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*Committee on Economic and Monetary Affairs
Committee on Civil Liberties, Justice and Home Affairs*

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AMENDMENTS 46 - 145

Draft report

Mojca Kleva Kekuš, Timothy Kirkhope
(PE523.016v01-00)

on the proposal for a regulation of the European Parliament and of the Council
on information accompanying transfers of funds

Proposal for a regulation
(COM(2013)0044 – C7-0034/2013 – 524.601(COD))

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United in diversity

EN

Amendment 46
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Flows of dirty money through transfers of funds **can damage the stability and reputation of the financial sector and threaten the internal market.** Terrorism **shakes** the very foundations of our society. The soundness, integrity and stability of the system of transfers of funds **and confidence in the financial system as a whole** could be seriously jeopardised by the efforts of criminals and their associates either to disguise the origin of criminal proceeds or to transfer funds for terrorist purposes.

Amendment

(1) **Tracking** flows of dirty money through transfers of funds, **constitutes a crucial measure among others in the fight against corruption, organised crime and terrorism, as financial profit and the subsequent attempt to conceal the true origin of criminal proceeds is the main driver for organised crime groups.** **Organised crime, terrorism and corruption can damage the democratic institutions and shake** the very foundations of our society. The soundness, integrity and stability of the system of transfers of funds could be seriously jeopardised by the efforts of criminals and their associates either to disguise the origin of criminal proceeds or to transfer funds for **criminal activities or** terrorist purposes.

Or. en

Amendment 47
Sven Giegold, Rui Tavares, Judith Sargentini, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) Flows of **dirty** money **through transfers of funds can** damage the stability and reputation of the financial sector and threaten the **internal** market. Terrorism shakes the very foundations of our society. The soundness, integrity and stability of the system of transfers of funds and

Amendment

(1) **Massive** flows of **illicit** money damage the **structure**, stability and reputation of the financial sector and threaten the **single** market **as well as international development, and** terrorism shakes the very foundations of our society. **Crucial facilitators of illicit money flows are**

confidence in the financial system as a whole *could be* seriously jeopardised by the efforts of criminals and their associates either to disguise the origin of criminal proceeds or to transfer funds for terrorist purposes.

secretive corporate structures operating in and through secrecy jurisdiction, often also referred to as tax havens. The soundness, integrity and stability of the system of transfers of funds and confidence in the financial system as a whole *is being* seriously jeopardised by the efforts of criminals and their associates either to disguise the origin of criminal proceeds or to transfer funds for terrorist purposes.

Or. en

Amendment 48

Sven Giegold, Rui Tavares, Judith Sargentini, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) In order to facilitate their criminal activities, money launderers and terrorist financiers *could try to take* advantage of the freedom of capital movements entailed by the integrated financial area, unless certain coordinating measures are adopted at Union level. By its scale, Union action should ensure that Recommendation 16 on wire transfers of the Financial Action Task Force (FATF), adopted in February 2012 is transposed uniformly throughout the Union, and, in particular, that there is no discrimination between national payments within a Member State and cross border payments between Member States. Uncoordinated action by Member States alone in the field of cross border transfers of funds could have a significant impact on the smooth functioning of payment systems at Union level and therefore damage the internal market in the field of financial services.

Amendment

(2) In order to facilitate their criminal activities, money launderers and terrorist financiers *are taking* advantage of the freedom of capital movements entailed by the integrated financial area, unless certain coordinating measures are adopted at Union level. By its scale, Union action should ensure that Recommendation 16 on wire transfers of the Financial Action Task Force (FATF), adopted in February 2012 is transposed uniformly throughout the Union, and, in particular, that there is no discrimination between national payments within a Member State and cross border payments between Member States. Uncoordinated action by Member States alone in the field of cross border transfers of funds could have a significant impact on the smooth functioning of payment systems at Union level and therefore damage the internal market in the field of financial services.

Or. en

Amendment 49
Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The full traceability of transfers of funds can be a particularly important and valuable tool in the prevention, investigation and detection of money laundering or terrorist financing. It is therefore appropriate, in order to ensure the transmission of information throughout the payment chain, to provide for a system imposing the obligation on payment service providers to have transfers of funds accompanied by information on the payer and the payee.

Amendment

(6) The full traceability of transfers of funds can be a particularly important and valuable tool in the prevention, investigation and detection of money laundering or terrorist financing. It is therefore appropriate, in order to ensure the transmission of information throughout the payment chain ***channelled through the financial system***, to provide for a system imposing the obligation on payment service providers to ***report identity information on transfer of funds conceded on behalf of their clients, and to have transfers of funds accompanied by information to the competent authorities on the payer and the payee to prevent their financial services being misused for money laundering and terrorist financing.***

Or. en

Amendment 50
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) The full traceability of transfers of funds can be a particularly important and valuable tool in the prevention, investigation and detection of money laundering or terrorist financing. It is therefore appropriate, in order to ensure the

Amendment

(6) The full traceability of transfers of funds can be a particularly important and valuable tool in the prevention, investigation and detection of money laundering or terrorist financing. It is therefore appropriate, in order to ensure the

transmission of information throughout the payment chain, to provide for a system imposing the obligation on payment service providers to have transfers of funds accompanied by information on the payer and the payee.

transmission of information throughout the payment chain, to provide for a system imposing the obligation on payment service providers to have transfers of funds accompanied by information on the payer and the payee, ***which should be accurate and updated.***

Or. en

Amendment 51 **Sophia in 't Veld**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹. For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent *e* with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited. ***The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. Hence, in the application of this Regulation, the transfer of personal data to a third country which does not ensure an adequate level of protection in the meaning of Article 25 of Directive 95/46/EC should be permitted according to Article 26 (d) of the same Directive.***

¹⁹ OJ L 281, 23.11.1995, p. 31.

Amendment

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹. For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited.

¹⁹ OJ L 281, 23.11.1995, p. 31.

Amendment 52
Judith Sargentini, Rui Tavares

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹. For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent e with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited. ***The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. Hence, in the application of this Regulation, the transfer of personal data to a third country which does not ensure an adequate level of protection in the meaning of Article 25 of Directive 95/46/EC should be permitted according to Article 26 (d) of the same Directive.***

¹⁹ OJ L 281, 23.11.1995, p. 31.

Amendment

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹. For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent e with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited.

¹⁹ OJ L 281, 23.11.1995, p. 31.

Amendment 53
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹. ***For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited. The fight against money laundering and terrorist financing is recognised as an important public interest ground by all Member States. Hence, in the application of this Regulation, the transfer of personal data to a third country which does not ensure an adequate level of protection in the meaning of Article 25 of Directive 95/46/EC should be permitted according to Article 26 (d) of the same Directive.***

¹⁹ OJ L 281, 23.11.1995, p. 31.

Amendment

(7) The provisions of this Regulation apply without prejudice to national legislation implementing Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data¹⁹ ***and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. For example, personal data collected for the purpose of complying with this Regulation should not be further processed in a way inconsistent with Directive 95/46/EC. In particular, further processing for commercial purposes should be strictly prohibited.***

¹⁹ OJ L 281, 23.11.1995, p. 31.

Or. en

Amendment 54
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The fight against money laundering and terrorist financing is recognised as an important public interest ground by all

Member States which at the same time are fully committed to the protection of civil liberties and fundamental rights, including the rights to privacy, informational self-determination and data protection; Therefore the principles of necessity and proportionality, as set out in Article 8 of the European Convention on Human Rights and Articles 7 and 8 of the Charter of Fundamental Rights of the European Union, are key principles in ensuring effectiveness in the fight against organised crime and terrorism.

Or. en

Amendment 55
Jean-Paul Gauzès

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) It is appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover credit or debit cards, mobile telephones or other digital or information technology (IT) devices, Automated Teller Machine (ATM) withdrawals, payments of taxes, fines or other levies, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, provided that it is always possible to trace the transfer of funds back to the payer. However, there must be no exemption when a debit or credit card, a mobile telephone or other digital or IT prepaid or postpaid device is used in order to effect a person-to-person

Amendment

(9) It is appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover credit or debit cards, mobile telephones or other digital or information technology (IT) devices, Automated Teller Machine (ATM) withdrawals, payments of taxes, fines or other levies, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, provided that it is always possible to trace the transfer of funds back to the payer, ***as well as transfers of funds carried out through cheque image exchanges or bills of exchange.*** However, there must be no exemption when a debit or credit card, a

transfer.

mobile telephone or other digital or IT prepaid or postpaid device is used in order to effect a person-to-person transfer.

Or. fr

Amendment 56

Sven Giegold, Rui Tavares, Judith Sargentini, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) It is appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover credit or debit cards, mobile telephones or other digital or information technology (IT) devices, Automated Teller Machine (ATM) withdrawals, payments of taxes, fines or other levies, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, provided that it is always possible to trace the transfer of funds back to the payer. However, there must be no exemption when a debit or credit card, a mobile telephone or other digital or IT prepaid or postpaid device is used in order to effect a person-to-person transfer.

Amendment

(9) It is appropriate to exclude from the scope of this Regulation transfers of funds that represent a low risk of money laundering or terrorist financing. Such exclusions should cover credit or debit cards, mobile telephones or other digital or information technology (IT) devices, Automated Teller Machine (ATM) withdrawals, payments of taxes, fines or other levies, and transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, provided that it is always possible to trace the transfer of funds back to the payer. However, ***every exemption should be reviewed periodically, and*** there must be no exemption when a debit or credit card, a mobile telephone or other digital or IT prepaid or postpaid device is used in order to effect a person-to-person transfer.

Or. en

Amendment 57 **Slawomir Nitras**

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) In order not to impair the efficiency of payment systems, the verification requirements for transfers of funds made from an account should be separate from those for transfers of funds not made from an account. In order to balance the risk of driving transactions underground by imposing overly strict identification requirements against the potential terrorist threat posed by small transfers of funds, the obligation to check whether the information on the payer is accurate should, in the case of transfers of funds not made from an account, be imposed only in respect of individual transfers of funds that exceed EUR 1 000,. For transfers of funds made from an account, payment service providers should not be required to verify information on the payer accompanying each transfer of funds, where the obligations under Directive [xxxx/yyyy] have been met.

deleted

Or. pl

Justification

From the point of view of operational activities, laying down a threshold for the derogation introduces an unnecessary complexity and may be ineffective. Removing the threshold expands the scope of verified payments under the normal procedure and at the same time ensures more effective monitoring of transactions for money laundering and terrorism financing and facilitates any analytical work by FIUs.

Amendment 58
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) In order to allow the authorities responsible for combating money laundering or terrorist financing in third countries to trace the source of funds used for those purposes, transfers of funds from the Union to outside the Union should carry complete information on the payer and the payee. Those authorities should be granted access to complete information on the payer only for the purposes of preventing, investigating and detecting money laundering or terrorist financing.

Amendment

(12) In order to allow the authorities responsible for combating money laundering or terrorist financing in third countries to trace the source of funds used for those purposes, transfers of funds from the Union to outside the Union should carry complete information on the payer and the payee. **Only** those authorities, **as specifically designated by national law**, should be granted access to complete information on the payer **and** only for the purposes of preventing, investigating and detecting money laundering or terrorist financing. **No other external authorities or parties should have access to the data stored by the payment service providers.**

Or. en

Amendment 59
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 12 a (new)

Text proposed by the Commission

Amendment

(12a) Individuals who have access and are dealing with personal data of the payer of/and the payee shall respect the principles of data protection, confidentiality and security and Member States shall ensure that specific relevant training and guidelines are given to them.

Or. en

Amendment 60
Kyriacos Triantaphyllides

Proposal for a regulation
Recital 12 b (new)

Text proposed by the Commission

Amendment

(12b) The payment service providers of the payer, the payee and the intermediary service providers should have in place appropriate technical and organisational measures to protect personal data against accidental loss, alteration, unauthorised disclosure or access.

Or. en

Justification

The identifier should relate to a chain of transaction, and not just a single transaction. This not to diminish the preventive actions to a single transfer/transaction alone, but to be able to set an unique identifier on the payer or payee as such.

Amendment 61
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) In order to check whether the required information on the payer and the payee accompanies transfers of funds, and to help to identify suspicious transactions, the payment service provider of the payee and the intermediary payment service provider should have effective procedures in place in order to detect whether information on the payer and the payee is missing.

(14) In order to check whether the required information on the payer and the payee accompanies transfers of funds, and to help to identify suspicious transactions, the payment service provider of the payee and the intermediary payment service provider should have effective procedures in place in order to detect whether information on the payer and the payee is missing ***or incomplete, in particular if numerous payment services are involved to improve the traceability of transfers of funds.***

Or. en

Justification

If information is missing and/or incomplete they should have the same default procedure

Amendment 62

Sven Giegold, Rui Tavares, Judith Sargentini

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 15

Text proposed by the Commission

(15) Owing to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk based approach developed by FATF, it is appropriate to identify areas of higher and lower risk with a view to better targeting money laundering and terrorist financing risks. Accordingly, the payment service provider of the payee and the intermediary service provider should establish effective risk-based procedures for cases where a transfer of funds lacks the required payer and payee information, in order to decide whether to execute, reject or suspend that transfer and what appropriate follow-up action to take. Where the payment service provider of the payer is established outside the territory of the Union, enhanced customer due diligence should be applied, in accordance with Directive [xxxx/yyyy], in respect of cross-border correspondent banking relationships with that payment service provider.

Amendment

(15) Owing to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to require payment service providers to request information on the payer and the payee. In line with the risk based approach developed by FATF, it is appropriate to identify areas of higher and lower risk with a view to better targeting money laundering and terrorist financing risks. Accordingly, the payment service provider of the payee and the intermediary service provider should establish effective risk-based procedures ***and individually assess and evaluate risks*** for cases where a transfer of funds lacks ***or are incomplete regarding the information on*** the required payer and payee information, in order to decide whether to execute, reject or suspend that transfer and what appropriate ***anti-abuse measures with view to preventing misuse and which*** follow-up action to take. Where the payment service provider of the payer is established outside the territory of the Union, enhanced customer due diligence should be applied, in accordance with Directive [xxxx/yyyy], in respect of cross-border correspondent banking relationships with that payment service provider.

Or. en

Amendment 63

Sven Giegold, Rui Tavares

on behalf of the Greens/EFA Group

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) The provisions on transfers of funds where information on the payer or the payee is missing or incomplete apply without prejudice to any obligations on payment service providers and the intermediary payment service providers to suspend and/or reject transfers of funds which violate provisions of civil, administrative or criminal law.

Amendment

(17) The provisions on transfers of funds where information on the payer or the payee is missing or incomplete apply without prejudice to any obligations on payment service providers and the intermediary payment service providers to suspend and/or reject transfers of funds which violate provisions of civil, administrative or criminal law. ***The need for identity information on payer or the payee of individuals, legal persons, trusts, foundations, mutual societies, holdings and other similar existing or future legal arrangements is a key factor in tracing criminals who might otherwise hide their identity behind corporate structure.***

Or. en

Amendment 64

Kyriacos Triantaphyllides

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) Since in criminal investigations it may not be possible to identify the data required or the individuals involved until many months, or even years, after the original transfer of funds and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers to

Amendment

(19) Since in criminal investigations it may not be possible to identify the data required or the individuals involved until many months, or even years, after the original transfer of funds and in order to be able to have access to essential evidence in the context of investigations, it is appropriate to require payment service providers to

keep records of information on the payer and the payee for the purposes of preventing, investigating and detecting money laundering or terrorist financing. This period should be limited.

keep records of information on the payer and the payee for the purposes of preventing, investigating and detecting money laundering or terrorist financing. This period should be limited *as information on the payer and/or payee must not be kept longer than strictly necessary, and upon expiry of this period personal data must be deleted.*

Or. en

Amendment 65
Śławomir Nitras

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

(7) ‘transfer of funds’ means any transaction carried out by electronic means on behalf of a payer through a payment service provider, with a view to making funds available to a payee through a payment service provider, irrespective of whether the payer and the payee are the same person;

Amendment

(7) ‘transfer of funds’ means any transaction carried out by electronic means on behalf of a payer through a payment service provider, with a view to making funds available to a payee through a payment service provider, *in particular ‘money remittance services’ and ‘direct debit’ within the meaning of Directive 2007/64/EC*, irrespective of whether the payer and the payee are the same person;

Or. pl

Justification

The definitions should be harmonised with those in Directive 2007/64/EC. There is a need for clarity as to the meaning of ‘transfer of funds’ because it is not defined in the Payment Services Directive (2007/64/EC). If the purpose of the Regulation is to cover as broad a range of functionally similar transfers as possible, then it should include a reference to the definition in Directive 2007/64/EC.

Amendment 66
Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

(9) ‘unique **transaction** identifier’ means a combination of letters or symbols determined by the payment service provider, in accordance with the protocols of the payment and settlement systems or messaging systems used for the fund transfer, which permits traceability of the transaction back to the payer and the payee;

Amendment

(9) ‘unique identifier’ means a combination of letters, **numbers and/or** symbols determined by the payment service provider, in accordance with the protocols of the payment and settlement systems or messaging systems used for the fund transfer, which permits traceability of the transaction back to the payer and the payee;

Or. en

Amendment 67
Judith Sargentini, Rui Tavares, Sven Giegold

Proposal for a regulation
Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Data protection

1. With regard to the processing of personal data within the framework of this Regulation, payment service providers shall carry out their tasks for the purposes of this Regulation in accordance with national law implementing Directive 95/46/EC.

2. Payment service providers shall ensure that data retained under this Regulation is used only for the purposes described herein and in no case for commercial purposes.

3. Data protection authorities shall have powers, including the indirect access powers, to investigate, either ex officio or based on a complaint, any claims as regards problems with personal data processing. This should include

particularly access to the data file at the payment service provider and competent national authorities.

Or. en

Amendment 68
Slawomir Nitras

Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

This Regulation shall not apply to transfers of funds carried out using a credit or debit card, or a mobile telephone or any other digital or information technology (IT) device, where the following conditions are fulfilled:

Amendment

This Regulation shall not apply to transfers of funds carried out using a credit or debit card, or a mobile telephone or any other digital or information technology (IT) device *defined in Directive 2013/0264*, where the following conditions are fulfilled:

Or. pl

Amendment 69
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 3 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) the card or device is used to pay goods and services;

Amendment

deleted

Or. en

Amendment 70
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) the **number** of the **abovementioned** card or device accompanies all transfers flowing from the transaction.

Amendment

(b) the **unique identifier** of the **holder of the** card or device accompanies all transfers flowing from the transaction.

Or. en

Amendment 71

Sven Giegold, Rui Tavares, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, this Regulation shall apply when a credit or debit card, or a mobile telephone, or any other digital or IT device is used in order to effect a person-to-person transfer of funds.

Amendment

However, this Regulation shall apply when a credit or debit card, or a mobile telephone, **e-money** or any other digital or IT **prepaid or postpaid** device is used in order to effect a person-to-person transfer of funds.

Or. en

Justification

Corresponding to Recital 9, but omitted in the article, the amendment makes the scope more complete and the regulation as such more coherent

Amendment 72

Śławomir Nitras

Proposal for a regulation

Article 3 – paragraph 2 – subparagraph 2

Text proposed by the Commission

However, this Regulation shall apply when a credit or debit card, or a mobile

Amendment

However, this Regulation shall apply when a credit or debit card, or a mobile

telephone, or any other digital or IT device is used in order to effect a person-to-person transfer of funds.

telephone, or any other digital or IT device is used in order to effect a person-to-person transfer of funds. ***The Regulation shall also apply in every case to transactions in which at least one party to the transaction is a consumer.***

Or. pl

Amendment 73
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) the payer's account number, where such an account is used to process the transfer of funds, or a unique ***transaction*** identifier where no such account is used for that purpose;

Amendment

(b) the payer's account number, where such an account is used to process the transfer of funds, or a unique identifier where no such account is used for that purpose;

Or. en

Amendment 74
Kyriacos Triantaphyllides

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) the payer's address, or ***national identity number, or*** customer identification number, or date and place of birth.

Amendment

(c) the payer's address, or customer identification number, or date and place of birth.

Or. en

Amendment 75
Sophia in 't Veld

Proposal for a regulation
Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) the payer's address, **or national identity number, or** customer identification number, or date and place of birth.

Amendment

(c) the payer's address, customer identification number, or date and place of birth.

Or. en

Amendment 76
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Before transferring the funds, the payment service provider of the payer shall verify the accuracy of the information referred in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source.

Amendment

3. Before transferring the funds, the payment service provider of the payer shall verify the accuracy of the **complete** information referred in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source.

Or. en

Amendment 77
Mojca Kleva Kekuš

Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

3. Before transferring the funds, the payment service provider of the payer shall verify the accuracy of the information referred in paragraph 1 on the basis of documents, data or information obtained

Amendment

3. Before transferring the funds, the payment service provider of the payer shall **apply customer due diligence measures in accordance with Directive (xxxx/yyyy) and** verify the accuracy of the information

from a reliable and independent source.

referred in paragraph 1 on the basis of documents, data or information obtained from a reliable and independent source.

Or. en

Amendment 78
Slawomir Nitras

Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. However, by way of derogation from paragraph 3, in the case of transfers of funds not made from an account, the payment service provider of the payer shall not verify the information referred to in paragraph 1 if the amount does not exceed EUR 1 000 and it does not appear to be linked to other transfers of funds which, together with the transfer in question, exceed EUR 1 000.

deleted

Or. pl

Justification

From the point of view of operational activities, laying down a threshold for the derogation from paragraph 3 introduces an unnecessary complexity and may be ineffective. Removing the threshold expands the scope of verified payments under the normal procedure and at the same time ensures more effective monitoring of transactions for money laundering and terrorism financing and facilitates any analytical work by FIUs.

Amendment 79
Jean-Paul Gauzès

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Transfers of funds within the Union

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the account number of the payer or his unique transaction identifier shall be provided at the time of the transfer of funds.

2. Notwithstanding paragraph 1, the payment service provider of the payer shall, upon request from the payment service provider of the payee or the intermediary payment service provider, make available the information on the payer or the payee in accordance with Article 4, within three working days of receiving that request.

Or. fr

Amendment 80
Sylvie Goulard

Proposal for a regulation
Article 5

Text proposed by the Commission

Amendment

Article 5

deleted

Transfers of funds within the Union

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the account number of the payer or his unique transaction identifier shall be provided at the time of the transfer of funds.

2. Notwithstanding paragraph 1, the payment service provider of the payer shall, upon request from the payment service provider of the payee or the intermediary payment service provider,

make available the information on the payer or the payee in accordance with Article 4, within three working days of receiving that request.

Or. fr

Amendment 81
Mojca Kleva Kekuš

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the account number of the payer or *his* unique transaction identifier shall be provided at the time of the transfer of funds.

Amendment

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the account number of the payer or *the* unique transaction identifier shall be provided at the time of the transfer of funds.

Or. en

Amendment 82
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, *only the* account number of the payer or his unique *transaction* identifier shall be provided at the time of the transfer of funds.

Amendment

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, *the name and* account number of the payer or his unique identifier shall be provided at the time of the transfer of funds.

Or. en

Justification

In view of the expressed objective of the proposal; improving the traceability of payments and access to basic information, the basic information is the name together with the account number or the unique identifier and should always be exposed. The combination gives more accurate information, and should be revealed together for efficiency and accuracy from the service provider.

Amendment 83 **Slawomir Nitras**

Proposal for a regulation **Article 5 – paragraph 1**

Text proposed by the Commission

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the account number of the payer or his unique transaction identifier shall be provided at the time of the transfer of funds.

Amendment

1. By way of derogation from Article 4(1) and (2), where the payment service provider(s) of both the payer and the payee are established in the Union, only the **full name of the principal and the** account number of the payer or his unique transaction identifier shall be provided at the time of the transfer of funds.

Or. pl

Justification

The scope of information required should be expanded. It is not desirable to have a situation where banks, obtaining from other banks only account numbers or unique transaction identifiers, are unable to verify the sender of a transfer, which is important in the context of the Regulation's objectives. The original record allows the sender's bank to provide information about the principal, but this rarely happens because a fee needs to be paid for a query in SWIFT.

Amendment 84 **Slawomir Nitras**

Proposal for a regulation **Article 5 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1a. A derogation from paragraph 1 shall only be applicable in the case of a transfer of funds in the currency of one of the Member States.

Or. pl

Amendment 85
Jean-Paul Gauzès

Proposal for a regulation
Article 6 – title

Text proposed by the Commission

Amendment

Transfers of funds to outside the Union

Transfers of funds ***within the Union and*** to outside the Union

Or. fr

Amendment 86
Sylvie Goulard

Proposal for a regulation
Article 6 – title

Text proposed by the Commission

Amendment

Transfers of funds to outside the Union

Transfers of funds ***within the Union and*** to outside the Union

Or. fr

Amendment 87
Jean-Paul Gauzès

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the account number of the payer or his unique transaction identifier.

Amendment

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established ***within the Union or*** outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the account number of the payer or his unique transaction identifier.

Or. fr

Amendment 88
Sylvie Goulard

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the account number of the payer or his unique transaction identifier.

Amendment

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established ***within the Union or*** outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the account number of the payer or his unique transaction identifier.

Or. fr

Amendment 89
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the account number of the payer or his unique *transaction* identifier.

Amendment

1. In the case of batch file transfers from a single payer where the payment service providers of the payees are established outside the Union, Article 4(1) and (2) shall not apply to the individual transfers bundled together therein, provided that the batch file contains the information referred to in that Article and that the individual transfers carry the *name and* account number of the payer or his unique identifier.

Or. en

Amendment 90
Slawomir Nitras

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied only by:

(a) the name of the payer;

(b) the name of the payee;

(c) the account number of both the payer and the payee or the unique transaction identifier.

This information need not be verified for accuracy, unless there is a suspicion of money laundering or terrorist financing.

Amendment

deleted

Or. pl

Justification

From the point of view of operational activities, laying down a threshold for the limited information requirement introduces an unnecessary complexity and may be ineffective. Removing the threshold expands the scope of verified payments under the normal procedure and at the same time ensures more effective monitoring of transactions for money laundering and terrorism financing and facilitates any analytical work by FIUs.

Amendment 91 **Jean-Paul Gauzès**

Proposal for a regulation **Article 6 – paragraph 2 – subparagraph 1 – introductory part**

Text proposed by the Commission

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied only by:

Amendment

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established ***within the Union or*** outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied only by:

Or. fr

Amendment 92 **Sylvie Goulard**

Proposal for a regulation **Article 6 – paragraph 2 – subparagraph 1 – introductory part**

Text proposed by the Commission

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied only by:

Amendment

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established ***within the Union or*** outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied only by:

Or. fr

Amendment 93

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied **only** by:

Amendment

By way of derogation from Article 4(1) and (2), where the payment service provider of the payee is established outside the Union, transfers of funds amounting to EUR 1 000 or less shall be accompanied by:

Or. en

Amendment 94

Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 6 – paragraph 2 – subparagraph 1 – point c

Text proposed by the Commission

(c) the account number of both the payer and the payee or **the** unique **transaction** identifier.

Amendment

(c) the account number of both the payer and the payee or **their** unique identifier.

Or. en

Amendment 95

Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The payment service provider of the payee shall detect whether the fields

Amendment

1. The payment service provider of the payee shall detect whether the fields

relating to the information on the payer and the payee in the messaging system or the payment and settlement system used to effect the transfer of funds, have been filled in using the characters or inputs admissible within the conventions of that system.

relating to the information on the payer and the payee in the messaging system or the payment and settlement system used to effect the transfer of funds, have been filled in using the characters or inputs admissible *to the internal risk-based established anti-abuse procedures* within the conventions of that system.

Or. en

Amendment 96
Jean-Paul Gauzès

Proposal for a regulation
Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) for transfers of funds where the payment service provider of the payer is established in the Union, the information required under Article 5;

deleted

Or. fr

Amendment 97
Sylvie Goulard

Proposal for a regulation
Article 7 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) for transfers of funds where the payment service provider of the payer is established in the Union, the information required under Article 5;

deleted

Or. fr

Amendment 98
Jean-Paul Gauzès

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) for transfers of funds where the payment service provider of the payer is established outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) and where applicable, the information required under Article 14;

Amendment

(b) for transfers of funds where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) and where applicable, the information required under Article 14;

Or. fr

Amendment 99
Sylvie Goulard

Proposal for a regulation
Article 7 – paragraph 2 – point b

Text proposed by the Commission

(b) for transfers of funds where the payment service provider of the payer is established outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) and where applicable, the information required under Article 14;

Amendment

(b) for transfers of funds where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) and where applicable, the information required under Article 14;

Or. fr

Amendment 100
Jean-Paul Gauzès

Proposal for a regulation
Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) for batch file transfers, where the payment service provider of the payer is established outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Amendment

(c) for batch file transfers, where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Or. fr

Amendment 101

Sylvie Goulard

Proposal for a regulation

Article 7 – paragraph 2 – point c

Text proposed by the Commission

(c) for batch file transfers, where the payment service provider of the payer is established outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Amendment

(c) for batch file transfers, where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Or. fr

Amendment 102

Jean-Paul Gauzès

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. For transfers of funds amounting to more than EUR 1 000, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment

3. For transfers of funds amounting to more than EUR 1 000, where the payment service provider of the payer is established ***within the Union or*** outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment 103
Sylvie Goulard

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. For transfers of funds amounting to more than EUR 1 000, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment

3. For transfers of funds amounting to more than EUR 1 000, where the payment service provider of the payer is established ***within the Union or*** outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment 104
Ślawomir Nitras

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. For transfers of funds ***amounting to more than EUR 1 000***, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment

3. For transfers of funds where the payment service provider of the payer is established outside the Union, the payment service provider of the payee shall verify the identity of the payee if his or her identity has not already been verified.

Amendment 105
Ślawomir Nitras

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. For transfers amounting to EUR 1 000 or less, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee need not verify the information pertaining to the payee, unless there is a suspicion of money laundering or terrorist financing.

deleted

Or. pl

Amendment 106
Jean-Paul Gauzès

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. For transfers amounting to EUR 1 000 or less, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee need not verify the information pertaining to the payee, unless there is a suspicion of money laundering or terrorist financing.

4. For transfers amounting to EUR 1 000 or less, where the payment service provider of the payer is established ***within the Union*** ***or*** outside the Union, the payment service provider of the payee need not verify the information pertaining to the payee, unless there is a suspicion of money laundering or terrorist financing.

Or. fr

Amendment 107
Sylvie Goulard

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. For transfers amounting to EUR 1 000 or

4. For transfers amounting to EUR 1 000 or

less, where the payment service provider of the payer is established outside the Union, the payment service provider of the payee need not verify the information pertaining to the payee, unless there is a suspicion of money laundering or terrorist financing.

less, where the payment service provider of the payer is established *within the Union or* outside the Union, the payment service provider of the payee need not verify the information pertaining to the payee, unless there is a suspicion of money laundering or terrorist financing.

Or. fr

Amendment 108

Sven Giegold, Rui Tavares

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The payment service provider of the payee shall establish effective risk-based procedures for determining when to execute, reject or suspend a transfer of funds lacking the required payer and payee information and the appropriate follow up action.

Amendment

The payment service provider of the payee shall establish effective risk-based procedures for determining when to execute, reject or suspend a transfer of funds lacking the required *complete* payer and payee information and the appropriate follow up action.

Or. en

Amendment 109

Sven Giegold, Rui Tavares, Judith Sargentini

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

If the payment service provider of the payee *becomes aware*, when receiving transfers of funds, that information on the payer and the payee required under Articles 4(1) and (2), 5(1) and 6 is missing *or* incomplete, it shall *either* reject the

Amendment

The payment service provider of the payee, when receiving transfers of funds, *need to make the necessary inquiries* that information on the payer and the payee required under Articles 4(1) and (2), 5(1) and 6 is *not* missing *nor* incomplete. *If not*

transfer **or** ask for complete information on the payer and the payee.

completed, it shall reject the transfer **and** ask for complete information on the payer and the payee **to proceed the transfer**.

Or. en

Justification

Technical change. Consistency with Art 12; incomplete or missing information have the same procedure

Amendment 110
Emine Bozkurt

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In any event, the payment service provider of the payer and the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular Directive (xxxx/yyyy), Regulation (EC) No 2580/2001 and Regulation (EC) No 881/2002.

Or. en

Amendment 111
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Where a payment service provider regularly fails to supply the required information on the payer, the payment service provider of the payee shall take

Where a payment service provider regularly fails to supply the required **complete** information on the payer, the payment service provider of the payee shall

steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider or deciding whether or not to restrict or terminate its business relationship with that payment service provider.

take steps, which may initially include the issuing of warnings and setting of deadlines, before either rejecting any future transfers of funds from that payment service provider or deciding whether or not to restrict or terminate its business relationship with that payment service provider.

Or. en

Amendment 112

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation **Article 9 – paragraph 1**

Text proposed by the Commission

The payment service provider of the payee shall consider missing or incomplete information on the payer and the payee as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported to the Financial Intelligence Unit.

Amendment

The payment service provider of the payee shall ***according to the payment service providers risk-based procedures*** consider missing or incomplete information on the payer and the payee as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported to the Financial Intelligence Unit.

Or. en

Amendment 113

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation **Article 11 – paragraph 2 – introductory part**

Text proposed by the Commission

2. The intermediary payment service provider shall have effective procedures in place in order to detect whether the

Amendment

2. The intermediary payment service provider shall have effective procedures in place in order to detect whether the

following information on the payer and the payee is missing:

following information on the payer and the payee is missing *or incomplete*:

Or. en

Justification

Technical change. Consistency with Art 12. ; incomplete or missing information have the same procedure

Amendment 114
Jean-Paul Gauzès

Proposal for a regulation
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) for transfers of funds where the payment service provider of the payer is established in the Union, the information required under Article 5;

deleted

Or. fr

Amendment 115
Sylvie Goulard

Proposal for a regulation
Article 11 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) for transfers of funds where the payment service provider of the payer is established in the Union, the information required under Article 5;

deleted

Or. fr

Amendment 116
Jean-Paul Gauzès

Proposal for a regulation
Article 11 – paragraph 2 – point b

Text proposed by the Commission

(b) for transfers of funds where the payment service provider of the payer is established outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) or, where applicable, the information required under Article 14;

Amendment

(b) for transfers of funds where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) or, where applicable, the information required under Article 14;

Or. fr

Amendment 117
Sylvie Goulard

Proposal for a regulation
Article 11 – paragraph 2 – point b

Text proposed by the Commission

(b) for transfers of funds where the payment service provider of the payer is established outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) or, where applicable, the information required under Article 14;

Amendment

(b) for transfers of funds where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information on the payer and the payee referred to in Article 4(1) and (2) or, where applicable, the information required under Article 14;

Or. fr

Amendment 118
Jean-Paul Gauzès

Proposal for a regulation
Article 11 – paragraph 2 – point c

Text proposed by the Commission

(c) for batch file transfers, where the payment service provider of the payer is

Amendment

(c) for batch file transfers, where the payment service provider of the payer is

established outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

established ***within the Union or*** outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Or. fr

Amendment 119
Sylvie Goulard

Proposal for a regulation
Article 11 – paragraph 2 – point c

Text proposed by the Commission

(c) for batch file transfers, where the payment service provider of the payer is established outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Amendment

(c) for batch file transfers, where the payment service provider of the payer is established ***within the Union or*** outside the Union, the information referred to in Article 4(1) and (2) in respect of the batch file transfer.

Or. fr

Amendment 120
Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The intermediary payment service provider shall establish effective risk-based procedures for determining when to execute, reject or suspend a transfer of funds lacking the required payer and payee information and the appropriate follow up action.

Amendment

The intermediary payment service provider shall establish effective risk-based procedures for determining when to execute, reject or suspend a transfer ***that are incomplete or transfer*** of funds lacking the required payer and payee information and ***have in place*** the appropriate follow up action.

Or. en

Amendment 121

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

The intermediary payment service provider shall consider missing or incomplete information on the payer and the payee as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, **and** whether it must be reported to the Financial Intelligence Unit.

Amendment

The intermediary payment service provider shall ***in compliance with its risk-based procedures*** consider missing or incomplete information on the payer and the payee as a ***default*** factor ***and*** in assessing whether the transfer of funds, or any related transaction, is suspicious, whether it must be reported to the Financial Intelligence Unit.

Or. en

Amendment 122

Sven Giegold, Rui Tavares, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 15 – title

Text proposed by the Commission

Cooperation obligations

Amendment

Cooperation obligations ***and equivalence***

Or. en

Amendment 123

Kyriacos Triantaphyllides

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Payment service providers shall respond fully and without delay, in accordance with

Amendment

Payment service providers shall respond fully and without delay, in accordance with

the procedural requirements established in the national law of the Member State in which they are established, to enquiries from the authorities responsible for combating money laundering or terrorist financing of that Member State concerning the information required under this Regulation.

the procedural requirements established in the national law of the Member State in which they are established, ***only*** to enquiries from the authorities responsible for combating money laundering or terrorist financing of that Member State ***as designated under national law***, concerning the information required under this Regulation. ***No other external authorities or parties shall have access to the data stored by the payment service providers.***

Or. en

Amendment 124
Slawomir Nitras

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

Payment service providers shall respond fully and without delay, in accordance with the procedural requirements established in the national law of the Member State in which they are established, to enquiries from the authorities responsible for combating money laundering or terrorist financing of that Member State concerning the information required under this Regulation.

Amendment

Payment service providers ***and intermediary payment service providers*** shall respond fully and without delay, in accordance with the procedural requirements established in the national law of the Member State in which they are established, to enquiries from the authorities responsible for combating money laundering or terrorist financing of that Member State concerning the information required under this Regulation.

Or. pl

Amendment 125
Sven Giegold, Rui Tavares, Judith Sargentini, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Payment service providers established in the Union shall apply this regulation with regard to their subsidiaries and branches operating in jurisdictions outside the Union that are not deemed equivalent.

The Commission shall be empowered to adopt delegated acts in accordance with Article 22a concerning the recognition of the legal and supervisory framework of jurisdictions outside the Union as equivalent to the requirements of this Regulation.

Or. en

**Amendment 126
Sophia in 't Veld**

**Proposal for a regulation
Article 15 a (new)**

Text proposed by the Commission

Amendment

Article 15a

Transfer of personal data to third countries or international organisations

The transfer of personal data to a third country, or to an international organisation, which does not ensure an adequate level of protection in the meaning of Article 25 of Directive 95/46/EC, may take place only if:

- appropriate data protection measures and safeguards are put in place, and;***
- the supervisory authority has, after an assessment of these measure and safeguards, given prior authorisation for the transfer.***

Or. en

Amendment 127
Sophia in 't Veld

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

The payment service provider of the payer and the payment service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for **five** years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for **five** years. Upon expiry of this period, personal data must be deleted, unless otherwise provided for by national law, which shall determine under which circumstances payment service providers may or shall further retain data. Member States may allow or require further retention only if necessary for the prevention, detection or investigation of money laundering and terrorist financing. ***The maximum retention period following carrying-out of the transfer of funds shall not exceed ten*** years.

Amendment

The payment service provider of the payer and the payment service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for **two** years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for **two** years. Upon expiry of this period, personal data must be deleted, unless otherwise provided for by national law, which shall determine under which circumstances payment service providers may or shall further retain data. Member States may allow or require further retention only if necessary for the prevention, detection or investigation of money laundering and terrorist financing ***and if the extension of the data retention period is justified on a case by case basis. The maximum extension of the retention period is five additional*** years.

Or. en

Amendment 128
Kyriacos Triantaphyllides

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

The payment service provider of the payer and the payment service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for five

Amendment

Information on the payer or/and the payee must not be kept any longer than strictly necessary; The payment service provider of the payer and the payment

years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for five years. Upon expiry of this period, personal data must be deleted, ***unless otherwise provided for by national law, which shall determine under which circumstances payment service providers may or shall further retain data. Member States may allow or require further retention only*** if necessary for the prevention, detection or investigation of money laundering and terrorist financing. The maximum retention period following carrying-out of the transfer of funds shall not exceed ten years.

service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for ***a maximum period of*** five years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for five years. Upon expiry of this period, personal data must be deleted. ***Member States may allow or require further retention only in exceptional situations which are duly justified and motivated and only*** if necessary for the prevention, detection or investigation of money laundering and terrorist financing. The maximum retention period following carrying-out of the transfer of funds shall not exceed ten years.

Or. en

Amendment 129

Sven Giegold, Rui Tavares

on behalf of the Greens/EFA Group

Proposal for a regulation

Article 16 – paragraph 1

Text proposed by the Commission

The payment service provider of the payer and the payment service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for five years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for five years. Upon expiry of this period, personal data must be deleted, unless otherwise provided for by national law, which shall determine under which circumstances payment service providers may or shall further retain data. Member States may allow or require further retention only if necessary for the prevention, detection or investigation of money laundering and terrorist financing.

Amendment

The payment service provider of the payer and the payment service provider of the payee shall keep records of the information referred to in Articles 4, 5, 6 and 7 for five years. In the cases referred to in Article 14(2) and (3), the intermediary payment service provider must keep records of all information received for five years. Upon expiry of this period, personal data must be deleted, unless otherwise provided for by national law, which shall determine under which circumstances payment service providers may or shall further retain data. Member States may allow or require further retention only if necessary for the prevention, detection or investigation of money laundering and terrorist financing.

The maximum retention period following carrying-out of the transfer of funds shall not exceed ten years.

The maximum retention period following carrying-out of the transfer of funds shall not exceed ten years ***and the storage of personal data shall comply with national law implementing Directive 95/46/EC***

Or. en

Amendment 130
Kyriacos Triantaphyllides

Proposal for a regulation
Article 16 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The payments service providers of the payer, the payee and the intermediary service providers, shall have in place appropriate technical and organizational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access.

Or. en

Amendment 131
Kyriacos Triantaphyllides

Proposal for a regulation
Article 16 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The information collected on the payer and/or the payee by the payment service providers of the payer, the payee and the intermediary payment service providers, shall be deleted following the expiry of the retention period.

Or. en

Amendment 132
Kyriacos Triantaphyllides

Proposal for a regulation
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Data confidentiality and security

Information on the payer and the payee and the information collected for the purposes of this Regulation, shall only be accessible to designated persons, as specified in national law. Individuals who have access to and are dealing with personal data of the payer or/and the payee, shall respect the confidentiality of the data processes as well as the data protection requirements. Member States shall ensure that a specific data protection training is given to individuals who regularly collect and/or process personal data and that relevant guidelines will be available, accessible and given to these individuals.

Or. en

Amendment 133
Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) repeated non-inclusion of required information on the payer and payee, in breach of Articles 4, 5 and 6;

(a) repeated non-inclusion of required information on the payer and payee ***by any payment service provider***, in breach of Articles 4, 5 and 6;

Amendment 134
Slawomir Nitras

Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

(a) repeated non-inclusion of required information on the payer and payee, in breach of Articles 4, 5 and 6;

Amendment

(a) repeated non-inclusion **by payment service providers** of required information on the payer and payee, in breach of Articles 4, 5 and 6;

Or. pl

Amendment 135
Slawomir Nitras

Proposal for a regulation
Article 18 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) serious failure by intermediary payment service providers to comply with obligations under Articles 11 and 12;

Or. pl

Amendment 136
Rui Tavares, Judith Sargentini

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

Administrative sanctions and measures imposed in the cases referred to in Articles 17 and 18(1) shall be published without

Amendment

The competent authorities shall publish administrative sanctions and measures imposed in the cases referred to in Articles

undue delay including information on the type and nature of the breach and the identity of persons responsible for it, unless such publication would seriously jeopardise the stability of financial markets.

17 and 18(1) shall be published without undue delay including information on the type and nature of the breach and the identity of persons responsible for it, unless such publication would seriously jeopardise the stability of financial markets ***if necessary and proportionate after a case by case evaluation.***

Or. en

Amendment 137

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation **Article 19 – paragraph 2**

Text proposed by the Commission

Amendment

Where publication would cause a disproportionate damage to the parties involved, competent authorities shall publish the sanctions on an anonymous basis.

deleted

Or. en

Amendment 138 **Śławomir Nitras**

Proposal for a regulation **Article 20 – paragraph 1 – point g a (new)**

Text proposed by the Commission

Amendment

(ga) in the case of administrative sanctions imposed on credit institutions defined in accordance with Regulation 2011/0202, the stability of the financial system must be taken into account when determining the level of sanctions;

Or. pl

Justification

If there is no requirement to limit the potential level of sanctions in the case of banks, they could, in extreme cases, have an impact on the stability of the financial system (the provisions of the regulation do not lay down rules limiting the level of possible sanctions).

Amendment 139

Rui Tavares, Judith Sargentini

Proposal for a regulation

Article 21 – paragraph 1

Text proposed by the Commission

1. Member States shall establish effective mechanisms to encourage reporting of breaches of the provisions of this Regulation to competent authorities.

Amendment

1. Member States shall establish effective mechanisms to encourage reporting of breaches of the provisions of this Regulation to competent authorities.
Appropriate technical and organizational measures shall be implemented to protect data against accidental or unlawful destruction, accidental loss, alteration, or unlawful disclosure.

Or. en

Amendment 140

Sven Giegold, Rui Tavares, Judith Sargentini
on behalf of the Greens/EFA Group

Proposal for a regulation

Article 21 – paragraph 2 – point b

Text proposed by the Commission

(b) appropriate protection for persons who report potential or actual breaches;

Amendment

(b) appropriate protection for ***whistleblowers and*** persons who report potential or actual breaches;

Or. en

Amendment 141

Kyriacos Triantaphyllides

Proposal for a regulation
Article 21 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) appropriate technical and organizational measures to protect personal data against accidental or unlawful destruction or accidental loss, alteration, unauthorized disclosure or access.

Or. en

Amendment 142
Sven Giegold, Rui Tavares
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 21 – paragraph 3

Text proposed by the Commission

Amendment

3. The payment service providers shall establish appropriate procedures for their employees to report breaches internally through a ***specific*** channel.

3. The payment service providers ***in cooperation with the competent authorities*** shall establish ***internal*** appropriate procedures for their employees to report breaches internally through a ***secure*** channel.

Or. en

Amendment 143
Sven Giegold, Rui Tavares, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a
Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 15(1a) shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 26.

3. The delegation of power referred to in Article 15(1a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of that decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 15(1a) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 144
Mojca Kleva Kekuš

Proposal for a regulation
Article 24 – title

Text proposed by the Commission

Agreements with territories or countries mentioned in Article 355 of the Treaty

Amendment

Agreements with territories or countries **not** mentioned in Article 355 of the Treaty

Or. en

Amendment 145
Sven Giegold, Rui Tavares, Eva Joly
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Commission may authorise any Member State to conclude agreements with a country or territory which does not form part of the territory of the Union mentioned in Article 355 of the Treaty, which contain derogations from this Regulation, in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

Amendment

Without prejudice to Article 15(1a), the Commission may, ***in cases of attested equivalence***, authorise any Member State to conclude agreements with a country or territory which does not form part of the territory of the Union mentioned in Article 355 of the Treaty, which contain derogations from this Regulation, in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

Or. en