風險狀況，並確立適當的措施以抵減風險。

Correspondent banking services provided by banks, though not always present a uniformly high-risk area, have been increasingly exploited by designated persons and entities as they often make use of international trade to conduct sanctions evasion activities. Correspondent banking services refers to the provision of banking services by one bank (the “correspondent bank”) to another bank (the “respondent bank”). Large international banks typically act as correspondents for thousands of other banks around the world. Respondent banks may be provided with a wide range of services, including cash management (e.g. interest-bearing accounts in a variety of currencies), international wire transfers, cheque clearing, payable-through accounts and foreign exchange services. Such services enable financial institutions to conduct business and provide services to foreign customers without establishing a presence in foreign countries. Often, multiple intermediary financial institutions would be involved in a single transaction. These services allow the processing of wire transfers, international trade settlements, remittances, and cross-border payments. As identified in various UNSCR 1718 PoE Reports since 2017, correspondent banking services have enabled designated entities and their associates have made regular transfers to various facilitators in Asia and the Middle

East, through personal and front company accounts, for these facilitators to perform transactions on their behalf. They had also set up a company in another jurisdiction in Asia and the company would arrange for payments to suppliers and transfers within the network, and initiate a series of transactions cleared through several U.S. correspondent banks that would have limited insight into the origin or beneficiaries of the transaction. As these cases demonstrate, financial institutions can face challenges screening transactions that go through foreign respondents as designated persons and entities tend to create layered corporate entities and shell companies to gain access to the international financial system. Financial institutions should understand the risk profile of their foreign respondents and determine appropriate measures to mitigate the risks.

貿易融資係另一經指名之人及實體利用該服務的例子。這是因為規避武擴制裁通常涉及跨境交易貨物或商品。雖然大部分的交易係透過公開帳戶轉帳，但也有很多交易係運用貿易融資工具進行，此涉及一金融機構作為中介，於交易對手（出口商或進口商）滿足特定文件要求時，為該交易提供擔保。因此，金融機構顯然知悉更多的交易細節。必須依賴貿易融資工具的經指名之人及實體會以詐術為之：使用偽造文件、對交易方為不實陳述，或安排與文件所列不一致之最終目的地或終端用戶。

Trade finance is another example of service exploited by

designated persons and entities. This is because PF sanctions evasion often involves cross-border trade of goods or commodities. While the majority of trade is done through open-account transfers, many also take place using trade finance instruments, which involve a financial institution acting as an intermediary, guaranteeing a transaction if certain documentary requirements are met by the counterparties to the transaction (exporter and importer). As a result, the financial institution receives significantly more insight into the details of the trade. Designated persons and entities who have to rely on trade finance instruments will do so fraudulently, using forged documents, misrepresenting the parties to a transaction, or arranging for a different end destination or end-user from the one listed in the paperwork.

備註：請參考第二節之抵減風險措施指引

資料來源：聯合國安理會 1718 年專家小組報告（S/2017/150 號；S/2017/742 號；S/2018/171 號；S/2019/691 號）

Remarks: See Section 2 for guidance on risk mitigation measures

Source: UNSCR 1718 PoE Reports (S2017/150; S/2017/742; S/2018/171; S/2019/691)

虛擬資產如何被濫用於可能違反、不執行或規避資助武 擴目標性金融制裁？

How are virtual assets misused for the purposes of the potential breach, non-implementation, or evasion of PF- TFS?

由於引入了各式金融制裁，經指名之人及實體越來越難以進入正式金融體系，因此他們利用虛擬資產作為規避制裁的另一種方法。這種取得金融服務的新方法及技術，對北韓相關之武擴目標性金融制裁下被指名之個人、實體及交易對手特別有吸引力，他們因為持續的聯合國安理會決議之制裁措施，於取得金融服務方面面臨越來越多阻礙。聯合國安理會 1718 年專家小組觀察到，北韓廣泛且日益複雜地利用網路手段從世界各地的金融機構及虛擬資產交易所³⁰ 竊取資金、洗淨偷竊所得並產生收入，同時規避金融制裁。類此手法的案例自 2008 年起於在數量、複雜性及範圍上皆有增加，包括於 2016 年明顯轉為以創造收入為重點，而對網路 / 虛擬資產服務提供商發動的相關攻擊。對虛擬資產交易所之大規模攻擊使北韓得以創造通常較難以追蹤且比傳統銀行部門受到較少監理之收入。

As access to the formal financial system has become increasingly closed to designated persons and entities due to the introduction of various financial sanctions, they have used virtual assets as another means to evade sanctions. This novel method and technology to access financial services is particularly attractive to

individuals, entities, and counterparties designated under DPRK-related PF-TFS, who have met increasing obstacles in accessing banking services due to the sanctions measures included in successive UNSCRs. The UNSCR 1718 PoE observed that there is a widespread and increasingly sophisticated use of cyber means by the DPRK to steal funds from financial institutions and VA exchanges across the world,³⁰ launder stolen proceeds and generate income, all while evading financial sanctions. Instances of such use have increased in “number, sophistication and scope since 2008, including a clear shift in 2016” to cyber/VASP-related attacks focused on generating revenue. Large-scale attacks against VA exchanges allow the DPRK to generate income that is often harder to trace and subject to less regulation than the traditional banking sector.

聯合國安理會 1718 年專家小組辨識出的一些活動，其中包括偷竊虛擬資產（透過攻擊交易所與用戶）及透過挖礦劫持挖掘加密貨幣（例如於電腦引入惡意程式，讓北韓的駭客利用其系統挖掘加密貨幣），以及透過使用其自己的電腦系統創

³⁰ 聯合國安理會 1718 年專家小組報告的調查結果為來自非洲（包括北部、南部及西部）、美洲（包括中部及南部）、亞洲（包括北亞、南亞及東南亞）及歐洲的會員國所提供之報告。

The findings of the UNSCR 1718 PoE Reports were drawn from reports provided by member states from Africa (including North, South, and West), America (including Central and South), Asia (including North Asia, South Asia, and Southeast Asia) and Europe.

造資金)。為使這些活動混淆不清，其利用數位版本的分層，透過一次性使用的虛擬資產錢包，及時創造數千筆交易。於一個案例中，透過攻擊所盜得的資金在最終轉換成法定貨幣前，至少經過五千筆單獨交易移轉且途經數個司法管轄區。於某些虛擬資產之設計，其交易允許大量、及時且近乎不可逆的跨境資金移轉。

Some of the activities identified by the UNSCR 1718 PoE include, amongst others, the theft of VAs (through attacks on both exchanges and users) and the mining of cryptocurrencies through crypto-jacking (i.e. the introduction of malware to computers to turn those systems into cryptocurrency miners for the benefit of DPRK hackers), as well as through the use of its own computer networks to generate funds). To obfuscate these activities, a digital version of layering was used, which created thousands of transactions in real time through one-time use VA wallets. In one case, the stolen funds arising from an attack were transferred through at least 5 000 separate transactions and further routed through multiple jurisdictions before eventually converted to fiat currency. Transacting in some virtual asset arrangements allows largely instantaneous and nearly irreversible cross-border transfers of funds.

部分虛擬資產交易所屢次遭受北韓相關之資助武擴目標性金融制裁指名之團體攻擊，其中一個交易所於 2017 年到 2019 年的三年間，遭受至少四次攻擊，共造成約 5500 萬美元的損

失。於另一個案例，一虛擬資產交易所遭受多次的攻擊，從最初損失 480 萬美元，至最終損失其總資產的 17%，迫使該交易所關閉。被盜的虛擬資產所得透過其他虛擬資產交易所轉換為強化匿名性的虛擬資產，通常經過一系列複雜的數百筆交易，目的係將全部盜得的虛擬資產轉換及兌現為法定貨幣。

Some VA exchanges have been repeatedly attacked by entities designated under DPRK-related PF-TFS, with one exchanger suffering from at least four attacks over a period of three years from 2017 to 2019, resulting in losses of approximately USD 55 million in total. In another case, a VA exchange was attacked multiple times, with an initial loss of USD 4.8 million, and eventually 17% of its overall assets, forcing the exchange to close. Stolen VA proceeds were converted to anonymityenhanced VAs through other VA exchanges, often in a complex series of hundreds of transactions with the aim of converting and cashing out all the stolen VAs into fiat currency.

資料來源：聯合國安理會 1718 年專家小組報告（S/2019/691 號）；

[2020 年虛擬資產相關之洗錢 / 資恐紅旗指標 FATF 報告](#)

其他參考資料：[2019 年虛擬資產及虛擬資產服務提供商之風險基礎方法指引](#)

Source: UNSCR 1718 PoE Report (S/2019/691); [2020 FATF Report on ML/TF Red Flag Indicators Associated with Virtual Assets](#)

Additional reference: [2019 FATF Guidance for a Risk-based Approach to Virtual Assets and Virtual Asset Service Providers](#)

40. **辨識客戶及交易弱點**對於金融機構或指定之非金融事業或人員所進行的風險評估至關重要。他們可以考慮從審查已辨識為高風險的部分客戶開始，尤其是那些經常進行涉及法人及協議，或數個空殼或前台公司之跨境交易者。客戶的類型及身份，以及客戶關係的性質、來源及目的之資訊亦相當重要，其他考量因素包括：交易的數量、金額（特別是現金交易）及頻率：（1）源自、途經或為目的地之海外司法管轄區，對相關聯合國安理會決議義務及 FATF 國際標準執行不力、治理、執法及監理機制薄弱；（2）涉及代表法人或協議行事之個人（例如授權簽署人、董事）；（3）與私部門機構聲明之所營事業無關。

Identifying customer and transaction vulnerabilities are crucial for risk assessments conducted by a financial institution or a DNFBP. As a starting point, they may consider to review the number of customers already identified as high risk, especially those often carrying out cross-border transactions involving legal persons and arrangements, or multiple shell or front companies. Information on the type and identity of the customer, as well as the nature, origin and purpose of the customer relationship is also relevant. Other considerations include: the number, amount (especially in cash), and frequency of transactions: (1) originating from, transiting through, or designating for an overseas jurisdiction that has weak implementation of relevant UNSCR obligations and FATF Standards, weak governance, law enforcement, and regulatory regimes; (2) involving individuals

acting on behalf of a legal person or arrangement (e.g. authorised signatory, director); (3) that are unrelated to a private sector firm's stated business profile.

41. **風險評估的其他資訊來源**可能包括已知的國內或國際態樣³¹、國家風險評估、超國家風險評估、權責機關公布之相關部門報告、其他（尤其是鄰近）司法管轄區就其各自部門的相關風險報告、就涉及違反、不實行或規避資助武擴目標性金融制裁、風險評估及風險抵減之案例的監理報告（如有公開），以及 FATF 相互評鑑報告及指標 / 風險因素。**私部門機構**尤其可能受益於從接受客戶及持續的客戶盡職審查程序及交易監控與審核中所獲得的資訊，以及受益於其內部審計與監理之發現。其他從公私資訊共享倡議所獲得之資訊（有關雙方所觀察到之短處），亦可對弱點提供見解。

Additional information sources for a risk assessment may include known domestic or international typologies,³¹ national risk assessments, supranational risk assessments, relevant sectoral reports published by competent authorities, relevant risk reports of other (especially neighbouring) jurisdictions on their respective sectors, supervisory reports on cases involving the breach, nonimplementation or evasion of PF-TFS, risk assessment and

³¹ 可被經指名之人及實體，以及代表他們或依其指示行事者利用之高風險客戶及交易，亦可參考指引之第 IIIA(ii) 部分。

References can also be made to Part IIIA(ii) of the Guidance for higher risk customers and transactions that could be exploited by designated persons and entities, and those working on their behalf or direction.

risk mitigation (if publicly available), as well as FATF mutual evaluation reports and indicators/risk factors. A **private sector firm** would particularly benefit from information obtained from customer on-boarding and ongoing CDD processes, and transaction monitoring and screening, as well as internal audit and regulatory findings. Other information obtained through public-private information sharing initiatives on the weaknesses observed by both parties may also provide insights into vulnerabilities.

分析 Analysis

42. 風險得被視為威脅、弱點及後果運作的後果。至此階段，國家、金融機構、指定之非金融事業或人員及虛擬資產服務提供商應設法瞭解已辨識風險之性質、來源、可能性及後果。作為此過程的一部分，他們應該為各個風險匹配相應的價值或重要性，並於已辨識風險間排定優先順序。此階段涉及考量特定資助武擴風險實現之潛在可能性及後果。

Risk can be considered as a function of threat, vulnerability, and consequence. At this stage, countries, financial institutions, DNFBPs and VASPs should seek to understand the nature, sources, likelihood and consequences of the identified risk. As part of this process, they should assign a relative value or importance to each of these risks, and prioritise between identified risks. This stage involves a consideration of the potential likelihood and consequences of the materialisation of specific PF risks.

43. 於分析**可能性**時，考慮因素得包括已知案例之普遍性、情報、態樣、打擊資助武擴之控制強度，以及經指名之人及實體之能力及意圖。**後果**意指影響及危害，且可進一步被分類為例如物質層面、社會層面、環境層面、經濟層面及結構層面。出發點係假設此可能違反、不執行或規避資助武擴目標性金融制裁（包括大規模毀滅性武器之可能發展）之後果將是嚴重的。同樣重要的是要注意，並非所有資助武擴措施都有相同的後果，且其後果可能因資金或資產之來源、管道或預期收受者而異。最終，後果係使經指名之人及實體，以及代表他們的人及實體獲得可用的資金。

When analysing **likelihood**, considerations could include the prevalence of known cases, intelligence, typologies, strengths of CPF controls, as well as capabilities and intent of designated persons and entities. **Consequence** refers to impacts and harms, and can be further categorised into, for instance, physical, social, environmental, economic and structural. The starting point is to assume that the consequences of the potential breach, non-implementation or evasion of PF-TFS (including the potential development of WMD) would be severe. It is also important to note that not all PF methods have equal consequences, and that consequences may differ depending on the source, channel, or intended recipients of the funds or assets. Ultimately, the consequence would like to make available funds to designated persons and entities, and those persons and entities acting on their behalf.

評估及後續行動 Evaluation and follow-up

44. 作為風險分析之結果，風險的程度通常被評等為以下類別之一：低度、中度或高度，可能存在不同類別間之組合（例如中高、中低）。相同的風險可能於一個國家 / 私部門機構被視為高風險，而於另一國家 / 私部門機構則被視為低風險，取決於當時的背景及情況。此評等旨在協助瞭解資助武擴風險及排定其優先順序。評估涉及利用分析的結果以決定風險領域之優先順序。2013 年 FATF NRA 指引/第 4.3 節提供就此程序之詳細指引，而於評估資助武擴風險時得採用。風險評估的結果應傳達予權責機關（包括監理機關）及相關私部門機構的相關人員。

As a result of risk analysis, the level of risks are often classified in one of these categories: low, medium, or high, with possible combinations between different categories (e.g. medium-high, medium-low). The same risk may be regarded as high in one country/private sector firm while in another country/private sector firm it may be regarded as low, depending on the prevailing context and circumstances. This classification aims to assist in the understanding and prioritisation of PF risks. **Evaluation** involves using the results of the analysis to determine priority risk areas. Section 4.3 of the *2013 FATF NRA Guidance* provides detailed guidance on this process, which can be adapted for the purpose of a PF risk assessment. The outcome of a risk assessment should be disseminated to competent authorities (including supervisors) and relevant personnel within relevant private sector firms.

45. 於國家層級，權責機關應建立及執行國家打擊資助武擴之立法、國家政策、優先性及行動計畫以處理已辨識之風險。權責機關亦得考慮視情況公布評估結果，以促進對規避資助武擴目標性金融制裁風險的更廣泛瞭解。至於私部門、金融機構、指定之非金融事業或人員及虛擬資產服務提供商，應考慮採用 / 校正 / 加強其政策、控制及程序以有效地掌控及抵減已辨識風險。金融機構、指定之非金融事業或人員及虛擬資產服務提供商亦得檢視與提出違反、不執行或規避資助武擴目標性金融制裁之可疑活動³²，以告知其就任何風險評估的調查結果。他們應基於該調查結果，分配適當及合乎比例的資源，並對執行打擊資助武擴措施之相關人員提供教育訓練。

At the national level, competent authorities should establish and implement a national CPF legislative framework, and national policies, priorities and action plans to address the identified risks. Competent authorities may also consider releasing the results of the assessment as appropriate to promote a broader understanding of the risk of PF-TFS evasion. As for the **private sector**, financial institutions, DNFBPs and VASPs should consider adapting/calibrating/enhancing their policies, controls, and procedures to effectively manage and mitigate the identified risks. Financial institutions, DNFBPs and VASPs may also review and make reference to suspected activity of the breach, non-implementation or evasion of PF-TFS³² to inform their

³² FATF 國際標準不要求向金融情報中心提交資助武擴目標性金融制裁資訊。然而若司法管轄區要求申報其管轄權內有關違反、不執行或規避

findings of any risk assessment. They should allocate appropriate and proportionate resources, and provide training to relevant personnel on the implementation of CPF measures based on the findings.

公私部門合作 **Public-private collaboration**

46. 評估資助武器擴散風險需要公私部門間合作。³³ 與執行目標性金融制裁相似，於進行風險評估時，有效地共享資訊及協調與私部門溝通之方法至關重要。公部門機關可能有關於疑似及先前規避資助武擴制裁之態樣或資訊，或如前章節所述之結構性及部門性弱點的資訊，這對於私部門辨識、評估及瞭解其風險極其重要。有關規避資助武擴制裁活動之資訊非常敏感，但這不應阻止其（或其非機密 / 經篩選處理過的版本）於可能情況下出於風險評估的目的而被共享，並搭配適當的保護措施。公部門得透過多種方式與私部門共享不同敏感性程度的資訊。舉例而言，得與特定數量的私部門參與者及 / 或行業進行專案圓桌會議，針對最佳實務或整體趨勢進

資助武擴目標性金融制裁的可疑或其他資訊，且相應的資訊亦可得，則金融機構、指定之非金融事業或人員及虛擬資產服務提供商亦得考慮提及該可得資訊。

The FATF Standards do not require filing of PF-TFS information to financial intelligence units. However, if a jurisdiction requires the reporting of suspicious or other information in relation to the breach, nonimplementation or evasion of PF-TFS within the jurisdiction, and corresponding information is available, financial institutions, DNFBPs and VASPs may also consider making reference of such available information.

行專門討論及共享敏感資訊。由相關公部門機關共享之資訊，對小型、非銀行金融機構、指定之非金融事業或人員及虛擬資產服務提供商特別有幫助，因他們可能對於風險評估的瞭解較薄弱或有較少支援進行風險評估。另一方面，私部門可能持有對公部門及其他私部門皆為重要的資助武擴風險評估所需資訊。例如銀行部門可能持有與多個其他部門（如信託及公司服務業者）之資助武擴風險評估相關之資訊。

Assessment of proliferation financing risks requires cooperation between public and private sectors.³³ Similar to the implementation of TFS, effective sharing of information and a co-ordinated approach in communicating with the private sector are fundamental when conducting a risk assessment. The public sector authorities may have typologies or information on suspected and previous proliferation financing sanctions evasion or information on structural and sectoral vulnerabilities mentioned in previous section, which would be essential to the private sector in terms of identifying, assessing, and understanding their risks. The information related to proliferation financing sanctions evasion activities is very sensitive, but

³³ 2019年 FATF TFRA 指引亦提供與非政府利害關係人進行業務之指引及範例，包括運用多方利害關係工作小組及公私合作以評估資助武擴風險（請參考第 24 至 26 段及案例）。

The 2019 FATF TFRA Guidance also provides guidance and examples on engagement with nongovernment stakeholders, including the use of multi-stakeholder working groups and public-private collaboration to assess TF risks (see paragraphs 24-26 and case boxes).

this should not prevent it (or an unclassified/sanitised version of it) from being shared for the purpose of a risk assessment, if possible, and subject to appropriate safeguards in place. There is a variety of ways in which the public sector can share information, with varying degrees of sensitivity, with the private sector. For example, discussion and sharing of sensitive information on an ad-hoc basis to a selected number of private sector participants and/or industry roundtables focus on best practice or general trends. Information sharing by relevant public authorities would be particularly useful for smaller, non-bank financial institutions, DNFBPs and VASPs, which may likely have a weaker understanding or fewer support in carrying out a risk assessment. On the other hand, the private sector may hold vital information for both public and other private sector for PF risk assessment purposes. For example, the banking sector would likely hold information relevant to the assessment of PF risks in a number of other sectors such as Trust and Company Service Providers (TCSPs).

47. 於風險評估開始之前及貫穿其不同階段，持續進行或不間斷的公私部門交流或對話，且遵循相關的立法要求、公私合作夥伴框架及保密考量，得增強於風險評估中資訊使用及分析的品質。所有相關的權責機關及私部門利害關係人（包括不同部門的小型及大型實體）亦得於風險評估的準備過程中，建立信任及公開對話管道。國家得持續維持此對話管道，以教育私部門瞭解資助武擴威脅具有不斷演變的性質，且可能轉瞬間就

發生變化。對話亦得為私部門提供一回饋機制，使政府瞭解他們如何將風險評估應用於其例行的遵循職責。

Having an ongoing or a continuous public-private engagement or dialogue prior to the commencement of and throughout the different stages of a risk assessment, and in line with relevant legislative requirements, public-private-partnership frameworks, and confidentiality considerations, may enhance the quality of data used and analysis applied in a risk assessment. The involvement of all relevant competent authorities and private sector stakeholders (including both small and large entities in different sectors) may also build trust and allow open dialogue throughout the preparation of risk assessments. Countries can maintain this dialogue on an ongoing basis in order to educate the private sector on the evolving nature of the threat from the financing of proliferation, which can shift rapidly. The dialogue will also provide a feedback mechanism for the private sector to inform governments about how they have applied risk assessments to their day-to-day compliance function.

保持評估之更新

Maintaining an up-to-date assessment

48. FATF 國際標準（建議第 1 項注釋）要求司法管轄區維持即時更新的資助武擴風險評估。與洗錢 / 資恐風險評估相似，資助武擴風險評估應定期更新且為一不斷發展的過程，同時考慮到當前有關可能違反、不執行或規避資助武擴目標性金融

制裁之威脅及制裁要求。這些更新的評估需發展為更具體或主題性的分析，且可能隨時間經過變得更精細。強烈鼓勵各國向公眾公布更新的風險評估結果（或經篩選處理之版本）。若認為公布不可行，各國得考慮以保密方式與私部門實體共享更新的版本（完整或經篩選處理之版本），以確保向盡可能廣泛的聽眾，傳達有關資助武擴的威脅及指標之資訊。

The FATF Standards (INR.1) require jurisdictions to maintain an up-to-date assessment of their PF risks. Similar to an ML/TF risk assessment, an assessment of PF risks should be updated regularly and be an evolving process, taking into account current threats and sanctions requirements on the potential breach, nonimplementation or evasion of PF-TFS. These updated assessments need to develop more specific or thematic analysis, and are likely to become more refined over time. Countries are strongly encouraged to make available the results of the updated risk assessments (or a sanitised version) in the public. If a publication is considered not possible, countries may consider sharing an updated version (full or sanitised) with private sector entities in a confidential manner to ensure that information on PF threats and indicators is reaching the widest possible audience.

49. 如建議第 1 項注釋中另外指出，各國應確保於所有風險情況中遵循建議第 1 項。就該國已辨識為高風險之情況，該國應要求金融機構、指定之非金融事業或人員及虛擬資產服務提供商採取相應措施以管理及抵減這些風險（請參考下文第二節）。遵循此作法的國家將能強化其打擊資助武擴之國家法

律及監理理制度，且處於更有力的立場，有效地要求其私部門採取適當行動。就已辨識為較低風險的國家，FATF 要求該國採取與該風險相稱的措施。然而，這些國家應該瞭解資助武擴威脅不斷變化的性質，及瞭解經指名之人及實體或代表他們或受其控制者，故意以那些認為自己曝險較低的司法管轄區為目標之方法論。

As additionally noted in INR.1, countries should ensure compliance with R.1 in all risk scenarios. For situations where countries have identified a high level of risk, countries should require financial institutions, DNFBPs and VASPs to take commensurate measures to manage and mitigate these risks (see Section 2 below). Countries doing so will strengthen their national legal and regulatory regime for countering the financing of proliferation, and be in a stronger position to effectively require appropriate actions by their private sector. For countries that have identified a lower risk, the FATF requires countries to apply measures commensurate with that risks. Those countries should, however, understand that the nature of the PF threat is ever changing and methodologies that designated persons or entities, or those acting on their behalf or under their control, deliberately target jurisdictions who feel that they have weaker risk exposure.

第二節：抵減資助武器擴散風險

SECTION TWO: MITIGATION OF PROLIFERATION FINANCING RISKS

50. FATF 標準要求各國、金融機構、指定之非金融事業或人員及虛擬資產服務提供商，採取適當措施以管理和抵減其辨識之資助武擴風險。本指引第一節為各國及私部門提供進行資助武擴風險評估的指引。

The FATF Standards require countries, financial institutions, DNFBPs and VASPs to take appropriate steps to manage and mitigate proliferation financing risks that they identify. Section 1 of this Guidance provides guidelines to countries and to the private sectors on conducting proliferation financing risk assessments.

51. 於 FATF 建議第 1 項及本指引下，資助武擴風險係嚴格地限指可能違反、不執行或規避第七項建議所規範之目標性金融制裁所產生之風險。其要求各國毫不延遲地凍結資金或其他資產，並確保不直接或間接提供任何資金或其他資產或為其利益提供任何資金或其他資產予聯合國安理會依聯合國憲章第 VII 章或經其授權指名之任何人或實體，或代表他們、按其指示行事或為他們所有或由其控制之人及實體。³⁴

In the context of FATF Recommendation 1 and this Guidance, proliferation financing risk refers strictly and only to the risk of potential breach, non-implementation or evasion of TFS obligations as set out in Recommendation 7. This requires

countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations, or persons and entities acting on their behalf, at their direction, or owned or controlled by them.³⁴

52. 除運用其他措施，武擴支持網絡還利用國際金融體系進行活動，通常透過間接連接的非法中介、前台公司及空殼公司的全球網絡行動，以隱匿其實質受益權。這些全球網絡很複雜，且旨在藉由分散經指名之人及實體的武擴行動，以削弱目標性金融制裁之有效性。這些網絡亦將合法業務與非法交易參雜混合，使聯合國制裁制度的有力執行增加額外挑戰及另一層複雜性。

Apart from using other means, proliferation support networks use the international financial system to carry out their activities, often acting through a global network of indirectly connected illicit intermediaries, front companies and shell companies to hide their beneficial ownership. These global networks are complex and designed to erode the effectiveness of TFS by

³⁴ 然而，代表經指名之人及實體或按其指示行事，或為其所有或由其控制者，並非國家 / 超國家制裁機制所指名者。

Provided, those acting on behalf or under control of designated persons and entities or owned or controlled by them are not designated under national/ supranational sanctions regimes.

separating proliferation activity from designated persons and entities. These networks also co-mingle legitimate business with illicit transactions, which adds another challenge and layer of complexity for the robust enforcement of the UN sanctions regime.

53. 本章節凸顯各國、金融機構、指定之非金融事業或人員及虛擬資產服務提供商得採取以抵減其資助武擴風險之具體措施。抵減措施之性質及程度將取決於背景因素以及資助武擴風險的來源。

This section highlights specific measures that countries, financial institutions, DNFBPs and VASPs could take to mitigate their proliferation financing risks. The nature and extent of mitigation measures would depend on contextual factors, as well as on the source of proliferation financing risks.

54. 金融機構、指定之非金融事業或人員及虛擬資產服務提供商應辨識、評估及了解其資助武擴風險，並採取相應措施以抵減該風險。但是，未嚴謹及全面地考量特定部門之個別客戶的風險程度及風險抵減措施，而無差別地終止或限制整個類別的客戶業務關係是不適當的。規避風險不同於風險抵減；相反地它可能導致一連串有問題的後果，例如金融排斥風險，導致需要服務者無法獲得金融服務。客戶之金融排斥存在嚴重風險，因為客戶可能向不受監理的供應商或可能沒有穩健風險控制措施的供應商尋求服務。若限制或終止與客戶關係之決定係因為缺乏對監理期望之瞭解，監理機關應能夠提供適當的指引。

Financial institutions, DNFPBs and VASPs should identify, assess and understand their proliferation financing risks and take commensurate measures in order to mitigate them. It is, however, inappropriate to indiscriminately terminate or restrict business relationships of entire classes of customers, without taking into account, seriously and comprehensively, their level of risk and risk mitigation measures for individual customers within a particular sector. Risk avoidance does not equate risk mitigation; rather it can result into subsequent problematic consequences like financial exclusion risk, leading to denial of access to financial services for those who need it. Financial exclusion of customers holds serious risks as customers may seek the services of unregulated providers or providers who may not have robust risk control measures. Where decisions to restrict or terminate relationship with customers is due to a lack of understanding of the regulatory expectations, supervisors should be able to provide appropriate guidance.

各國抵減風險措施

Risk mitigation measures by countries

55. 了解於一司法管轄區內違反、不執行或規避目標性金融制裁的可能發生之方式，將有助於各國建立有效國內框架，以抵減風險及最終確保得完全遵循與特定國家相關的聯合國安理會決議下之目標性金融制裁義務。風險及弱點之評估將辨識可能的缺失，而有助於各國及私部門制定適當的抵減措施以處理這些問題。

Understanding the ways in which a breach, non-implementation or evasion of TFS could occur within a jurisdiction will help countries put in place an effective domestic framework for mitigating the risks and ultimately ensuring full compliance with targeted financial sanctions obligations under relevant country specific UNSCRs. An assessment of risks and vulnerabilities will identify potential gaps that will help countries and the private sectors to set out appropriate mitigation measures to address them.

56. 各國應允許金融機構、指定之非金融事業或人員及虛擬資產服務提供商利用其現有之目標性金融制裁及 / 或遵循計畫以管理及抵減該等資助武擴風險。這將有助於在他們於現有的框架及工具基礎上，建立有效打擊資助武擴風險機制。於在許多案例中，大型 / 複雜金融機構執行的全企業性風險管理計畫，就洗錢 / 資恐及制裁風險量身訂製精細的流程，已經包括資助武擴風險之評估及抵減。資助武擴風險評估不一定是單獨進行，而得涵括於現有的洗錢或制裁風險評估中。資助

武擴風險管理及控制可以是現有全企業性風險管理計畫及流程的一部分。

Countries should allow financial institutions, DNFBPs and VASPs to leverage their existing targeted financial sanctions and/or compliance programmes to manage and mitigate these proliferation financing risks. This would help them build upon their existing frameworks and tools for an effective CPF regime. In many cases, the enterprise-wide risk management programmes conducted by large/complex financial institutions with tailored and sophisticated processes for ML/TF and sanctions risk already incorporates the assessment and mitigation of PF risks. A PF risk assessment does not have to be an individual exercise but can be covered by existing ML or sanctions risk assessments. PF risk management and controls can be part of existing enterprise-wide risk management programmes and processes.

抵減資助武器擴散風險基本要素

Foundational elements of proliferation financing risk mitigation

57. 為執行目標性金融制裁的穩健系統，將為有效的風險抵減奠定堅實基礎，並具備以下要素：

A robust system for implementing targeted financial sanctions sets a strong foundation for effective risk mitigation, and has the following elements in place:

- a. **國家風險評估**：如本指引第一節所強調的，國家風險評估可能有助於論知及強化一個國家的打擊資助武擴

制度。它們亦得幫助國家及私部門實體就抵減風險所需之資源數額，決定及排定其優先順序。

National risk assessment: As highlighted in Section 1 of this Guidance, national risk assessments could be helpful to informing and strengthening the CPF regime of a country. They should also help countries and private sector entities to determine and prioritise the amount of resources necessary to mitigate the risks.

- b. **機構風險評估：**應要求金融機構、指定之非金融事業或人員及虛擬資產服務提供商採取適當步驟以辨識及評估其資助武擴風險（就客戶、國家或地理區域；及產品、服務、交易或運送渠道）。他們應記錄該等評估，以證明其依據、隨時更新其評估，且有適當機制向權責機關及自律團體提供風險評估資料。資助武擴風險的任何評估之性質及範圍應與業務的性質及規模相應。金融機構、指定之非金融事業或人員及虛擬資產服務提供商應隨時瞭解其資助武擴風險，但若該部門固有的特定風險已清楚辨識及了解，權責機關或團體得決定無須單獨紀錄該風險評估。

Institutional risk assessment: Financial institutions, DNFBPs and VASPs should be required to take appropriate steps to identify and assess their proliferation financing risks (for customers, countries or geographic areas; and products, services, transactions or delivery channels). They should document those

assessments in order to be able to demonstrate their basis, keep these assessments up to date, and have appropriate mechanisms to provide risk assessment information to competent authorities and SRBs. The nature and extent of any assessment of proliferation financing risks should be appropriate to the nature and size of the business. Financial institutions, DNFBPs and VASPs should always understand their proliferation financing risks, but competent authorities or SRBs may determine that individual documented risk assessments are not required, if the specific risks inherent to the sector are clearly identified and understood.

- c. **有效的法律框架**：各國應制定有效的法律框架，依據建議第 7 項毫不遲延地執行資助武擴相關的目標性金融制裁。應建立相關機關並確定負責執行及實施標性金融制裁之權責機關。明確的機構體制、程序及責任將有助於機關注意弱點領域，並偵測經指名之人及實體可能藉由何種方式逃避不同部門的制裁。它將幫助其有效地執行制裁制度，包括採取相關行動（例如，確保拒絕融資、凍結資金及資產以及制裁違規行為）。

Effective legal framework: Countries should have effective legal frameworks to implement proliferation-related targeted financial sanctions without delay in line with Recommendation 7. They should establish the

relevant authorities and identify competent authorities responsible for implementing and enforcing targeted financial sanctions. Clear institutional mechanisms, processes and responsibilities would help authorities focus on areas of vulnerability and detect means by which designated persons and entities might evade the sanctions in different sectors. It would help them effectively implement the sanctions regime, including by taking relevant actions (e.g. ensuring that financing is denied, funds and assets are frozen and violations are sanctioned).

- d. **制裁事宜聯繫**：各國應建立有效機制，以確保及時將指名事宜通知所有相關單位，包括金融機構、指定之非金融事業或人員及虛擬資產服務提供商。各國應具備有效的程序，更新經指名實體及人士名單，以便將變化傳達予私部門，並讓私部門得以迅速採取行動。這將防止金融機構、指定之非金融事業或人員及虛擬資產服務提供商在聯合國指名變更後、轉換為國內法框架的期間與經指名之人及實體進行往來。

Communication of sanctions: Countries should have effective mechanisms to ensure that designations are notified to all relevant parties, including financial institutions, DNFBPs and VASPs, in a timely manner. Countries should also have efficient processes for updating lists of designated entities and persons, so that

changes are communicated to and are acted upon by the private sectors promptly. This would prevent financial institutions, DNFBPs and VASPs from dealing with the designated persons and entities during the time changes are being transposed to the domestic frameworks following the UN designations.

- e. **國內合作、協調及資訊共享：**依據建議第 2 項及其注釋，各國應建立一個跨機關機制，以更有效地抵減資助武擴風險。這意味著所有通常涉及國家層級打擊武擴及資助武擴的相關部門、機關及組織間的有效合作及協調。在可能的情況下，這可能包括監理、進出口管制及核准機關、海關以及邊境管制與情報機關。該等權責機關間的密切合作及協調將促進相關資訊的交流。此有助於對目標性金融制裁制度的可能違規行為展開及推行調查。

Domestic co-operation, co-ordination and information sharing: In line with Recommendation 2 and its Interpretive Note, countries should have an inter-agency framework in place to mitigate proliferation financing risks more effectively. This would mean effective co-operation and co-ordination among all the relevant departments, agencies and organisations, which are generally involved in combating proliferation and proliferation financing at the national level. This could include supervisors, import and export controls

and licensing authorities, customs, as well as border controls and intelligence agencies, where possible. A close co-operation and co-ordination among these competent authorities would facilitate exchange of relevant information. This could help initiate and pursue investigations into potential violations of the targeted financial sanctions regime.

- f. **遵循監控及執行**是確保持續遵循的關鍵。金融機構、指定之非金融事業或人員及虛擬資產服務提供商應受到監理或監控，以確保他們完全遵循其目標性金融制裁之義務。若未遵循該義務，如有必要將處以適當的民事、行政或刑事裁罰。監理機關於其監理或監控行動及方式中，應考量金融機構、指定之非金融事業或人員及虛擬資產服務提供商所面臨的資助武擴風險。應定期審查此類監理或監控機制的頻率、深度及強度，以及對未遵循者所採取的裁罰程度，以確保風險得到妥適解決及抵減。

Compliance monitoring and enforcement is key to ensure sustained compliance. Financial institutions, DNFBPs and VASPs should be subject to supervision or monitoring to ensure their full compliance with their targeted financial sanctions obligations. Failure to comply should result in appropriate civil, administrative or criminal sanctions where required. Supervisors should consider the PF risks faced by financial institutions,

DNFBPs and VASPs in their supervision or monitoring activities and approach. The frequency, depth and intensity of such supervision or monitoring mechanisms, and the level of sanctions applied in response to compliance failures should be reviewed periodically to ensure that risks are adequately addressed and mitigated.

- g. 為監理機關、海關及出口管制、金融情報、監理機關及其他涉及打擊資助武擴的機關，以及金融機構、指定之非金融事業或人員及虛擬資產服務提供商，**針對目標性金融制裁的義務及風險領域進行定期及深入的培訓（由公部門及私部門辦理）**，將有助能力建構且能更加強化整體對目標性金融制裁制度之遵循。瞭解公部門 / 私部門培訓需求，並確定擴展培訓的優先領域可促進有效執行管制措施以抵減風險。

Regular and in-depth training (conducted by both public and private sectors) in the areas of targeted financial sanctions obligations and risks for supervisors, customs and export controls, financial intelligence, regulatory authorities and other agencies involved in counter proliferation financing as well as financial institutions, DNFBPs and VASPs should help build capacity and lead to better overall compliance with the TFS regime. Understanding public/private training needs and identifying priority areas for expanded training may advance the effective implementation of controls to mitigate the risks.

於國家層級抵減規避特定制裁之風險

Mitigating specific sanctions evasion risks at national level

58. 關鍵組織及部門間之業務及策略協調以及資料共享將確保打擊資助武擴機關可以依其體制框架相互聯繫，並於需要時回應協助之請求。這也將有助於機關辨識與經指名之人及實體相關之網絡及 / 或資金管道，以及規避制裁的可能途徑。例如，出口管制機關與相關權責機關間，視情況有效交換有價值資訊，得於某些情形下破獲規避目標性金融制裁的案例。

Operational and strategic co-ordination and information sharing among key organisations and departments would ensure that CPF authorities can communicate with one another and respond to requests for assistance where needed, according to their institutional framework. This would also help authorities identify networks and/or funding channels associated with designated persons and entities and potential avenues of evasion of sanctions. For example, effective exchange of actionable information between export controls authorities and relevant competent authorities, where appropriate, could, in some cases, unearth cases of evasion of targeted financial sanctions.

59. 許多機關持有其自行執法與其他資料庫及報告，例如因涉嫌與經指名之人及實體聯繫而駁回其出口許可證之案件、過去規避制裁之案件，以及涉嫌違反制裁之資料。於現有體制框架內及時共享此類資料（如資料可得且情況適用）可以幫助相關機關全面了解近期趨勢及經指名之人及實體可能用來規

避其所受制裁之方法，並且採取措施以防止或抵減該等風險。 Many authorities maintain their own enforcement and other databases and reports such as cases where export licences were denied due to suspected linkages with designated persons and entities, past cases of sanctions evasion, and information on suspected sanctions violations. Timely sharing of such information, if available and as appropriate within the existing institutional framework could help relevant authorities to develop a comprehensive picture of recent trends and methods designated persons and entities might be using to circumvent the applicable sanctions, and take measures to prevent or mitigate these risks.

60. **公私資料共享合作**係利害關係人間資料共享的寶貴平台。它們可以讓政府與私部門聯繫窗口共享有用的資料（例如態樣、規避指標、最佳實務），而私部門嗣後得分析自己的客戶及交易紀錄，以辨識現在及過去可能的非法活動，包括可能的規避制裁。此資料交換將強化公部門辨識及抵減風險的能力，並針對私部門實體（包括高風險及小而低風險之部門或機構）發布目標性指引，同時保全其維護客戶隱私的責任。相反地，於現有國內框架適用之情況下，任何藉由此分析辨識的可疑資助武擴活動皆得與公部門共享，以加強政府評估其自身風險的能力。此資料交換應符合法律要求（包括資料保護及隱私考量）以及適當的評估及驗證。無論如何，創造機會使公部門及私部門實體間有定期的互動及交流，將有助於確保正確理解及防範規避資助武擴目標性金融制裁。

Public-private information sharing partnerships are valuable

platforms for information sharing between stakeholders. They could allow governments to share useful information (e.g. typologies, evasion indicators, best practices) with private sector contacts, which can then analyse their own customer and transaction records to identify current and historical potentially illicit activity, including the potential evasion of sanctions. The exchange would strengthen the public sector's ability to identify and mitigate risks and issue targeted guidance aimed at the private sector entities (including higher and small and lower risk sectors or institutions), while preserving its responsibility to maintain customer privacy. Conversely, as appropriate within the existing domestic framework, any suspected proliferation financing activity identified through this analysis can be shared with the public sector to strengthen the government's ability to assess its own risks. Such exchanges of information should be subject to legal requirements (including data protection and privacy considerations) and proper evaluation and verification. Nonetheless, creating opportunities for regular interactions and exchanges between public and private sector entities would help ensure that proliferation financing targeted financial sanctions evasions are properly understood and guarded against.

61. **宣導聯繫窗口使私部門得在其有疑慮或需要指導時聯繫政府。** 依體制框架，各國應向金融機構、指定之非金融事業或人員及虛擬資產服務提供商進行宣導，以解釋其目標性金融制裁計畫的關鍵要素，包括若金融機構、指定之非金融事業

或人員及虛擬資產服務提供商辨識出經指名實體或個人時，所須採取之行動。於需要時，金融機構、指定之非金融事業或人員及虛擬資產服務提供商在可能辨識出影響資助武擴制度的情形時，應該能夠及時從相關權責機關（包括監理機關）獲得相關指導。這將有助於避免疏忽的違規行為，並於公部門及私部門間建立信任及信心。

Outreach and points of contact enable private sectors to contact governments when they have concerns or need guidance. In accordance with the institutional framework, countries should conduct outreach to financial institutions, DNFBPs and VASPs to explain key elements of their targeted financial sanctions programmes, including the action required if financial institutions, DNFBPs and VASPs find a match against designated entities or persons. Where needed, financial institutions, DNFBPs and VASPs should be able to access timely guidance from relevant competent authorities (including supervisors) on potential matches and implications for the proliferation financing sanctions regime. This would help avoid inadvertent breach, and build trust and confidence between the public and private sectors.

62. **防止規避制裁及回饋之具體指引：**有效執行目標性金融制裁的主要挑戰之一，係如何藉由確保金融機構、指定之非金融事業或人員及虛擬資產服務提供商適當地執行客戶審查措施（他們得以確定客戶的最終實質受益人）以防止規避制裁。這具有關聯性，因經指名之人及實體，包括代表他們行事者，可以利用境外帳戶或與附屬或不知情的第三方公司設立合資

企業以隱藏真正實質受益人。他們亦得利用空殼及前台公司、人頭帳戶及人頭進入受監理的金融系統，並隱藏其與非法交易的關聯及業務關係。³⁵ 所有國家都應完全遵循相關的 FATF 建議，以確保法人及法律協議之實質受益權的透明度。

Specific guidance on preventing the evasion of sanctions and feedback: One of the key challenges to effective implementation of targeted financial sanctions is how to prevent evasion of sanctions by ensuring that financial institutions, DNFBPs and VASPs are adequately implementing CDD measures such that they are able to ascertain the ultimate beneficial owner of a customer. This is relevant as designated persons and entities, including those acting on their behalf, can use offshore accounts and set up joint ventures with accessory or unaware third party companies to hide the true beneficial owners. They can also use shell and front companies, dummy accounts and strawmen to access the regulated financial system and hide their connection to illicit transactions and business relationships.³⁵ All countries should comply fully with the FATF Recommendations relevant in ensuring the transparency of beneficial ownership of legal persons and legal arrangements.

63. **特定風險的監理行動：**若私部門無法抵減規避目標性金融制裁之風險，則各國得採取的具體措施包括以下：

Regulatory actions to address specific risks: This could include the following specific measures put in place by countries, if

³⁵ 請參見聯合國安理會 1718 年專家小組 2020 年 5 月報告（第四節）。
See UNSCR 1718 PoE May 2020 Report (Section IV).

the risk of evasion of targeted financial sanctions cannot be mitigated by the private sectors:

- a. 監理行動（例如限制業務關係或金融交易），若其構成不可接受的規避制裁高風險，且私部門無法適當地抵減該等風險；

Regulatory actions (e.g. limiting business relationships or financial transactions) if they pose an unacceptably high risk of sanctions evasion, which cannot be adequately mitigated by the private sectors;

- b. 適用具體措施之監理或監理指示（例如強化盡職審查、交易監控檢核）以防止及抵減規避目標性金融制裁之風險—該等指示應輔以機關的相關指引及最佳實務文件；及

Regulatory or supervisory directives to apply specific measures (e.g. enhanced due diligence, transaction monitoring and screening) to prevent and mitigate the risk of evasion of targeted financial sanctions- such directives should be complemented by relevant guidance and best practice papers from the authorities; and

- c. 視情形採取監理行動（例如針對具風險的業務單位進行額外 / 專案檢查；限制有疏失的機構其活動；強化對機構之監控）。

Supervisory actions (e.g. additional/thematic inspections focused on at-risk business units; restriction of the activities of firms found to be negligent; enhanced monitoring of firms) where applicable.

金融機構、指定之非金融事業或人員及虛擬資產服務提供商之抵減風險方法

Risk mitigation measures by financial institutions, DNFBPs and VASPs

64. 金融機構、指定之非金融事業或人員及虛擬資產服務提供商處於打擊資助武擴的前線。各國應確保金融機構、指定之非金融事業或人員及虛擬資產服務提供商採取措施以辨識客戶及交易可能帶來資助武擴風險的情況，並確保其制裁政策、控制措施及程序依據國家立法規定處理該等風險。各國應提供相關資訊（例如經處理之案例、態樣、國家風險評估結果），並分享其知識及經驗以促進金融機構、指定之非金融事業或人員及虛擬資產服務提供商對資助武擴風險的瞭解。

Financial institutions, DNFBPs and VASPs are at the front lines of combating proliferation financing. Countries should ensure that financial institutions, DNFBPs and VASPs take steps to identify circumstances in which customers and transactions may present proliferation financing risks, and ensure that their sanctions policies, controls and procedures address these risks, in accordance with national legislation. Countries should provide relevant information (e.g. sanitised case examples, typologies, results of national risk assessments), and share their knowledge and experience to facilitate the understanding of proliferation financing risks by financial institutions, DNFBPs and VASPs.

65. 金融機構、指定之非金融事業或人員及虛擬資產服務提供商應清楚瞭解其面臨的資助武擴風險之背景資訊及來源，並依據國家立法，採取適當措施抵減該等風險。風險抵減措施的

性質將取決於風險的來源及程度，並可能包括：

Financial institutions, DNFBPs and VASPs should develop a clear understanding of the contextual information and the sources of proliferation financing risks that they are exposed to, and take appropriate measures to mitigate them, in accordance with national legislation. The nature of risk mitigation measures will depend on the source and degree of risks and could include:

- a. 改善建立客戶關係之程序（包括實質受益人）；
Improved onboarding processes for customers (including beneficial owners);
- b. 強化客戶盡職審查程序；
Enhanced customer due diligence procedures;
- c. 有效維護客戶基本資料；
Effective maintenance of customer master data;
- d. 定期管控以確保制裁檢核程序之有效性；及
Regular controls to ensure effectiveness of procedures for sanctions screening; and
- e. 擴充現有的遵循計畫（包括內控）以辨識可能的規避制裁行為。
Leveraging the existing compliance programmes (including internal controls) to identify potential sanctions evasion.

低風險之風險抵減

Risk mitigation in case of low risk

66. 低風險金融機構、指定之非金融事業或人員及虛擬資產服務

提供商等規模較小且主要服務在地及低風險客戶的機構，毋需投入大量時間及資源進行風險抵減。此類機構依賴可得公開紀錄及客戶提供的資料，依據經指名實體及個人名單進行姓名及名稱檢核，以履行其義務是合理的。對絕大多數低風險機構而言，預期他們維持其制裁檢核措施及客戶盡職審查措施以抵減其風險亦為合理，儘管存在低風險，他們無需採取強化措施。

Low risk financial institutions, DNFBPs and VASPs such as those, which are small and serving predominantly locally-based and lower risk customers, are not expected to devote a significant amount of time and resources to risk mitigation. It would be reasonable for such institutions to rely on publicly available records and information supplied by a customer for screening against the list of designated entities and individuals to meet their obligations. For the vast majority of low risk institutions, it is also reasonable to expect them to maintain their sanctions screening measures and customer due diligence measures to mitigate their risks, without the need to deploy enhanced measures despite the existence of low risk.

67. FATF 國際標準為各國提供彈性，得免除特定類型的金融機構、指定之非金融事業或人員及虛擬資產服務提供商之辨識、評估、監測、管理及抵減資助武擴風險的要求，前提是已證明與此類金融機構、指定之非金融事業或人員及虛擬資產服務提供商相關之資助武擴風險較低。國家風險評估應該提供有助益的背景資料，以辨識出低風險機構並使其得從免除義

務中受益。這也將有助於了解普惠金融產品及服務，包括與金融歧視相關的風險，其結果可能會適得其反。各國應考慮及時與迅速地運用 FATF 國際標準所提供的彈性。由於風險概況會隨時間變化，各國應監控此類義務免除。無論如何，於所有情況下都應依建議第 7 項的要求，全面執行目標性金融制裁。

The FATF Standards provide flexibility to countries to exempt a particular type of financial institution, DNFBP or VASP from the requirements to identify, assess, monitor, manage and mitigate proliferation financing risks, provided there is a proven low proliferation financing risk relating to such financial institutions, DNFBPs or VASPs. The national risk assessment should provide useful background information to identify low risk situations, which could benefit from an exemption. This will also help develop an understanding of financial inclusion products and services, including risks associated with financial exclusion, which could be counterproductive. Countries should consider using the flexibility provided in the FATF Standards in a timely and responsive manner. As risk profiles can change over time, countries should monitor such exemptions. Nevertheless, full application of the targeted financial sanctions as required by Recommendation 7 is mandatory in all cases.

抵減可能違反或不執行制裁之風險

Mitigating the risks of a potential breach or non-implementation of sanctions

68. 違反或無法執行制裁的典型原因可能來自於不適當的內控機制（如不適當的客戶審查及記錄保存、延遲的客戶檢核、不適當的交易監控與檢核系統及程序、使用過時的制裁清單及欠缺名單比對的精準度）。為抵減這些風險需要穩建的步驟及內部控制，以及確保下述已被遵守。

A sanctions breach and failure to implement sanctions may typically result from inadequate internal controls (e.g. inadequate CDD and record keeping, delays in screening customers, inadequate transaction monitoring and screening systems and procedures, use of out-of-date sanctions lists and lack of accuracy in matching names). Mitigating these risks essentially requires building sound processes and internal controls, and ensuring these are followed.

69. FATF 國際標準要求毫不遲延地實施目標性金融制裁，若其國內監理架構允許，金融機構、指定之非金融事業或人員、虛擬資產服務提供商得將聯合國指定的變更加入監控系統中，而不必等待國家的轉化或溝通。

The FATF Standards require the implementation of targeted financial sanctions without delay. Where the domestic regulatory framework allows it, financial institutions, DNFBPs and VASPs could incorporate changes in UN designations into their monitoring and surveillance system without waiting for national transposition or communication.

70. 在強大的遵循體系中，教育訓練（特別是針對處理建立及維

護客戶關係的員工）、監控及審查交易，以及處理風險評估是非常基礎的。員工應該視情形留意資助武擴風險、可能違反、不執行或規避目標性金融制裁的態樣，以及所要求的風險抵減措施。這些教育訓練項目可以被加入現行的制裁訓練或更廣泛的洗錢防制訓練模組中。

Training for staff, in particular for those responsible for onboarding customers and maintaining customer relationships, monitoring and screening transactions and handling risk assessments is fundamental in a strong compliance regime. As appropriate, staff should be aware of proliferation financing risks, typologies in relation to the breach, non-implementation or evasion of targeted financial sanctions, and the required risk mitigation measures. These training programmes can be rolled into the existing sanctions training or wider AML/CFT training modules.

抵減規避制裁之風險

Mitigating the risks of evasion of sanctions

71. 抵減規避制裁的風險並非意指「零失敗」的方法，其目標在於依不同風險採行合比例的措施，合理並於可行的程度內盡可能地降低風險。策劃規避制裁旨在隱匿經指名之人及實體，由於該等計畫之目標是規避制裁，即便金融機構、指定之非金融事業或人員、虛擬資產服務提供商已具備良好的風險意識、充足的遵循機能及穩健的盡職調查，仍然無法偵測到所有可能規避目標性金融制裁的情形。然而，這將造成這些機

構的金融、法律及名譽風險。當金融機構、指定之非金融事業或人員、虛擬資產服務提供商不了解可能的規避制裁計畫，以及如何執行量身定作、以風險為基礎的措施來抵減風險時，這些風險即會增加。

Mitigating sanctions evasion risks does not imply a “zero-failure” approach. It aims at reducing the risks as much as reasonable and practicable by following an approach proportionate to risks. Sanctions evasion schemes aim to hide the designated persons and entities. As the very objective of these schemes is to circumvent sanctions, financial institutions, DNFBPs and VASPs could be in situations where despite a good understanding of risks, a robust compliance function and sound due diligence, they might not be able to detect all potential evasion of targeted financial sanctions. However, this gives rise to financial, legal and reputational risks for these institutions. The risks increase when a financial institution, DNFBP or VASP does not understand the risks of potential sanctions evasion schemes and how to implement tailored, risk-based measures to mitigate those risks.

72. 高風險的金融機構、指定之非金融事業或人員、虛擬資產服務提供商可以視情形積極地結合更廣泛的資訊於其遵循政策與程序，包括將政府提供的指引、風險指標、態樣與聯合國安全理事會專家小組關於資助武擴的報告，納入其風險管理的實務與程序，以避免非法人士規避制裁。這些實務與程序應該依照該等機構的風險程度量身定作，並且應定期檢討以確保其維持相關性且符合現行趨勢。

Financial institutions, DNFBPs and VASPs with higher risks may proactively incorporate, as appropriate, a wide range of information for their compliance policies and procedures, which may include guidance provided by governments, risk indicators, typologies and reports of Panel of Experts of the relevant UNSCRs regarding proliferation financing aspects, into their risk management practices and procedures to prevent the evasion of sanctions by illicit players. These practices and procedures should be tailored to the risk profile of these institutions and periodically reviewed to ensure they remain relevant and up-to-date with current trends.

73. 投資可進行機器學習及人工智慧分析之科技及先進軟體，有助暴露於更高之資助武擴風險的大型且複雜之金融機構、指定之非金融事業或人員、虛擬資產服務提供商強化其遵循實踐。此能幫助他們辨識連結及關連性、建立原先難以建立的資助武擴情境及辨識模式（例如：交易次數、價值、目的、相對人、地理位置）。當經指名之團體及個人逐漸轉而使用更進階的欺瞞技術，包含電匯 / 付款剝離技術（wire/payment stripping）³⁶ 來隱藏真實身分及實益受益人，金融機構、指定之非金融事業或人員、虛擬資產服務提供商應對該風險有所警覺並採用適合的工具以應對該風險。

Investment in technology and advanced software, capable of machine learning and artificial intelligence to conduct analysis may help strengthen the compliance practices of large and complex financial institutions, DNFBPs and VASPs that could

be exposed to a higher level of proliferation financing risks. This would enable them to identify linkages and relationships, and build proliferation financing scenarios and recognise patterns (e.g. transaction times, value, purpose, counterparties, geolocation), which would be difficult to establish otherwise. As designated entities and individuals are increasingly using advanced deception techniques, including wire/payments stripping techniques³⁶ hide their true identities and conceal the beneficial owners, financial institutions, DNFBPs and VASPs should be vigilant to such risks and deploy appropriate tools to address such risks.

加強客戶審查

Enhanced customer due diligence

74. 當經指名之人及實體持續採用並提升其規避制裁之技巧以躲避偵測及辨識時，客戶審查方法的有效執行能幫助金融機構、指定之非金融事業或人員、虛擬資產服務提供商管理並抵減資助武擴風險。他們的作法包括創立具有模糊所有權關係的公司實體之複雜網路，以避免與被指名之人或實體的連結。因此，金融機構、指定之非金融事業或人員、虛擬資產服務提供商會發現，單純檢核經指名實體的清單不足以適當管理

³⁶ 剝離是一種故意改變或移除付款或指示資訊的行為，其用以模糊付款人/受益人的身份或用以連結經指名之人或實體。

Stripping is the deliberate act of changing or removing information from a payment or instruction, to obscure the identity of the payment originator/beneficiary or to connect them to designated individuals or entities.

可能違反、不執行或規避資助武擴目標性金融制裁的風險。

Effective implementation of customer due diligence measures helps financial institutions, DNFBPs and VASPs manage and mitigate their proliferation financing risks, as designated persons and entities continue to adapt and advance their sanctions evasion techniques to avoid detection and identification. Their efforts include the creation of complex networks of corporate entities with opaque ownership in order to avoid linkage with a designated person or entity. As a result, financial institutions, DNFBPs and VASPs could find that screening against list of designated entities is insufficient to properly manage the risk of breach, nonimplementation or evasion of TFS related to proliferation or its financing.

75. 有些金融機構、指定之非金融事業或人員、虛擬資產服務提供商已經採用現存的客戶盡職審查措施及交易監控偵測包括規避制裁在內的可能違反目標性金融制裁。金融機構、指定之非金融事業或人員、虛擬資產服務提供商應考慮就額外將資助武擴目標性金融制裁特定風險指標納入其在建立客戶關係或監控持續性客戶關係時所採用之標準，以有效防禦該風險。

Some financial institutions, DNFBPs and VASPs have adapted their existing CDD measures and monitoring of transactions to enable the detection of potential violations of TFS including sanctions evasion. Financial institutions, DNFBPs and VASPs should consider using additional Proliferation financing –

TFS specific risk indicators to the criteria used for customer onboarding and monitoring ongoing customer relationships, in order to effectively defend against such risks.

76. 金融機構、指定之非金融事業或人員、虛擬資產服務提供商的業務性質及其服務將決定適合抵減規避制裁之風險的內控機制範圍，包括客戶盡職審查措施。例如，小而低風險的事業具有有限的商業活動及規律的客戶，此種重複的小型交易多半與付款及薪資循環相連結，不太可能有獨立且精密的遵循機能及系統。

The nature of business of financial institutions, DNFBPs and VASPs and their services should determine the scope of internal controls, including CDD measures, suitable for mitigating the risk of evasion of sanctions. For example, small and low risk businesses having limited business activities with regular customers and a pattern of repeat micro-transactions often linked to a pay or salary cycle, may not have a board or separate and sophisticated compliance function and system.

77. 金融機構、指定之非金融事業或人員、虛擬資產服務提供商應該：（a）採用資助武擴風險評估以引導機構遵循制度，以及員工對風險及客戶可能暴露的風險的意識。及（b）必要時應使用特定之強化措施（如：獲取客戶額外資訊、獲取商業關係擬從事之本質的額外資訊、更頻繁地更新客戶與實質受益人的身分資料、取得資金或財富來源的相關資訊、擬進行或已執行的交易原因、獲取資深管理層的同意以開始或繼續商業關係、提高進行控管之時間及次數以進行商業關係的強化監控、情況允許且適當時要求相對之金融機構提供其事業

性質的資料)。

Financial institutions, DNFBPs and VASPs should: (a) use a proliferation financing risk assessment to guide institutional compliance regimes and employee awareness of the risks, and of which customers may be exposed to those risks; and (b) apply specific enhanced measures, where necessary (e.g. obtaining additional information on the customer, obtaining additional information on the intended nature of the business relationship, and updating more frequently the identification data of customer and beneficial owner, obtaining information on the source of funds and wealth, on the reasons for intended or performed transactions, obtaining the approval of senior management to commence or continue business relationship, conducting enhanced monitoring of the business relationship by increasing the timing and number of controls applied, requesting information from counterparty financial institution on the nature of their business, where allowed and appropriate).

通匯銀行關係³⁷

Correspondent banking relationships³⁷

³⁷ FATF 國際標準關於資助武擴的要求僅限於建議第 1、2、7 和 15 項。此節提出的議題和適用的抵減措施並非建議第 13 項之評估事項。The requirements of the FATF Standards relating to proliferation financing are limited to Recommendations 1, 2, 7 and 15. The issues raised in this section and mitigation measures applied, are not to be assessed under Recommendation 13.

78. 跨國通匯銀行業務是整合性金融系統乃至全球貿易的重要元素。然而檢核行經外國往來銀行的交易具有相當挑戰性，因為經指名之人或實體往往創造出層層的公司實體及空殼公司以進入國際金融體系。金融機構應了解其外國往來銀行的風險程度，並決定適當措施以抵減風險。

Cross-border correspondent banking is a key element of an integrated financial system and therefore of global trade. However, screening transactions that go through foreign respondents can be challenging as designated persons and entities tend to create layered corporate entities and shell companies to gain access to the international financial system. Financial institutions should understand the risk profile of their foreign respondents and determine appropriate measures to mitigate the risks.

79. 然而，這並不表示所有通匯銀行關係都暴露於一致且不可接受的資助武擴高風險，而所有銀行都需避免與暴露於高度資助武擴風險之司法管轄區或地區的銀行往來。通匯銀行關係的風險評估應個案判定，且如洗錢 / 資恐風險一般，應考量往來銀行採用的內控與風險抵減措施。藉由適當之控制、盡職調查及額外之客戶審查，將協助其管理及抵減其自有風險。通匯機構應對通匯銀行關係進行持續的盡職調查，包括列於 2016 年 FATF 通匯銀行服務指引³⁸ 的對往來機構之客戶審查資訊之定期審閱。

However, it does not mean that all correspondent banking relationships present a uniform or unacceptably high risk of being exploited for proliferation financing, and that banks should avoid

doing business with respondent banks based in jurisdictions or regions perceived to be exposed to high proliferation financing risk. Risk assessment of correspondent relationships should be done on a case-by-case basis for each relationship, and should always take account of the internal controls and risk mitigation measures applied by the respondent bank, like with regard to ML/TF risks. This would help them manage and mitigate their own risks by having appropriate controls, due diligence and additional CDD measures. Correspondent institutions should conduct ongoing due diligence of the correspondent banking relationship, including periodical reviews of the CDD information on the respondent institution as outlined in the *2016 FATF Guidance on Correspondent Banking Services*.³⁸

空殼公司和前台公司

Shell and front companies

80. 空殼公司的設立相對快速、簡單。它提供經指名之團體及個人匿名經營業務的能力。這些公司往往在短暫的時間內被濫用，為特定交易或一系列交易搬運金錢。經指名之團體或個人已被發現使用空殼公司的延伸網遂行其謀略。若無法進行建議第 10 項所要求之透徹的盡職調查（例如了解事業的性質與辨識公司的實質受益人），將導致交易中相關的經指名之

³⁸ 參見 2016 年 FATF 通匯銀行服務指引第 29 段。

See paragraph 29 of the 2016 *FATF Guidance on Correspondent Banking Services*.

團體或個人未被偵測，並造成遵循的重大失敗。

Shell companies can be relatively quick and simple to set up. They provide designated entities and individuals the ability to conduct business anonymously. Often, these companies are abused for a brief period of time, moving money for a particular transaction or series of transactions. Designated entities or individuals have been found to use extensive networks of shell companies for perpetrating their schemes. Failure to conduct thorough due diligence, as required under R.10 (e.g. to understand the nature of the business and to identify the beneficial owners of companies), may result in the involvement of designated entities or individuals in the transactions going undetected, leading to significant compliance failures.

81. 使用空殼公司、前台公司，以及中介及代表經指名之團體及人的中間人造成交易監控及檢核的複雜性。金融機構、指定之非金融事業或人員、虛擬資產服務提供商應視情形以額外的盡職調查措施（如加強客戶審查）來補足以清單為基礎的檢核，以抵減可能的規避制裁風險。金融機構、指定之非金融事業或人員、虛擬資產服務提供商應了解客戶業務的性質，並辨識與確認其授權簽名人與實益受益人，以確保其並未直接或間接與經指名之人或實體交易。自客戶關係建立開始，乃至整個客戶關係存續期間，都應保持警覺以適當處理這些風險。

The use of shell companies and front companies, and intermediaries and middlemen acting on behalf of designated entities and persons creates complexity in transaction monitoring

and screening. Where appropriate, financial institutions, DNFBPs and VASPs should supplement the reliance on list-based screening by additional due diligence measures (e.g. enhanced CDD) to mitigate the risk of potential sanctions evasion. Financial institutions, DNFBPs and VASPs should understand the nature of their customer's business and identify and verify the customer's authorised signatories and beneficial owners in order to ensure that they are not directly or indirectly dealing with designated persons and entities. They should be vigilant at the time of onboarding of customers and throughout the course of the customer relationship to adequately address these risks.

82. 涉及公司及其他法人或法律協議之建立或管理的公司服務業者、律師及會計師，特別會面臨交易及服務風險。這些架構可能被用來模糊所有權關係且不具備實質之經濟上目的。這些組成或運作方式的真正目的可能在於規避制裁。

Company service providers, lawyers and accountants involved in the creation or management of companies and other legal persons or legal arrangements, in particular, face transaction and service risks. These structures may be misused to obscure ownership or may have no real economic purpose, and the very objective of their formation or operation may be to circumvent and evade sanctions.

經指名之團體與個人往往尋求這些專業人士的介入以提供其活動的崇高性與合法性。為了抵減這些風險，這些服務提供者應具備內部政策與程序以獲取其客戶實益受益人之資訊，並且了解客戶業務的性質與其所有權及控制結構，以合乎國

家法律規範。

Designated entities and individuals seek the involvement of these professionals to provide respectability and legitimacy to their activities. In order to mitigate the risks, these service providers should have internal policies and procedures to obtain information on the beneficial owners of their customers and understand the true nature of their customers' business and ownership and control structures, in accordance with national legislation.

第三節：監督資助武器擴散風險的評估及抵減³⁹

SECTION THREE: SUPERVISION OF PROLIFERATION FINANCING RISK ASSESSMENT AND MITIGATION³⁹

83. 此節將提供監理機關及自律團體如何監督或監控金融機構、指定之非金融事業或人員、虛擬資產服務提供商的資助武擴風險評估及抵減措施的一般性指引。應注意的是抵減規避制裁風險並非意指「零失敗」方法。

³⁹ FATF 國際標準關於資助武擴的要求僅限於建議第 1、2、7 和 15 項。本節所提出關於監督和監控的問題並非建議第 26、27、28 和 35 項評估事項。

The requirements of the FATF Standards relating to proliferation financing are limited to Recommendations 1, 2, 7 and 15. The issues raised in this section in the context of supervision and monitoring are not to be assessed under Recommendations 26, 27, 28 and 35.

This section provides general guidance on how proliferation financing risk assessment and mitigation by financial institutions, DNFBPs and VASPs should be supervised or monitored by supervisors and SRBs, noting that mitigating sanctions evasion risks does not imply a “zero-failure” approach.

84. 監督機關得針對金融機構、指定之非金融事業或人員、虛擬資產服務提供商以納入既有的制裁遵循或金融犯罪遵循計畫之一部分所產出之資助武擴風險評估進行評估。金融機構、指定之非金融事業或人員、虛擬資產服務提供商不必作成個別風險評估，或特別為資助武擴風險聘僱負責遵循的員工。Supervisors can assess the proliferation financing risk assessments created by financial institutions, DNFBPs and VASPs as part of their pre-existing sanctions compliance or financial crimes compliance programme. It need not oblige financial institutions, DNFBPs and VASPs to do a separate risk assessment, or retain compliance staff specifically for proliferation financing risk.

85. FATF 已制定個別的以風險為本的指引⁴⁰以說明並闡釋監督機關在監督及 / 或監控金融機構、指定之非金融事業或人員、虛擬資產服務提供商的洗錢 / 資恐的風險評估及管理上，應如何運用以風險為本之方法，以符合 FATF 國際標準。雖然該指引著重在防制洗錢 / 打擊資恐，監理機關在制定其監督或監控被監理實體之資助武擴風險評估及抵減的監理手段時，仍應考量該指引的相關面向，包括但不限於：

The FATF has developed a separate risk-based Guidance⁴⁰ to

⁴⁰ 見 2021 FATF 風險為本監督指引。

See 2021 FATF Risk-based Supervision Guidance.

clarify and explain how supervisors should apply a risk-based approach to their supervision and/or monitoring of financial institutions, DNFBPs and VASPs in assessing and managing ML/TF risk, in line with the FATF Standards. While that Guidance is focused on AML/CFT, supervisors should consider taking relevant aspects of that Guidance into account while developing their supervisory approaches for supervision or monitoring of proliferation financing risk assessment and mitigation by their supervised entities. Considerations that supervisors could take into account include, but are not necessarily limited to:

- a. 監督機關應具備程序以取得並維持對於資助武擴風險情形的最新理解，同時系統化地定期辨識與評估不同部門及個人實體的風險等級，並考量風險暴露與內控的有效性；

Supervisors should have a process in place to obtain and maintain an up-to-date understanding of the proliferation financing risks landscape, and systematically identify and assess the level of risk in different sectors and individual entities on a periodic basis, taking into consideration their exposure to risks and efficacy of their internal controls;

- b. 決定監理的強度及頻率時，金融機構、指定之非金融事業或人員、虛擬資產服務提供商的資助武擴風險分類以及其他監督機關使用的指標應被納入考量。例如：對低風險機構僅需花費較低的監督注意力（如相較於高風險實體為低頻率及低強度的審查）；

The proliferation financing risk classification of Financial Institutions, DNFBPs or VASPs should be taken into account, along with other parameters used by supervisors, when determining the intensity and frequency of supervision. For example, lower-risk institutions should attract less supervisory attention (e.g. less frequent or intense scrutiny than higher risk entities);

- c. 監督機關應保持風險評估程序的機動性，借助內部及外部資源⁴¹取得的資訊及數據，作為對各實體持續性監督及監控的一環；

Supervisors should keep the risk assessment process dynamic, by leveraging available information and data from both internal and external sources,⁴¹ as part of their ongoing supervision and monitoring of entities;

- d. 監督機關應留意內控、目標性金融制裁檢核程序、建立客戶關係程序及交易監控與審查程序的有效性。應

⁴¹ 可能構成監理機關風險評估基礎的資訊類型，包括但不限於：國家風險評估、自金融機構、指定之非金融事業或人員、虛擬資產服務提供商蒐集的現地或非現地資訊、檢驗或監督程序的結果，和金融情報中心的情報，包括疑似洗錢或資恐交易報告的態樣和回報。

The types of information that might form the basis of the supervisor's risk assessment include, but are not limited to: national risk assessments, information collected from financial institutions, DNFBPs and VASPs either off-site or on-site, the results of examinations and supervisory processes, and information from the Financial Intelligence Unit, including typologies and feedback on suspicious transaction reports.

審查受監督機構是否適當地執行客戶審查措施以辨識及確認客戶的身分、客戶的實益受益人、理解客戶關係的性質及目的，以建立客戶風險檔案及進行以風險為本的持續性監督，以維護及更新客戶資訊；

Supervisors should focus on the effectiveness of internal controls, targeted financial sanctions screening processes and customer onboarding processes and transaction monitoring and screening processes. They should review whether supervised institutions are adequately implementing CDD measures to identify and verify the identity of a customer, the customer's beneficial owner(s), understand the nature and purposes of the customer relationship in order to develop customer risk profiles, and conduct ongoing monitoring, on a risk basis, to maintain and updated customer information.

- e. 監督機關可能會注意到在各受監督機構間，資助武擴風險之分布可能與洗錢 / 資恐風險不同。實施資助武擴風險評估及抵減的適當監督可能需要監督機關留意到與監督洗錢防制 / 打擊資恐相關之不同商業單位及產品；

Supervisors may note that PF risks may be distributed differently from ML/TF risks between and within supervised institutions. Adequately supervising the implementation of PF risk assessment and mitigation may require supervisors to focus on different business units and different products from those which are relevant to AML/CFT supervision;

- f. 監督機關應採取行動（如：宣導、指引、資訊共享），以確保受監督機構理解其資助武擴風險並採行相應之風險抵減措施；

Supervisors should take steps (e.g. outreach, guidance, information sharing) to ensure that their supervised institutions understand their PF risks and apply commensurate risk mitigation measures;

- g. 於制定監理計畫時，監督機關應考量受監督機構及個別部門的能力與打擊資助武擴之經驗，以及對於目標性金融制裁之義務與風險的理解；

Supervisors should consider the capacity and the counter proliferation financing experience of the supervised institutions and individual sectors, and their understanding of targeted financial sanctions obligations and risks while developing their supervisory programmes;

- h. 監督機關應基於監督風險評估，決定其監督活動的方法及程序，包括使用的工具（如：問卷、非現地報告、訪談、抽樣測試、實地訪查）；

Based on supervisory risk assessment, supervisors should determine methodology and procedures of supervisory activities, including the types of tools employed (e.g. questionnaires, off-site reporting, interviews, sample testing, on-site visits);

- i. 監督機關應考量金融機構、指定之非金融事業或人員、虛擬資產服務提供商面臨的風險，以決定監督活動的強度、種類及頻率；

Supervisors should consider risks faced by financial institutions, DNFBPs and VASPs for determining the intensity, type and frequency of supervisory activities;

- j. 於監督時，監督機關應決定董事及資深管理層監督資助武擴事宜之範圍，及提交資助武擴相關事宜予董事或資深管理層的適當性；

Supervisors should determine in the course of supervision the extent of board and senior management oversight of proliferation financing matters and adequacy of escalation of proliferation financing-related issues to board and senior management;

- k. 監督機關應將重點放在受監督機構對姓名及名稱檢核合法性比對及偽陽性的辨識及管理；

Supervisors should focus on supervised institutions' identification and management of legitimate matches and false positives during screening;

- l. 監督機關應將重點放在受監督機構在執行受目標性金融制裁的個人及實體的控制措施時，其辨識經指名之人及實體的能力；

Supervisors should focus on supervised institutions' ability to identify designated persons and entities in the implementation of controls on persons and entities subject to targeted financial sanctions;

- m. 特別是對於指定之非金融事業或人員，監督機關及自律組織應注意與設立公司服務有關的弱點，這些服務多半是由公司服務業者、律師和會計師所提供；

For DNFBP sectors in particular, supervisors and

self-regulatory bodies should note the vulnerabilities associated with company formation services, which are typically provided by company service providers, lawyers and accountants;

- n. 當弱點已被風險評估或風險抵減辨識出時，監督機關應進一步追蹤，並採行強力的改善措施以修正錯誤，並預防其再度發生。

Where weaknesses are identified in the areas of risk assessment or risk mitigation, supervisors should follow up and assess the robustness of remedial actions taken to rectify the deficiencies, and to prevent recurrences;

- o. 對於因遵循失敗所導致的監理違規，監督機關應有廣泛的監理 / 監理措施以處理該風險，並鼓勵個別機構及更大範圍的部門加強其遵循的努力。這些強制措施包括但不限於：行政裁罰、撤銷營業執照等。適當的強制執行可以促成受監理實體的遵循文化。

For regulatory breaches arising from compliance failures, supervisors should have a broad range of regulatory/supervisory measures available that can be applied to address the risks and encourage individual firms and wider sectors to increase their compliance efforts. These enforcement measures include, but are not limited to: administrative sanctions, withdrawal of licenses to operate, etc. Proper enforcement can encourage a culture of compliance among supervised entities.

附件 A：打擊資助武器擴散之 FATF 建議

Annex A. FATF Recommendations on Counter Proliferation Financing

建議第 1 項：風險評估及應用以風險為本之方法

(注意：僅摘錄資助武擴部分)

RECOMMENDATION 1: ASSESSING RISKS AND APPLYING A RISK-BASED APPROACH

(Remarks: Extract text on PF only)

各國亦應識別、評估及了解該國之資助武擴風險。在建議第 1 項之背景下，「資助武擴風險」嚴格地限指可能違反、不執行或逃避建議第 7 項中提及之目標性金融制裁義務。各國應採取相應行動以確保有效降低此等風險，包括指定機關或建立機制以協調風險評估之行動，並為此有效分配資源。當國家發現高風險時，應確保國家能充分應對此類風險。當國家發現低風險時，則應確保所採取之措施與資助武擴風險等級相稱，同時仍確保全面執行建議第 7 項中要求之目標性金融制裁。

Countries should also identify, assess, and understand the proliferation financing risks for the country. In the context of Recommendation 1, “proliferation financing risk” refers strictly and only to the potential breach, non-implementation or evasion of the targeted financial sanctions obligations referred to in Recommendation 7. Countries should take commensurate action aimed at ensuring that these risks are mitigated effectively,

including designating an authority or mechanism to coordinate actions to assess risks, and allocate resources efficiently for this purpose. Where countries identify higher risks, they should ensure that they adequately address such risks. Where countries identify lower risks, they should ensure that the measures applied are commensurate with the level of proliferation financing risk, while still ensuring full implementation of the targeted financial sanctions as required in Recommendation 7.

各國應要求金融機構及指定之非金融事業或人員辨識、評估並採取有效行動以降低其洗錢、資恐和資助武擴之風險。

Countries should require financial institutions and designated non-financial businesses and professions (DNFBPs) to identify, assess and take effective action to mitigate their money laundering, terrorist financing and proliferation financing risks.

建議第 1 項注釋

(辨識洗錢 / 資恐風險及應用以風險為本之方法) (注意：僅摘錄資助武擴部分)

INTERPRETIVE NOTE TO RECOMMENDATION 1 (ASSESSING ML/TF RISKS AND APPLYING A RISK-BASED APPROACH) (Remarks: Extract text on PF only)

評估資助武擴風險及應用以風險為本之措施

ASSESSING PROLIFERATION FINANCING RISKS AND APPLYING RISK-BASED MEASURES

建議第 1 項之背景下，「資助武擴風險」係嚴格限指可能違反、不執行或規避建議第 7 項所規範之目標性金融制裁義務。建議第 7 項中規定之此等義務對於所有自然人和法人制定了嚴格要求，而非以風險為本。於資助武擴風險之背景下，金融機構及指定之非金融事業或人員採取之以風險為本措施旨在加強及補充建議第 7 項 嚴格要求之全面執行，其方法為偵測及預防不執行、可能違反或規避目標性金融制裁。於決定抵減某一部門資助武擴風險之措施時，各國應考量與相關部門有關之資助武擴風險。藉由採取以風險為本之措施，權責機關、金融機構和指定之非金融事業或人員應能夠確保此等措施與辨識之風險相稱，以便其決定如何以最有效之方式分配其資源。

In the context of Recommendation 1, “proliferation financing risk” refers strictly and only to the potential breach, non-implementation or evasion of the targeted financial sanctions obligations referred to in Recommendation 7.² These obligations set out in Recommendation 7 place strict requirements on all natural and legal persons, which are not risk-based. In the context of proliferation financing risk, risk-based measures by financial institutions and DNFBPs seek to reinforce and complement the full implementation of the strict requirements of Recommendation 7, by detecting and preventing the non-implementation, potential breach, or evasion of targeted financial sanctions. In determining the measures to mitigate proliferation financing risks in a sector, countries should

consider the proliferation financing risks associated with the relevant sector. By adopting risk-based measures, competent authorities, financial institutions and DNFBPs should be able to ensure that these measures are commensurate with the risks identified, and that would enable them to make decisions on how to allocate their own resources in the most effective way.

金融機構及指定之非金融事業或人員應建立適當之流程，以辨識、評估、監理、管理及抵減資助武擴風險，並得於其現有之目標性金融制裁及 / 或法令遵循計畫之框架內完成。各國應確保於任何風險情境中全面執行建議第 7 項。當風險較高時，各國應要求金融機構及指定之非金融事業或人員採取相應措施以管理及抵減風險。當風險較低時，他們應確保所採取之措施與風險標準相稱，同時仍確保按照建議第 7 項之要求全面執行目標性金融制裁。

Financial institutions and DNFBPs should have in place processes to identify, assess, monitor, manage and mitigate proliferation financing risks.³ This may be done within the framework of their existing targeted financial sanctions and/or compliance programmes. Countries should ensure full implementation of Recommendation 7 in any risk scenario. Where there are higher risks, countries should require financial institutions and DNFBPs to take commensurate measures to manage and mitigate the risks. Where the risks are lower, they should ensure that the measures applied are commensurate with the level of risk, while still ensuring full implementation of the targeted financial sanctions as required by Recommendation 7.

A 各國的義務和決定

A.Obligations and decisions for countries

資助武擴風險 PF risk

評估資助武擴風險 - 各國應採取適當步驟以持續識別及評估該國之資助武擴風險，俾能：(i) 告知該國打擊資助武擴制度之可能變化，包含法律、法規及其他措施之變更；(ii) 協助權責機關分配及確認打擊資助武擴資源之優先順序；(iii) 為金融機構及指定之非金融事業或人員進行之打擊武擴風險評估提供資訊。各國應及時更新評估，並應建立機制向所有相關權責機關及自律組織、金融機構及指定之非金融事業或人員提供適當資訊。

Assessing PF risk - Countries⁵ should take appropriate steps to identify and assess the proliferation financing risks for the country, on an ongoing basis and in order to: (i) inform potential changes to the country's CPF regime, including changes to laws, regulations and other measures; (ii) assist in the allocation and prioritisation of CPF resources by competent authorities; and (iii) make information available for PF risk assessments conducted by financial institutions and DNFBPs. Countries should keep the assessments up-to-date, and should have mechanisms to provide appropriate information on the results to all relevant competent authorities and SRBs, financial institutions and DNFBPs.

抵減資助武擴風險 - 各國應採取適當措施來管理及抵減所識別之資助武擴風險。各國應針對該國存在之可能違反、規避及不執行目標性金融制裁之手段進行了解，並得於權責

機關內部及之間以及與私部門共享。各國應確保金融機構及指定之非金融事業或人員採取措施以識別可能帶來更高風險之情形，並確保其打擊資助武擴制度處理此等風險。各國應確保於任何風險情境中全面執行建議第 7 項。當風險較高時，各國應要求金融機構及指定之非金融事業或人員採取相應措施以管理及抵減此等風險。相對地，於風險較低時，應確保所採取之措施與風險標準相稱，同時仍確保按照建議第 7 項之要求全面執行目標性金融制裁。

Mitigating PF risk - Countries should take appropriate steps to manage and mitigate the proliferation financing risks that they identify. Countries should develop an understanding of the means of potential breaches, evasion and non-implementation of targeted financial sanctions present in their countries that can be shared within and across competent authorities and with the private sector. Countries should ensure that financial institutions and DNFBPs take steps to identify circumstances, which may present higher risks and ensure that their CPF regime addresses these risks. Countries should ensure full implementation of Recommendation 7 in any risk scenario. Where there are higher risks, countries should require financial institutions and DNFBPs to take commensurate measures to manage and mitigate these risks. Correspondingly, where the risks are lower, they should ensure that the measures applied are commensurate with the level of risk, while still ensuring full implementation of the targeted financial sanctions as required by Recommendation 7.

B 金融機構、指定之非金融事業或人員之義務與決定

B.Obligations and decisions for financial institutions and DNFBPs

資助武擴風險 PF risk

評估資助武擴風險 – 金融機構及指定之非金融事業或人員應採取適當步驟以辨識及評估其資助武擴風險並得於其現有之目標性金融制裁及 / 或法令遵循計畫之框架下執行。其應記錄此等評估以證明其依據、更新此等評估至最新狀態，及具備適當機制以提供風險評估資訊予權責機關及自律組織。任何資助武擴風險評估之性質及範圍應與業務性質及規模相當。金融機構及指定之非金融事業或人員應不斷了解其資助武擴風險，惟如該部門固有之特定風險已被清楚地辨識和理解，則權責機關或自律組織可能會決定無需進行單獨記錄的風險評估。

Assessing PF risk – Financial institutions and DNFBPs should be required to take appropriate steps, to identify and assess their proliferation financing risks. This may be done within the framework of their existing targeted financial sanctions and/or compliance programmes. They should document those assessments in order to be able to demonstrate their basis, keep these assessments up to date, and have appropriate mechanisms to provide risk assessment information to competent authorities and SRBs. The nature and extent of any assessment of

proliferation financing risks should be appropriate to the nature and size of the business. Financial institutions and DNFBPs should always understand their proliferation financing risks, but competent authorities or SRBs may determine that individual documented risk assessments are not required, if the specific risks inherent to the sector are clearly identified and understood.

抵減資助武擴風險—金融機構及指定之非金融事業或人員應有政策、控制及程序以有效管理及抵減已被辨識之風險，並得於其現有之目標性金融制裁及 / 或法令遵循計畫之框架下執行。應要求該等人員監督此等控制措施之執行，並於必要時加強此等控制措施。政策、控制措施及程序應取得高階管理層之核准，為管理及抵減風險（無論高或低）而採取之措施應符合國家要求以及權責機關及自律組織之指引。各國應確保於任何風險情境中全面執行建議第 7 項。當風險較高時，各國應要求金融機構及指定之非金融事業或人員採取相應措施以管理及抵減此等風險（例如導入旨在偵測建議第 7 項可能違反、不執行或逃避目標性金融制裁之加強版控制措施）。相對地，當風險較低時，他們應確保所採取之措施與風險等級相稱，同時仍確保按照建議第 7 項之要求全面執行目標性金融制裁。

Mitigating PF risk — Financial institutions and DNFBPs should have policies, controls and procedures to manage and mitigate effectively the risks that have been identified. This may be done within the framework of their existing targeted financial sanctions and/or compliance programmes. They should

be required to monitor the implementation of those controls and to enhance them, if necessary. The policies, controls and procedures should be approved by senior management, and the measures taken to manage and mitigate the risks (whether higher or lower) should be consistent with national requirements and with guidance from competent authorities and SRBs. Countries should ensure full implementation of Recommendation 7 in any risk scenario. Where there are higher risks, countries should require financial institutions and DNFBPs to take commensurate measures to manage and mitigate the risks (i.e. introducing enhanced controls aimed at detecting possible breaches, non-implementation or evasion of targeted financial sanctions under Recommendation 7). Correspondingly, where the risks are lower, they should ensure that those measures are commensurate with the level of risk, while still ensuring full implementation of the targeted financial sanctions as required by Recommendation 7.

建議第 1 項注釋之註腳 Footnotes of INR.1

2. 第 7 項建議之注釋第 1 段及第 2 段以及相關註腳規定了第 7 項建議之義務範圍；包括其僅限於目標性金融制裁，不包括聯合國安理會之其他要求。與資助武器擴散有關之 FATF 標準之要求僅限於第 1、2、7 及 15 項建議。因此，第 1 項建議中關於評估及抵減資助武器擴散風險之要求並不會擴大其他建議下之其他要求的範圍。

Paragraphs 1 and 2 of the Interpretive Note to Recommendation 7, and the related footnotes, set out the scope of Recommendation 7 obligations; including that it is limited to targeted financial sanctions and does not cover other requirements of the UNSCRs. The requirements of the FATF Standards relating to proliferation financing are limited to Recommendations 1, 2, 7 and 15 only. The requirements under Recommendation 1 for PF risk assessment and mitigation, therefore, do not expand the scope of other requirements under other Recommendations.

3. 各國得決定免除特定類型之金融機構或指定之非金融事業與人員辨識、評估、監測、管理及降低資助武器擴散風險之要求，前提是已證明與此類金融機構或指定之非金融事業與人員相關之資助武器擴散風險較低。但是，於所有情況下，都必須按照第 7 項建議之要求全面執行目標性金融制裁。

Countries may decide to exempt a particular type of financial institution or DNFBP from the requirements to identify, assess, monitor, manage and mitigate proliferation financing risks, provided there is a proven low risk of proliferation financing relating to such financial institutions or DNFBPs. However, full implementation of the targeted financial sanctions as required by Recommendation 7 is mandatory in all cases.

5. 在適當的情況下，在考量是否滿足此一義務時，超國家層面的資助武器擴散風險評估應被列入考慮。

Where appropriate, PF risk assessments at a supra-national level should be taken into account when considering whether this obligation is satisfied.

建議第 7 項：關於武擴的目標性金融制裁

RECOMMENDATION 7: TARGETED FINANCIAL SANCTIONS RELATED TO PROLIFERATION

各國應執行目標性金融制裁，以遵守聯合國安理會關於防止、抑制和阻絕大規模毀滅性武擴及其融資之決議。此等決議要求各國毫不遲延地凍結其資金或其他資產，並確保不直接或間接向聯合國安全理事會根據《聯合國憲章》第七章指名或授權之任何人或團體或為其利益提供資金和其他資產。

Countries should implement targeted financial sanctions to comply with United Nations Security Council resolutions relating to the prevention, suppression and disruption of proliferation of weapons of mass destruction and its financing. These resolutions require countries to freeze without delay the funds or other assets of, and to ensure that no funds and other assets are made available, directly or indirectly, to or for the benefit of, any person or entity designated by, or under the authority of, the United Nations Security Council under Chapter VII of the Charter of the United Nations.

建議第 7 項註釋（關於武擴的目標性金融制裁）

INTERPRETIVE NOTE TO RECOMMENDATION 7 (TARGETED FINANCIAL SANCTIONS RELATED TO PROLIFERATION)

A 目標

A.OBJECTIVE

1. 建議第 7 項要求各國執行目標性金融制裁¹⁴，以遵守聯合國安理會決議，該決議要求各國毫不遲延地凍結其資金或其他資產，並確保不向聯合國安理會依據《聯合國憲章》第七章指名之任何人¹⁵或團體，或為其利益提供任何資金及其他資產，以遵循安理會有關防止及阻絕資助大規模毀滅性武擴之決議¹⁶。

Recommendation 7 requires countries to implement targeted financial sanctions¹⁴ to comply with United Nations Security Council resolutions that require countries to freeze, without delay, the funds or other assets of, and to ensure that no funds and other assets are made available to, and for the benefit of, any person¹⁵ or entity designated by the United Nations Security Council under Chapter VII of the Charter of the United Nations, pursuant to Security Council resolutions that relate to the prevention and disruption of the financing of proliferation of weapons of mass destruction.¹⁶

2. 應該強調的是，建議第 7 項中之任何要求都不是為了取代於刑事、民事或行政調查或程序下處理資金或其他資

產而可能已經存在之其他措施或義務，該要求係基於與大規模毀滅性武擴關之國際條約或安理會之決議要求。建議第 7 項之重點在於阻止資金或其他資產流向武擴者或武擴方面之必要及獨特之預防措施；以及依聯合國安全理事會（安理會）之要求就武擴者或武擴使用之資金或其他資產之預防措施。

It should be stressed that none of the requirements in Recommendation 7 is intended to replace other measures or obligations that may already be in place for dealing with funds or other assets in the context of a criminal, civil or administrative investigation or proceeding, as is required by international treaties or Security Council resolutions relating to weapons of mass destruction non-proliferation.¹⁷ The focus of Recommendation 7 is on preventive measures that are necessary and unique in the context of stopping the flow of funds or other assets to proliferators or proliferation; and the use of funds or other assets by proliferators or proliferation, as required by the United Nations Security Council (the Security Council).

B 指名

B.DESIGNATIONS

3. 指名係由安理會於相關決議之附件中或根據此等決議而設立之安理會委員會所為。聯合國會員國沒有向安理會或安理會相關委員會提交指名提案之具體義務。然而，

實際上，安理會或相關委員會主要取決於會員國之指名請求。安理會第 1718 號（2006 年）決議規定，相關委員會應頒布必要之指導方針，以促進本決議及其後續決議規定措施之執行。第 2231 號（2015 年）決議規定，安理會應作出必要之實際安排，以承擔與執行決議直接相關之任務。

Designations are made by the Security Council in annexes to the relevant resolutions, or by the Security Council Committees established pursuant to these resolutions. There is no specific obligation upon United Nations Member States to submit proposals for designations to the Security Council or the relevant Security Council Committee(s). However, in practice, the Security Council or the relevant Committee(s) primarily depends upon requests for designation by Member States. Security Council resolution 1718 (2006) provides that the relevant Committee shall promulgate guidelines as may be necessary to facilitate the implementation of the measures imposed by this resolution and its successor resolutions. Resolution 2231 (2015) provides that the Security Council shall make the necessary practical arrangements to undertake directly tasks related to the implementation of the resolution.

4. 各國得考慮根據安理會有關在資助大規模毀滅性武擴之情況下執行目標性金融制裁之決議，建立權責及有效程序

或機制，以向安理會提議被指名之人及團體。於此等情形，各國可以考慮以下要件：

Countries could consider establishing the authority and effective procedures or mechanisms to propose persons and entities to the Security Council for designation in accordance with relevant Security Council resolutions which impose targeted financial sanctions in the context of the financing of proliferation of weapons of mass destruction. In this regard, countries could consider the following elements:

- a. 確定權責機關，無論是行政還是司法機關，負責：
identifying a competent authority(ies), either executive or judicial, as having responsibility for:
 - (i) 向 1718 制裁委員會於適當時提議指名符合第 1718 號（2006 年）決議及其後續決議規定之具體指名標準之個人或團體，如果該當局決定這樣做並認為有足夠之證據支持指名標準（與安理會相關決議相關之具體指名標準詳見 E 節）；
及
proposing to the 1718 Sanctions Committee, for designation as appropriate, persons or entities that meet the specific criteria for designation as set forth in resolution 1718 (2006) and its successor resolutions¹⁸, if that authority decides to do so and believes that it has sufficient evidence to support

the designation criteria (see Section E for the specific designation criteria associated with relevant Security Council resolutions); and

- (ii) 建議安理會於適當時指名符合第 2231 號（2015 年）決議及任何未來後續決議規定之指名標準之個人或團體，如果該機關決定這樣做並認為有足夠證據支持指名標準（與安理會相關決議相關之具體指名標準詳見 E 節）。

proposing to the Security Council, for designation as appropriate, persons or entities that meet the criteria for designation as set forth in resolution 2231 (2015) and any future successor resolutions, if that authority decides to do so and believes that it has sufficient evidence to support the designation criteria (see Section E for the specific designation criteria associated with relevant Security Council resolutions).

- b. 根據第 1718 號（2006 年）、第 2231 號（2015 年）決議及其後續決議及任何未來後續決議中規定之指名標準，建立確認指名目標之機制（與安理會相關決議相關之具體指名標準詳見 E 節）。此類程序應確保根據適用之（超）國家原則決定是否存在合理理由或合理基礎以提議指名。

having a mechanism(s) for identifying targets for designation, based on the designation criteria set out

in resolutions 1718 (2006), 2231 (2015), and their successor and any future successor resolutions (see Section E for the specific designation criteria of relevant Security Council resolutions). Such procedures should ensure the determination, according to applicable (supra-)national principles, whether reasonable grounds or a reasonable basis exists to propose a designation.

- c. 具備適當之法律權力、程序或機制，自所有相關來源收集或索取盡可能多之資訊，以識別基於合理理由或合理懷疑或相信符合安理會相關決議中之指名標準之個人和團體。

having appropriate legal authority, and procedures or mechanisms, to collect or solicit as much information as possible from all relevant sources to identify persons and entities that, based on reasonable grounds, or a reasonable basis to suspect or believe, meet the criteria for designation in the relevant Security Council resolutions.

- d. 決定是否提出指名時，考量注釋說明第 E 節中之標準。對於指名之提案，各國權責機關將適用本國法律體系之法律標準，同時兼顧人權、尊重法治及承認無辜第三方之權利。

when deciding whether or not to propose a designation, taking into account the criteria in Section E of this interpretive note. For proposals of designations, the

competent authority of each country will apply the legal standard of its own legal system, taking into consideration human rights, respect for the rule of law, and in recognition of the rights of innocent third parties.

- e. 當根據第 1718 號（2006 年）決議及其後續決議向 1718 制裁委員會提出名單，或根據第 2231 號（2015 年）決議及任何未來之後續決議向安理會指名時，應盡可能詳細地說明：

when proposing names to the 1718 Sanctions Committee, pursuant to resolution 1718 (2006) and its successor resolutions, or to the Security Council, pursuant to resolution 2231 (2015) and any future successor resolutions, providing as much detail as possible on:

- (iii) 提議之名稱，特別是足夠之識別資訊，以便準確及肯定地識別個人及團體；及

the proposed name, in particular, sufficient identifying information to allow for the accurate and positive identification of persons and entities; and

- (iv) 支持確定該個人或團體符合相關指名標準之具體資訊（與安理會相關決議相關之具體指名標準詳見 E 節）。

specific information supporting a determination that the person or entity meets the relevant criteria for designation (see Section E for the specific

designation criteria of relevant Security Council resolutions).

- f. 制定程序以於必要時得對於已被辨識且其指名提議正被考慮中之個人或團體進行單方面執行。

having procedures to be able, where necessary, to operate ex parte against a person or entity who has been identified and whose proposal for designation is being considered.

C 凍結和禁止交易被指名之人及團體之資金或其他資產

C.FREEZING AND PROHIBITING DEALING IN FUNDS OR OTHER ASSETS OF DESIGNATED PERSONS AND ENTITIES

5. 各國有義務毫不遲延地對被指名之個人及團體執行目標性金融制裁：

There is an obligation for countries to implement targeted financial sanctions without delay against persons and entities designated:

- a. 就第 1718 號（2006 年）決議及其後續決議而言，安理會相關決議之附件，或由安理會第 1718 制裁委員會¹⁹作出；及
- in the case of resolution 1718 (2006) and its successor resolutions, by the Security Council in annexes to the relevant resolutions, or by the 1718 Sanctions Committee of the Security Council¹⁹; and
- b. 就安理會第 2231 號（2015 年）決議及任何未來後續

決議，根據《聯合國憲章》第七章之授權行事。

in the case of resolution 2231 (2015) and any future successor resolutions by the Security Council, when acting under the authority of Chapter VII of the Charter of the United Nations.

6. 各國應根據以下標準及程序，建立必要之法律權力並確定負責執行及實施目標性金融制裁之國內權責機關：

Countries should establish the necessary legal authority and identify competent domestic authorities responsible for implementing and enforcing targeted financial sanctions, in accordance with the following standards and procedures:

- a. 各國應要求該國境內之所有自然人及法人毫不遲延地凍結被指名之人及團體之所有資金或其他資產，而無須先行通知。該義務應擴展至：被指名之人或團體擁有或控制之所有資金或其他資產，而非僅是該等可能與特定行為、陰謀或武擴威脅有關之資金或其他資產；由被指名之人或團體直接或間接完全或共同擁有或控制之資金或其他資產；以及由被指名之人或團體直接或間接擁有或控制之資金或其他資產衍生或產生之資金或其他資產，以及代表被指名之人或於其指示下行事之個人及團體之資金或其他資產。

Countries²⁰ should require all natural and legal persons within the country to freeze, without delay

and without prior notice, the funds or other assets of designated persons and entities. This obligation should extend to: all funds or other assets that are owned or controlled by the designated person or entity, and not just those that can be tied to a particular act, plot or threat of proliferation; those funds or other assets that are wholly or jointly owned or controlled, directly or indirectly, by designated persons or entities; and the funds or other assets derived or generated from funds or other assets owned or controlled directly or indirectly by designated persons or entities, as well as funds or other assets of persons and entities acting on behalf of, or at the direction of designated persons or entities.

- b. 各國應確保其國民或其領土內之任何個人或團體不得將任何資金或其他資產提供予或嘉惠於被指名之人或團體或為其利益提供，除非根據相關之安理會決議獲得許可、授權或以其他方式通知（見下述第 E 節）。

Countries should ensure that any funds or other assets are prevented from being made available by their nationals or by any persons or entities within their territories, to or for the benefit of designated persons or entities unless licensed, authorised or otherwise notified in accordance with the relevant Security

Council resolutions (see Section E below).

- c. 各國應建立機制，於採取此類行動後立即向金融機構及指定之非金融事業或人員傳達指名資訊，並提供明確之指引，特別是指導金融機構及其他可能持有目標性資金或其他資產之個人或團體（包括指定之非金融事業或人員）有關其在凍結機制下採取行動之義務。

Countries should have mechanisms for communicating designations to financial institutions and DNFBPs immediately upon taking such action, and providing clear guidance, particularly to financial institutions and other persons or entities, including DNFBPs, that may be holding targeted funds or other assets, on their obligations in taking action under freezing mechanisms.

- d. 各國應要求金融機構及指定之非金融事業或人員²¹向權責機關申報任何根據安理會相關決議之禁止要求凍結之資產或採取之行動，包括未完成之交易，並確保此等資訊被權責機關有效利用。

Countries should require financial institutions and DNFBPs²¹ to report to competent authorities any assets frozen or actions taken in compliance with the prohibition requirements of the relevant Security Council resolutions, including attempted transactions, and ensure that such information is effectively utilised by competent authorities.

- e. 各國應採取有效措施，保護善意第三人在履行建議第 7 項規定義務時之權利。

countries should adopt effective measures which protect the rights of bona fide third parties acting in good faith when implementing the obligations under Recommendation 7.

- f. 各國應採取適當措施，監督並確保金融機構及指定之非金融事業或人員遵守建議第 7 項規定義務之相關法律或強制措施。不遵守此類法律或強制措施應受到民事、行政或刑事處罰。

Countries should adopt appropriate measures for monitoring, and ensuring compliance by, financial institutions and DNFBPs with the relevant laws or enforceable means governing the obligations under Recommendation 7. Failure to comply with such laws, or enforceable means should be subject to civil, administrative or criminal sanctions.

D 除名、解除凍結及取得被凍結之資金或其他資產

D.DE-LISTING, UNFREEZING AND PROVIDING ACCESS TO FROZEN FUNDS OR OTHER ASSETS

7. 各國應當建立及執行公開之程序，於該國認為被指名之人及團體已不再符合指名標準時，向安理會遞交除名請求。當安理會或相關制裁委員會已將該個人或團體除

名，將不再存在凍結之義務。於第 1718 號（2006 年）決議及其後續決議之情形，該等程序及標準應符合任何依據安理會第 1730 號（2006 年）決議及任何後續決議所採納之指引或程序，包含該決議下所建立之聯繫窗口機制。各國應允許被指名人及團體向依據第 1730 號（2006 年）決議建立之除名聯繫窗口提出除名請求，或應通知指名之人或團體逕向聯繫窗口提出請求。

Countries should develop and implement publicly known procedures to submit de-listing requests to the Security Council in the case of designated persons and entities, that, in the view of the country, do not or no longer meet the criteria for designation. Once the Security Council or the relevant Sanctions Committee has delisted the person or entity, the obligation to freeze no longer exists. In the case of resolution 1718 (2006) and its successor resolutions, such procedures and criteria should be in accordance with any applicable guidelines or procedures adopted by the Security Council pursuant to resolution 1730 (2006) and any successor resolutions, including those of the Focal Point mechanism established under that resolution. Countries should enable listed persons and entities to petition a request for delisting at the Focal Point for delisting established pursuant to resolution 1730 (2006), or should inform designated persons or entities to petition the Focal Point directly.

8. 對於與被指名之人或團體同名或名稱近似之人或團體，如因不慎受到凍結機制之影響（即陽性），各國應當建立及執行公開之程序，一旦確認該涉及之個人或團體並非被指名之人或團體，即時解除對該個人或團體之資金或其他資產之凍結。

For persons or entities with the same or similar name as designated persons or entities, who are inadvertently affected by a freezing mechanism (i.e. a false positive), countries should develop and implement publicly known procedures to unfreeze the funds or other assets of such persons or entities in a timely manner, upon verification that the person or entity involved is not a designated person or entity.

9. 如果各國認定符合第 1718 號（2006 年）決議及第 2231 號（2015 年）決議規定之豁免條件，各國應根據其中規定之程序授權取得資金或其他資產。

Where countries have determined that the exemption conditions set out in resolution 1718 (2006) and resolution 2231 (2015) are met, countries should authorise access to funds or other assets in accordance with the procedures set out therein.

10. 各國應允許於依據第 1718 號（2006 年）決議或第 2231 號（2015 年）決議所凍結之帳戶中增加此等帳戶之利息或其他收入，或根據協議或義務到期之前產生之應付款項，如該等契約、協議或義務係於該帳戶受

決議條款限制前所生，惟任何此等利息、其他收入和付款將繼續受此等規定之約束且被凍結。

Countries should permit the addition to the accounts frozen pursuant to resolution 1718 (2006) or resolution 2231 (2015) of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen.

11. 依據第 1737 號（2006 年）決議所採取之凍結行動，並由第 2231 號（2015 年）決議繼續採取之凍結行動，或依據第 2231 號（2015 年）決議採取之凍結行動，不應阻止被指名之人或團體依據於被指名前已簽訂之契約支付任何到期款項，前提是：

Freezing action taken pursuant to resolution 1737 (2006) and continued by resolution 2231 (2015), or taken pursuant to resolution 2231 (2015), shall not prevent a designated person or entity from making any payment due under a contract entered into prior to the listing of such person or entity, provided that:

- (a) 相關國家已判定該契約與第 2231 號（2015 年）決議及任何後續之決議提及之任何違禁品、原料、設備、貨物、技術、協助、訓練、財務協助、投資、

中介或服務無關；

the relevant countries have determined that the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in resolution 2231 (2015) and any future successor resolutions;

- (b) 相關國家已判定該款項並非由依據第 2231 號（2015 年）決議附件 B 第 6 段被施加措施之個人或團體所直接或間接收取； the relevant countries have determined that the payment is not directly or indirectly received by a person or entity subject to the measures in paragraph 6 of Annex B to resolution 2231 (2015); and
- (C) 相關國家意圖支付或接受此付款或於適當時授權為此目的解除凍結資金或其他金融資產或經濟資源，並於該授權 10 個工作天前向安理會提交事前通知²²。

the relevant countries have submitted prior notification to the Security Council of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorisation.²²

12. 各國應建立機制，於採取該行動後立即向金融業及指

定之非金融事業或人員通報除名及解除凍結事宜，並提供明確指引，特別是指導可能持有目標性資金或其他資產之金融機構及其他人或團體，包括指定之非金融事業或人員，有關其遵守除名或解除凍結行動之義務。

Countries should have mechanisms for communicating de-listings and unfreezings to the financial sector and the DNFBPs immediately upon taking such action, and providing adequate guidance, particularly to financial institutions and other persons or entities, including DNFBPs, that may be holding targeted funds or other assets, on their obligations to respect a de-listing or unfreezing action.

E 聯合國指名標準

E. UNITED NATIONS DESIGNATION CRITERIA

13. 聯合國安理會相關決議規定之指名標準為：

The criteria for designation as specified in the relevant United Nations Security Council resolutions are:

- (a) 北韓 – 第 1718 號（2006 年）、2087 號（2013 年）、2094 號（2013 年）及第 2270 號（2016 年）決議
On DPRK - Resolutions 1718（2006），2087（2013），2094（2013）and 2270（2016）：
- (i) 參與北韓核相關、其他大規模毀滅性武器相關及彈道導彈相關計劃之任何個人或團體；

any person or entity engaged in the Democratic People's Republic of Korea (DPRK)'s nuclear-related, other WMD-related and ballistic missile-related programmes;

- (ii) 為北韓之核相關、其他大規模毀滅性武器相關及彈道導彈相關計畫提供援助之任何個人或團體，包括透過非法方法；

any person or entity providing support for DPRK's nuclearrelated, other WMD related and ballistic missile-related programmes, including through illicit means;

- (iii) 代表或依第 13 (a) (i) 款或第 13 (a) (ii) 款指名之任何人或團體指示行事之任何個人或團體²³；

any person or entity acting on behalf of or at the direction of any person or entity designated under subsection 13(a)(i) or subsection 13(a)(ii)²³;

- (iv) 由依據第 13 (a) (i) 款或第 13 (a) (ii)²⁴ 款指名之任何人或團體直接或間接擁有或控制之任何法人或團體；

any legal person or entity owned or controlled, directly or indirectly, by any person or entity designated under subsection 13(a)(i) or subsection 13(a)(ii)²⁴;

- (v) 協助規避制裁或違反第 1718 號（2006 年） 和

第 1874 號（2009 年）決議規定之任何人或團體；
any person or entity that has assisted in the evasion
of sanctions or in violating the provisions of
resolutions 1718（2006） and 1874 (2009);

- (vi) 為北韓被禁止之計畫、北韓相關決議禁止之活動
或規避規定做出貢獻之任何個人或團體；或者
any person or entity that has contributed to DPRK's
prohibited programmes, activities prohibited by
the DPRK-related resolutions, or to the evasion of
provisions; or

- (vii) 北韓政府或朝鮮勞動黨之任何團體，或代表他們
或按照他們之指示行動之人或團體，或由他們擁
有或控制之任何團體，而各國認定與北韓之核計
畫或彈道導彈計畫或第 1718（2006 年）號決議
及後續決議禁止之其他活動有關。

any entity of the Government of the DPRK or the
Worker's Party of Korea, or person or entity acting
on their behalf or at their direction, or by any
entity owned or controlled by them, that countries
determine are associated with the DPRK's nuclear
or ballistic missile programmes or other activities
prohibited by resolution 1718 (2006) and successor
resolutions.

- (b) 伊朗 — 第 2231（2015 年）號決議：

On Iran - Resolution 2231 (2015):

- (i) 違反伊朗在聯合全面行動計畫（JCPOA）中之承諾或發展核武器運送系統，參與、直接參與或支持伊朗之武擴敏感核活動之任何人或團體，包括透過參與採購第 2231（2015 年）號決議附件 B 規定之違禁物品、貨物、設備、材料和技術；
any person or entity having engaged in, directly associated with or provided support for Iran's proliferation sensitive nuclear activities contrary to Iran's commitments in the Joint Comprehensive Plan of Action (JCPOA) or the development of nuclear weapon delivery systems, including through the involvement in procurement of prohibited items, goods, equipment, materials and technology specified in Annex B to resolution 2231 (2015) ;
- (ii) 任何協助被指名人或團體逃避或違反 JCPOA 或第 2231（2015 年）號決議之人或團體；及
any person or entity assisting designated persons or entities in evading or acting inconsistently with the JCPOA or resolution 2231 (2015) ; and
- (iii) 代表第 13（b）（i）款、第 13（b）（ii）款和 / 或第 13（b）（iii）款中之任何人或團體或依其指示行動之任何個人或團體，或由其擁有或控制之任何團體。
any person or entity acting on behalf or at a direction of any person or entity in subsection 13(b)

(i), subsection 13(b)(ii) and/or subsection 13(b)(iii),
or by any entities owned or controlled by them.

建議第 7 項注釋之註腳 Footnotes of INR.7

14. 建議第 7 項著重於目標性金融制裁，包括安理會第 2231 號（2015 年）決議規定之具體限制（見附件 B 第 6（c）及第（d）段）。然而，應注意的是，聯合國安理會相關決議之範圍相當廣泛，並規定了其他類型之制裁（例如旅行禁令）及其他類型之金融條款（例如基於活動之金融禁令、基於類型之制裁及警惕措施）。關於與資助大規模毀滅性武器擴散相關之目標性金融制裁及其他類型之金融條款，FATF 發布了不具約束力之指引，鼓勵司法管轄區於執行相關聯合國安理會決議時將該等指南納入引。

Recommendation 7 is focused on targeted financial sanctions. These include the specific restrictions set out in Security Council resolution 2231 (2015) (see Annex B paragraphs 6(c) and (d)). However, it should be noted that the relevant United Nations Security Council Resolutions are much broader and prescribe other types of sanctions (such as travel bans) and other types of financial provisions (such as activity-based financial prohibitions, category-based sanctions and vigilance measures). With respect to targeted financial sanctions related to the financing of proliferation of weapons of mass destruction

and other types of financial provisions, the FATF has issued non-binding guidance, which jurisdictions are encouraged to consider in their implementation of the relevant UNSCRs.

15. 自然人或法人

Natural or legal person.

16. 建議第 7 項適用於所有現行資助大規模毀滅性武器擴散目標性金融制裁之相關安理會決議、任何未來之後續決議，以及任何安理會未來於資助大規模毀滅性武器擴散之背景下執行目標性金融制裁之決議。在本注釋發布之時（2017 年 6 月），有關資助大規模毀滅性武器擴散目標性金融制裁之安理會決議為：第 1718 號（2006 年）、第 1874 號（2009 年）、第 2087 號（2013 年）、第 2094 號（2013 年）、第 2270 號（2016 年）、第 2321 號（2016 年）和第 2356 號（2017 年）決議。第 2231 號（2015 年）決議批准了《聯合全面行動計畫》，終止與伊朗及資助武器擴散有關之所有決議規定，包括第 1737（2006 年）號、第 1747 號（2007 年）、第 1803 號（2008 年）及第 1929 號（2010 年）決議，惟建立包括目標性金融制裁之特定限制。這些制裁的解除是逐步實現安理會批准之互惠承諾的一部分。JCPOA 之執行日為 2016 年 1 月 16 日。

Recommendation 7 is applicable to all current Security Council resolutions applying targeted financial sanctions relating to the financing of proliferation of weapons of

mass destruction, any future successor resolutions, and any future Security Council resolutions which impose targeted financial sanctions in the context of the financing of proliferation of weapons of mass destruction. At the time of issuance of this Interpretive Note (June 2017), the Security Council resolutions applying targeted financial sanctions relating to the financing of proliferation of weapons of mass destruction are: resolutions 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016), 2321 (2016) and 2356 (2017). Resolution 2231 (2015), endorsing the Joint Comprehensive Plan of Action, terminated all provisions of resolutions relating to Iran and proliferation financing, including 1737 (2006), 1747 (2007), 1803 (2008) and 1929 (2010), but established specific restrictions including targeted financial sanctions. This lifts sanctions as part of a step by step approach with reciprocal commitments endorsed by the Security Council. Implementation day of the JCPOA was on 16 January 2016.

17. 例如，基於《核武禁擴條約》、《生物及毒素武器公約》、《化學武器公約》以及安全理事會第 1540 號（2004 年）及第 2235 號（2016 年）決議中設定之要求。此等義務係分別且獨立存在於建議第 7 項及其注釋所規定之義務之外。

Based on requirements set, for instance, in the Nuclear

Non-Proliferation Treaty, the Biological and Toxin Weapons Convention, the Chemical Weapons Convention, and Security Council resolutions 1540 (2004) and 2235 (2016). Those obligations exist separately and apart from the obligations set forth in Recommendation 7 and its interpretive note.

18. 建議第 7 項適用於第 1718 號（2006 年）決議目前及未來之所有後續決議。在本注釋公告時（2017 年 6 月），第 1718 號（2006 年）決議之後續決議為：第 1874 號（2009 年）決議、第 2087 號（2013 年）決議、第 2094 號（2013 年）決議、第 2270 號（2016 年）、第 2321 號（2016 年）和第 2356 號（2017 年）決議。
Recommendation 7 is applicable to all current and future successor resolutions to resolution 1718 (2006). At the time of issuance of this Interpretive Note (June 2017), the successor resolutions to resolution 1718 (2006) are: resolution 1874 (2009), resolution 2087 (2013), resolution 2094 (2013), resolution 2270 (2016), resolution 2321 (2016) and resolution 2356 (2017).
19. 如第 2270 號（執行部分第 32 段）（2016 年）決議所述，此亦適用於依第 1718 號（2006 年）決議及其後續決議，各國決定與北韓之核計畫或彈道導彈計畫或被禁止之其他活動有關之北韓人民共和國政府或北韓勞動黨之實體。
As noted in resolution 2270 (2016) (OP32) this also

applies to entities of the Government of the Democratic People's Republic of Korea or the Worker's Party of Korea that countries determine are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by resolution 1718 (2006) and successor resolutions.

20. 就 FATF 建議第 7 項下視為超國家司法管轄區之歐盟 (EU) 情形而言，經指名之人或團體之資產係依據歐盟共同外交及安全政策 (CFSP) 理事會之決議及理事會之規定 (經修正) 凍結。歐盟成員國可能必須採取額外措施以執行凍結，歐盟內之所有自然人及法人都必須尊重此凍結，不得向被指名之人或團體提供資金。 In the case of the European Union (EU), which is considered a supra-national jurisdiction under Recommendation 7 by the FATF, the assets of designated persons and entities are frozen under EU Common Foreign and Security Policy (CFSP) Council decisions and Council regulations (as amended). EU member states may have to take additional measures to implement the freeze, and all natural and legal persons within the EU have to respect the freeze and not make funds available to designated persons and entities.
21. 安理會決議適用於該國境內之所有自然人及法人。 Security Council resolutions apply to all natural and legal persons within the country.
22. 如果被指名之人或團體為金融機構，司法管轄區應考

量將 FATF 於 2013 年 6 月發布之指引作為「執行聯合國安理會決議之金融規定以打擊大規模毀滅性武器擴散決議」之附件參考。

In cases where the designated person or entity is a financial institution, jurisdictions should consider the FATF guidance issued as an annex to The Implementation of Financial Provisions of United Nations Security Council Resolutions to Counter the Proliferation of Weapons of Mass Destruction, adopted in June 2013.

23. 此等個人或團體之資金或資產，無論是否由委員會特別辨識，都將被凍結。此外，第 2270 號（2016 年）決議執行部分第 23 段擴大第 1718 號（2016 年）決議規定之目標性金融制裁義務之範疇，將該等義務適用於第 2270 號（2016 年）決議附件三中規定之海洋海事管理公司船隻。

The funds or assets of these persons or entities are frozen regardless of whether they are specifically identified by the Committee. Further, resolution 2270 (2016) OP23 expanded the scope of targeted financial sanctions obligations under resolution 1718 (2006), by applying these to the Ocean Maritime Management Company vessels specified in Annex III of resolution 2270 (2016).

24. 同上 Ibid.

資料來源：FATF 建議

Source: The FATF Recommendations

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注意：摘錄外部文件不表示 FATF 背書其內容

Remarks: Citation of external documents does not imply their endorsement by the FATF.

資助武器擴散風險評估及抵減指引

於 2020 年 10 月，FATF 修正其標準（建議第 1 項及建議注釋第 1 項），要求各國、金融機構、指定之非金融事業或人員應辨識、評估以及瞭解並抵減資助武擴風險。

本指引將幫助各國、金融機構、指定之非金融事業或人員、虛擬資產服務提供商有效執行 FATF 新的義務要求、說明公、私部門皆應執行資助武器擴散的風險評估，及應如何抵減辨識出的風險。

www.fatf-gafi.org | 2021 年 6 月

GUIDANCE ON PROLIFERATION FINANCING RISK ASSESSMENT AND MITIGATION

In October 2020, the FATF revised its Standards (R.1 and INR.1) to require countries, financial institutions and designated non-financial businesses and professions (DNFBPs) to identify, assess, understand and mitigate their proliferation financing risks

This guidance will help countries, financial institutions, DNFBPs and VASPs effectively implement the new mandatory FATF requirements. It explains how both public and private sectors should conduct risk assessments in the context of proliferation financing, and how they can mitigate the risks they identify.

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