



### Ministerial Regulation

#### Prescribing Rules and Procedures for Customer Due Diligence

B.E. 2555 (2012)

By virtue of section 4 Paragraph one of the Anti-Money Laundering Act B.E. 2542 (1999) and section 20/1 paragraph two of the Anti-Money Laundering Act B.E. 2542 (1999) as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552 (2009), which is a law containing certain provisions in relation to the restriction of rights and liberties of a person, in respect of which section 29 in conjunction with section 33, section 35, section 36, section 41 and section 43 of the Constitution of the Kingdom of Thailand so permit by virtue of law, the Prime Minister hereby issues the Ministerial Regulation as follows:

**Article 1** This Ministerial Regulation shall come into force upon the lapse of ninety days as from the date of publication in the Government Gazette.

**Article 2** In this Ministerial Regulation:

“customer” means a natural person or juristic person who has a relationship or conducts a transaction with a financial institution or a person engaging in a profession under section 16 paragraph one (1) and (9);

“occasional customer” means a customer having a non-continuous relationship and an intent to establish a relationship or conduct a transaction on an occasional and non-continuous basis with the financial institution or a person engaging in a profession under section 16 paragraph one (1) and (9);

“legal arrangement” means two or more parties entering into an arrangement or an agreement between natural persons or between juristic persons, or between a juristic person and a natural person, under which both parties agree to undertake any matter and whether or not the objective of such arrangement or legal agreement is for commercial purpose or acquiring profit;

“beneficial owner” means a natural person who ultimately owns or controls a customer or a person on whose behalf a transaction is being conducted, including those persons who exercise ultimate effective control over a juristic person or legal arrangement;

“foreign politically exposed person (PEP)” means an individual who is or has been entrusted with a prominent public function in a foreign country, such as a Head of State or Government, senior government, judicial, prosecutorial or military official, senior executive of a state enterprise or state-owned corporation, important political party official including a family member or close associate of a PEP;

“publicly available information” means any information that is equally accessible by the public or any information that can be obtained from a publicly available source without charge and shall also include any information that a government agency makes available for access by the people or any business sector for examination or acknowledgement of the information.

## CHAPTER I GENERAL PROVISIONS

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**Article 3** For the benefit of conducting customer due diligence, financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall have in place, in writing, a policy for customer acceptance and management of risk of possible connection with money laundering of a customer. In the case a financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) is a juristic person, such policy shall be approved by the board of directors, or in the case where the board is non-existence, by an authorized management, in accordance with the guidelines prescribed by the Secretary-General, by endorsement of the Board.

**Article 4** Financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall have in place customer identification measures to examine for preventing the misuse of information technology for the commission of a predicate offence or money laundering offence.

**Article 5** After the identification of a customer, financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall examine such identification data and evidence of the customer to verify that such identification data and

evidence can ensure the identity of the customer, the existence of the customer and correctly matches the customer.

In the examination of identification data and evidence under paragraph one, financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall examine whether such customer is a member of a designated terrorist group under a resolution of the United Nations Security Council ratified by the Government of Thailand or notification issued under such resolution.

In the implementation of paragraph one and two, financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall examine the occasional customer only in the case where the transaction is conducted in a single operation or in several operations that appear to be linked in an amount of seven hundred thousand baht and above or in case where the wire transfer or electronic payment is carried out in an amount from fifty thousand baht or above.

**Article 6** For a customer who is a juristic person, in addition to the requested identification data and evidence under the Notification of the Office of Prime Minister on Identification Procedures for Customers of Financial Institutions and Persons Engaged in Professions under Section 16, the financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall examine and verify the following identification data and evidence of the following persons associated with such juristic person or legal arrangement:

- (1) the person authorized to establish the relationship;
- (2) the director authorized to conduct a transaction on behalf of the juristic person or legal arrangement;
- (3) the beneficial owner of the juristic person or legal arrangement.

The procedures for examination of identification data and evidence of a person associated with the juristic person or legal arrangement under (2) and (3) shall be in accordance with the guidelines prescribed by notification of the Secretary-General.

**Article 7** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall refuse to establish a relationship or conduct a transaction if there appears to be a fact that:

(1) the customer has concealed his/her name or surname or real name and surname, or uses a fictitious name, anonymous name in order to establish a relationship or conduct a transaction;

(2) the examination of identification data and evidence under article 5 is not viable;

(3) the provision of identification data and evidence is not in compliance with the Notification of the Office of Prime Minister on Identification Procedures for Customers of Financial Institutions and Persons Engaging in Professions under section 16;

(4) the customer or beneficial owner of the customer is a member of a designated terrorist group under a resolution of the United Nations Security Council ratified by the Government of Thailand or notification issued under such resolution;

(5) there is insufficient data.

Financial Institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall report the facts under (1) to (4) as a suspicious transaction to the Office.

In the case where a financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) discovers a fact under (1) to (4) after the customer relationship has been established or conduct of the transaction, the financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall terminate the relationship with such customer and file a suspicious transaction report with the Office.

**Article 8** Financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall complete the examination of identification data and evidence on non face-to-face customers or non face-to-face transactions for verification under article 5 and article 6 on the first occasion after the establishment of relationship or conduct of transaction, unless prior verification under article 5 and article 6 has already been conducted.

**Article 9** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall issue measures for controlling risks relating to money laundering by non face-to-face customers or non face-to-face transactions.

Financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall issue measures for examining suspicious transactions arising from non face-to-face customers.

Provision under Paragraph one and Paragraph two shall be in accordance with guidelines prescribed by notification of the Secretary-General.

**Article 10** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall issue the following measures for examining customer transactions;

(1) implementation guidelines for examining any risks that may arise from customer relationships and measures for mitigating such risks;

(2) application of the guidelines under (1) to the conduct of customer due diligence.

Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall include measures under this article as part of their policies under article 3.

## **CHAPTER II**

### **CUSTOMER DUE DILIGENCE**

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#### **Part 1**

#### **General Provisions**

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**Article 11** Financial institutions and persons engaged in professions under section 16 paragraph one (1) shall conduct in accordance with the rules and procedures prescribed under this Chapter when:

(1) establishing a relationship with a customer or conducting a transaction with a customer for the first time, except in the case of an occasional customer, in which case customer due diligence shall be conducted when:

(a) the transaction is carried out in a single operation or in several operations that appear to be linked in the amount of seven hundred thousand baht and above; or

(b) the wire transfer or electronic payment is carried out in the amount of fifty thousand baht or above;

(2) there is probable cause for suspicion of a connection with money laundering or financing of terrorism;

(3) there is probable cause for suspicion of the falsity or insufficiency of information on the customer.

**Article 12** Persons engaging in a profession under section 16 paragraph one (9) shall conduct pursuant to the rules and procedures prescribed under this Chapter when:

(1) the transaction executed with the customer is the provision of electronic funds services in the amount of fifty thousand baht or above for the first time;

(2) the transaction executed with the customer is a wire transfer or electronic payment in the amount of fifty thousand baht or above for the first time, except where the transaction is exempted from the identification process;

(3) there is probable cause for suspicion of a connection with money laundering or financing of terrorism;

(4) there is probable cause for suspicion that there are insufficient facts or data on the customer.

**Article 13** For low risk customers, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may apply reduced measures for the management of risk of possible connection with money laundering, account review measures and account monitoring measures under Part 3 by taking into consideration international standards on anti-money laundering and counter financing of terrorism.

The types and characteristics of low risk customers under paragraph one shall be prescribed by notification of the Secretary-General, by endorsement of the Board.

## **Part 2**

### **Customer Identification**

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**Article 14** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may not have to identify certain types of customers as prescribed by notification of the Secretary-General, by endorsement of the Board.

**Article 15** After examination and verification of data and evidence under article 5 and article 6, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall proceed to acquire the following data, for the purpose of customer identification:

(1) in the case where the customer is a natural person:

(a) the customer's source of income or funds;

(b) the beneficial owner.

(2) in the case where the customer is a juristic person or legal arrangement:

(a) the legal status and existence of the juristic person or legal arrangement;

(b) the management or ownership structure;

(c) data relating to executive officers;

(d) the objectives of the business of the juristic person or legal arrangement;

(e) source of income;

(f) the beneficial owner;

(g) general information on the juristic person or legal arrangement which reflects the basic economic status or credibility or managerial structure or size of the organization, which can be used by financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) for determining the conditions for maintaining a relationship with the customer;

(3) the objectives of the customer in establishing a business relationship and the type of service or relationship for which the customer wishes to establish.

In the identification of a customer under paragraph one, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may rely on reliable publicly available information or commercial database in addition to data obtained from the customer. The commercial database that can be used for identifying a customer shall possess the characteristic as prescribed by notification of the Secretary-General.

“commercial database” under paragraph two means data that is created by any juristic person or entity for use as a source of information relating to a list of persons, juristic person, organization, country, territory or other factor that may pose a risk of commission of an offence, money laundering offence and financing of terrorism offence, including any data that is beneficial to the examination of identification of a customer, management of risks, reviewing and monitoring of accounts, such data services may be provided with or without charge.

**Article 16** When identifying an occasional customer, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may apply a reduced identification process, but shall at least acquire the following data for the purpose of customer identification:

(1) first name and surname in the case where the occasional customer is a natural person, or the name recognized by law in the case where the occasional customer is a juristic person or legal arrangement;

(2) personal identification number or passport number in the case where the occasional customer is a natural person, or tax payer identification number or registration number or juristic person status citation number in the case where the occasional customer is a juristic person or legal arrangement;

(3) contact address in the case where the occasional customer is a natural person, and contact business address in the case where an occasional customer is a juristic person or legal arrangement;

(4) contact telephone number;

(5) the beneficial owner.

### **Part 3**

#### **Risk Management, Customer Account Reviews and Customer Account Monitors**

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**Article 17** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall prescribe a process for the management of risk of possible connection with money laundering and conduct such process immediately after the identification of a customer.

In the case of a low risk customer under article 13, and customer not required for identification process under article 14, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may conduct the risk management process immediately after completion of the examination and verification of the identification data and evidence.

**Article 18** In the management of risks under article 17, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall at least implement the following actions:

(1) categorize the risks of possible connections with money laundering of customers by at least taking into account the results of customer identification, such as the results obtained from the cross-examination of a customer against databases, country or territory of

residence of a customer, source of income, profession and foreign politically exposed person status;

(2) designate the level of customer due diligence in consistent with the varying risk levels of customers.

In the management of risks of possible connections with money laundering for occasional customers, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may apply different risk management processes other than those stated under (1) and (2), but all possible efforts shall be taken to carry out such examination of occasional customer identification data to determine whether or not the occasional customer poses a high risk of possible connection with money laundering.

**Article 19** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall designate a customer as a high risk customer if it appears after the examination of data that:

(1) the customer is associated with a member of a terrorist group designated by a resolution of the United Nations Security Council ratified by the Government of Thailand or notification issued by the government of Thailand under such resolution as a person whose action is terrorism, or is a person or member of a group of persons designated as having an involvement in money laundering or terrorism under the law of another country; or

(2) the customer is or has been a person whose transaction has been restrained, or whose asset has been seized or frozen, or whose asset has been vested to the state by a court order under the law on anti-money laundering; or

(3) the customer is or has been a person who committed a predicate offense or money laundering offense or is associated with a person who committed a predicate offense or money laundering offense; or

(4) the customer is a politically exposed person in a foreign country; or

(5) the customer resides in a country or territory where the international standards for anti-money laundering and counter financing of terrorism have not been implemented or applied; or

(6) the customer has a source of income from a country or territory where the international standards for anti-money laundering and counter financing of terrorism have not been implemented or applied; or

(7) the customer engages in a profession which poses a risk of possible connection with money laundering as prescribed by notification of the Secretary-General by endorsement of the Board; or

(8) the customer is designated by notification of the Secretary-General.

Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may consider other conditions which may pose a greater risk of connection with money laundering in addition to those prescribed by this Ministerial Regulation.

In the case of high risk customer, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may refuse to establish the relationship or conduct the transaction, or if they wish to establish a relationship or conduct a transaction with such customer, the relationship or transaction shall be subject to scrutiny and approval by an authorized executive officer and shall consider for filing a suspicious transaction report to the Office.

**Article 20** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall perform ongoing account reviews and account monitors until the customer relationship is terminated.

**Article 21** When performing a customer account review and account monitor under article 20, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall take the following actions;

(1) monitor and scrutinize transactions to assess whether they are still in consistent with the types of business transactions declared by the customer at the initiation of relationship or subsequently;

(2) monitor and scrutinize business relationship to assess whether they are still in consistent with the purpose of business transactions declared by the customer at the initiation of relationship or subsequently;

(3) review accounts or financial movements to assess whether they are still in consistent with the economic standing according to the data on profession and income, including the source of income declared by the customer in the identification process at the initiation of relationship or subsequently;

(4) keep updated customer identification data, including customer contact data, to ensure that the assessments under (1) to (3) are in greatest conformity with accurate customer data.

**Article 22** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall conduct enhanced account review and account monitors for customers with high risks of possible connection with money laundering by performing additional examination in order to acquire the following facts:

- (1) examination to establish the source of funds used for a transaction;
- (2) close scrutiny of transactions executed by the customer;
- (3) examination and gathering of information concerning the beneficial owner in order to conduct a consistent and ongoing review of risk management for such customer.

**Article 23** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall take into consideration the results obtained from examinations under article 21 and article 22 for the purpose of adjusting the business relationship with customer by:

- (1) conducting a review on whether or not to continue the relationship with the customer or to terminate the business relationship with the customer;

(2) reviewing risk management approaches for such customer if it is found from the assessment that the transaction made by the customer is not in consistent with the declared type of business relationship or the business relationship with the customer is not in consistent with the declared purpose of business relationship, or the financial or account movement of the customer is not in consistent with the economic standing of the customer, and if there is probable cause to believe that it may be a link to the commission of a predicate offence or money laundering offence, the financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall report such facts as a suspicious transaction to the Office.

**Article 24** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall conduct regular and ongoing examinations to determine whether a customer's data meets the criteria for categorization as a high risk customer under article 19 until the termination of business relationship.

In a case that, prior to the examination under paragraph one, a customer was not categorized as a high risk of possible connection with money laundering, upon finding after

examination that the customer data matches any of types in article 19(1) to (8), the financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall revise the risk management for such customer to designate as a high risk of potential connection with money laundering.

**Article 25** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall perform ongoing monitors and examination of all transactions that is complex, unusually large, lacking economic feasibility or any other unusual transactions arising from the business relationship, transactions and non face-to-face transactions of the customer until the relationship with customer is terminated. If a transaction is found suspicious, the financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall report the suspicious transaction to the Office.

**Article 26** When performing account reviews and account monitors on occasional customers, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall take the following actions:

(1) examines to determine whether an occasional customer is a member of a terrorist group designated by a resolution of the United Nations Security Council ratified by the Government of Thailand or notification issued under such resolution;

(2) examines to determine whether the occasional customer matches the data specified under article 19 (1) or (8);

(3) assess whether a transaction intended to conduct by the occasional customer poses a risk of possible connection with money laundering or a probable cause to suspect a possible connection with the commission of a predicate offence or money laundering offence.

In the case where it is found that an occasional customer has data matching (1), the establishment of relationship or conduct of a transaction shall be declined and the suspicious transaction shall be reported to the Office.

When consider to conduct a transaction with the occasional customer whose data matches (2) and (3), the financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) may refuse the conduct of the transaction for such occasional customer, or if they wish to conduct a transaction for such occasional customer, the transaction shall be subject to the review and approval of an authorized executive officer and shall consider filing a suspicious transaction report with the Office.

**CHAPTER III**  
**CUSTOMER DUE DILIGENCE**  
**FOR AGENTS OR BUSINESS COUNTERPART AND CORRESPONDENT**  
**BUSINESSES**

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**Article 27** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall refuse the establishment of a relationship, refuse to conduct a transaction and terminate a relationship with a correspondent financial institution or a business counterpart having a similar relationship in a foreign country having the following characteristics:

(1) established without a place of business and does not possess a status to be supervised pursuant to the laws of such country;

(2) provides financial services or opens an account with another financial institution that is established without a place of business and does not possess a status to be supervised pursuant to the laws of such country.

**Article 28** Prior to the establishment of a relationship or conduct of a transaction with a correspondent financial institution or other business counterpart having a similar relationship in a foreign country, in addition to customer due diligence under Chapter II, financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall also take the following actions:

(1) gather sufficient information on the foreign correspondent financial institution or business counterpart having a similar relationship in the foreign country in order to understand the business and credibility of such correspondent or business counterpart as well as to examine publicly available information relating to investigations and sanctions on such correspondent or business counterpart resulting from non-compliance with anti-money laundering and counter financing of terrorism measures;

(2) produce or collect documents or policies relating to anti-money laundering and counter financing of terrorism of the foreign correspondent financial institution or business counterpart having a similar relationship in a foreign country in order to determine whether such correspondent financial institution or business counterpart is in compliance with international standards on anti-money laundering and counter financing of terrorism;

(3) where a correspondent relationship or business counterpart of a similar relationship involves the maintenance of a “payable through account”, the financial institutions and persons engaged in professions under section 16 paragraph one (9) shall ensure that:

(a) the correspondent financial institution or business counterpart has performed all customer due diligence obligations set out in this Ministerial Regulation on its customers who have authority to manage the accounts opened with the correspondent financial institution or business counterpart;

(b) the correspondent financial institution or business counterpart is able to provide relevant customer identification data upon request;

(4) financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall establish a relationship with a foreign correspondent financial institution or business counterpart having a similar relationship in a foreign country upon the completion of customer due diligence under (1) to (3) and approval of an authorized executive officer.

“payable through account” under (3) means a relationship in which a financial institution or person engaging in a profession under section 16 paragraph one (9) allows a customer of a foreign correspondent financial institution or business counterpart having a similar relationship in a foreign country to directly conduct transactions such as deposits, withdrawals by means of a cheque or order a transfer of money value, with the financial institution or person engaging in a profession under section 16 paragraph one (9) on behalf of the correspondent financial institution or business counterpart in the foreign country, and such transaction is conducted through the account of such correspondent financial institution or business counterpart in the foreign country.

**Article 29** In the case where a financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) conducts a business which allows an intermediary to contact customers, the financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) may entrust such intermediary to perform customer identification and verification on its behalf if it can ensure that:

(1) the customer identification data and verification can be retrieved from the intermediary in contact with a customer upon request without delay;

(2) the intermediary in contact with a customer can deliver the identification document and evidence, including information relating to customer verification, upon request without delay;

(3) the intermediary in contact with a customer can effectively comply with the law on anti-money laundering.

**Article 30** In the case where a financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) conducts a business which allows an intermediary to contact customers, the financial institution or person engaging in a profession under section 16 paragraph one (1) and (9) may entrust such intermediary to manage risks and review customer accounts and monitor customer accounts if it can ensure that:

(1) the customer can execute a transaction with the financial institution and person engaging in a profession under section 16 paragraph one (1) and (9) through only one intermediary;

(2) the intermediary in contact with customers can effectively comply with the law on anti-money laundering;

(3) risk management data, documentation relating to customer due diligence, including information relating to suspicious transaction report from such intermediaries can be delivered upon request without delay;

(4) the intermediary in contact with customers shall deliver documentation and evidence relating to the result of risk management, customer due diligence, as well as documentation relating to suspicious transaction report pertaining to customers upon request without delay.

**Article 31** Financial institutions and persons engaged in professions under section 16 paragraph one (1) and (9) shall be held responsible for the performance of tasks entrusted under article 29 and article 30 unless it is proven that the intermediary has been supervised strictly and regularly without gross negligence.

#### CHAPTER IV

#### CUSTOMER DUE DILIGENCE FOR WIRE TRANSFERS

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**Article 32** When conducting customer due diligence for a wire transfer transaction, in addition to actions under Chapter II, financial institutions and persons engaged in professions under section 16 paragraph one (9) shall also comply with this Chapter.

**Article 33** In the case of a wire transfer or receipt of wire transfer, as the case may be, the financial institutions and persons engaged in professions under section 16 paragraph one (9) which provide wire transfer services shall enclose the following customer data with the transfer order or transfer receipt:

- (1) full name of the transferor and transferee;
- (2) account number or reference number of the transferor and transferee;
- (3) the identification number or passport number, the alien identification number, or other identification documentation number for alien issued or verified by a reliable agency or organization, in the case where the transferor or transferee, as the case may be, is a natural person, or tax payer identification number, in the case where the transferor or transferee is a Thai juristic person, or tax payer identification number or other juristic person citation number issued or verified by a reliable agency or organization, in the case where the transferor or transferee is a juristic person registered in foreign country;
- (4) name of the financial institution or person engaging in a profession under section 16 paragraph one (9) issuing the transfer instruction and name of the recipient financial institution or person engaging in a profession under section 16 paragraph one (9);
- (5) address of the transferor or transferee, as the case may be; in the case where there is no address information, the date of birth and place of birth of the transferor or transferee shall be specified;
- (6) amount of money.

In case of a domestic wire transfers, if the financial institutions and persons engaging in a profession under section 16 paragraph one (9) providing the wire transfer services to customers can ensure the existence of data under (3) and (5), the financial institutions and persons engaging in the provision under section 16 paragraph one (9) may enclose only data under (1), (2), (4) and (6).

In case of a domestic wire transfer under paragraph one, for occasional customers, the financial institutions and persons engaging in professions under section 16 paragraph one (9) providing the wire transfer services may enclose only data in (1) (2) (3) (4) and (6).

In case of an international wire transfer, if the financial institutions and persons engaging in a profession under section 16 paragraph one (9) providing the wire transfer services to customer can ensure the existence of data under (3), the financial institutions and persons engaging in professions under section 16 paragraph one (9) may enclose only data in (1), (2), (4), (5) and (6).

In the interest of anti-money laundering, in case of a domestic wire transfer under paragraph two and three or an international wire transfer under paragraph four, the Office may order financial institutions and persons engaging in a profession under section 16 paragraph one (9) to submit other data that has not been submitted under paragraph two, paragraph three, or paragraph four, as the case may be, to the Office within the prescribed time.

**Article 34** In the case where a financial institutions and persons engaging in a profession under section 16 paragraph one (9) acting as an intermediary in a fund transfer chain, the complete transferor's information and transfer orders received from financial institutions and persons engaging in a profession under section 16 paragraph one (9) who acted as a transferor, shall be submitted to the recipient financial institutions and persons engaging in professions under section 16 paragraph one (9).

**Article 35** Financial institutions and persons engaging in a profession under section 16 paragraph one (9) providing wire transfer services shall be exempt from article 33 if the wire transfer is the result of a credit card or debit card transaction and the card number is stated on the funds transfer order, including transfers between financial institutions or persons engaging in a profession under section 16 paragraph one (9), or between a financial institution and a person engaged in a profession under section 16 paragraph one (9), executed for the benefit of the financial institution or person engaging in a profession under section 16 paragraph one (9).

**Article 36** Financial institutions and persons engaging in a profession under section 16 paragraph one (9) which provide wire transfer services shall have in place measures for examining and requesting data from financial institutions or persons engaging in a profession under section 16 paragraph one (9), acting as an intermediary, a transferor, or a transferee, in the transfer chain, in the case where certain information under article 33 is missing.

In the case where action under paragraph one has already been taken but it appears that data is still missing, financial institutions and persons engaging in a profession under section 16 paragraph one (9) may refuse such wire transfer after taking into account the result of the

management of the risk of possible connection with money laundering, and shall consider filing a suspicious transaction report with the Office.

**Article 37** The provisions under this Chapter shall apply *mutatis mutandis* with the financial institutions and persons engaging in a profession under section 16 paragraph one (9) for the conduct of customer due diligence on electronic payment transactions.

## CHAPTER V

### USE OF TECHNOLOGY FOR CUSTOMER DUE DILIGENCE

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**Article 38** Financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) may use information technology equipment or systems for the benefit of implementing this Ministerial Regulation.

The information technology under paragraph one shall be in accordance with the guidelines issued by notification of the Secretary-General.

**Article 39** In the case where financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) implements article 38, such financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall arrange for all personnel involved in the customer identification process, management of risk of possible connection with money laundering, customer account reviews and customer account reviewing and monitoring to have understanding of the use of such technology in order to combat money laundering on an ongoing and regular basis and to have the ability to use such technology for the benefit of combating money laundering effectively.

## CHAPTER VI

### LEGAL COOPERATION AND ASSESSMENT

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**Article 40** Financial institutions or persons engaging in professions under section 16 paragraph one (1) and (9) shall report suspicious transactions or facts found in the processes of customer identification, risk management, customer account review and monitoring to the Office only when such report has been examined and endorsed by the authorized executive officer of the financial institutions or persons engaging in professions under section 16 paragraph one (1) and (9).

In the case where there is a need to contact the Office, for inquiry, seeking advice, explanations or other necessity arises from the execution of this Ministerial Regulation, financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall appoint an agent who is an executive officer responsible for overseeing compliance with the law on anti-money laundering as a point of contact for the Office.

**Article 41** The Office shall supervise and assess financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) for compliance with this Ministerial Regulation.

The implementation of paragraph one shall include the supervision and assessment of compliance with this Ministerial Regulation by affiliated companies located in a foreign country of which financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) are majority shareholders and branches situated in foreign countries.

In the case where the affiliated companies located in the foreign country of which the financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) are majority shareholders and branches situated in foreign countries are under an obligation to comply with the law on anti-money laundering of the country where they are located, the Office may carry out supervision and assessment of the foreign affiliated company by applying the law on anti-money laundering of the country with the more stringent rules.

**Article 42** In the conduct of supervision and assessment under article 41, the Office may seek the cooperation of agencies having the authority to supervise or monitor financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) provided that it is conducted in compliance with an agreement made between the Office and such competent supervisory agencies.

### **TRANSITORY PROVISIONS**

**Article 43** Financial institutions and persons engaging in professions under section 16 paragraph one (1) and (9) shall apply this Ministerial Regulation to customers or existing accounts prior to the day this Ministerial Regulation comes into force within two years as from the day this Ministerial Regulation comes into force.

If compliance is not possible within the time limit under paragraph one, a submission shall be made to the Secretary-General to consider the extension of such time period,

but the total time period shall not exceed three years as from the day this Ministerial Regulation comes into force.

Given on 17 May B.E. 2555 (2012)

Yingluck Chinawatra

Prime Minister

Remark; Reasons for the issuance of this Ministerial regulation are whereas section 20/1 paragraph two of the Anti-Money Laundering Act B.E. 2542 (1999) as amended by the Anti-Money Laundering Act (No. 3) B.E. 2552 (2009) provides that the scope of customer due diligence shall be in accordance with rules and procedures prescribed by the Ministerial Regulation governing the identification and verification of customers, review of customer accounts and monitoring of customer accounts as notified by the Office, it is therefore expedient to prescribe rules and regulations for such customer due diligence. It is thus necessary to issue this Ministerial Regulation.