

Instructions No. (1) for the year 2012
The Anti Money Laundering and Counter Terrorist Financing Instructions of
Entities Providing Postal Services for the year 2012
Issued Pursuant to Article (18/b) of the Anti Money Laundering and Counter
Terrorist Financing Law No. (46) for the year 2007 and Amendments thereto
and Paragraph (e) of Article (9) of the Postal Services Law No. (34) for the year
2007

Article (1):

These instructions shall be cited as the "anti money laundering and counter terrorist financing instructions of entities providing postal services for the year 2012" and shall come into force as of the date of its publication on the Telecommunications Regulatory Commission's website.

Article (2):

a- The words and phrases mentioned in these instructions shall have the meanings ascribed thereto hereunder unless otherwise indicated by context:

The Unit: the Anti Money Laundering and Counter Terrorist Financing Unit established pursuant to the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force.

The customer: person or entity who uses the services provided by the public post operator or the private post operator.

The post operator: the public or private post operator.

The service: the financial postal service or the money transporting service by post.

The public post operator: a public shareholding company that provides postal services in accordance with the provisions of the Postal Services Law in force.

The private post operator: any person who transfers a private postal consignment against a fee.

Politically Exposed persons: (PEPs): persons who occupy or occupied a prominent public function in a foreign country such as Head of state or of government, senior government official, senior politician, judicial or military official, important political party official, senior executive of state owned corporations and their family members of the first degree minimum or associates.

b- The words and phrases mentioned in these instructions shall have the meanings ascribed thereto in the Anti Money Laundering and Counter Terrorist Financing Law No. (46) for the year 2007 and amendments thereto, the Postal Services Law

No. (34) for the year 2007, regulations, instructions and decisions issued by virtue thereof.

Article (3):

The provisions of these instructions shall apply on post operators operating in the Kingdom when providing financial postal services or money transporting services by post.

Article (4):

- a- The post operators shall exert due diligence in the cases described in Article (5) of these instructions for the purpose of identifying the identity of the customer, his legal status, his activity, the purpose of the business relationship and its nature and the beneficial owner of the relationship, if any, verifying such in details in accordance with the items described in this Article including the review of the official documents to identify the identity of the customer and the beneficial owner and verifying such, in addition to obtaining a copy thereof which shall be signed by the responsible employee to indicate that it is a replica.
- b- The post operators shall be prohibited from dealing with persons of anonymous identities or who have false or fictitious names or with shell banks or companies.
- c- The following should be observed in the identification of the identity of the customer or beneficial owner, if any, should he be a natural person:
 - 1- Obtaining the identification particulars comprising the full name, date and place of birth, national number, nationality, nature of work, address of permanent residence, telephone number, purpose and nature of work relationship, full information pertaining to the identity document for Jordanian individuals, passport number for non-Jordanian persons and any other information or documents deemed necessary by the post operator for completing the identification process.
 - 2- Obtaining the original official documents or a duly certified copy thereof which substantiate the authenticity of deputization or fiduciary in case of dealing of any person or entity with the post operator on behalf of the customer or under authorization and retaining a copy thereof, in addition to identifying the customer's identity and whoever acts on behalf of him/her according to the identification proceedings of the customer's identity stipulated in these instructions.
- d- The following should be observed in the identification proceedings of the customer's identity, should he be a legal person:
 - 1- Obtaining the identification particulars comprising the name of the legal person, legal form, address of the head office, telephone number, type of activity exercised, date and number of registration, tax number, national number of the installation, names of the authorized signatories for the legal person, their nationalities, telephone numbers and the purpose and nature of the work relationship and any other information or documents deemed necessary by the post operator for the completion of the identification process.
 - 2- Obtaining the official documents or duly certified copies thereof which substantiate the incorporation of the legal person and the registration thereof at the competent authority as well as the memorandum of association, the statute and certificates issued by the Ministry of Industry and Trade and Companies Control Department and certificates issued by the Commercial and Industrial Chambers, in addition to the necessity to obtain the official

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- certificate issued by the competent authorities in case the company is registered abroad.
- 3- Obtaining duly certified copies of the authorizations or proxies issued by the legal person to the natural persons who represent him and the nature of their relationship with him, identify the identity of the authorized natural person and the beneficial owner, if any, in accordance with the identification proceedings of the customer stipulated in these instructions.
 - 4- Obtaining information on the provisions which regulate the work of the legal person includes the ownership structure, controlling management and decision- making competences.
- e- In the identification proceedings of the identity of the beneficial owner, reviewing the particulars and information that are obtained from official documents and data shall be observed whereby the post operator will become satisfied it is aware of the beneficial owner's identity.
 - f- The post operator shall take the necessary proceedings for verifying the validity of the obtained documents, particulars and information through neutral and reliable sources.
 - g- Updating the documents, particulars and information which are obtained in accordance with the due diligence proceedings in particular the high risk customers' categories and work relations.
 - h- If the post operator is unable to exert due diligence proceedings in respect of the customer in accordance with the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force and these instructions, he/she shall not complete the transaction and notify the Unit immediately in case of having a transaction suspected to be related to money laundering or terrorist financing.

Article (5):

The post operator shall exert the due diligence proceedings with regard to the customer in the following cases:-

- a- Upon or during providing the financial postal service or the transportation of the money for the customer.
- b- The existence of suspicion with regard to the extent of accuracy and adequacy of particulars that was obtained in advance regarding determining the identity of the customers.
- c- A suspicion of money laundering or terrorist financing transaction.

Article (6):

- a- The provisions of this Article shall apply on the public post operator who provides the incoming and outgoing financial postal service which is more than seven hundred Dinars or equivalent in foreign currencies.
- b- The public post operator, when providing the financial service, shall comply with the following:-
 - 1- Obtaining the complete information on the applicant including: the name of the applicant, his/her nationality, the place of his/her permanent residence, the purpose of the transfer, the national number and the number pertaining to the identity document for Jordanian individuals, passport number for non-Jordanian persons, in addition to exerting the due diligence proceedings with regard to the customers stipulated for in Article (4) of these instructions.
 - 2- Exerting the verification proceedings of all the information pursuant to the standards and procedures stipulated for in Article (4) of these instructions before providing the service.

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- 3- Attaching all the particulars stipulated for in Paragraph (1) above with the service application.
- 4- Responding immediately to any order issued by the competent official authorities which obligates the public post operator to preview the service information which has been provided.
- c- The public post operator, when receiving the financial postal service, shall comply with the following:-
 - 1- Setting effective systems to detect any lack of information related to the service applicant which is stipulated for in item (1) of paragraph (b) above.
 - 2- Adopting effective procedures depending on the estimation of risk in dealing with service in which the information on the service applicant has not been completed. One of these procedures is requesting the incomplete information from the post operator who provides the service and in case of the inability to obtain such information, the public post operator shall take procedures based on estimating the risk including the service refusal and this shall be an indication which shall be taken in the post operator assessment for the extent of the existence of suspicion in such transaction and notify the Unit thereof immediately.

Article (7):

The post operator shall exert enhanced due diligence in identifying the identity of the customer and his activity in the following cases:-

- a- Transactions conducted with persons who belong to or are present in countries that do not apply or sufficiently apply the recommendations of the Financial Action Task Force (FATF).
- b- Huge transactions or unusually complex transactions or those which do not have clear economic or clear legal purpose and originating from countries that do not sufficiently apply the recommendations of the Financial Action Task Force (FATF).
- c- Transactions conducted with politically exposed persons (PEPs) and their enhanced due diligence procedures include the following:-
 - 1- Setting a particular system for risks management from which it can be inferred whether the customer, his deputy or the beneficial owner from this category including the policy for the acceptance of customers from this category which takes into consideration the classification of customers according to the level of their risks, provided the post operator review this classification periodically or in the event of occurrence of warranting changes.
 - 2- Obtaining the approval of the post operator director or any person acting on behalf of him upon the provision of the service from or to these persons.
 - 3- Taking the appropriate procedures to determine and verify the source of wealth of the mentioned persons.
 - 4- Accurate and continued follow-up of the post operator dealing with these persons.
- d- Transactions which are not conducted face to face or which are conducted through electronic means or tools.
- e- Transactions that are conducted through non-resident customers.
- f- Any transaction which the post operator decides that it poses high risks of money laundering and terrorist financing.

Article (8):

The post operator shall carry out the following:-

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- a- Audit and examine the unusual voluminous transactions, duly authenticate same and record in writing the outcomes reached as well as retain them for a period of not less than five years and make same accessible to the Unit and the competent authorities upon request.
- b- Incessant verification of transactions carried out through the existence of the relation and ensure consistency of the transactions conducted with the information known to the post operator about the customer, pattern of his/her work and the risks he/she represents.
- c- Ascertain the subjection of the persons to be dealt with to the instructions and controls that pertain to anti money laundering and counter terrorist financing and whether any action was previously taken against them due to their breach of any of the provisions of these instructions and controls.
- d- Enable the reporting manger to exercise his authorities independently in a manner which would maintain the confidentiality of the incoming information to him and the measures he carries out, and to have, towards same, access to the records and particulars he requires for carrying out his functions.
- e- Provide orientation to the post operator' staff with the necessary information on:-
 - 1- Anti Money Laundering and Counter Terrorist Financing Law in force and the regulations, instructions and decisions issued by virtue thereof.
 - 2- The patterns suspected to be amongst the money laundering and terrorist financing transactions.
 - 3- Notification proceedings on the transactions suspected to be related to money laundering or terrorist financing.
 - 4- Internal policies, bases, procedures and controls followed by the post operator to combat money laundering and terrorist financing transactions.

Article (9):

The post operator shall include in the agreement signed between him and the certified accountant a provision which shall obligate the certified accountant to verify the post operator' implementation of these instructions and the extent of sufficiency of the post operator policies and procedures related therewith, and to embody the outcomes thereof in his report submitted to the management with the necessity of notifying the Telecommunications Regulatory Commission immediately upon his discovering any violation to these instructions in order to take the necessary actions against him.

Article (10):

- a- The post operator shall maintain the records and documents related to the national and international transactions he is carrying out so as to include sufficient particulars to identify these transactions including the identification particulars records related to the due diligence proceedings with respect to the customers identity and beneficial owners for a minimum of five years from the date of completing the service or termination of business relationship with the customer, as the case may be, and update these particulars periodically.
- b- The post operator shall make all records related to the customers and transactions available upon request thereof to the Unit and the competent authorities at the determined time.

Article (11):

The post operator shall name one of its qualified employees to be its reporting officer who undertakes the duty of notifying the Unit of any transaction suspected to be related to money laundering or terrorist financing as well as provide the Unit with the full name and particulars of this person, provided that the name of an alternative

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person shall be identified in case of his absence and shall inform the Unit upon changing any one of them.

Article (12):

- a- All the post operator employees shall comply with notifying the reporting officer of any transaction suspected to be related to money laundering or terrorist financing.
- b- The reporting officer shall comply with the following:-
 - 1- Notifying the Unit immediately of the transactions suspected to be related to money laundering or terrorist financing pursuant to the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force and according to the form or mean approved by the Unit, and shall cooperate with the Unit, provide it with the particulars, documents and information available with him and facilitate the Unit's review thereof if requested for the purposes of the Unit's performance of its functions during the period specified in the request.
 - 2- Preparing files pertaining to the transactions suspected to be related to money laundering or terrorist financing in which copies of the notifications, particulars and documents related thereto are kept, provided that such files are retained for minimum period of five years or until the issuance of an absolute judicial judgment with respect to the transaction, whichever is longer.

Article (13):

- a- The post operator shall set a suitable internal by-law comprising the internal policies, bases, procedures and controls which shall be available for combating money laundering and terrorist financing transactions, provided it includes the following:-
 - 1- Clear policy for combating money laundering and terrorist financing as well as continuously updating such policy comprising written detailed procedures for combating money laundering and terrorist financing transactions in which the duties and responsibilities are precisely determined in a manner consistent with the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force, instructions and decisions issued by virtue thereof.
 - 2- An appropriate policy to ascertain compliance with the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force, instructions and decisions issued by virtue thereof.
 - 3- Procedures which would ensure the examination of the internal control and supervision systems to ensure their effectiveness in combating money laundering and terrorist financing as well as submit the necessary proposal to remedy any shortage therein or whatever updating and developing needed to improve the efficiency and effectiveness thereof.
 - 4- The required bases for classifying customers according to the degree of risks in the light of the documents, information and particulars made available to the post operator.
- b- The post operator shall take the necessary procedures to involve their concerned employees in training programs in the field of combating money laundering and terrorist financing transactions.

Article (14):

- a- It is prohibited to disclose directly or indirectly or by any means about notifying the Unit, with any of the notification procedures taken with respect to the

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transactions suspected to be related to money laundering, terrorist financing or on any of the information related therewith.

- b- It is prohibited for any one who directly or indirectly have access or knows by virtue of his work of any information submitted or exchanged pursuant to the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force, regulations, instructions and decisions issued by virtue thereof including these Instructions to disclose any such information which he accessed of or came to his knowledge directly or indirectly nor disclose such information in any form whatsoever except for the purposes of implementing these instructions.

Article (15):

Subject to the provisions of the instructions issued based on the provisions of the Anti Money Laundering and Counter Terrorist Financing Law in force, the post operator shall execute the obligations stated in the relevant and enforceable international resolutions which are notified thereto by the Telecommunications Regulatory Commission or the competent authorities in this respect.

Article (16):

Without prejudice to any severer penalty provided for in other legislations, whoever violates the provisions of these instructions shall be penalized with the penalties stipulated in the Anti Money Laundering and Counter Terrorist Financing Law in force.

Article (17):

The Telecommunications Regulatory Commission board of commissioners shall decide on cases that have no text in these instructions.