

STATE BANK OF VIETNAM

No. 35/2013/TT-NHNN

SOCIALIST REPUBLIC OF VIET NAM

Independence - Freedom – Happiness

Hanoi, December 31, 2013

CIRCULAR

GUIDING IMPLEMENTATION OF A NUMBER OF PROVISIONS ON PREVENTION OF MONEY LAUNDERING

Pursuant to the June 16, 2010 Law on the state bank of Vietnam No. 46/2010/QH12;

Pursuant to the June 18, 2012 Law on anti- money laundering No. 07/2012/QH13;

Pursuant to the Government's Decree No. 116/2013/ND-CP dated October 04, 2013, detailing implementation of a number of Article of Law on anti-money laundering;

Pursuant to the Government's Decree No. 156/2013/ND-CP dated 11/11/2013, defining the functions, tasks, powers and organizational structure of the State bank of Vietnam,

At the proposal of the Chief of banking Inspection and supervision,

The Governor of the State bank of Vietnam promulgates Circular guiding implementation of a number of provisions on prevention of money laundering.

Article 1. Scope of regulation

This Circular provides for enhanced assessment of highly potential risk customers; notification of list of politically-influenced foreign individuals; content and forms of reports including: high value transactions, suspicious transactions; electronic money transfers, and money laundering for the aim of terrorist financing; values of precious metals, gems and negotiable instruments required custom declaration.

Article 2. Subjects of application

1. The reporting units as prescribed at Clause 1, 2 Article 2 of Law on anti-money laundering.
2. Vietnamese organizations and individuals; foreigners or stateless persons residing or not residing on Vietnam's territory; foreign organizations, international organizations, non-governmental organizations operating or not operating on Vietnam's territory buy having financial transactions or other asset transaction with organizations and individuals specified at clause 1 this Article.

Article 3. Measures of enhanced assessment for highly potential risk customers

For highly potential risk customers not in cases specified in articles 13, 14, 15, 16 and 17 of Law on anti-money laundering, in addition to application of measures of identification as prescribed in Article 9 of Law on anti-money laundering, the reporting units must apply the following measures of enhanced assessment:

1. To require an approval of management level higher than the approving authority one or more levels applicable to normal customers when they set up relations for the first time or when a current customer is assessed to be a highly potential risk customer. For current customers, after assessment or reassessment, they are classified in highly potential risk customers, the reporting units must submit to competent authorities for approving or re-approving the relation with these customers and application of enhanced measures as prescribed at Clause 2, Clause 3 and Clause 4 this Article.

2. To collect additionally the following information:

a) For customers being individuals:

- The monthly average income in nearest 6 months of customers; name, address, telephone number of agency, organization or boss of establishment where they work or gain main income;
- Full name, address, and occupation of wife or husband, children of customer.

b) For customers being organizations:

- Trades of production, business and service that create main turnover;
- Financial statements in last 2 years;
- List (full name, address, telephone) of members of Board of Directors or Member assembly, members of the executive board, chief accountant or equivalent person;
- List of (name, address, representatives) of mother company, subsidiary companies, representative offices (if any).

3. To strictly supervise transactions of highly potential risk customers.

4. To update information on a basis of at least 6 months once or when the reporting units know that information of customer has been changed.

Article 4. List of politically-influenced foreign individuals

1. List of politically-influenced foreign individuals as prescribed at Clause 1 Article 13 of Law on anti-money laundering is published on website of the State bank of Vietnam at address <http://www.sbv.gov.vn>.

2. The access, use of list of politically-influenced foreign individuals shall comply with guideline of the Banking Inspection and Supervision agency of the State bank of Vietnam (hereinafter referred to as the Banking Inspection and Supervision agency); the reporting units do not supply information of this list to the third party without consent of the Banking Inspection and Supervision agency.

3. The reporting units must register in writing with the Banking Inspection and Supervision agency (through Bureau of anti-money laundering) for information of persons accessing and using the list of politically-influenced foreign individuals, including: Full name, valid ID number or passport, position, telephone number and address of working place, email.

Article 5. Report on transactions of big value

1. When performing transactions of big value, the reporting units shall report to Bureau of anti-money laundering in writing according to the form No.02 enclosed with this Circular or e-data file as prescribed in Article 10 of this Circular.

2. If customers submit cash of big value to buy Vietnam currency or submit cash in Vietnam dong of big value to buy foreign currency in cash, only transactions of submitting cash are required to report.

3. Content of report on transactions of big value:

a) Information of customer:

- For customers being individuals: Full name, date of birth, ID number or passport number, nationality (if a customer have many nationalities, he must write fully nationalities and addresses of residence registered at countries he bears nationality) address of residence in Vietnam;

- For customers being organizations: Organization name, address, country, tax code; if an organization has no tax code, it is required to have number of operational license or decision on establishment or the Business registration certificate.

b) Information of transaction:

- For transactions of big value in cash (Vietnam currency or foreign currency): Day of implementing transaction, number of account (if any), transaction type, transaction code (sole reference number for each transaction), amount of transaction, kind of transaction currency, amount converted into Vietnam dong (at the rate of respective transaction type at time of arising transaction), reason, purpose of transaction, name, location where transaction arises;

- For gold purchase and sale transactions of big value: Day of implementing transaction, transaction type, transaction code (sole reference number for each transaction), volume (unit: Kilogram; enumerated under each kind of goods), value of each transaction, total transaction value in day converted into Vietnam dong, reason, purpose of transaction, name, location where transaction arises;

c) Other information which is specified in forms promulgated together with this Circular.

4. The reporting units must review, select transaction in cash of big value to timely detect suspicious transactions.

Article 6. Report on suspicious transactions

1. Upon detecting any suspicious transaction as prescribed in Article 22 of Law on anti-money laundering and Article 14 of Decree No. 116/2013/ND-CP dated 04/10/2013, detailing implementation of a number of Articles of Law on anti-money laundering, the reporting units shall make written report to the Bureau of Anti-money laundering according to Form No.01 attached to this Circular or e-data file as prescribed in Article 10 of this Circular.

2. Bureau of anti-money laundering shall certify the receipt of report on suspicious transaction and reply to subject of report about problems arising as necessary.

Article 7. Report on e-transfer transactions

1. When supplying service of e-transfer in excess of the prescribed value, the reporting units shall report to the Bureau of anti-money laundering in writing or e-data file as prescribed in Article 10 of this Circular.

2. Content of report included the following information:

a) Organization issuing the transfer orders: transaction name of organization or transaction spot; contact address; country.

b) Organization serving the beneficiary: transaction name of organization or transaction spot; contact address; country.

c) The remittance Individual or organization and individual or organization as the beneficiary:

- Individual: Full name; valid ID number or passport number; account number (if any); transaction code; amount, kind of transaction currency; contact address; country.

- Organization: name; account number, tax code, business registration number; transaction code; amount, kind of transaction currency; contact address; country.

3. Intermediate organizations must archive dossiers of transactions including information as prescribed at Clause 2 this Article for at least 5 years from the day of arising transaction and take responsibilities for supplying those dossiers to competent state agencies as requested and it is not required to report the e-remittance transactions to the Bureau of anti-money laundering.

4. The reporting units which are permitted to conduct international e-remittance must build an appropriate information technology system in serve of report with e-data file as prescribed in

Article 10 of this Circular and must have a software system to filter, analyze transactions aiming to prevent money laundering and other risks.

Article 8. Report on acts for the aim of terrorist financing

1. When detecting organizations or individuals committing transaction falling in black list or when having basis to deem that other organizations or individuals committing acts involving money laundering crime for the aim of terrorist financing, the reporting units shall report act of money laundering for the aim of terrorist financing to forces of anti-terrorism of the Ministry of Public Security, concurrently report to the Bureau of anti money laundering in writing or e-data file as prescribed in Article 10 of this Circular.

2. If subjects report in writing, content of report includes the following information:

a) Subject of report: Name, address, telephone number;

b) Agency receiving report: Name, address;

c) Organizations or individuals falling in black list or committing act involving money laundering crime for the aim of terrorist financing: Name, nationality, other information such as ID number or passport number, tax code, business registration number, address, account number, reference number of transaction (if any);

d) Other relevant organizations or individuals: Name; nationality; relation with organizations or individuals stated in point c this Clause; other information such as ID number or passport number, tax code, business registration number, address, account number, reference number of transaction (if any);

e) For e-remittance, including information as prescribed at Clause 2 Article 7 of this Circular;

f) The applied temporary measures and information of transactions and assets involving the applied measures;

g) Full name, signature of authorized persons and seal of the reporting units (if any).

3. Time limit for sending report shall perform like report on transaction which has signs involving crime as prescribed at Clause 7 Article 16 of Decree No. 116/2013/ND-CP dated 04/10/2013, detailing implementation of a number of Articles of Law on anti-money laundering.

Article 9. The value of foreign currency in cash, Vietnam currency in cash, precious metals, gems and negotiable instruments required customs declaration

1. The value of precious metals, gems (other than gold): 300,000,000 (three hundred million) dong, in which:

a) Precious metals (other than gold) include: Silver, platinum, crafts and jewelry made of silver, platinum; kinds of alloy containing silver, platinum.

b) Gems include: diamond, ruby, sapphire and emerald.

2. Value of negotiable instruments: 300,000,000 (three hundred million) dong.

3. The value of foreign currency in cash, Vietnam currency in cash, gold required customs declaration shall comply with regulations of the State bank of Vietnam.

Article 10. Forms of report with e-data file

1. Report with e-data file is report presented under data file transmitted through transmission line of the State bank of Vietnam.

2. Report with e-data file must comply with format, sign, transmission code, file structure under guideline of agency of banking inspection and supervision.

3. The reporting units must transmit information under the process defined by the State bank of Vietnam and have measures for information security as prescribed in Article 29 of Law on anti-money laundering.

4. The reporting units must install software supplied by the Bureau of anti-money laundering, for file transmission.

5. Time limit for sending reports: Periodically on the end of working day, the reporting units must sum up the report data and send report under regulations. Deadline of sending report will be 16 o'clock of working day following day of arising transaction. If the following day is coincided with holidays, Tet days or weekends, day of sending report will be the working day following such holidays, Tet days or weekends. In case of delaying the sending of report or insufficient report for 2 (two) days or more, the reporting units must provide explanation for delay or lack to the Bureau of anti-money laundering. In case of detecting mistakes in the sent reports, the reporting units must timely send official dispatch or email to report, provide explanation for such mistakes to the Bureau of anti-money laundering.

6. The reporting units must register in writing with the Bureau of Anti-money laundering about officers in charge of report with e-data file, including information: Full name, position, address of working place, telephone number, email address and must notify in writing when changing information of officers in charge or changing other officers in charge.

Article 11. Effect

1. This Circular takes effect on February 14, 2014.

2. This Circular replaces Circular No. 22/2009/TT-NHNN dated 17/11/2009 of the State bank of Vietnam guiding measures for anti-money laundering, Circular No. 41/2011/TT-NHNN dated

15/12/2011 of the State bank of Vietnam, on guiding the identification and update of customer information on the risk basis for serving the anti-money laundering.

Article 12. Responsibilities for implementation

1. Heads of authorized state agencies as prescribed in Law on anti-money laundering and the reporting units as prescribed at Clause 1 Article 2 of this Circular shall organize implementation of this Circular.

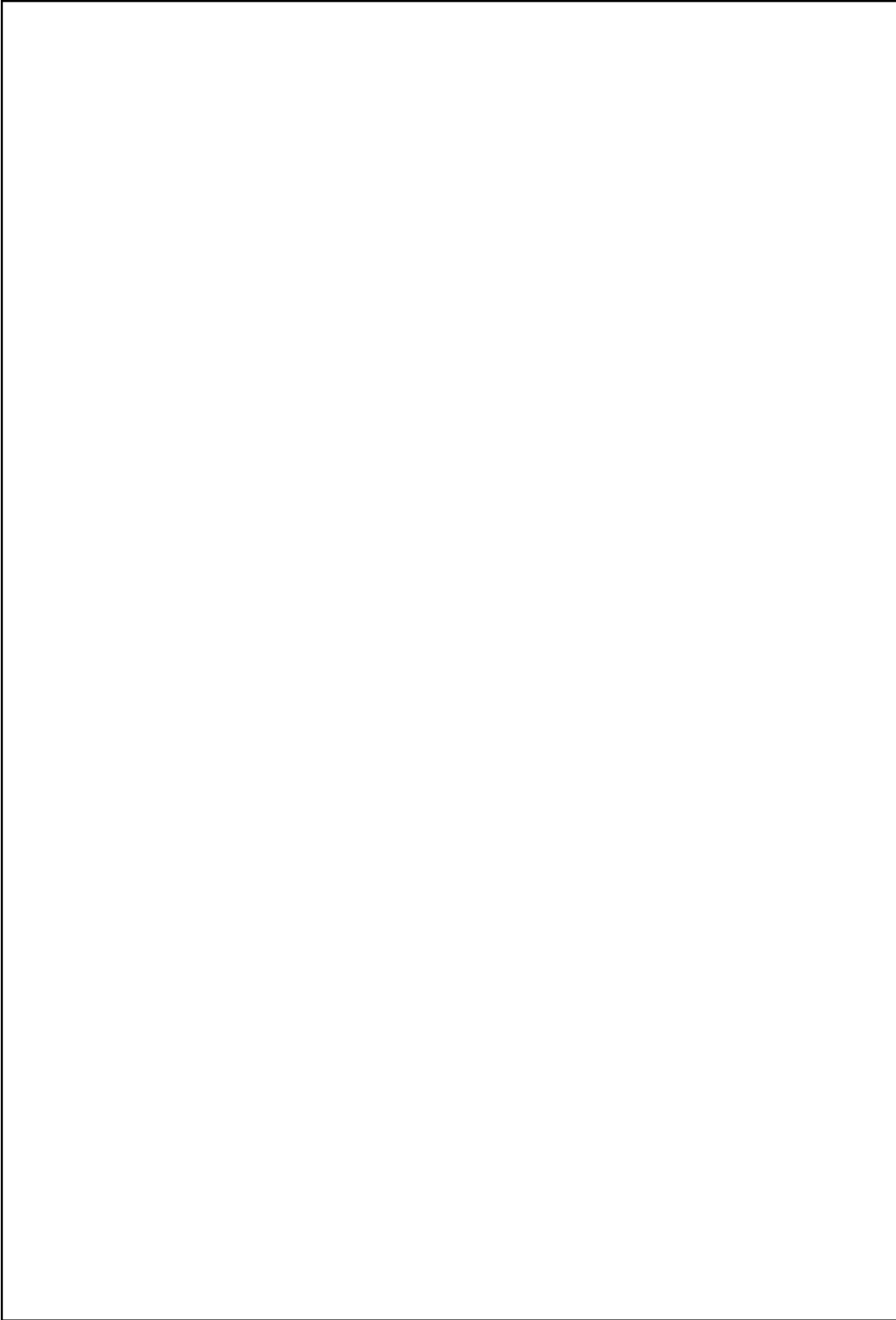
2. During the course of implementation, if arising any problem, difficulty, the reporting units should reply to the State bank of Vietnam (through the Bureau of anti-money laundering) for timely guide.

**THE GOVERNOR OF STATE BANK
DEPUTY GOVERNOR**

Dang Thanh Binh

FORM No.01

<p align="center">Report on suspicious transactions Date..... (Attached to the Circular No.....dated2013)</p>	<p align="center">Report on suspicious transactions Date..... (Attached to the Circular No.....date d2013)</p>	<p align="center">R e p o r t N o. :</p>
<p align="center">IT IS OBLIGED TO FULFILL REQUIRED FIELDS (Refer to the declaration instructions)</p>	<p align="center">IT IS OBLIGED TO FULFILL REQUIRED FIELDS (Refer to the declaration instructions)</p>	
<p>Does this report contain any amendment of, supplement to the previous one:</p>		<p align="center">D o e</p>



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		- Date of the report to be amended: - Content of amendment:
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<p style="text-align: center;">Part I</p>	<p style="text-align: center;">INFORMATION ABOUT THE REPORTING UNIT</p>	<p style="text-align: center;">I N F O R M A T I O N A B O U T T H E R E P O R T I N G U N I T</p>	
<p>1. Information about the reporting unit</p>		<p>1. I n f o r m a t i o n a b</p>	<p>1. I n f o r m a t i o n a b</p>

	o u t t h e r e p o r t i n g u n i t	o u t t h e r e p o r t i n g u n i t
<p>a. Name of the reporting unit:</p>	a. N a m e o f t h e r e p o r t i n g u n i t :	a. N a m e o f t h e r e p o r t i n g u n i t :
<p>b. Address (house number, road/street):</p>	b. A d d r e	b. A d d r e

			s s (h o u s e n u m b e r, r o a d /s tr e e t):	s s (h o u s e n u m b e r, r o a d /s tr e e t):
District:	Province/City:	Country:		
c. Telephone:	d. Facsimile:		d. F a c s i m i l e:	
e. Name of the spot where the transaction arises:			e. N a m e o f t h e s p o	e. N a m e o f t h e s p o

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<p>f. Address of the spot where the transaction arises:</p>	f. A d d r e s s o f t h e s p o t w h e r e t	f. A d d r e s s o f t h e s p o t w h e r e t
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			h e t r a n s a c t i o n a r i s e s:	h e t r a n s a c t i o n a r i s e s:
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g. Telephone:	h. Facsimile:		h. F a c s i m i l e:	
2. Information about the person making report:			2. I n f o r m a t i o n a b o u t t h e p	2. I n f o r m a t i o n a b o u t t h e p

		e r s o n m a k i n g r e p o r t:	e r s o n m a k i n g r e p o r t:
a. Full name:		a. F u l l n a m e:	a. F u l l n a m e:
b. Telephone:	c. Mobile number:	c. M o b i l e n u m b e r:	
d. Working division:		d. W o r k i n g	d. W o r k i n g

	d i v i s i o n :	d i v i s i o n :
<p>Part II</p>	<p>INFORMATION ABOUT INDIVIDUAL, ORGANIZATION PERFORMING THE SUSPICIOUS TRANSACTION</p>	<p>I N F O R M A T I O N A B O U T I N D I V I D U A L , O R G A N I Z A T I O</p>

		N P E R F O R M I N G T H E S U S P I C I O U S T R A N S A C T I O N
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3. Information about individual performing the transaction:

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a. Full name:	a. F u l l n a	a. F u l l n a

	m e:	m e:
b. Date of birth:	b. D a t e o f b i r t h :	b. D a t e o f b i r t h :
c. Occupation:	c. O c c u p a t i o n :	c. O c c u p a t i o n :
d. Nationality:	d. N a t i o n a l i t y :	d. N a t i o n a l i t y :
e. Permanent resident address:	e. P e r m a n e n t	e. P e r m a n e n t

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	a c c o u n t:	a c c o u n t:
o. Status of account:	o. S t a t u s o f a c c o u n t:	o. S t a t u s o f a c c o u n t:
£ Normally operating	<input type="checkbox"/> Extraordinarily operating (clearly stating the reasons):	<input type="checkbox"/> E x t r a o r d i n a r i l y o p e r a t i n g (

		clearly stating the reasons):
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<p>2. Information about organization performing the transaction:</p>

2. Information about organization

2. Information about organization

	n p e r f o r m i n g t h e t r a n s a c t i o n :	n p e r f o r m i n g t h e t r a n s a c t i o n :
<p><i>2.1. Information of organization</i></p>	<p><i>2.1. Information of organization</i></p>	<p><i>2.1. Information of organization</i></p>

	<i>ti o n</i>	<i>ti o n</i>
<p>a. Full name of organization</p>	<p>a. F u l l n a m e o f o r g a n i z a t i o n</p>	<p>a. F u l l n a m e o f o r g a n i z a t i o n</p>
<p>b. Name in foreign language (if any):</p>	<p>b. N a m e i n f o r e i g n l a n g u a g e (i f</p>	<p>b. N a m e i n f o r e i g n l a n g u a g e (i f</p>

			a n y):	a n y):
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d. Address:			d. A d d r e s s:	d. A d d r e s s:
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e. Establishment license No.:	Date of issue:	Place of issue:		
f. Business registration No.:	Date of issue:	Place of issue:		
g. Tax code:			g. T a x c o d e:	g. T a x c o d e:
h. Line of business:			h. L i n e	h. L i n e

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2.2. Information of organization's representative

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h. Passport number (valid):	Date of issue:	Place of issue:
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c. Purpose of transaction:		c. P u r p o s e o	c. P u r p o s e o

	f t r a n s a c t i o n :	f t r a n s a c t i o n :
<p>4. Supplemental information</p>	<p>4. S u p p l e m e n t a l i n f o r m a t i o n</p>	<p>4. S u p p l e m e n t a l i n f o r m a t i o n</p>
<p>Part III</p>	<p>INFORMATION ABOUT INDIVIDUAL, ORGANIZATION INVOLVING THE SUSPICIOUS TRANSACTION</p>	<p>I N F O R M A T I O</p>

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		C I O U S T R A N S A C T I O N
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<p>3. Information about individual involving the transaction:</p>
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	l v i n g t h e t r a n s a c t i o n :	l v i n g t h e t r a n s a c t i o n :
a. Full name:	a. F u l l n a m e:	a. F u l l n a m e:
b. Date of birth:	b. D a t e o f b i r t h :	b. D a t e o f b i r t h :
c. Occupation:	c. O c c u p a t	c. O c c u p a t

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d. Nationality:			d.	d.
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e. Permanent resident address:			e.	e.
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f. Current resident address:			f.	f.
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			n t r e s i d e n t a d d r e s s :	n t r e s i d e n t a d d r e s s :
District/town:	Province/City	Country:		
g. ID card No.	Date of issue:	Place of issue:		
h. Passport number (valid):	Date of issue:	Place of issue:		
i. Telephone:	k. Mobile number:		k. M o b i l e n u m b e r:	
l. Account No.:			l. A c c o u n t N o. :	l. A c c o u n t N o. :

m. Opened at:			m . O p e n e d a t : :	m . O p e n e d a t : :
n. Address of bank:			n. A d d r e s s o f b a n k : :	n. A d d r e s s o f b a n k : :
District:	Province/City	Country:		
2. Information about organization involving the transaction			2. I n f o r m a t i o n a b o u t o r g	2. I n f o r m a t i o n a b o u t o r g

[Empty box for organization name]

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a. Full name of organization

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b. Name in foreign language (if any):	b. N a m e i n f o r e i g n l a n g u a g e (i f a n y):	b. N a m e i n f o r e i g n l a n g u a g e (i f a n y):
c. Abbreviated name:	c. A b b r e v i a t e d n a m e:	c. A b b r e v i a t e d n a m e:
d. Address:	d. A	d. A

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e. Establishment license No.:	Date of issue:	Place of issue:		
f. Line of business:			f.	f.
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			e	e
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			s:	s:
g. Business registration No.:			g.	g.
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h. Telephone:	i. Facsimile:	i. F a c s i m i l e:	
k. Account No.:		k. A c c o u n t N o. :	k. A c c o u n t N o. :
l. Opened at:		l. O p e n e d a t :	l. O p e n e d a t :
m. Address of bank:		m . A d d r e s s o f b a n k :	m . A d d r e s s o f b a n k :

District: Province/City Country:

3. Supplemental information

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PART IV

**REASONS FOR SUSPECTING THE
TRANSACTION AND WORKS ALREADY
PERFORMED**

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		T H E T R A N S A C T I O N A N D W O R K S A L R E A D Y P E R F O R M E D
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1. Description of the transaction and reasons for suspicion:

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**1. D
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	o n o f t h e t r a n s a c t i o n a n d r e a s o n s f o r s u s p i c i o n :	o n o f t h e t r a n s a c t i o n a n d r e a s o n s f o r s u s p i c i o n :
2. Works already performed relating to the suspicious transaction:	2. W o	2. W o

	r k s a lr e a d y p e r f o r m e d r el a ti n g t o t h e s u s p ic i o u s t r a n s a c ti	r k s a lr e a d y p e r f o r m e d r el a ti n g t o t h e s u s p ic i o u s t r a n s a c ti
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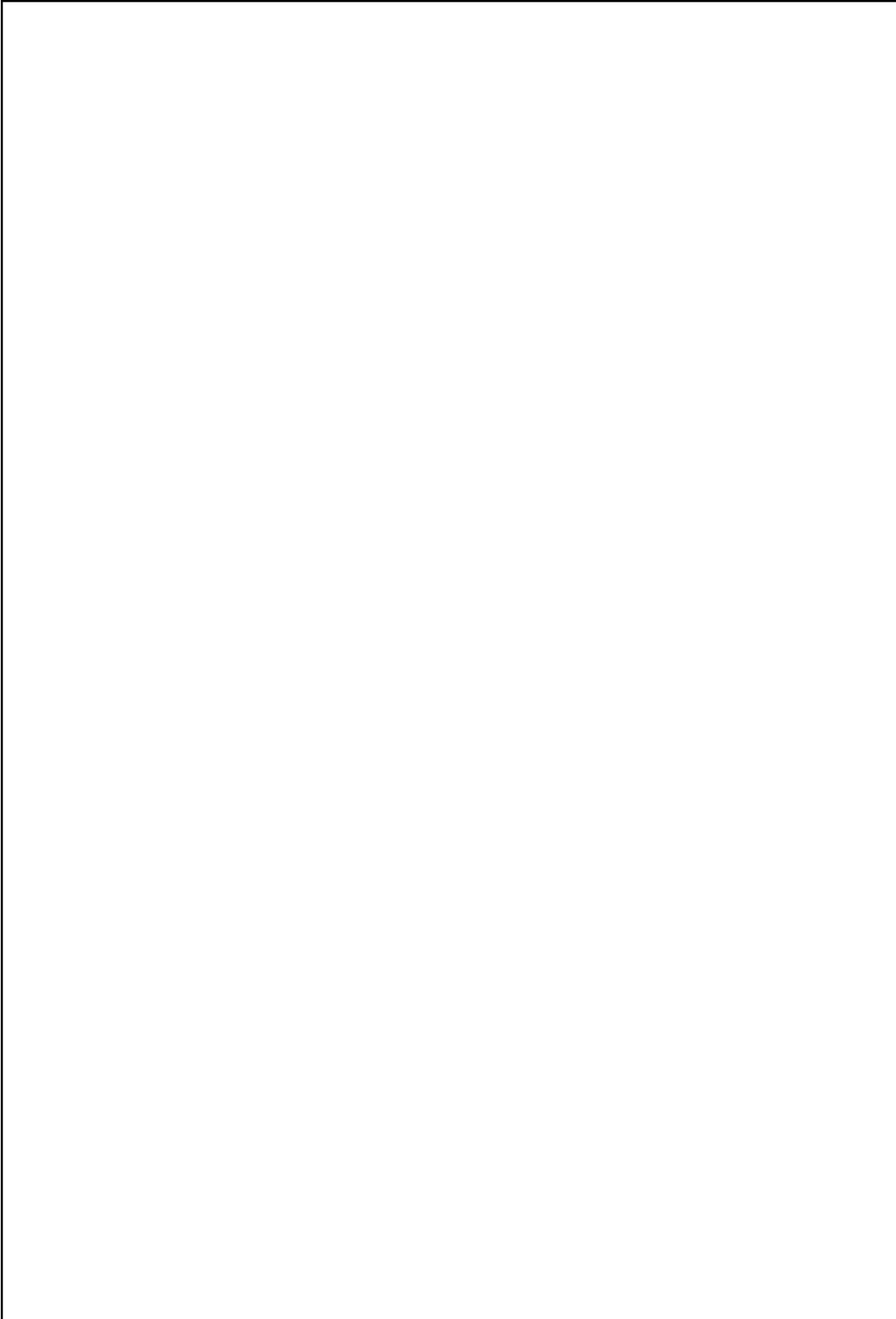
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PART V	ENCLOSED DOCUMENTS	E	
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* Account opening documents			
* Bank statement of transactions (subsidiary ledger) from the date of arising related transaction to the reporting date of the suspicious transaction			
* Other documents, vouchers relating to the suspicious transaction (copies of remittance facsimile, paper of withdrawing money, submitting money, deposit slip...)			

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	u s p i c i o u s t r a n s a c t i o n * O t h e r d o c u m e n t s , v o u c h e r s r e l a t i o n g	u s p i c i o u s t r a n s a c t i o n * O t h e r d o c u m e n t s , v o u c h e r s r e l a t i o n g
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	t o t h e s u s p i c i o u s t r a n s a c t i o n (c o p i e s o f r e m i t a n c e f a c s i m i l e,	t o t h e s u s p i c i o u s t r a n s a c t i o n (c o p i e s o f r e m i t a n c e f a c s i m i l e,
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**PERSON MAKING
REPORT**

(officer making report,
signature – full name)

Head of Division

(Person in charge of money
laundering prevention,
combating at the unit)
(Signature – full name)

**General Director
(Director)**

(Signature, full name, seal)

Note:

Part I:

All fields in this section are required

(2a): Fully state surname, middle name, name of the person making report.

Part II:

(1): Applicable to individual customers (to leave it blank in case of corporate customers)

(1a): Fully state surname, middle name, name of the person who performs the transaction

(1b): Clearly state date, month, year of birth

(1h):

- Not required for the person performing the transaction who is a resident.

- The passport must still remain in full force for the person performing transaction who is a non-resident.

(1m): Clearly state whether the account relating to the suspicious transaction is a demand payment deposit account or term deposit account, savings deposit account...

(1o): If the account is in extraordinary status, state clearly the reasons, for example: resuming operation after a long time of termination or revealing a sudden change in the transaction turnover ...

(2): Applicable to corporate customers (to leave it blank in case of individual customers)

(2.1b): To leave it blank if the organization has no respective name in foreign language

(2.1m): Clearly state whether the account relating to the suspicious transaction is a demand payment deposit account or term deposit account, savings deposit account...

(2.1o): If the account is in extraordinary status, state clearly the reasons, for example: resuming operation after a long time of termination or revealing a sudden change in the transaction turnover ...

(2.2a): Fully state surname, middle name, name of the person

(2.2b): Clearly state date, month, year of birth

(2.2h):

- Not required for the person who is the representative of the organization and is a resident.

- The passport must still remain in full force for the person who is the representative of the organization and is a non-resident.

Part III:

It is not required in the event where the reporting organization has no information about the individual, organization involved in the suspicious transaction (partner)

In the event where the reporting organization has information about the individual, organization involved in the suspicious transaction (partner): it is just necessary to fill in the fields of which the information is available; it is not required to fill in all fields.

Part IV

(1): To provide most specific, clear and detailed description as possible about the extraordinary signals, elements, and circumstances resulting in the fact that the reporting organization suspects the transaction and/or believes such transaction is related to money laundering or criminal activity.

(2): To give detailed description of the performed works relating to the settlement of the report on suspicious transactions.

FORM No.02

REPORT

On the cash deposit/withdrawal transactions with total value equal or exceeding value as prescribed in Article 21 of Law on anti-money laundering

(Attached to the Circular No. dated 2013 on guiding the implementation of measures of prevention from, combating against money laundering)

Name of the reporting unit:

Address; telephone number

Location where the transaction arises:

Address; telephone number

Date..... (1)

No.	Transaction type (2)	Name of customer (3)	Address	Papers for identification (4)				Papers for identification (4)	Amount of the transaction (5)	Type of transaction currency (6)	Account No. (7)	Transaction content (8)
				ID card No.	Passport number	Business registration No.	Tax code					
1												
2												
3												
...												
...												

PERSON MAKING FORM

(Signature and full name)

HEAD OF UNIT (9)

(Signature and full name)

- 1 Date, month, year when the transaction arises;
- 2 Deposit or withdrawal of cash In case where customer deposits amount in Vietnam dong/foreign currency to withdraw amount in foreign currency/Vietnam dong, it is required to report on transaction of remittance only;
- 3 Surname and name (individual customers); full name and abbreviated name (corporate customers);
- 4 Stating fully and in details each column; if there is not information, stating "Not available";
- 5 Stating total amount deposited or withdrawn in a day; In case of foreign currency, it shall be converted into Vietnamese Dong under exchange rate at the time where the transaction arises;
- 6 Stating the symbol of the type of money which the customer has deposited (3 letters according to standard ISO-4217);
- 7 Stating the number of the account to which the customer deposits or withdraw their money (if any);
- 8 Stating the reasons, purposes of the transaction;
- 9 General Director/Director or authorized person