

Prakas
on
Structures Duties and Functions of the Cambodia Financial Intelligence Unit

The Governor of the National Bank of Cambodia

- With reference to the Constitution of the Kingdom of Cambodia,
- With reference to Royal Kram N° NS/RKM/0196/27 of January 26, 1996, promulgating the Law on the Organization and Conduct of the National Bank of Cambodia,
- With reference to Royal Kram N° NS/RKM/1206/036 of December 29, 2006, promulgating amendment article 14 and 57 of law on the Organization and Conduct of the National Bank of Cambodia,
- With reference to Royal Kram N° NS/RKM/1199/13 of November 18, 1999 promulgating law on the Banking and Financial Institutions,
- With reference to Royal Kram N° NS/RKM/0607/014 of June 24, 2007, promulgating the Law on Anti-Money Laundering and Combating the Financing of Terrorism,
- With reference to the Royal Decree NS/RKT/0508/526 of May 13, 2008, on the appointment of H.E. Chea Chanto, Governor of the National Bank of Cambodia,
- With reference to the Sub-Decree N° 10 ANKR.BK of January 29, 2008, on the establishment of Cambodia Financial Intelligence Unit,
- With reference to the Sub-Decree N° 96 ANKR.TT of February 04, 2008, on the appointment of the Cambodia Financial Intelligence Unit's Board of Director
- With reference to the 4th meeting of the Cambodia Financial Intelligence Unit's Board of Director on September 15, 2009.

Decides

Article 1.- To create structure and set out duties and functions of Cambodia Financial Intelligence Unit, hereinafter called "CAFIU"; and its divisions and sections in the following articles.

Article 2.- The CAFIU has the following major duties and functions:

- a) To receive suspicious and cash transaction reports and information suspected of money laundering or terrorism financing;
- b) To collect information that the CAFIU considers relevant to money laundering or terrorism financing activities which are publicly available, including

commercially available databases, as well as other information necessary to carry out its functions, such as information collected maintained and stored in the database by the reporting entities;

c) To have access on a timely basis to financial, administrative and law enforcement information that is necessary to undertake its functions set forth by this Article, including information collected and maintained by, or stored in the databases of, any public entities;

d) To analyze and assess all suspicious transaction reports and related information in order to determine whether there are reasonable grounds to believe that a money laundering offense or a terrorism financing offense has been committed and in such cases refer the matter to the relevant law enforcement authority for criminal investigation;

e) To compile statistics and records on suspicious and cash transaction reports received, analyzed and forwarded to the law enforcement authorities and disseminate information to other public agencies on related matters as required;

f) To provide feedback to reporting entities and other relevant agencies regarding the outcome of suspicious transaction reports or information provided to it under the Law on Anti-Money Laundering and Combating Financing of Terrorism;

g) To ensure that personal information under its control is protected from unauthorized disclosure;

h) To enhance public awareness and understanding of matters related to money laundering and terrorism financing.

Article 3.- The CAFIU shall have four divisions under its control and those whose level is equal to that of other divisions of the National Bank of Cambodia.

- 1- Legal Administrative and Information Technology Division
- 2- Transaction Report Analysis Division
- 3- Compliance Monitoring Division
- 4- Co-operation Division

Divisions and sections shall be lead by a head with the support from one or several deputy head as necessary.

Article 4.- Legal Administrative and Information Technology Division shall help the CAFIU to facilitate and compose legal instruments, general administrative affairs, and information technology management. This division shall have three sections with the following functions:

- 1- Legal Section

- Co-operate with regulatory and supervisory authorities of reporting entities in issuing joint guidelines on Anti-Money Laundering and combating the Financing of Terrorism (AML/CFT) obligations
- Review any issued guidelines and direct reporting entities on how to implement them
- Provide legal and regulatory advise
- Review the policy and request for sanctions
- Guide on how to draft domestic and international
- Compose legal instruments

2- Information Technology Section

- Office Automation
- Information Management of the CAFIU
- Resolve any problems caused in the information technology
- Protect the system to work regularly with safety and prevent it from any spy and access
- Electronic Case Management

3- Administrative Section

- Receive, disseminate and maintain any incoming letters or documents
- Provide office materials as needed
- Co-operate and facilitate the reports to the Board of Director
- Manage the attendance list of staff
- Prepare work schedule for management level and ensure appropriate protocols for guests and any events
- Participate in establishing periodic budget to sustain the unit
- Prepare periodic report of the CAFIU
- Maintain reporting entity list
- Maintain security of the CAFIU

Article 5.- Transaction Report Analysis Division shall receive Suspicious Transaction Reports (STRs) and other suspicious information for analysis and disseminate to

competent authorities. This division shall have two sections with the following functions:

1- Receive and Analysis Section

- Collect and receive STRs, Cash Transaction Reports (CTRs) and other information
- Receive electronic report from reporting entities
- Search for additional information and analyze STRs and CTRs
- Compile, maintain and process data in the information technology System
- Liaise with reporting entities

2- In and Out Feedback Section

- Prepare Suspicious and Financial Intelligent Reports
- Disseminate Intelligent report to competent authorities
- Send and receive feedback from competent authorities

Article 6.- Compliance Monitoring Division shall control and monitor the compliance of AML/CFT obligation of the reporting entities, train and raise awareness among the reporting entities and the public. This division shall have two sections with the following functions:

1- Compliance Monitoring Section

- Control and monitor the AML/CFT compliance of the reporting entities
- Prepare draft report and issue report format
- Identify all reporting entities in order to enforce their reporting obligations
- Strengthen the implementation of and compliance with policy and strategy
- Co-operate and coordinate with supervisory authorities of the reporting entities in order to control the AML/CFT compliance
- Provide recommendations to supervisory authorities of the reporting entities to strengthen its implementation and raise a request for sanction if necessary

2- Training and Awareness Raising Section

- Training and raise awareness on AML/CFT obligations
- Prepare planning and training program and awareness rising among reporting entities and the public
- Co-operate with other relevant divisions to present the actual case relating to money laundering and terrorist financing
- Co-operate and coordinate with supervisory authority of the reporting entities on training and awareness rising.

Article 7.- Co-operation Division shall cooperate and coordinate with domestic and international partner to detect and analyze actual case of money laundering and terrorism financing. This division shall have two sections with the following functions:

1- Domestic Co-operation Section

- Prepare domestic Memorandum of Understanding (MOU) with all relevant agencies
- Disseminate questionnaires relating to AML/CFT enforcement to all relevant agencies
- Provide opinions relating to AML/CFT enforcement
- Prepare meeting and solve any possible difficulty
- Collect and maintain actual case of domestic money laundering and terrorism financing for study and publication

2- International Co-operation Section

- Prepare report for the meeting of Asia Pacific Group on money laundering and other meetings
- Co-operate with international partners in AML/CFT
- Prepare MOU on the exchange of information and international cooperation
- Co-operate with international partners in preparing AML/CFT policy and strategy.
- Collect and maintain AML/CFT actual case for study and publication
- Prepare documents relating to membership of any international organizations in AML/CFT.

Article 8.- As otherwise mentioned above, each division shall perform any other functions set by the head of the CAFIU.

Article 9.- the General Secretariat, the General Direction, the General Cashier, the General Inspection and all departments under NBC's supervisory authority and the CAFIU shall strictly implement the present Prakas.

Article 10.- The present Prakas shall have effect from the signing date.

Phnom Penh, 16 September 2009
Governor and chairman of the CAFIU's BOD
Signed

Places:

- As article 9 for implementation
- Documentation

Chea Chanto

Copy:

- All members of CAFIU's BOD
- Council of the ministers for information
- Administrative department of the Council of the minister for publication in the national gazettes