

**Question for written answer E-004039/2018
to the Commission**

Rule 130

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Subject: Privatisation of the Register of Beneficial Owners of Companies in Spain

In March 2018, the Spanish Ministry of Justice adopted an Order which invalidated the Beneficial Ownership Database established in 2014¹.

That database is used to identify money laundering operations and is consulted by the police, Spanish Civil Guard, judges, prosecutors, tax inspectors and financial institutions.

The Consejo General de Notariado (Spanish General Council of Notaries) has called for the resignation of the Director-General of Registers and Notarial Services for having allowed the Order to be adopted without any form of consultation².

The controversial Order safeguards corporate interests and undermines the fight against money laundering, terrorist financing and corruption. It also makes a key change via the back door to who is supposed to manage the register of beneficial owners of companies³. The Order assigns the power to do this to the registrars – who are a strong lobby in Spain⁴.

Besides this, under the Fourth European Money Laundering Directive⁵, it should be by means of a law that these duties are transposed into national legislation.

Does the Commission feel that this situation could be a boon for the guild of registrars in Spain when the Fifth European Money Laundering Directive enters into force⁶?

What action will the Commission take to assess the implications of this Ministerial Order?

¹ Order JUS/319/2018: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-4243

² https://www.scribd.com/document/381790439/Carta-Del-CGN-Pidiendo-El-Cese-Del-DGRN-21-de-Abril#from_embed

³ <http://www.publico.es/politica/registradores-rajoy-privatizo-registro-empresas-destinado-lucha-blanqueo-entregarlo-registradores.html>

⁴ [https://www.revistamongolia.com/sites/default/files/uploads/archivos%20PDF/Registradores%20propiedad%20%20Mongolia%20numero%2011%20\(1\).pdf](https://www.revistamongolia.com/sites/default/files/uploads/archivos%20PDF/Registradores%20propiedad%20%20Mongolia%20numero%2011%20(1).pdf)

⁵ 2014/95/EU <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0095>

⁶ <https://www.abogacia.es/2018/04/24/el-parlamento-europeo-adapta-el-texto-de-la-5a-directiva-contra-el-blanqueo-de-capitales/>