

AMENDMENT 175

by Hartmut Nassauer, on behalf of the PPE-DE Group
 by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
 by Baroness Sarah Ludford, on behalf of the ALDE Group

Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

 Amendment 175
 Recital 21

(21) *Reports of* suspicious transactions should be reported to the *authorities responsible for combating money laundering. Such authorities are now generally referred to as financial intelligence units and this terminology should also be used in this Directive. All Member States should have a financial intelligence unit and it should be made clear that attempted money laundering is also to be reported.*

(21) Suspicious transactions should be reported to the *financial intelligence unit, which serves as national centre for receiving, analysing and disseminating to the competent authorities suspicious transaction reports and other information regarding potential money laundering or terrorist financing. This should not compel Member States to change their existing reporting systems where the reporting is done through a public prosecutor or other law enforcement authorities, as long as the information is forwarded promptly and unfiltered to financial intelligence units allowing them properly to conduct their business, including international cooperation with other financial intelligence units.*

Or. en

18.5.2005

A6-0137/176

AMENDMENT 176

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

Hartmut Nassauer

Money laundering

A6-0137/2005

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 176
Recital 21 a (new)

(21a) To the extent that a Member State has decided to use the exemptions of Article 20(2), it may allow or require the self-regulatory body representing the persons mentioned in this Article not to transmit to the financial intelligence unit any information obtained from these persons in the conditions laid down in Article 20(2).

Or. en

AMENDMENT 177

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 177
 Recital 26 b (new)

(26 b) Clarification of the technical aspects of the rules laid down in this Directive may be necessary to ensure an effective and sufficiently consistent application of this Directive, taking into account the different financial instruments, professions and risks in the different Member States and the technical developments in the fight against money laundering and terrorist financing. The Commission should accordingly be empowered to adopt implementing measures, such as certain criteria for identifying low and high risk situations in which simplified due diligence could suffice or enhanced due diligence would be appropriate, provided that they do not modify the essential elements of this Directive and provided that the Commission acts in accordance with the principles set out therein, after consulting the Committee on the Prevention of Money Laundering and Terrorist Financing.

Or. en

AMENDMENT 178

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 178

Recital 19

(19) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of the above Council Decision, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision. To that end a new Committee on the Prevention of Money Laundering, replacing the Money Laundering Contact Committee set up by Directive 91/308/EEC, should be established.

(19) Since the measures necessary for the implementation of this Directive are measures of general scope within the meaning of Article 2 of the above Council Decision, they should be adopted by use of the regulatory procedure provided for in Article 5 of that Decision. To that end a new Committee on the Prevention of Money Laundering **and Terrorist Financing**, replacing the Money Laundering Contact Committee set up by Directive 91/308/EEC, should be established.

Or. en

AMENDMENT 179

by Hartmut Nassauer, on behalf of the PPE-DE Group
 by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
 by Baroness Sarah Ludford, on behalf of the ALDE Group

Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 179

Article 1, paragraph 2, subparagraph 1, point (e)

(e) participation in, association *with or conspiracy* to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing *indents*.

(e) participation in, association to commit, attempts to commit and aiding, abetting, facilitating and counselling the commission of any of the actions mentioned in the foregoing *letters*.

Or. en

AMENDMENT 180

by Hartmut Nassauer, on behalf of the PPE-DE Group
 by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
 by Baroness Sarah Ludford, on behalf of the ALDE Group

Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 180
 Article 3, point. 8, point (a)

(a) the natural *person* who ultimately, *directly or indirectly*, owns or controls **10 % or more of the shares or of the voting rights of a legal person or who otherwise exercises a comparable influence over the management of a legal person**, other than a company listed on an *official stock exchange* that is subject to disclosure requirements consistent with Community legislation or subject to equivalent international standards;

(a) *for corporate entities:*
 (i) the natural *person(s)* who ultimately owns or controls *a legal entity through direct or indirect ownership or control over a sufficient percentage of the shares or voting rights in that legal entity, including through bearer share holdings*, other than a company listed on a *regulated market* that is subject to disclosure requirements consistent with Community legislation or subject to equivalent international standards; **a percentage of 25% plus one share shall be deemed sufficient to meet this criterion;**
 (ii) *the natural person(s) who otherwise exercises control over the management of a legal entity;*

Or. en

18.5.2005

A6-0137/181

AMENDMENT 181

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

A6-0137/2005

Hartmut Nassauer

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 181
Article 3, point 11

(11) “Business relationship” means a business, professional or commercial relationship which is expected, at the time when the contact is established, to have an element of duration;

(11) “business relationship” means a business, professional or commercial relationship which is *connected with the professional activities of the institutions and persons subject to this Directive and which is* expected, at the time when the contact is established, to have an element of duration;

Or. en

AMENDMENT 182

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

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Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 182
Recital 9 a (new)

(9 a) The institutions and persons subject to this Directive need, in conformity with this Directive, to identify and verify the identity of the beneficial owner. To fulfil this requirement, it is left to these institutions and persons whether they make use of public records of beneficial owners, ask their clients for relevant data or get the information otherwise, taking into account that the extent of such customer due diligence measures relates to the risk of money laundering and terrorist financing, which depends on the type of customer, business relationship, product or transaction.

Or. en

AMENDMENT 183

by Hartmut Nassauer, on behalf of the PPE-DE Group
 by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
 by Baroness Sarah Ludford, on behalf of the ALDE Group

Report**A6-0137/2005****Hartmut Nassauer**

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 183

Article 8, paragraph 1c (new) and paragraph 2

1 c. By way of derogation from paragraphs 1 and 1a, Member States may allow the opening of a bank account provided that there are adequate safeguards in place to ensure that transactions are not performed by the customer or on its behalf until full compliance with the aforementioned provisions is obtained.

2. Member States shall require that, where the institution or person concerned is unable to comply with points (a), (b) and (c) of Article 7(1), it may not **open the** account, establish a business relationship or perform the transaction, or shall terminate the business relationship, and shall consider making a report to the financial intelligence unit in accordance with Article 19 in relation to the customer.

2. Member States shall require that, where the institution or person concerned is unable to comply with points (a), (b) and (c) of Article 7(1), it may not **perform a transaction through a bank** account, establish a business relationship or perform the transaction, or shall terminate the business relationship, and shall consider making a report to the financial intelligence unit in accordance with Article 19 in relation to the customer.

Or. en

18.5.2005

A6-0137/184

AMENDMENT 184

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

A6-0137/2005

Hartmut Nassauer

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 184
Article 9, paragraph 1

1. Member States shall require that all casino customers shall be identified and the identity verified if they purchase or exchange gambling chips with a value of **EUR 1 000** or more.

1. Member States shall require that all casino customers shall be identified and the identity verified if they purchase or exchange gambling chips with a value of **EUR 2000** or more.

Or. en

18.5.2005

A6-0137/185

AMENDMENT 185

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

A6-0137/2005

Hartmut Nassauer

Money laundering

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 185
Recital 9 b (new)

(9 b) Credit agreements in which the credit account serves exclusively to settle the loan and the repayment of the loan is effected from an account which was opened in the name of the customer with a credit institution subject to this Directive pursuant to Article 7(1)(a) to (c) should generally be considered as an example of types of less risky transactions.

Or. en

18.5.2005

A6-0137/186

AMENDMENT 186

by Hartmut Nassauer, on behalf of the PPE-DE Group
by Vincent Peillon and Joseph Muscat, on behalf of the PSE Group
by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

Hartmut Nassauer

Money laundering

A6-0137/2005

Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 186
Article 10a

Where the Commission adopts a decision pursuant to *the first subparagraph of* Article 37(3), the Member States shall prohibit the institutions and persons covered by this Directive from applying simplified due diligence to credit and financial institutions or listed companies from the third country concerned.

Where the Commission adopts a decision pursuant to Article 37(3), the Member States shall prohibit the institutions and persons covered by this Directive from applying simplified due diligence to credit and financial institutions or listed companies from the third country concerned *or other entities following from situations which meet the technical criteria established in accordance with Article 37(1)(b).*

Or. en