

**Instructions for prevention and suppression of money laundering and  
financing of terrorism for auditors, accountants and  
tax consultants in MSAR**

**( Unofficial English Translation )**

In order to prevent and suppress the criminal offence of money laundering and financing of terrorism, Law No. 2/2006 of 3<sup>rd</sup> of April, Law No.3/2006 of 10<sup>th</sup> of April and Administrative Regulation no.7/2006 of 15<sup>th</sup> of May was promulgated.

Having considered that the entities, including auditors, accountants and tax consultants, set forth in paragraph 5) of Article 6 of Law No. 2/2006 of 3<sup>rd</sup> of April, are obliged to fulfill the duties in Article 7 of the same legislation, the Finance Services Bureau (DSF), through the Committee for the Registry of Auditors and Accountants (CRAC), have to issue instructions to enable auditors and accountants to fulfill their duties practically.

Focusing on the duties in Article 7 of the referred Law, the following instructions are prepared and to be observed by auditors, accountants and tax consultants in Macao SAR:

- 1) When auditors, accountants and tax consultants exercise their respective functions as defined in Article 1 and Article 20 of the Statute of Auditors and Article 1 of the Statute of Registered Accountants, if they come across any indications (even if mere indications only) that there is commission of the crime of money laundering or financing of terrorism, namely in the nature, complexity, amount involved, volume or non-habitual occurrence of those operations, they shall obtain written identification of the clients and their representatives, as well as other contractors. Auditors, accountants and tax consultants may extract identification information from documents related to accounting and auditing work, namely the name, type and number of identification document and the date of issuance, permanent residential address, profession, professional domicile, power of attorney and contact numbers, etc;
- 2) For the effect of the previous point:

The nature of operation is understood as the type or kind of operation that, on its own, indicates the commission of crime of money laundering or financing of terrorism;

The complexity of operation is understood as an operation that, through its preparatory or subsequent acts, indicates the intention to conceal the genuine nature of that operation to commit money laundering and financing of terrorism;

The amount involved in the operation is understood as the amount that, under practical circumstances and reasonable standards, indicates the possibility of existence of money laundering and financing of terrorism;

The volume of operation is understood as an unjustified frequency of continuous operations of the same nature;

The non-habitual occurrence of the operation is understood as albeit being an isolated operation, it is regarded as unusual for not operating customarily in actual conditions.

- 3) When auditors, accountants and tax consultants, in exercising the functions of their profession, engage or assist in the operations mentioned below, or have knowledge that such operations exist, they should fulfill the duty to identify referred in point 1) if the amount involved in a single operation or in a series of operations exceed the amounts below:
  - a) buying and selling of real property – MOP500,000 (five hundred thousand patacas);
  - b) management of client funds, securities or other assets – MOP80,000 (eighty thousand patacas);
  - c) management of bank, savings or securities accounts –MOP80,000 (eighty thousand patacas);
  - d) organization of contributions necessary for the creation, operation or management of companies – MOP80,000 (eighty thousand patacas);
  - e) creation, operation or management of legal persons or entities without legal personality, and buying and selling of enterprises – MOP80,000 (eighty thousand patacas);
  
- 4) In the event that auditors, accountants and tax consultants have knowledge or have reasonable ground to suspect that the clients and contractors are not acting for themselves, to fulfill the duty of identification, auditors and accountants shall

obtain the identification of the persons of whom these people are acting on behalf;

- 5) For the purpose of determining if the amount of an operation, together with that of other operations, cumulatively exceeds the thresholds stated in point 3), the other operations for the same client, representative or agent that took place within 30 days prior to the occurrence of that operation should be taken into account.
- 6) In addition to the duty to identify clients, their representatives and contractors, under the circumstances referred to in points 1) and 3), auditors, accountants and tax consultants should also identify the operations and record the information of the operations, namely the nature, object, amount and payment methods of the operation;
- 7) When auditors, accountants and tax consultants come across indications that there is commission of crimes of money laundering or financing of terrorism as stated in point 1) above, they should report such operations to the Office of Financial Intelligence (GIF), established by the Resolution of the Chief Executive No.227/2006, within 2 working days from the commencement or discovery of such activities.
- 8) Auditors, accountants and tax consultants should refuse the performance of any operation in the event that they are denied access to information necessary to perform their duty stated above, and should report to the DSF, in writing, about their denial from such information including its reasons, within 2 working days from the date they are denied access to such information.
- 9) Auditors, accountants and tax consultants should conserve the proof of identity documents referred in point 1), 3), and 4), for a period of five years. Such documents may be substituted by microfilms or transferred to digital platform; in which case articles 47, 48 and 49 (2) of the “Commercial Code” shall be applicable with the necessary adaptations. If the operation is suspended or terminated during that period, auditors, accountants and tax consultants should submit the above documents to DSF for custody until the five-year period ends.

- 10) Auditors, accountants and tax consultants should collaborate with all the competent authorities for the prevention and suppression of the crimes of money laundering and financing of terrorism (namely the Court, Public Prosecutions Office, Judiciary Police, Office of Financial Intelligence and DSF), disclosing all the information or documents requested by such authorities.
- 11) If it is suspected that the operation presents traces of commission of money laundering and financing of terrorism, this should not be disclosed to clients, their representatives, agents or third parties; nor should the reporting of the suspicion to the Office of Financial Intelligence be disclosed to them.
- 12) Non-compliance (even by negligence) of the duties established in articles 3 to 8 of the Administrative Regulation No. 7/2006 (duty to identify contractors, clients, and patrons; duty to identify operations; duty of refusing to perform operations; duty of keeping the certifying documents; duty to communicate the operation; and duty to co-operate) constitutes an administrative offense, punishable in the following terms:
  - i. a fine of MOP10,000 (ten thousand patacas) to MOP500,000 (five hundred thousand patacas), when the offender is a natural person;
  - ii. a fine of MOP100,000 (one hundred thousand patacas) to MOP5,000,000 (five million patacas), when the offender is a legal person;

When the economic benefit obtained by the offender from the commission of the infraction exceeds half of the maximum limit established above, such limit shall be raised to the double of such benefit.

- 13) For the purpose of compliance with the duties described in these instructions, standard forms shall be used, which can be downloaded from the website of DSF ([www.dsf.gov.mo](http://www.dsf.gov.mo)), under the CRAC section; or can be obtained from the DSF, located at Avenida da Praia Grande, No. 575, 579 and 585, Edifício “Finanças”, during office hours.
- 14) These instructions enter into force on 12 November 2006.