

AMENDMENT 187

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 187

Article 11, paragraph 1, subparagraph 1 and subparagraph 2, introductory part

1. Member States shall require the institutions and persons covered by this Directive to apply, on a risk-sensitive basis, enhanced customer due diligence measures, in addition to the measures referred to in Articles 6, 7 and **8(2)**, in situations which by their nature can present a higher risk of money laundering, and at least in the following situations in accordance with *the second, third and fourth subparagraphs of this paragraph*.

Where the customer has not been physically present for identification purposes, Member States shall require those institutions and persons to *apply* one or more of the following measures:

1. Member States shall require the institutions and persons covered by this Directive to apply, on a risk-sensitive basis, enhanced customer due diligence measures, in addition to the measures referred to in Articles 6, 7 and **8(3)**, in situations which by their nature can present a higher risk of money laundering *or terrorist financing*, and at least in the following situations in accordance with *paragraphs 1a, 1b, 1c and in respect of other situations representing a high risk of money laundering or terrorist financing which meet the technical criteria established in accordance with Article 37(1)(c)*.

1 a. Where the customer has not been physically present for identification purposes, Member States shall require those institutions and persons to *take specific and adequate measures to compensate for the higher risk, for example by applying* one or more of the following measures:

Or. en

18.5.2005

A6-0137/188

AMENDMENT 188

by Hartmut Nassauer, on behalf of the PPE-DE Group
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by Baroness Sarah Ludford, on behalf of the ALDE Group

Report

A6-0137/2005

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

Text proposed by the Commission

Amendment by Parliament

Amendment 188
Recital 17 a (new)

(17 a) Obtaining approval from senior management for establishing business relationships does not implicate approval from the board of directors but from the immediate higher level of the hierarchy of the person seeking such approval.

Or. en

AMENDMENT 189

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 189
 Article 18, paragraph 2

That financial intelligence unit shall be established as a central national unit, ***with adequate resources***. It shall be responsible for receiving, and, to the extent permitted, ***for*** requesting, analysing and disseminating to the competent authorities, disclosures ***or financial*** information which ***concern suspected proceeds of crime*** or which are required by national legislation or regulation.

That financial intelligence unit shall be established as a central national unit. It shall be responsible for receiving (and to the extent permitted), requesting, analysing and disseminating to the competent authorities, disclosures ***of*** information which ***concerns potential money laundering, potential terrorist financing*** or which are required by national legislation or regulation. ***It shall be provided with adequate resources in order to fulfil its missions.***

Or. en

18.5.2005

A6-0137/190

AMENDMENT 190

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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A6-0137/2005

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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 190
Article 19, paragraph 1, point (b)

(b) by promptly furnishing the financial intelligence unit, at its request, with all necessary *further* information, in accordance with the procedures established by the applicable legislation.

(b) by promptly furnishing the financial intelligence unit, at its request, with all necessary information, in accordance with the procedures established by the applicable legislation.

Or. en

AMENDMENT 191

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 191
 Article 21

Member States shall require the institutions and persons covered by this Directive to refrain from carrying out transactions which they know or suspect to be related to money laundering until they have *informed the financial intelligence unit*.

The financial intelligence unit may, under conditions to be determined by the national legislation, give instructions not to execute the operation.

Where such a transaction is suspected of giving rise to money laundering and where to refrain in such manner is impossible or is likely to frustrate efforts to pursue the beneficiaries of a suspected money laundering operation, the institutions and persons concerned shall apprise the financial intelligence unit *immediately afterwards*.

Member States shall require the institutions and persons covered by this Directive to refrain from carrying out transactions which they know or suspect to be related to money laundering *or terrorist financing* until they have *completed the necessary action in accordance with Article 19(1)(a)*. *In conformity with the legislation of the Member States, instructions may be given not to execute the transaction.*

Where such a transaction is suspected of giving rise to money laundering *or terrorist financing* and where to refrain in such manner is impossible or is likely to frustrate efforts to pursue the beneficiaries of a suspected money laundering *or terrorist financing* operation, the institutions and persons concerned shall apprise the financial intelligence unit *immediately afterwards*.

Or. en

18.5.2005

A6-0137/192

AMENDMENT 192

by Hartmut Nassauer, on behalf of the PPE-DE Group
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by Baroness Sarah Ludford, on behalf of the ALDE Group

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A6-0137/2005

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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 192
Article 34, paragraph 1 a (new)

1 a. Without prejudice to the right of Member States to impose criminal sanctions, Member States shall ensure, in conformity with their national law, that the appropriate administrative measures can be taken or administrative sanctions can be imposed against credit and financial institutions where the provisions adopted in the implementation of this Directive have not been complied with. Member States shall ensure that these measures are effective, proportionate and dissuasive.

Or. en

AMENDMENT 193

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 193

Article 37, paragraph 1, points (a), (b) and (c)

(a) clarification of the technical aspects of the definitions in *Article 1(2) and in Article 3(2)(a) and (d), (5), (8), (9), (10), (11) and (12)*;

(b) establishment of *detailed rules* for *identifying the* situations *which* represent a low risk of money laundering as referred to in *Article 10(1), (2) and (3)*;

(c) establishment of *detailed rules* for *identifying* situations *which* represent a high risk of money laundering as referred to in Article 11;

(a) clarification of the technical aspects of the definitions in *Article 3(2)(a) and (d), (8), (9), (10), (11) and (12)*;

(b) establishment of *technical criteria* for *assessing whether* situations represent a low risk of money laundering *or terrorist financing* as referred to in *Article 10(1) and (3)*;

(c) establishment of *technical criteria* for *assessing whether* situations represent a high risk of money laundering *or terrorist financing* as referred to in Article 11;

Or. en

18.5.2005

A6-0137/194

AMENDMENT 194

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 194
Article 37, paragraph 1 a (new)

1 a. In any case, the Commission shall adopt the first implementing measures to give effect to paragraphs 1(b) and 1(d) within 6 months following the entry into force of this Directive.

Or. en

AMENDMENT 195

by Hartmut Nassauer, on behalf of the PPE-DE Group
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Proposal for a directive (COM(2004)0448 – C6-0143/2004 – 2004/0137(COD))

Text proposed by the Commission

Amendment by Parliament

Amendment 195
 Article 37, paragraph 3

3. The Commission shall, in accordance with the procedure referred to in Article 38(2), adopt a decision finding that a third country does not meet the conditions laid down in Article 10(1)(a), (b) or (c) or in Article 13(b), or that the legislation of that third country does not *ensure* application of the measures required under the first subparagraph of Article 27(1).

3. The Commission shall, in accordance with the procedure referred to in Article 38(2), adopt a decision finding that a third country does not meet the conditions laid down in Article 10(-1) or (1), **Article 25(1b), (1c) or (1d), or in the measures established in accordance with Article 37(1)(b) or in Article 13(1)(b)**, or that the legislation of that third country does not *permit* application of the measures required under the first subparagraph of Article 27(1).

Or. en

AMENDMENT 196

by Hartmut Nassauer, on behalf of the PPE-DE 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 196
 Article 38

1. The Commission shall be assisted by a Committee on the Prevention of Money Laundering, hereinafter ‘the Committee’.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

1. The Commission shall be assisted by a Committee on the Prevention of Money Laundering **and Terrorist Financing**, hereinafter “the Committee”.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof **and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Directive**. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

3. The Committee shall adopt its rules of procedure.

3 a. Without prejudice to the implementing measures already adopted, the application of the provisions of this Directive concerning the adoption of technical rules and decisions in accordance with the procedure referred in paragraph 2 shall be suspended four years after the entry into force of this Directive. On a proposal from the Commission, the European Parliament and the Council may renew the provisions

*concerned in accordance with the
procedure laid down in Article 251 of the
Treaty and, to that end, shall review them
prior to the expiry of the four-year period.*

Or. en

18.5.2005

A6-0137/197

AMENDMENT 197

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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 197
Article 39

Within *three years* of the *entry into force of this Directive*, and at least at three yearly intervals thereafter, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council.

Within *two years* of the *expiry of the deadline for transposition laid down in Article 41*, and at least at three yearly intervals thereafter, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council. *For the first such report, the Commission shall include a specific examination of the treatment of lawyers and other professionals.*

Or. en