

紐西蘭內政部發布新版VASP指引，因應虛擬資產轉帳納入監管

紐西蘭內政部於2024年7月25日發布新版洗錢防制與打擊資助恐怖主義（Anti-Money Laundering and Countering Financing of Terrorism, 以下均簡稱AML/ CFT）指引（下稱指引），指導虛擬資產服務提供者（virtual asset service providers, 下稱VASPs）遵循虛擬資產交易行為準則與注意事項。該國有關AML/ CFT之規定係以多項規則與行為指引構成，且應技術、產業與國際標準之變革持續調整既有框架。本次指引更新係為配合AML/ CFT法（AML/ CFT Act 2009）及其規則之修正與生效，重新規範VASPs對於虛擬資產轉帳再定義後義務。以下針對法規變革脈絡簡要說明：

AML/ CFT規則（AML/ CFT (Definitions) Regulations 2011）將虛擬資產定義為具有價值的數位貨幣，可用於交易、達成支付或投資目的；雖其不同於債券、股票與衍生性金融產品或數位法定貨幣，VASPs仍為AML/ CFT法定義之報告實體，負有對客戶進行盡職調查、報告特定業務活動與交易的義務。

自2024年6月起，AML/ CFT規則全面納管虛擬資產轉帳，範圍由法定貨幣與虛擬資產間的流動，擴及虛擬資產間的交易，包含以VASPs作為中介機構之交易情形。此外，基於虛擬資產跨境的特性，所有轉帳皆被推定為國際轉帳，除非VASPs確定該筆交易發生紐西蘭境內。AML/ CFT規則對虛擬資產平臺交易之監管密度係以1,000紐幣為閾值，VASPs須對超過此金額的國際轉帳，向金融情報中心（Financial Intelligence Unit, FIU）提交交易報告；而對於臨時性交易則應盡職調查客戶。

為降低虛擬資產被用於非法活動之風險，防制洗錢金融行動工作組織（FATF）倡議於國際施行一致之監管標準，避免因各國法規監管差異造成防堵漏洞。紐西蘭政府藉改造現行金融法規將相關產業逐步納入監管，並提供指引說明及闡釋法規內容，調適金融科技發展與現有制度規範落差。此次AML/ CFT規則與VASPs指引之修正，將有助於紐西蘭更符合國際組織建議之洗錢防制與反資助恐怖活動監管標準。

相關連結

- [Department of Internal Affairs. \(2024\). Guidance: New AML/CFT regulations for virtual asset service providers. Department of Internal Affairs](#)
- [Anti-Money Laundering and Countering Financing of Terrorism Act 2009 \(Act No. 35 of 2009, Version as at 1 July 2023\), New Zealand Government](#)
- [Anti-Money Laundering and Countering Financing of Terrorism \(Requirements and Compliance\) Amendment Regulations 2023 \(Regulations No.2023/0161\), New Zealand Government](#)
- [Anti-Money Laundering and Countering Financing of Terrorism \(Definitions\) Amendment Regulations \(No 2\) 2023 \(Regulations No.2023/0158\), New Zealand Government](#)

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蔡芷茵

副法律研究員 編譯整理

上稿時間：2024年10月

資料來源：

Department of Internal Affairs. (2024). *Guidance: New AML/CFT regulations for virtual asset service providers*. Department of Internal Affairs. [https://www.dia.govt.nz/diawebsite.nsf/Files/AML-CFT-2024/\\$file/VASP-Guidance.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/AML-CFT-2024/$file/VASP-Guidance.pdf) (last visited Aug 9, 2024).

Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (Act No. 35 of 2009, Version as at 1 July 2023), New Zealand Government, <https://www.legislation.govt.nz/act/public/2009/0035/latest/DLM2140720.html> (last visited Aug 9, 2024).

Anti-Money Laundering and Countering Financing of Terrorism (Requirements and Compliance) Amendment Regulations 2023 (Regulations No.2023/0161), New Zealand Government, <https://www.legislation.govt.nz/regulation/public/2023/0161/latest/LMS861813.html> (last visited Aug 10, 2024).

Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Amendment Regulations (No 2) 2023 (Regulations No.2023/0158), New Zealand Government, <https://www.legislation.govt.nz/regulation/public/2023/0158/latest/LMS859347.html> (last visited Aug 10, 2024).

延伸閱讀：

Financial Markets Conduct Act 2013 (Act No.2013/0069), New Zealand Government, <https://www.legislation.govt.nz/act/public/2013/0069/latest/whole.html#DLM4090909> (last visited Aug 12, 2024).

Department of Internal Affairs. (2020). *Virtual Asset Service Providers Guideline*. Department of Internal Affairs. [https://www.dia.govt.nz/diawebsite.nsf/Files/AML-CFT-2020/\\$file/AML-CFT-VASP-Guideline.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/AML-CFT-2020/$file/AML-CFT-VASP-Guideline.pdf) (last visited Aug 9, 2024).

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