

Title :	Counter-Terrorism Financing Act (2016.07.27 Announced)	
Article 1	This Act is enacted to prevent and suppress the financing of terrorist acts, terrorist organizations and individual terrorists (hereinafter referred to as ‘TF’), preserve national security, protect fundamental human rights, and strengthen the international cooperation regarding the prevention of terrorist financing.	
Article 2	The competent authority as referred to in this Act is the Ministry of Justice.	
Article 3	<p>The Executive Yuan is the authority for policy development, review of proposed legislation, plan approval and supervision in connection with countering TF in the Republic of China.</p> <p>The competent authority shall form a TF review Committee (hereinafter referred to as the Committee) to review any proposal of listing or delisting individuals or legal persons or entities in a sanction list. The Minister of Justice shall preside as the Chairperson and an ex officio member while the deputy directors of the following agencies shall seat the other membership:</p> <ol style="list-style-type: none"> 1. National Security Bureau 2. Ministry of Interior 3. Ministry of Foreign Affairs 4. Ministry of National Defense 5. Ministry of Economic Affairs 6. Central Bank 7. Financial Supervisory Commission <p>Regulations governing the Committee’s organization, function and operational matters shall be prescribed by the competent authority.</p>	
Article 4	<p>If the competent authority believes that any of the following situations exist with respect to any individual, legal person, or entity, the competent authority may, subject to the approval of the TF review committee and based on the reports from the Investigation Bureau or under the competent authority’s own authority, include such individual, legal person and entity on the sanction List and publish such list:</p> <ol style="list-style-type: none"> 1. (an individual, legal person or entity) suspected of committing a crime specified in Article 8, Paragraph1 ,hereof with unspecified persons for the purpose of intimidating the public or coerce a government, a foreign government or institution, or an international organization. 2. An international treaty or convention in connection with TF prevention so requires or such is necessary to implement international cooperation or United Nations resolutions. <p>Any individual, legal person, or entity who meets the criteria of designation,</p>	

whether within or outside the territory of Republic of China, may be listed in accordance with the foregoing paragraph.

Article 5 Based on reports from the Investigation Bureau or under its own authority, the competent authority shall, include the following individuals, legal persons, or entities on the Sanction List and publish such list:

1. Individuals, legal persons, or entities designated by the relevant UNSCRs and any successor resolution on TF; or
2. Individuals, legal persons, or entities designated by the relevant UNSCRs and any successor resolution on the prevention of proliferation of weapons of mass destruction.

Any individual, legal person, or entity designated according to the foregoing paragraph may only be delisted by the delisting procedures of United Nations Security Council.

Article 6 The competent authority shall, subject to the approval of TF review committee and based on request or under its own authority, take the following measures and make relevant public announcement:

1. Delisting of an individual, legal person or entity designated pursuant to 1 of Article 4.
2. Exempting the property or property interests necessary for maintaining the family life of a designated individual or the dependents.
3. Making reservations for expenses necessary for the management of the property or property interests by a designated individual, legal person or entity.
4. Permitting any payment made by a designated individual, legal person or entity to a bona fide third-party creditor, whose right is given before the sanctions have been implemented.

In the circumstances as described in the preceding paragraph (other than sub-paragraph one), the competent authority may, within the necessary scope, set restrictions as to how the exempted/reserved property or property rights shall be used by the individuals, legal persons, or entities listed on the sanction list.

Where any violation of the restrictions imposed pursuant to the preceding paragraph or any suspected breach of any circumstance set out in Article 4(I) has been observed, the competent authority may revoke the measures specified in the first paragraph according to the Committee's consideration and decision and make the decision available to the public.

Regulations governing the measures of subparagraph (I) and the processes of implementing the restrictive measures of subparagraph (II) shall be

prescribed by the competent authority.

Article 7 The following activities (other than the measures as listed in Article 6, Paragraph 1) shall not be permitted with respect to individuals, legal persons, or entities named on the sanction list in accordance with Article 4, Paragraph 1, or Article 5, Paragraph 1:

1. Making withdrawals, remittance, transfers, payment, deliveries or assignments related to the financial accounts, currency or other payment instrument of the designated individual, legal person and entity.

2. Making transfers, changes, dispositions, use of, or taking any other measures which may change the quantity, quality, value or location of property or interests of the designated individual, legal person and entity.

3. Collecting or providing any property or any property interests for the designated individual, legal person and entity.

An institution designated under Article 5(I) and (II) of Money Laundering Control Act shall immediately report any of the following circumstances discovered under its authority to the Investigation Bureau of Ministry of Justice:

1. That such institution holds or manages the property or property interests of a designated individual, legal person or entity.

2. Places where the property or property interests of a designated individual, legal person or entity locate.

The institution making report in accordance with the foregoing paragraph shall exempt from its obligation of confidentiality pertaining to its duty.

The reporting methods, procedures of subparagraph (II) and other procedural guidance shall be prescribed by the central competent authority with consultation of the competent authority and Central Bank.

Article 8 If any person directly or indirectly collects or provides property or property rights for another person in the knowledge that the other person has committed any of the following crimes with intention of causing death or serious bodily injury to unspecified persons for the purpose or under or plan to intimidate the public or pressure the government, a foreign government, a foreign institution or an international organization, that person shall be punished by imprisonment for not less than one year but not more than seven years and a fine of up to NTD ten million:

1. Crimes of Articles 173(I) and (III), 176 applying Article 173(I) and (III), 178(I) and (III), 183(I) and (IV), 184(I), (II) and (V), 185, 185-1(I) to (V), 185-2, 186-1(I), (II) and (IV), 187-1, 187-2(I), (II) and (IV), 187-3, 188, 190(I), (II) and (IV), 190-1(I) to (III), 191-1, 192(II), 271(I) and (II), 278, 302, 347(I) to (III),

		<p>348, 348-1 or crimes specified in Articles 358 through 360 against the computers and related equipment of a public office, of the Criminal Code.</p> <p>2. Crimes of Article 7 of Controlling Guns, Ammunition and Knives Act.</p> <p>3. Crimes of Article 100 of Civil Aviation Act.</p> <p>Any person attempting to commit an offence specified in the preceding paragraph is punishable.</p>
Article	9	<p>A person who directly or indirectly collects or provides any property or property interests for another person in the knowledge that the other person is one of the following individuals, legal persons or entities shall be sentenced to a term of imprisonment, of which not less than six months and not more than five years, along with a fine up to NTD five million:</p> <ol style="list-style-type: none"> 1. An individual, legal person or entity designated pursuant to Articles 4(I) or 5(I). 2. An entity formed under the purpose of committing any crime set out in paragraph (I) of the preceding article to intimidate the public or pressure the government, a foreign government, an institution or an international organization. 3. An individual, legal person or entity the purpose of the relevant acts or plan of which is to intimidate the public or pressure the government, a foreign government, an institution or an international organization by way of committing crimes as specified in paragraph (I) of the preceding article. <p>A person who directly or indirectly provides financing of property or property interests to an individual, legal person or entity as described in the preceding paragraph in the knowledge that such financing is provided for terrorist training expenses shall be subject to the same punishment.</p> <p>For an act to constitute a crime as described in Paragraphs 1 and 2 of this Article, it shall not be necessary to prove that such property or property interest were provided to carry out any specific terrorists acts.</p> <p>Any person attempting to commit an offence specified in Paragraph (I) and (II) is punishable.</p>
Article	10	<p>The crimes set out in the two preceding articles shall constitute serious crime as defined in Money Laundering Control Act.</p>
Article	11	<p>A legal person shall be held severally liable for any offence set out in Article 8 or Article 9 committed by its representative, agent, employee or staff during the performance of duty and be charged with corresponding penalty.</p> <p>A person who has committed an offence specified in Articles 8 and 9 shall, if the offender voluntarily surrenders within six months after committing such crime, be remitted of the punishment; if the surrender comes in after six</p>

		<p>month, the punishment may be remitted or reduced; if the offender makes a confession during investigation stage or at trial, the punishment may be reduced.</p> <p>Article 8 and 9 shall also apply to Any citizen of the Republic of China committing any of the crimes specified in Article 8 and 9 outside the territory of the Republic of China.</p>
Article	12	The central competent authority of an institution of Article 5(I) and (II) of Money Laundering Control Act may impose administrative fine ranging from NTD twenty thousand up to NTD one million if any violation of Article 7(I) or (II) .
Article	13	Persons may apply for administrative remedies in accordance with the law against a public announcements made by the competent authority.
Article	14	To prevent international TF activities, the government may, based on the principle of reciprocity, execute cooperative treaties or other international written agreements in relation to countering TF with foreign governments, foreign institutions or international organizations.
Article	15	This Act shall be take effect on the date of promulgation.