



AMENDMENTS No. 2

Guidance (Requirements) for the purposes of counteracting the legalisation (laundering) of proceeds from crime and the financing of terrorism, applicable to the Customer Due Diligence in cases when the Astana International Financial Centre Participants (the Relevant Persons) establish non-face to face business relations with customers

Approval date: 19 December 2024

Commencement date: 1 January 2025

Astana, Kazakhstan



Within the amendments to the AIFC
AML/CFT framework

In this Guidance, the underlining indicates a new text and the strikethrough indicates a removed text

(...)

Chapter 1. Background

1. This Guidance is applicable to the Customer Due Diligence in cases of non-face to face business relations (hereinafter referred to as ~~this~~ “the Guidance”):

(...)

Chapter 2. Risk assessment, identification and verification, and Customer Due Diligence (CDD)

12. Customer Due Diligence ~~including Simplified and Enhanced Due Diligence~~: In cases of non-face to face business relations, a Relevant Person should undertake CDD in a manner proportionate to the customer’s risks of ML/FT in compliance with Chapters 6, 7 and 8 of the AIFC AML Rules and Articles 5-9 of the AML/CFT Law. A Relevant Person for verification of its customers may use one or more of the following measures and may develop additional measures provided they do not conflict with the AIFC AML Rules and AML Guidance as well as AML/CFT legislation of Kazakhstan:

(...)

Chapter 3. Reliance on a third party

15. A Relevant Person may rely on the following third parties to conduct one or more elements of CDD, identification and verification on its behalf in cases of non-face to face business relations in compliance with Chapter 9 of the AIFC AML Rules:

- a) an Authorised Person¹;
- b) a law firm, notary, or other independent legal business, accounting firm, audit firm or insolvency practitioner or an equivalent person in another jurisdiction;
- c) a Regulated Financial Institution;
- d) a member of the Relevant Person’s Group; or
- e) databases of government authorities².

The Relevant Person, however, retains responsibility for any failure to comply with a requirement of the AIFC AML Rules, as this responsibility cannot be delegated. The Relevant Person is prohibited to rely on a third party in conducting on-going monitoring.

(...)

¹ Either an Authorised Firm or an Authorised Market Institution as defined in the AIFC Glossary

² Government authorities of Kazakhstan and jurisdictions that are the FATF member or the equivalent jurisdictions



Chapter 4. Prohibitions and sanction lists

(...)

19. A Relevant Person must not establish non-face to face business relations with an individual/legal entity included in at least the following lists:

a) Kazakhstan lists:

i) list of persons involved in terrorist activity;

ii) list of persons and organisations associated with the financing of terrorism and extremism;

iii) list of persons and organisations associated with the financing of proliferation of weapons of mass destruction.

b) UN sanctions and resolutions;

c) UNSC sanctions and resolutions;

d) FATF high-risk jurisdictions list;

e) OFAC, EU, HMT UK OFSI blocking sanctions lists.

(...)