

The Republic of the Union of Myanmar
Ministry of Home Affairs
Notification No. 1201 /2015
The 12th Waning Day of Wagaung, 1375 M.E.
(11 September, 2015)
Preamble

In exercise of the power conferred by sub-section (a) of section 69 of the Anti-Money Laundering Law, the Ministry of Home Affairs issues the following Rules with the approval of the Union Government.

Chapter (1)
Title and Definition

1. These Rules shall be called **the Anti-Money Laundering Rules**.
2. The expressions contained in these Rules shall have the same meanings contained in the Anti-Money Laundering Law. In addition, the following expressions shall have the meanings given hereunder:
 - (a) **Law** means the Anti-Money Laundering Law;
 - (b) **Offences Relating to Money Laundering** means the offences prescribed in section 5 of the Law;
 - (c) **Risk Assessment** means results that are obtained from assessment of threat, vulnerability, consequence of risks relating to money laundering and financing of terrorism;
 - (d) **Ministry** means the Ministry of Home Affairs, the Government of the Republic of the Union of Myanmar;
 - (e) **Form** means the form designated by the Rules;
 - (f) **Compliance Officer** means an official who is senior and above high management ranking assigned by the reporting organizations according to section 28(b) of the Law;
 - (g) **Law Enforcement Agency** means an organization which has responsibility to detect, investigate and scrutinize any offence in Myanmar including the Myanmar Police Force, Bureau of Special Investigation, Department of Customs, Department of

Immigration and National Registration and Financial Intelligence Unit;

- (h) **Investigation** means scrutinizing, investigating, searching, preventing, prohibiting, freezing and detaining and seizing exhibit conducted by the police officer or any person conferred the power by the Anti-Money Laundering Central Board or Financial Intelligence Unit relating money laundering offences.

Chapter (2)

Duties and Powers of the Central Board

3. The Central Board shall form and assign the National Risk Assessment Committee led by a member of the Central Board assigned by the Chairman of the Central Board to assess and carry out the national risk assessment for money laundering and financing of terrorism according to section 7(c) of the Law.
4. The Central Board shall form and assign the committees consist of relevant government departments, organizations and reporting agencies led by a member of the Central Board to undertake anti-money laundering and counter financing of terrorism by using risk based approach in accordance with the risk assessment.
5. The Committee formed and assigned under Rule 3 and 4 shall submit the following performance to the nearest meeting of the Central Board:
 - (a) decisions passed by the Committee in order to get the approval of the Central Board;
 - (b) report relating to performance of other duties and functions of the Committee.
6. The Central Board may:
 - (a) designate the relevant departments, organizations including government departments and organizations, and natural person as

the reporting organizations by issuing notification according to section 3(e) of the Law;

- (b) assign the relevant departments and organizations including government departments and organizations as the competent authorities by issuing notification according to section 3(f) of the Law.

7. The Central Board:

- (a) upon application by the Scrutiny Body in accordance with Rule 16, shall , through the Financial Intelligence Unit, issue an order with form (1) to the Scrutiny Body to investigate any person, inspect into any building and work-site, examine and search the financial record, copy and detain if there are reasonable grounds to suspect money laundering and predicate offences has been or is about to be committed or that money or property is money or property that is obtained by illegal means;
- (b) if there are reasonable grounds to believe that the money and property are in possession of the relevant reporting organizations including banks and financial institutions are relating to money laundering or financing of terrorism or offences applicable to the Anti-Money Laundering Law, may issue order, in accordance with section 8(c) of the Law, to the reporting organizations to seize such money and property as exhibit, to inspect financial records and if necessary, to make copy thereof;
- (c) if the Scrutiny Body assume that the properties seized as exhibit with form (2) are appropriate to return with the bond, shall pass the order to do so and cause the bond to be entered into form (4). If the bond is breached, the properties returned by the bond may be revoked;
- (d) if there are reasonable ground to suspect that the money and property under the bond would be converted, transferred, concealed, obliterated, destroyed or damaged or likely to do so by person under investigation or persons whose items were

seized or person who having beneficial interest in the money and property, may issue a prohibitory order by form (3) to the relevant departments, organizations or individuals in accordance with section 8(d). In addition, the Central Board may direct to seal immovable properties;

- (e) if it is found out that the money laundering offence has been committed under the report of the Scrutiny Body which is submitted through the Financial Intelligence Unit, if necessary, may form the Investigation Body to investigate;
- (f) if it is found out that the money laundering offence has been committed under the report of the Scrutiny Body or the report of the Investigation Body which is submitted through the Financial Intelligence Unit, may direct the Scrutiny Body to file the case;
- (g) if it is identified under the report of the Scrutiny Body which is submitted through the Financial Intelligence Unit that any other offences under existing laws in addition to the money laundering offence has been committed, shall direct to transfer the case to the relevant law enforcement agencies to take action in accord with the law;
- (h) if it is identified that the money laundering case has not been involved according to the either report of the Scrutiny Body or Investigation Body, may close the scrutiny and investigation proceeding;
- (i) if the scrutiny and investigation proceeding is closed according to Rule11(h), shall direct to return the money and properties seized or prohibited temporarily.

8. The Central Board shall submit to the Union Government in order to reform the Anti-Money Laundering Central Board if it is found that necessary to reform and to change the members of such Board formed by the notification of the Union Government.

Chapter (3)
Formation of the Financial Intelligence Unit
and Duties and Powers

9. According to section 9 of the Law, the Central Board may form the Financial Intelligence Unit with experts from the Ministry of Home Affairs, relevant government departments and appropriate citizens.

10. The Financial Intelligence Unit shall carry out the following duties and functions:

- (a) receiving suspicious transaction reports from reporting organizations, other reports and other information;
- (b) scrutinizing, analysing and comparing together with the received reports, information and other information offences relating to money laundering and financing of terrorism, and information maintain at the Unit and received from other relevant departments and organizations;
- (c) disseminating, sharing, exchanging the result of scrutinizing, analysing and comparing and requesting required information within law enforcement agencies, if a suspicious transaction is found that it is offence relating to money laundering or financing of terrorism, or money and property obtained by committing of any offence as proceeds of crimes;
- (d) exchanging and cooperating within international and regional institutions the information about Anti-Money Laundering and Counter Financing of Terrorism matters including trends and typologies of money laundering and terrorist financing;
- (e) conducting training and workshops for the responsible personnel from Bank and Financial Institutions, government departments, other organizations and reporting agencies;
- (f) coordinating with domestic and foreign organizations in investigating cases relating to money laundering and financing of terrorism.

11. The Financial Intelligence Unit shall submit an adequate budget to the Ministry for carrying out duties, functions conferred under the Law and so

related tasks. This budget shall include fund for the establishment and maintenance of an Information Technology System and required budget for investigation measure including formation of the Scrutiny Body.

12. The Financial Intelligence Unit has the right to manage independently the fund received according to financial year in accordance with the existing financial rules and regulations.

13. The Financial Intelligence Unit shall lay down plans to establish the electronic reporting system and computerized system in order to perform receiving, storing, analyzing and disseminating the relevant information.

Chapter (4) **Duties and Powers of the Scrutiny Body**

14. The Financial Intelligence Unit shall, when forming the Scrutiny Body according to section 13 of the Law, form with at least three members of the Financial Intelligence Unit. In forming as such, appropriate persons among the relevant government departments, organizations and experts may also be comprised if necessary.

15. Regarding with scrutinizing on the money-laundering in relation to money and property obtained by committing any offence prescribed in section 5 of the Law, the Scrutiny Body:

- (a) shall open the case followed by necessary investigation;
- (b) may take oral evidence and call for papers and documents from the person who is being scrutinized, other individuals, relevant government departments, organizations or bank and financial institutions;
- (c) may call upon the person who has been scrutinized or other required person and obtain statements;
- (d) may obtain the necessary assistance relating to expertise from the relevant government departments, organizations, non-government organizations and external experts.

16. The Scrutiny Body shall submit to the Central Board through the Financial Intelligence Unit if it arises that one of the following orders regarding money and property are to be passed during the investigation period:

- (a) order to investigate, enter a building and conduct inspection, search and to examine, make copy, temporarily seize of the financial records in respect of money laundering;
- (b) prohibitory order not to convert, transfer, conceal, obliterate or disguise by any means;
- (c) order to return with a sufficient security bond, on the application made by the person under scrutinizing, person whose property has been seized or person who has beneficial interest in the exhibit to return the property under a bond.

17. The Scrutiny Body, with the permission of the Central Board, in relation to money laundering:

- (a) shall have the right to enter and inspect, search and temporarily seize as exhibit the building, land and work site of the person under scrutinizing, to examine, make copy and prohibit, if necessary, of the financial records in the possession of bank and financial institutions;
- (b) shall seize diamond, gold, silver, precious jewellery and metal, money and valuable properties shall be sealed and seized temporarily, and deposited in the Myanma Economic Bank for safe custody system. If there is a reasonable ground to believe that the said property would be converted, substituted, amended, destroyed or lost, bond form (4) with sufficient security shall be entered into and the said properties shall be re-entrusted to the person whose properties has been seized or an agent delegated by the person;

- (c) shall seize temporarily different kinds of vehicles such as motor vehicle, water craft, air craft, engine-propelled vehicle, vehicle without engine and slow-moving vehicles, relevant equipment and documents. During the scrutinizing period, bond form (4) with sufficient security shall be entered into and the said properties seized temporarily shall be re-entrusted to the person whose properties has been seized or an agent delegated by the person;
- (d) shall seize temporarily animals such as elephant, horse and cattle. During the scrutinizing period, bond form (4) with sufficient security shall be entered into and the said animals seized temporarily shall be re-entrusted to the person whose properties has been seized or an agent delegated by the person;
- (e) shall seize temporarily, if it is required to seized moveable properties such as furniture, musical instruments and electrical goods and during the scrutinizing period, bond form (4) with sufficient security shall be caused to enter into and the said properties seized temporarily shall be re-entrusted to the person whose properties has been seized or an agent delegated by the person;
- (f) shall cause to enter into bond form (4) with the person whose properties has been seized or an agent delegated by him if the permission order received to return with bond the property seized temporarily with form (2) as exhibit;
- (g) shall manage the exhibits as follows if the Central Board do not grant to return the temporarily seized properties or if a bond with sufficient security is unable to submit or after the order by which the properties returned with bond due to the breach of bond is revoked:
 - (1) money, precious jewellery and metal shall be deposited at the Myanma Economic Bank under a safe custody system;

- (2) animal such as elephant, horse and cattle shall be transferred to the relevant government departments and organizations for keeping temporarily ;
 - (3) perishable property shall be disposed in accordance with the existing laws and the money obtained shall be deposited at the relevant Myanmar Economic Bank;
 - (4) air craft and helicopter shall be entrusted to the relevant Aviation Police Force and water craft and its equipment shall be entrusted to the Maritime Police Force;
 - (5) other properties except the properties described in sub-rule (1),(2),(3)and(4) shall be entrusted to the relevant township police officer.
- (h) shall, with respect to properties that will be re-entrusted with a bond under sub-rules (b), (c), (d), (e) and (f), re-entrust with a bond to the person whose property has been seized, only when the prohibitory order in form (3) of the Central Board has been obtained;
- (i) shall prepare three copies of form (2) in entering and inspecting, searching and seizing of money and property under the duties and powers mentioned in sub-rules (a) to (f). The said form shall be signed by the person under investigation or the person whose property has been seized temporarily, search witnesses and the head of the Scrutiny Body. A copy of form (2) shall be given to the person under scrutinizing or the person whose property has been seized temporarily;
- (j) shall return the property seized temporarily to the person under scrutinizing by form (5) if the directive of the Central Board on finding that the money laundering and financing of terrorism has not been involved has been received.

18. The Scrutiny Body shall, for the case transferred by a government department, organization, law enforcement agency to scrutinize whether or

not the case is relevant to money laundering if it has already been seized as exhibit in accordance with the relevant law or submitted before the court by the organization which has taken action primarily, carry out as follows:

- (a) if the property has been seized by any law enforcement agency as exhibit during the investigation period, the exhibit relating to the money laundering shall be transferred from the agency after examining the documents related to exhibit;
- (b) if the law enforcement agency has already submitted the exhibit to the court, evidence relating to the exhibit which has been submitted to which court for which offence shall be obtained and described in its report along with the evidence;
- (c) in performing in accordance with sub-section (b), the Scrutiny Body shall wait for the final judgement for original case of the relevant court and continue as follows:
 - (1) if the relevant court pass confiscation order for the original case, copy of the judgement shall be submitted;
 - (2) if no action has been taken by the Court by the original case, shall submit to the Central Board through the Financial Intelligence Unit in order to prosecute the exhibit by the money laundering.

19. The Scrutiny Body shall submit the scrutinizing report to the Central Board through the Financial Intelligence Unit together with the case. In the said report, the following facts with respect to the money laundering offence shall be included as may be necessary:

- (a) type of offence committed and summary of the case;
- (b) name, father's name, occupation and address of persons involved in the commission of the offence;
- (c) date of ownership or enjoyment of benefit in respect of money and property located locally or abroad by the person under scrutinizing;

- (d) manner and the date on which deposit, withdrawal or transfer was made;
- (e) type of property, the means by which the said property was owned and date of ownership or transfer;
- (f) estimate current value of properties, location thereof and if the property does not exist at the time of scrutinizing, the reason why that property does not exist;
- (g) type of property which is under the control or not under the control of the person under scrutinizing, type of property transferred to other person's name under pretence, type of property transferred to other person, type of property mingled with property owned by another person, which is easy or not easy to separate and current value of each item of property;
- (h) income and business of the person under scrutinizing;
- (i) submission made by the person who has beneficial interest in the exhibit;
- (j) summary of one's activities under the orders and directives issued by the Central Control Board;
- (k) list of evidential documents and witnesses;
- (l) findings of the investigation;
- (m) remarks.

20. Other relevant fact including the followings shall be described in Rule 19(m):

- (a) whether the case should be filed or not;
- (b) list of offenders who should be taken action;
- (c) list of evidence money and property that should be seized by the case;
- (d) other facts to be aware including list of evidence money and properties that should be returned;
- (e) matters that should be taken action under other existing law.

21. The Scrutiny Body shall have to submit scrutinizing report to the Central Board through the Financial Intelligence Unit within (60) days from

the date of the body has been formed and assigned. If the scrutinizing work do not complete in prescribed period, the body shall submit interim-report to the Financial Intelligence Unit to extend the scrutinizing period.

22. The Head of the Scrutiny Body or a person delegated by the head shall report the case at the relevant police station and prosecute after the directive of the Central Board to take action has been received through the Financial Intelligence Unit.

Chapter (5)

Duties and Powers of the Investigation Body

23. The Investigation Body:

- (a) shall open the case followed by necessary investigation when assigned duty by the Central Board;
- (b) shall lay down the inquiry plan after examined the Scrutiny Body reports;
- (c) may call for investigation an individual or an organization or a group of people to investigate;
- (d) may, if necessary, examine again witnesses who have been examined and collected further references and documents;
- (e) shall, if it is found that the certain evidence is required to be examined from the report of findings of the Scrutiny Body, from the statement of the person under investigation, person whose property has been seized or person having beneficial interest in the exhibit shall direct the Scrutiny Board to make further investigation and submit the findings;
- (f) shall, after scrutiny of the report of findings of the Scrutiny Body and the statements made by the person under investigation, a person whose property has been seized, a person having beneficial interest in the exhibit and the statements of witnesses of both sides, and exhibit documents submit to the Central Board

together with remark as to whether or not the money laundering case should be filed the information report.

24. The Investigation Body shall have to submit the investigation report within 30 days from the date of the formation and assigned duty to the Central Board. If the investigation works do not complete in prescribed period, may propose the Central Board by submitting interim-report to extend the time.

Chapter (6)

Inspecting, Making Copies and Seizing as Exhibits of Financial Records of Reporting Organizations

25. The Scrutiny Body shall submit the following facts to the Central Board through the Financial Intelligence Unit to get the permission to announce the injunctions concerning with not to transfer the money and properties that are in relation with money laundering which are kept in reporting organizations and the permission to inspect the records and copy if necessary and keep as exhibit:

- (a) summary of the committed crime revealed by the investigation;
- (b) finding that proves that the crime has been committed;
- (c) tasks to be carried out and time duration needed;
- (d) name and address of the relevant bank and financial institution related to the task to be carried out;
- (e) name and rank of the officer from the department, organization that would carry out.

26. The Central Board:

- (a) may pass any of the following orders during the investigation period after scrutinizing the submission of the Scrutiny Body according to Rule 25:
 - (i) order to confer right of investigation, inspection, search, examination of financial records, copy and seizure relating to money laundering;
 - (ii) order to prohibit not to change, transfer, conceal, obliterate, convert by any means;
 - (iii) order to return with adequate bond according to the application of scrutinized person to be returned with bond, person whose property is seized or beneficial person.
- (b) shall, any order shown in sub-rule (a), be passed towards the authorities from relevant bank and financial institutions and the copy of the order shall also be passed towards the governor of central bank and head of the relevant bank and financial institutions.

27. In accordance with the order passed by the Central Board under Rule 26 (a), the Scrutiny Body shall:

- (a) inspect the financial records, copy therefor and seize the money and properties as exhibit that were being taken from the person who has been investigated;
- (b) seize evidence relating to money and properties being transferred and prohibit;
- (c) entrust the jewelries, currency and valuable properties which are seized as exhibit will be kept at the bank that were specified by the Financial Intelligence Unit for the sake of safety.

Chapter (7)

Measures to be Taken In Respect of Exhibits

28. The Scrutiny Body shall, in respect of exhibits, carry out as follows:

- (a) shall affix the said order or directive in a conspicuous place at the site where the property in respect of which a prohibitory order or a directive to seal was issued is situated and also at the relevant Offices of the Township, Ward and Village Tract Administrator;
- (b) may, with respect to the immovable property if the person under investigation, the person whose property has been seized or the person having beneficial interest in the exhibit applies for return of the property under a bond submitting valid evidence during the investigation period cause a bond to be entered into in form(4) with sufficient security by order of the Central Board and return the immovable property;
- (c) shall, if the immovable property is not returned under a bond, remove the residents, seize, lock and seal the property;
- (d) shall, if the bond with respect to the such property is violated, remove the residents from there, lock and seal the property;
- (e) shall assign duty to the relevant Township Police Force Commander to keep the sealed immovable property in safe custody.

Chapter (8)

Preventive Measures and Duty to Report

29. The reporting organizations shall report the Central Board in developing and implementing the internal policies, procedures, systems, and controls to combat anti-money laundering and counter financing of terrorism pursuant to section 28 of the Law. The Central Board shall impose the guidance as may be necessary. The reporting organizations shall comply with the guidelines of the Central Board.

30. The reporting organizations shall scrutinize by using the following informations and documents in performing the customer due diligence regarding to the natural person, companies, entities or legal arrangements:

- (a) if the customer is a natural person, the informations to be obtained and scutinized are:
 - (1) Name in full including other name;
 - (2) National Registration Card, Citizen Scrutiny Card, Passport;
 - (3) Permanent address and contact address;
 - (4) Date of birth;
 - (5) Nationality;
 - (6) Occupation;
 - (7) Phone number (if any);
 - (8) Photograph;
 - (9) Two introducer names and accounts (existing current account).

- (b) partnerships, partnerships restricted duty to pay and company including trusts and acting on legislation program:
 - (1) Name of Company or enterprise;
 - (2) Address of Head Office;
 - (3) Full address (including Phone & Fax No.);
 - (4) Company Registration Certificate, article of association & memorandum of association;
 - (5) Agreement of Partnership;
 - (6) Trust Agreement;
 - (7) Name and address of Members of the Board of Director (phone number, if any);
 - (8) Registration documents of Directors, Shareholders, Partnerships;
 - (9) Registration documents of liquidator, trustee, defender and benefit owner in respect of trust business;
 - (10) Decision of the Board authorizing for opening account and regulating;
 - (11) Conferring authority of board of directors to chief executive officer or other officers for financial transaction;

- (12) Identification documents to confirm a person authorized as agent by the company/ enterprise in dealing with bank/ financial institution.
- (c) if the customer is Non Government Organization (NGO), the information should be obtained and scutinized are:
- (1) Name of NGO;
 - (2) Address;
 - (3) Registration Number;
 - (4) Certified document of NGO;
 - (5) Name and addresses of the Executive Committee;
 - (6) Phone number;
 - (7) Account regulatory decision of the Executive Committee;
 - (8) Registration documents of directors of NGO and high level officers;
 - (9) Authority of financial transaction account to regulate;
 - (10) Representative for NGO Bank/ Financial Institution transaction and for have relationship registration to confirm documents of a person authorized to deal with Bank/ Financial Institutions on behalf of NGO.
31. In performing according to Rule 30:
- (a) if it is a joint account, the Bank and Financial Institution shall attain the aforesaid information from all persons who are related to that account;
 - (b) reporting agencies shall compare and indentify whether or not information sent from company and enterprise are correct with the Investment and Company Directorate, and confirm;
 - (c) it shall obtain the documents that are comparable for the foreign companies or economic organization registered in foreign. The Bank and Financial Institutions shall analyse the documents delivered by the company or economic organization including causing to submit certified certificate fo the foreign office and certificate approved by the Myanmar Embassy.

32. The reporting organizations shall, when analysing and approving the customer due diligence to the customer and beneficial owner with respect to insurance or other insurance related to investment, exercise the following means:

- (a) taking the relevant full information of the natural or legal person who is the beneficial owner of the legal arrangement;
- (b) obtaining the name of the identified beneficiary owner by the characteristics or the class (e.g. spouse or children at the time of insurance) or other means (e.g. will) and the sufficient information;
- (c) identification and verification of the beneficiary owner at the time of payment.

33. When a reporting organization is difficult to perform with the requirement of Rule 31, it should be considered as a suspicious transaction, submit to the Financial Intelligence Unit.

34. The reporting organizations shall obtain the legible file copies of the relevant analysis and approval documents for the natural and legal person.

35. The reporting organizations shall fully carry out the procedures to identify the customers according to Rule 39 and 40, except the following conditions:

- (a) as soon as carrying out practically, when the identification process has confirmed;
- (b) not to disturb to the regular economic relationship of reporting organization when it is to perform;
- (c) when enabling to manage effectively the risk of money laundering or counter financing of terrorism.

36. If the reporting organizations give their services to a customer before it has been done customer due diligence measure, and shall define and implement the minimum requirement such as limiting quantity, types and amount of transaction for such customer.

37. The followings shall be included when the reporting organizations in enhancing customer due diligence for higher risk customers:

- (a) examining the background and purpose of complex, unusual large amount of transactions, and all unusual patterns of transactions which have no apparent economic or lawful purpose;
- (b) increasing the monitoring of the business relationship, in order to determine whether or not the transactions prescribed in sub-section (a) or activities appear usual or suspicious;
- (c) obtaining the additional information of the customer (e.g occupation, volume of assets, obtained information of the customer), and updating the identification data of customer and beneficial owner;
- (d) obtaining the additional information of the business relationship relating to the transactions prescribed in sub-rule (a);
- (e) obtaining information on the source of money or assets of the customer;
- (f) obtaining the permission of senior management to commence or continue the business relationship;
- (g) enhancing the monitoring of the business relationship, by increasing the number and times of inspection to be complied, and selecting patterns of transactions that need further examination.

38. The reporting organizations shall apply the enhanced customer due diligence measures to higher risk customers at each stage of the customer due diligence process and on an on-going basis.

39. The reporting organizations shall enhance customer due diligence measures, in business relationships with customers not present in person, for identification including the followings facts:

- (a) obtaining the official documents in accord with the relevant laws and regulations;

- (b) obtaining the further necessary documents and enhancing the independent verification measure or causing a customer who is not present to be present in person.

40. When the reporting organizations find that the actual beneficiary in depositing a life insurance is an exposed person or higher risk person, it shall perform the customer due diligence measures specified in this Rule, and:

- (a) inform the senior manager before paying money;
- (b) enhance customer due diligence on insurer;
- (c) consider the drawing money as suspicious transaction and report to the Financial Intelligence Unit.

41. The reporting organizations shall, if determines that the customer is acting on behalf of someone or beneficial owner, identify the evidence of the beneficial owner by using information obtained through the relevant information or data and reliable sources are satisfied with the facts prescribed in Rules 30 and 31.

42. The reporting organizations shall take adequate action in order to understand the ownership and control structure of the following customer who are entitled to manage transfer of money and properties on behalf of other company, organization or other legal person:

- (a) with respect to legal entities, in identifying on each of the following natural person that:
 - (i) owns or controls directly or indirectly more than 25 percent of the ownership of the legal entity;
 - (ii) is responsible for the management of the company;
- (b) with respect to legal arrangements, identification are made of the liquidator, trustee, protector, beneficiary or of persons in similar positions.

43. The reporting organizations shall lay down procedures such computerized automatic system for monitoring on an ongoing basis customer transactions and the relationship with the customer as provided by section 20 and 21 of the Law.

44. The reporting organizations shall inspect whether or not the customer information already known, commercial activities, the source of funds if necessary are in conformity with the customer transactions in continuous

inspecting. In addition, the predetermined limits of the amount and volume of transactions and type of transactions shall be included.

45. The initial transaction bank shall, money transaction information by wire transfer or electronic means, arrange available within three working days from the date of receipt of the request either by the receiving bank and financial institution or the Financial Intelligence Unit.

46. In cross-border by wire transfer or by electronic means other than domestic transfer if the technical limitations prevent for the information related to the originator or beneficial owner intermediary bank shall keep at least five years from revocation economic dealing or conclusion of often transaction all the information received from the originator bank or other intermediary bank.

47. The Banks and Financial Institutions shall have effective risk-based preventive procedures for determining the followings;

- (a) when to execute, refuse or suspend or reporting to the Financial Intelligence Unit a transfer wire by lacking required information of the originator or beneficiary;
- (b) the appropriate follow-up action which may include restricting or terminating business relationships.

48. For transfers by wire or by electronic means, a receiving bank shall verify the identity of the beneficiary if the identity has not been previously verified, and keep the said information in accordance with the record keeping provisions of the Rule.

49. In addition to the requirements of Rule 48, in relation to money transfer by wire or electronic means and either originated bank or received bank shall report to the Financial Intelligence Unit the following transactions:

- (a) cross-border money transfer by wire or electronic means of any foreign currency in excess of threshold amount;
- (b) domestic money transfer by wire or electronic means of domestic currency in excess of threshold amount;
- (c) transfer where the originator's information is incomplete or unavailable.

50. The reporting organization shall, where has reasonable grounds to suspect that the transaction or attempt to transaction is money or property

obtained by illegal means or is related to money laundering or counter financing of terrorism, submit a report to the Financial Intelligence Unit in the prescribed form (6) specified by section 10(a) of the Law for respective sectors immediately.

51. In accord with section 32 of the Law, the reporting organizations shall submit a report immediately to the Financial Intelligence Unit in the relevant form contained in form (7) specified by section 10(a) of the Law for respective sectors the transactions that are in excess of threshold amount prescribed to report by the Central Board. The reporting organization situated in an urban area shall report within 24 hours and within three days for a remote area.

52. The reporting organizations shall immediately report anonymous accounts or accounts in obviously fictitious names to the Financial Intelligence Unit.

53. The reporting organizations shall, in appointing the compliance officer, appoint who has appropriate experience and qualifications in relation to the anti-money laundering and counter financing of terrorism under section 28(b) of the Law and, confer the authorities in order to implement independently and report to senior manager.

54. The reporting organizations shall give the personal datas including the name, qualifications, address, contact phone number and e-mail address of the compliance officer to the Financial Intelligence Unit and competent regulatory authorities. The reporting organizations shall immediately inform to the Financial Intelligence Unit and competent regulatory authorities if there is any changes of the compliance officer.

55. The board of directors or other similar management bodies of the reporting organizations shall review from time to time the requirement to be complied by their organizations in accord with the Law and the observance of the compliance officer.

56. The compliance officer shall submit regular reports to the board of director or competent regulatory authority including the following facts:

- (a) identified suspicious transactions and participation thereto;

- (b) performance of staff of compliance group and results of inspection of account independently in the system of money laundering and counter financing of terrorism in order to policies, procedures, system and controls of the anti-money laundering and counter financing of terrorism of their reporting organizations be strong;
- (c) results of on site inspection of the Financial Intelligence Unit and competent regulatory authority;
- (d) performances to mitigate disadvantage in implementing by their reporting organizations.

57. The reporting organizations shall appoint full competence experts and arrange independent inspection process whether or not to inspect the officers and staff serve their duties and functions in accord with the anti-money laundering and counter financing of terrorism departmental policies, procedures, systems and controls.

58. The reporting organizations shall, with the approval of the Board of Directors and other similar management body of the reporting organization, prescribe employee screening procedures to ensure appropriate standards when hiring employees. Employee screening procedures shall be included the followings:

- (a) having high level of necessary competency of employee to perform their duties;
- (b) having appropriate ability and integrity of employees to conduct the economic business activities of the reporting organization;
- (c) taking into account potential conflicts of interests including the financial background of the employee;
- (d) prescribing requirements of fit and proper conduct;
- (e) not employing by the reporting organization persons charged or convicted of offences involving fraud, dishonesty or other similar offences.

Chapter (9)

Supervision

59. The competent regulatory authorities shall conduct the money laundering and counter financing of terrorism risk assessment at least once in (3) years cooperating with the reporting organizations to which it is responsible and shall report its finding to the Central Board. A copy of the report shall be submitted to the Financial Intelligence Unit.

60. The competent regulatory authorities shall assess adequately on identified risk from carrying out risk assessment by the reporting organizations to which it is supervised, administer to mitigate risks, supervise the reporting organizations to which it is responsible. It shall prescribe the requirements to add further on facts to be complied by the reporting organizations.

61. The competent regulatory authorities may inform and inspect the day and data to the relevant work-site in respect of compliance of the reporting organizations to which it is supervised and for enabling to carry out off-site supervision and on-site inspections and may call for work activities and statistics from such organizations with or without stipulated form with time frame.

62. If the competent regulatory authorities impose any supervision or counter measure against the reporting organizations according to section 37 of the Law, such measure shall be reported to the Central Board through the Financial Intelligence Unit within 7 days from the date of imposing.

63. The competent regulatory authorities may request required technical assistance from the Central Board or Financial Intelligence Unit in order to perform absolutely its functions and duties.

Chapter (10)

Cross -Border Transportation of Money or Bearer Negotiable Instruments

64. When the designation of the declaration form according to section 39 of the Law, the Customs Department shall negotiate with the Financial Intelligence Unit.

65. The Customs Department shall send a report with form (7) of the information to the Financial Intelligence Unit and the Central Bank of Myanmar, the Foreign Exchange Management Department in accordance with section 42 of the Law without delay.

Chapter (11)

International Cooperation

66. The Central Board may, other than the provision contained in section 53 of the Law, perform the following functions:

- (a) signing MoU, Agreements, Duties and Terms of Reference;
- (b) obtaining technical assistance of legal professionals, electronic professional, finance experts and other experts in cooperating research and development works relating to anti-money laundering and counter financing of terrorism.

Chapter (12)

Funds for Anti-money Laundering and Counter Financing of Terrorism

67. The Central Board shall consider the specific rules and regulation contained in section 56 of the Law when using the fund for the anti-money laundering and counter financing of terrorism.

68. In respect of the said fund for the anti-money laundering and counter financing of terrorism, the audit report shall be issued to public yearly after

being audited by the internal audit or if necessary, by the Office of the Auditor General of the Union.

69. The funds for money laundering and terrorist financing may be expended in the following matters:

- (a) workshops, educating programs, trainings, meetings, distributing law and pamphlet, distributing printed annual report related to upgrading education on money laundering and financing of terrorism organized by the Financial Intelligence Unit;
- (b) travelling expenses for attending the international meetings, workshops and trainings;
- (c) expenses regarding maintenance of exhibits temporarily seized during investigation period.

70. The Financial Intelligence Unit may expend the expenses for the matters contained in section 57 of the Law and Rule 75 with the permission of the committee formed by the Central Board. The said expenditure shall be performed according to the financial rules and regulations for being audited.

71. An account shall be opened in State-owned bank to maintain funds for the money laundering and counter financing terrorism and to facilitate domestic /foreign donors in donating by mean of account transfer.

Chapter (13)

Miscellaneous

72. The law enforcement agencies including the Scrutiny Body and Investigation Body shall comply with the provisions contained in the Criminal Procedure Code, if not provided expressly in the rules in issuing search warrant, searching, arresting, seizing for exhibit, prosecuting related to money laundering.

73. The person under investigation shall cause to sign the every page of statement after it has been read and the members of the Investigation Body and the Scrutiny Body shall also sign.

74. The relevant law enforcement agencies, reporting organizations and competent regulatory authorities shall cooperate and support to conduct the investigation of the Scrutiny Body and Investigation Body.

75. The responsible persons to conduct investigation shall have the right to use the powers of Myanmar Police Force and Bureau of Special Investigation.

76. The Central Board shall make arrangement to keep the name of informer confidential and give required protection under the law in respect of predicate offences of money laundering. In addition, based on the extent of the crime, may carry out as may be necessary for enabling to reward the following persons:

- (a) an informer regarding the commission of any offence under the Law;
- (b) secret hardcore informant;
- (c) individuals and organization that support in scrutinizing, investigating and revealing the money laundering and financing of terrorism issues;
- (d) personnel who enthusiastically support in money laundering and financing of terrorism.

77. The relevant government organizations shall immediately inform the Financial Intelligence Unit if the money laundering or financing of terrorism is believed to be committed through the offences being inquired or tried.

78. The Central Bank of Myanmar shall, after issuing the directive or procedure to be complied by the banks and financial institutions for transaction by wire transfer or electronic means in accordance with section 27(d)(iii) and section 27(g) of the Law, send a copy to the Central Board and the Financial Intelligence Unit.

79. The organizations that issues orders and directives in accordance with section 69(c) continuously review the procedure to be complied in accordance with the law by the organization under supervision and issue from time to time, and send a copy to the Financial Intelligence Unit.

80. The Central Board may form staff office which consists of experts from the Ministry of Home Affairs and relevant government departments, and external experts in order to support the functions and duties of the Board.

81. The Central Board may continue to carry out, as may be necessary, measures according to the the analysis report of the Financial Intelligence Unit when appearing that the performance under sections 17 (a) and (b) to be carried out by the Investigation Body has been obtained.

(Sd) *****

Lieutenant General Ko Ko

Union Minister

Ministry of Home Affairs