

 금융위원회	보 도 자 료			• 생산적 금융 • 포용적 금융 • 신뢰받는 금융
	보도	2019.6.24(월) 조간	배포	2019.6.23(일)
책 임 자	금융정보분석원 기획협력팀장 손 성 은(02-2100-1730)	담 당 자	김지웅 사무관(2100-1725) 유미리 사무관 (2100-1737) 정진구 사무관 (2100-1753)	

제목 : 제30기 제3차 국제자금세탁방지기구 (FATF) 총회 참석

※ **Financial Action Task Force** : '89년 설립된 자금세탁방지·테러자금조달금지 관련 국제기구로, 美·中·日 등 37개국(한국은 '09.10월 가입, 사우디는 '19.6월 신규가입), 유럽연합 집행위원회(European Commission), 걸프협력회의(Gulf Cooperation Council) 등 참여

◆ FATF 총회* 참석개요

- '19.6.16일(日)~6.21일(金), 금융정보분석원(원장: 김근익)은 법무부, 외교부, 국세청, 관세청, 금감원 등과 함께 미국 올랜도에서 개최된 제30기 제3차 FATF 총회에 참석하였음

* FATF는 매년 3회(2월, 6월, 10월)에 걸쳐 총회를 개최하고 있으며, 통상 2월·10월 총회는 FATF가 위치한 파리에서, 6월 총회는 의장국에서 개최 (現 FATF 의장국은 미국이며, 한국은 '15~'16년중 의장국을 既역임)

◆ 주요 논의 내용

① 가상자산 관련 국제기준* 및 공개성명서** 채택

* 가상자산 취급업소에 대한 인·허가 또는 신고·등록의무, 자금세탁방지·테러 자금조달금지를 위한 효과적 규제·감독체계 구축, 예방적 감독의무 등 부여

** 가상자산 관련 국제기준 이행조치 촉구 및 FATF 차원의 국가별 이행상황 점검 등

② FATF 국제기준 미이행국에 대한 제재 논의

③ 회원국(그리스·홍콩)에 대한 상호평가 결과 논의 등

【주요결과 ①】 가상자산 관련 국제기준 및 공개성명서 채택

※ FATF는 가상자산(Virtual Assets), 가상자산 취급업소(Virtual Assets Service Provider)라는 용어 사용

◆ '19.6월 총회에서는 가상자산 관련 ①주석서(구속력有) 및 ②지침서(구속력無)를 확정하고, ③공개성명서를 채택

○ 이는, 가상자산 관련 FATF 권고기준(Recommendation.15)을 채택한 '18.10월 FATF총회 결정*'의 후속조치에 해당

* 정의규정 마련, 자금세탁방지/테러자금조달금지 관련 의무 부과 등

1 가상자산 관련 주석서*(Interpretive Note to R.15) 확정

* 권고기준(Recommendation)과 함께 각국이 지켜야 할 구속력 있는(Binding) 국제기준

○ 금번 총회에서는 가상자산 취급업소가 준수해야 할 의무 등 구체적 사항을 규정한 '가상자산 관련 주석서'를 최종 확정

⇒ 이미 FATF의 권고기준 및 주석서의 주요내용을 반영한 특정 금융정보법 개정안이 현재 국회 계류 중

【참고】 가상자산 관련 주석서의 주요 내용

① [인·허가(license) 또는 신고·등록(register)] 가상자산 취급업소는 감독당국에게 허가를 받거나 신고, 등록을 하여야 함(자율규제기관에 의한 허가 등은 불인정)

→ 범죄(경력)자의 가상자산 업(業) 진입을 차단하고, 미신고영업은 제재(sanction)

② [자금세탁방지 관련 규제·감독(Regulation and supervision)] 감독당국에 의해 감독되어야 하고, 감독당국은 효과적인 감독수단*을 보유해야 함

* 감독당국은 가상자산 취급업소의 의무위반시 허가신고를 취소제한중지시킬 수 있는 권한, 효과적·비례적·억제적 제재(effective, proportionate and dissuasive sanctions) 부과권한 보유

③ [예방조치(preventive measures) 이행의무] 가상자산 취급업소에게 금융회사에 준하는 자금세탁방지의무*를 부과

* 고객확인의무(Customer Due Diligence), 의심거래보고(Suspicious Transaction Report) 등

- 기존 금융회사와 동일하게, 가상자산 송금도 송금·수취기관 모두 송금인·수취인 관련 정보를 수집·보유하고 필요시 당국에 정보를 제공

② 가상자산 관련 지침서(Guidance) 발간

- FATF는 각국 정부, 이해관계자가 실제 운용과정에서 참고할 수 있도록 해설서 성격의 비구속적(Non-binding)인 지침서를 발간

⇒ 향후 가상자산 관련 특금법 개정이 완료될 경우, 하위법령 개정에도
동 가이드스 내용을 적극 활용할 예정

③ 가상자산 관련 공개성명서(Public Statement) 채택

- FATF는 가상자산을 이용한 범죄와 테러의 위협이 중대(serious)하고 긴급(urgent)하다고 판단하여, 각국에게 가상자산 관련 국제 기준의 조속한 이행(prompt action)을 요청함

- 허가·신고 절차를 마련하는 대신, 각국의 개별적 결정에 따라 가상자산 관련 행위를 금지(prohibit)하는 것이 가능함을 언급

- FATF는 각국의 가상자산 관련 새로운 국제기준 이행상황*을 모니터링하고, '20년 6월 총회에서 이행상황을 점검(12-month review)할 계획임을 밝힘

* 각국의 입법 진행상황 및 가상자산 취급업소의 이행현황 등

- 또한, 금번 확정된 국제기준은 UN 안전보장이사회 결의('19.3.23일, 유엔안보리결의 2462호)와 G20 정상회의 및 G20 재무장관회의의 요청 및 지지에 따른 것이며,

- FATF의 가상자산 관련 국제기준 마련 결과를 일본 G20 정상회의(일본 오사카, '19.6.28~29일)에 보고할 예정

【주요결과 ②】 FATF 국제기준 미이행 국가에 대한 제재 논의

- FATF는 각국의 국제기준 이행을 종합 평가하고, 미이행·비협조 국가에 대한 제재를 담은 공개성명서(Public Statement) 등 채택
 - 종전과 같이 북한에 대해서는 최고수준 제재(Counter-measure)를, 이란에 대해서는 특별한 주의의무(Enhanced due diligence) 유지
 - 한편, 기존 ‘Compliance Document’(자금세탁방지제도상 취약점 있음) 12개국 중 11개국은 ‘현행 유지(status-quo)’로 결정하고,
 - 개선점이 있었던 세르비아는 제재 리스트에서 제외하되, 파나마는 신규로 추가(총 12개국)

< 국제기준 미이행 국가에 대한 FATF 제재 >

종류		효과	국가
① Public Statement	Counter-measure	사실상 거래중단, 해당 국가에 금융회사 해외사무소 설립 금지 등 적극적 대응조치	북한
	Enhanced due diligence	자금세탁방지제도에 결함이 있어 해당국가와의 거래관계에 특별한 주의	이란
② Compliance document		자금세탁방지제도에 취약점이 있으므로, 해당 국가와 거래관계시 관련 위험을 참고	12개국*

* (현행유지) 예멘, 에티오피아, 스리랑카, 시리아, 트리니다드토바고, 튀니지, 파키스탄, 바하마, 보츠와나, 가나, 캄보디아 / (추가) 파나마

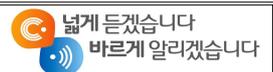
【주요결과 ③】 회원국에 대한 FATF 상호평가(Mutual Evaluation) 등

- 이번 총회에서는 그리스, 홍콩의 FATF 상호평가 결과에 대해 논의하였음
- 한편, 기존 FATF 상호평가를 받은 아이슬란드에 대해서는 후속 개선상황을 점검



본 자료를 인용 보도할 경우 출처를 표기해 주십시오.
<http://www.fsc.go.kr>

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참고 1 FATF (Financial Action Task Force) 개요

□ 설립 목적

- UN 협약* 및 안보리 결의와 관련된 금융조치(Financial Action)의 이행을 위한 행동기구(Task Force)로서 '89년 설립

* 비엔나 협약('88, 마약), 테러자금 조달 억제에 관한 UN협약('99), 팔레르모 협약('00, 조직범죄), 메리다 협약('03, 부패) 등

- 마약자금('89)에서 중대범죄의 자금세탁('96), 테러자금조달('01), 대량살상무기 확산금융('12) 방지로 관할범위를 지속 확대

□ 주요 기능

- 국경을 초월하여 발생하는 자금세탁·테러자금조달에 공동 대응하기 위하여 국제기준을 마련하고, 각 국가의 이행 현황을 평가
- 비협조 국가 및 국제기준 미이행 국가에 대한 금융제재 결정
- 자금세탁·테러자금조달 수법 등에 대한 연구, 대응 수단 개발 등

□ 운영 방식

- 총회(Plenary), 운영위원회(Steering Group), 5개 실무그룹(Working Group)으로 운영되며, 연 3회 총회 개최를 원칙으로 함



□ 회원 구성

- 정회원(36국+2기구), 준회원(9개 지역기구), 옵저버로 구성
 - 이외에도 FATF 산하 9개 지역기구(FATF Style Regional Body)를 통해 전세계 대부분의 국가를 관할 * 북한도 아태지역기구에 옵저버 가입
- 우리나라는 '98년 아태지역기구*(APG), '09년 FATF 정회원 가입
 - * 41개 회원국 및 37개 옵저버(9개국 + APEC.ADB 등 28개 국제기구)

Public statement on Virtual Assets and Related Providers

1. The Financial Action Task Force (FATF) today adopted and issued an Interpretive Note to Recommendation 15 on New Technologies (INR. 15) that further clarifies the FATF's previous amendments to the international Standards relating to virtual assets and describes how countries and obliged entities must comply with the relevant FATF Recommendations to prevent the misuse of virtual assets for money laundering and terrorist financing and the financing of proliferation.

2. Previously, in October 2018, the FATF updated its Standards to clarify their application to virtual assets and virtual asset service providers by amending Recommendation 15 and adding two new definitions to the FATF Glossary. The United Nations Security Council welcomed these and other ongoing efforts by the FATF to address the regulation and supervision of virtual asset activities and virtual asset service providers, including in its Resolution 2462 of March 28, 2019. Today's action by the FATF builds on those developments.

3. INR. 15 establishes binding measures relevant for both countries and virtual asset service providers (as well as other obliged entities that engage in or provide virtual asset products and services) in order to establish a more level playing field across the virtual asset ecosystem.

4. The obligations require countries to assess and mitigate their risks associated with virtual asset activities and service providers; license or register service providers and subject them to supervision or monitoring by competent national authorities—(notably, countries will not be permitted to rely on a self-regulatory body for supervision or monitoring)—and implement sanctions and other enforcement measures when service providers fail to comply with their AML/CFT obligations; and underscore the importance of international cooperation. Some countries may decide to prohibit virtual asset activities based on their own assessment of the risks and regulatory context, or to support other policy goals.

5. Further, INR. 15 requires countries to ensure that service providers also assess and mitigate their money laundering and terrorist financing risks and implement the full range of AML/CFT preventive measures under the FATF Recommendations, including customer due diligence, record-keeping, suspicious transaction reporting, and screening all transactions for compliance with targeted financial sanctions, among other measures, just like other entities subject to AML/CFT regulation. This includes coordination with relevant authorities to ensure the compatibility of AML/CFT

requirements with Data Protection and Privacy rules and similar provisions. Also today, the FATF published updated *Guidance for a Risk-Based Approach to Virtual Assets and Virtual Asset Service Providers*, which builds upon the FATF's ground-breaking 2015 guidance paper, to further assist countries and providers of virtual asset products and services in understanding and complying with their AML/CFT obligations.

6. The threat of criminal and terrorist misuse of virtual assets is serious and urgent, and the FATF expects all countries to take prompt action to implement the FATF Recommendations in the context of virtual asset activities and service providers. The FATF will monitor implementation of the new requirements by countries and service providers and conduct a 12-month review in June 2020.

7. The development of INR. 15 and the update Guidance has benefited greatly from dialogue with the private sector to better understand the technology underlying virtual assets, different types of virtual assets and the associated business models, existing technological solutions for potentially enhancing AML/CFT compliance, and the money laundering and terrorist financing risks that the misuse of virtual assets can pose absent effective regulation, supervision, and industry AML/CFT controls. Both the FATF and its members will continue dialogue with the private sector as governments and industry implement the FATF Recommendations, in order to ensure an effective response to the risks.

8. The FATF will establish a Contact Group to engage industry and monitor industry-led efforts to enhance compliance with the FATF Standards and better safeguard the international financial system from abuse.

9. Finance Ministers and Central Bank Governors at the G20 meeting in Fukuoka welcomed and expressed their support for the FATF's actions on the regulation and oversight of virtual assets and virtual asset service providers. Today, the FATF has successfully delivered on the G-20 call to regulate and supervise virtual asset activities and related service providers for AML/CFT and to further clarify the FATF's expectations for how countries must develop robust AML/CFT frameworks in this regard. The FATF will continue to take steps to ensure the effective regulation and supervision of how new technologies are used, including in the context of virtual assets, in order to mitigate the associated money laundering and terrorist financing risks and support responsible innovation across the financial services sector.

참고 3 가상자산 관련 권고기준 및 주식서 원문

Recommendation 15 and its Interpretive Note

【권고기준】 Recommendation 15

New Technologies Countries and financial institutions should identify and assess the money laundering or terrorist financing risks that may arise in relation to (a) the development of new products and new business practices, including new delivery mechanisms, and (b) the use of new or developing technologies for both new and pre-existing products. In the case of financial institutions, such a risk assessment should take place prior to the launch of the new products, business practices or the use of new or developing technologies. They should take appropriate measures to manage and mitigate those risks.

To manage and mitigate the risks emerging from virtual assets, countries should ensure that virtual asset service providers are regulated for AML/CFT purposes, and licensed or registered and subject to effective systems for monitoring and ensuring compliance with the relevant measures called for in the FATF Recommendations.

【FATF 용어정의】 FATF Glossary

A virtual asset is a digital representation of value that can be digitally traded, or transferred, and can be used for payment or investment purposes. Virtual assets do not include digital representations of fiat currencies, securities and other financial assets that are already covered elsewhere in the FATF Recommendations.

Virtual asset service provider means any natural or legal person who is not covered elsewhere under the Recommendations, and as a business conducts one or more of the following activities or operations for or on behalf of another natural or legal person:

- i) exchange between virtual assets and fiat currencies;
- ii) exchange between one or more forms of virtual assets;
- iii) transfer of virtual assets;
- iv) safekeeping and/or administration of virtual assets or instruments enabling control over virtual assets; and
- v) participation in and provision of financial services related to an issuer's offer and/or sale of a virtual asset.

【주석서】 Interpretative Note to Recommendation 15

1. For the purposes of applying the FATF Recommendations, countries should consider virtual assets as “property,” “proceeds,” “funds,” “funds or other assets,” or other “corresponding value.” Countries should apply the relevant measures under the FATF Recommendations to virtual assets and virtual asset service providers (VASPs).
2. In accordance with Recommendation 1, countries should identify, assess, and understand the money laundering and terrorist financing risks emerging from virtual asset activities and the activities or operations of VASPs. Based on that assessment, countries should apply a risk-based approach to ensure that measures to prevent or mitigate money laundering and terrorist financing are commensurate with the risks identified. Countries should require VASPs to identify, assess, and take effective action to mitigate their money laundering and terrorist financing risks.
3. VASPs should be required to be licensed or registered. At a minimum, VASPs should be required to be licensed or registered in the jurisdiction(s) where they are created. In cases where the VASP is a natural person, they should be required to be licensed or registered in the jurisdiction where their place of business is located. Jurisdictions may also require VASPs that offer products and/or services to customers in, or conduct operations from, their jurisdiction to be licensed or registered in this jurisdiction. Competent authorities should take the necessary legal or regulatory measures to prevent criminals or their associates from holding, or being the beneficial owner of, a significant or controlling interest, or holding a management function in, a VASP. Countries should take action to identify natural or legal persons that carry out VASP activities without the requisite license or registration, and apply appropriate sanctions.
4. A country need not impose a separate licensing or registration system with respect to natural or legal persons already licensed or registered as financial institutions (as defined by the FATF Recommendations) within that country, which, under such license or registration, are permitted to perform VASP activities and which are already subject to the full range of applicable obligations under the FATF Recommendations.
5. Countries should ensure that VASPs are subject to adequate regulation and supervision or monitoring for AML/CFT and are effectively implementing the relevant FATF Recommendations, to mitigate money laundering and terrorist financing risks emerging from virtual assets. VASPs should be subject to effective systems for monitoring and ensuring compliance with national AML/CFT requirements. VASPs should be supervised or monitored by a competent authority (not a SRB), which should conduct riskbased supervision or monitoring. Supervisors should have adequate powers to

supervise or monitor and ensure compliance by VASPs with requirements to combat money laundering and terrorist financing including the authority to conduct inspections, compel the production of information, and impose sanctions. Supervisors should have powers to impose a range of disciplinary and financial sanctions, including the power to withdraw, restrict or suspend the VASP's license or registration, where applicable.

6. Countries should ensure that there is a range of effective, proportionate and dissuasive sanctions, whether criminal, civil or administrative, available to deal with VASPs that fail to comply with AML/CFT requirements, in line with Recommendation 35. Sanctions should be applicable not only to VASPs, but also to their directors and senior management.

7. With respect to preventive measures, the requirements set out in Recommendations 10 to 21 apply to VASPs, subject to the following qualifications:

(a) R.10 – The occasional transactions designated threshold above which VASPs are required to conduct CDD is USD/EUR 1 000.

(b) R.16 – Countries should ensure that originating VASPs obtain and hold required and accurate originator information and required beneficiary information on virtual asset transfers, submit the above information to the beneficiary VASP or financial institution (if any) immediately and securely, and make it available on request to appropriate authorities. Countries should ensure that beneficiary VASPs obtain and hold required originator information and required and accurate beneficiary information on virtual asset transfers, and make it available on request to appropriate authorities. Other requirements of R.16 (including monitoring of the availability of information, and taking freezing action and prohibiting transactions with designated persons and entities) apply on the same basis as set out in R.16. The same obligations apply to financial institutions when sending or receiving virtual asset transfers on behalf of a customer.

8. Countries should rapidly, constructively, and effectively provide the widest possible range of international cooperation in relation to money laundering, predicate offences, and terrorist financing relating to virtual assets, on the basis set out in Recommendations 37 to 40. In particular, supervisors of VASPs should exchange information promptly and constructively with their foreign counterparts, regardless of the supervisors' nature or status and differences in the nomenclature or status of VASPs.