

# 自然人/法人在桂林银行开设银行结算账户涉电信网络新型违法犯罪 法律责任及防范提示告知书

## Reminder and prevention notice on the legal responsibility to the new crimes related to telecommunications network for natural/legal persons with settlement account in Guilin Bank

为加强银行结算账户管理（以下称“账户”），保证自然人或法人合法、规范使用本人账户，避免被违法犯罪人员用于转移电信网络新型违法犯罪赃款，根据《人民币银行结算账户管理办法》（中国人民银行令〔2003〕第5号）、中国人民银行《关于加强支付结算管理防范电信网络新型违法犯罪有关事项的通知》（银发〔2016〕261号）、《关于加强开户管理及可疑交易报告后续控制措施的通知》（银发〔2017〕117号）、最高人民法院、最高人民检察院、公安部《关于办理电信网络诈骗等刑事案件适用若干问题的意见》（法发〔2016〕32号）和《电信网络诈骗及其关联违法犯罪联合惩戒办法》之规定，特将相关涉电信网络新型违法犯罪法律责任及防范提示告知如下

In order to strengthen the management of bank settlement accounts (hereinafter referred to as “accounts”), ensure that natural persons or legal persons use their accounts legally and in a standardized manner, and prevent the accounts from being used by criminals to transfer the proceeds of new types of illegal and criminal acts in the telecommunications and network field, according to the “Administrative Measures for RMB Bank Settlement Accounts” (Decree 5 of the People's Bank of China, 2003), the “Notice on Strengthening Payment and Settlement Management and Preventing New Types of Illegal and Criminal Acts in the Telecommunications and Network Field” (No. 261 by PBC, 2016) issued by the People’s Bank of China, the “Notice on Strengthening Account Opening Management and Follow-up Control Measures for Suspicious Transaction Reports” (No. 117 by PBC, 2017), the “Opinions on Several Issues Concerning the Application of Laws in Handling Criminal Cases such as Telecom Network Fraud” (No. 32 by SPC, SPP and MPS, 2016) jointly issued by the Supreme People’s Court, the Supreme People’s Procuratorate and the Ministry of Public Security, and the “Measures for Joint Punishment of Telecom Network Fraud and Its Associated Illegal and Criminal Acts”, the relevant legal liabilities for new types of illegal and criminal acts in the telecommunications and network field and prevention tips are hereby informed as follows:

一、自然人或法人申请开设账户时，自然人必须提供本人真实身份证件（中国内地居民原则上提供二代居民身份证，持非二代居民身份证的境外自然人还应主动提供辅助证件），并如实填写自然人相关信息（含本人实名登记的联系电话号码）；法人必须按《人民币银行结算账户管理办法》第十七条规定提交证明文件；**违者将按账户管理办法规定给予处罚；构成犯罪的，移交司法机关依法追究刑事责任。**

I. When a natural person or legal person applies for opening an account, the natural person must provide his/her real identity document (in principle, Chinese mainland residents should provide the second-generation resident identity card, and overseas natural persons holding non-second-generation resident identity card should also take the initiative to provide auxiliary documents), and truthfully fill in the relevant information of the natural person (including the contact phone number registered under his/her real name); Legal persons must submit supporting documents in accordance with Article 17 of the Measures for the Administration of RMB Bank Settlement Accounts; **Violators will be punished according to the account management regulations; If the case commits a crime, it shall be transferred to a judicial organ for investigation of criminal responsibility.**

二、自然人或法人应妥善保管自身名下所有账户，充分了解账户管理使用风险，严禁非法向他人进行出售、转让、出租、出借。如有上述非法行为且该账户涉及电信网络诈骗犯罪活动的，将根据《关于办理电信网络诈骗等刑事案件适用若干问题的意见》第四条第三款第一项之规定，**以实施电信网络诈骗犯罪共同犯罪论处。**

**II. Natural or legal persons should properly keep all accounts under their own names, fully understand the risks of account management and use, and are strictly prohibited from illegally selling, transferring, renting or lending to others.** If there are the above illegal acts and the account involves telecommunications network fraud criminal activities, **it will be punished as a joint crime of telecommunications network fraud in accordance** with the provisions of Item 1, Paragraph 3, Article 4 of the Opinions on Several Issues Applicable to Criminal Cases such as Telecommunications Network Fraud.

三、根据《关于加强支付结算管理防范电信网络新型违法犯罪有关事项的通知》第一条第二、三款、《关于加强开户管理及可疑交易报告后续控制措施的通知》第二条第二款和《电信网络诈骗及其关联违法犯罪联合惩戒办法》第六条之规定，结合目前已经建立的“涉电信网络新型违法犯罪高危自然人或法人风

险管控”工作机制，将对涉及电信网络诈骗及其关联违法犯罪的账户及其所有人将采取风险管控措施，限制惩戒对象名下银行账户（包含结算账户、银行卡、信用卡、社保卡、军保卡、养老金账户、单位结算卡等）、数字人民币钱包的非柜面出金功能，与乙方既有协议约定的代扣代缴税款、社保、水电煤气费等基本生活保障的款项除外。银行、支付机构与被惩戒人签订的贷款、信用卡自动扣款协议等纳入惩戒范围，甲方可通过柜面方式还款。

**III. In accordance with the provisions of Paragraphs 2 and 3 of Article 1 of the "Notice on Strengthening Payment and Settlement Management and Preventing New Types of Illegal and Criminal Acts in Telecommunications and Cyberspace", Paragraph 2 of Article 2 of the "Notice on Strengthening Account Opening Management and Follow-up Control Measures for Suspicious Transaction Reports", and Article 6 of the "Measures for Joint Punishment of Telecom Network Fraud and Its Associated Illegal and Criminal Acts", combined with the currently established working mechanism for "risk management and control of high-risk natural persons or legal persons involved in new types of illegal and criminal acts in telecommunications and cyberspace", risk management and control measures will be taken against accounts involved in telecom network fraud and its associated illegal and criminal acts as well as their owners. The non-over-the-counter cash withdrawal functions of bank accounts (including settlement accounts, bank cards, credit cards, social security cards, military security cards, pension accounts, corporate settlement cards, etc.) and digital RMB wallets under the names of the punished objects will be restricted, except for payments for basic living guarantees such as tax withholding and payment, social security, water, electricity and gas fees as agreed in the existing agreements with Party B. Loan agreements and automatic credit card deduction agreements signed between banks, payment institutions and the punished persons are included in the scope of punishment. Party A can make repayments through over-the-counter methods.**

四、自然人或法人申请开设账户时务必认真阅读防范电信网络新型违法犯罪知识，如有以下情形应立即停止开户业务，并向银行工作人员提出帮助请求：

IV. Natural or legal persons must carefully read the knowledge of new crimes through telecommunications networks when applying for opening an account. **If there are any of the following circumstances, they should immediately stop opening an account and request help from the bank staff:**

（一）自称“公安、检察、法院、海关”等各类执法人员，要求你将资金转移至“安全账户”的；

(1) Self-proclaimed "staff from the public security, prosecution, court, customs" and other types of law enforcement officers, requiring you to transfer funds to a "safe account";

（二）自称您的“家人、朋友、熟人、领导、老师、医生、恋人”等各类关系人，要求你进行存钱、汇款或转账的；

(2) Self-proclaimed your "family, friends, acquaintances, leaders, teachers, doctors, lovers" and other types of related people ask you to save money, remit or transfer money;

（三）自称可以为你办理“退货、退税、退票、发放补贴、领奖、积分兑换、提高信用卡额度、刷信誉返利、低息高额贷款”等各类“获利”行为，要求您进行存钱、汇款或转账的；

(3) Self-claiming to be able to handle "sales returns, tax rebates, ticket refunds, subsidies, awards, points exchange, credit card limits increasing, credit rebates, high loans with low interest" and other "profitable" actions for you, requiring you to save money, remit or transfer money;

（四）使用“举报信、PS照片、黑社会报复”等各类威胁手段，要求你进行存钱、汇款或转账的。

(4) Using threats such as "reporting letters, Photoshopped photos, retaliation from the underground organization" to ask you to save money, send money or transfer money.

本开户申请人确认：我已清楚明确阅读上述各项开设银行结算账户涉电信网络新型违法犯罪法律责任及防范提示告知内容，将依法开设、使用并妥善保管本人银行结算账户。

**This account applicant hereby confirms: I have clearly and explicitly read the above legal**

**responsibilities, prevention tips and notifications related to the new illegal crimes through telecommunications network about bank settlement account, will open, use and properly keep my bank settlement account in accordance with the laws.**

开户申请人（签字）：  
Account opening applicant (Signature)

年 月 日  
Date

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