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

2013/0025(COD)

11.12.2013

AMENDMENTS
414 - 547

Draft report
Krišjānis Kariņš, Judith Sargentini
(PE523.003v01-00)

on the proposal for a directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing

Proposal for a directive
(COM(2013)0045 – C7-0032/2013 – 2013/0025(COD))

AM_Com_LegReport

Amendment 414
Sharon Bowles, Bill Newton Dunn, Olle Schmidt

Proposal for a directive
Article 31 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. The persons referred to in Article 2(1)(3)(a), (b), and (d), shall inform the FIU and / or appropriate self-regulatory body of the profession concerned, as detailed in Article 33(1), if they suspect, or have reasonable grounds to suspect that their services are being misused for the purpose of criminal activity, in particular, that which is defined in Article 3 (4), and aggressive tax avoidance.

Or. en

Justification

Auditors, tax advisors and lawyers, in particular, have a duty of care to ensure that their services do not facilitate tax crimes or aggressive tax avoidance and should inform the appropriate competent authority of any suspicious activity where necessary.

Amendment 415
Sven Giegold, Rui Tavares

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with	3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with

adequate resources in order to fulfil its tasks.	adequate resources in order to fulfil its tasks. ***When, within a FIU, more than one unit is competent to carry out official controls, efficient and effective coordination and cooperation shall be ensured between the different units.*** ***When a Member State confers the competence to carry out official controls on a FIU or FIUs other than a central FIU, in particular those at regional or local level, efficient and effective coordination shall be ensured between all FIUs involved***

Or. en

Justification

Equivalent to Regulation (EC) 882/2004

Amendment 416
Judith Sargentini

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential*** money laundering ***or*** associated predicate offences***, potential*** terrorist financing ***or are required by national legislation or regulation***. The FIU shall be provided with adequate resources in order to fulfil its tasks.	3. The FIU shall be established as ***an operationally independent and autonomous*** central national unit. It shall be responsible for receiving and ***analysing suspicious transaction reports and other information relevant to potential money laundering, associated predicate offences or potential terrorist financing. The FIU shall be responsible for*** disseminating ***the results of its analysis to all*** competent authorities, ***when there are grounds to suspect*** money laundering***,*** associated predicate offences ***or*** terrorist financing***. It shall be able to obtain relevant additional information from obliged entities***. The FIU shall be provided with adequate

financial, technical and human resources in order to fulfil its tasks. ***Member States shall ensure that the FIU is free from undue interference.***

Or. en

Amendment 417
Ana Gomes

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.	3. The FIU 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 concern potential money laundering or associated predicate offences, ***including tax crimes,*** potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate ***financial, technical and human*** resources in order to fulfil its tasks. ***Member States shall ensure that the FIU is free from undue interference.***

Or. en

Amendment 418
Cecilia Wikström

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU shall be established as a central national unit. It shall be responsible for receiving (and to the extent permitted,	3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.

requesting), analysing and disseminating to the competent authorities, disclosures of information which concern potential money laundering or associated predicate offences, ***including tax crimes,*** potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate ***financial, technical and human*** resources in order to fulfil its tasks. ***Member States shall ensure that the FIU is free from undue interference.***

Or. en

Amendment 419
Jürgen Klute

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission

3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.

Amendment

3. The FIU 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 concern potential money laundering or associated predicate offences, ***including tax crimes,*** potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate ***financial, technical and human*** resources in order to fulfil its tasks. ***Member States shall ensure that the FIU is free from undue interference.***

Or. en

Amendment 420
Monica Luisa Macovei, Véronique Mathieu Houillon

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.	3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate ***financial, technical and human*** resources in order to fulfil its tasks. ***Member States shall ensure that the FIU is free from undue interference.***

Or. en

Amendment 421
Graham Watson

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.	3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. The FIU shall be provided with adequate ***financial, human, and technical*** resources in order to fulfil its tasks.

Or. en

Amendment 422
Emine Bozkurt

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. ***The FIU*** shall ***be*** provided with adequate resources in order to fulfil its tasks.	3. The FIU 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 concern potential money laundering or associated predicate offences, potential terrorist financing or are required by national legislation or regulation. ***Member States*** shall ***ensure that the FIU is*** provided with adequate ***financial and human*** resources in order to fulfil its tasks.

Or. en

Amendment 423
Cornelis de Jong

Proposal for a directive
Article 31 – paragraph 3

Text proposed by the Commission	*Amendment*
3. The FIU 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 ***concern*** potential money laundering or associated predicate offences, potential terrorist financing ***or are*** required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.	3. The FIU shall be established as ***an operationally independent*** central national unit. It shall be responsible for receiving (and to the extent permitted, requesting), analysing ***suspicious transaction reports and other*** information which ***concerns*** potential money laundering or associated predicate offences, ***including tax crimes or,*** potential terrorist financing***, as*** required by national legislation or regulation. The FIU shall be provided with adequate resources in order to fulfil its tasks.

Or. en

Amendment 424
Cornelis de Jong

Proposal for a directive
Article 31 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall ensure that the FIU has access, directly or indirectly, on a timely basis, to the financial, administrative and law enforcement information that it requires to properly fulfil its tasks. In addition, FIUs shall respond to requests for information by law enforcement authorities in their Member State unless there are factual reasons to assume that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where divulgation of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested.	4. Member States shall ensure that the FIU has access, directly or indirectly, on a timely basis, to the financial, administrative and law enforcement information that it requires to properly fulfil its tasks. In addition, FIUs shall respond to requests for information by law enforcement authorities in their Member State unless there are factual reasons to assume that the provision of such information would have a negative impact on ongoing investigations or analyses, or, in exceptional circumstances, where divulgation of the information would be clearly disproportionate to the legitimate interests of a natural or legal person or irrelevant with regard to the purposes for which it has been requested. ***Member States shall require law enforcement authorities to provide feedback to the FIU about the use made of the information provided.***

Or. en

Amendment 425
Sven Giegold, Rui Tavares

Proposal for a directive
Article 31 – paragraph 5

Text proposed by the Commission	*Amendment*
5. Member States shall ensure that the FIU is empowered to take urgent action, either directly or indirectly, when there is a	5. Member States shall ensure that the FIU is empowered to take urgent action, either directly or indirectly, when there is a

suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion.	suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction going ahead in order to analyse the transaction and confirm the suspicion. ***Member States shall ensure that FIUs have the legal powers to carry out official controls and to take the measures provided for in this Directive.***

Or. en

Amendment 426
Sven Giegold, Rui Tavares

Proposal for a directive
Article 31 – paragraph 6 a (new)

Text proposed by the Commission	*Amendment*
	6a. 1.The FIUs shall ensure:
	(a) the effectiveness and appropriateness of official controls on the implementation of the rules laid down in the Directive;
	(b) that staff carrying out official controls are free from any conflict of interest;
	(c) that they have, or have access to, a sufficient number of suitably qualified and experienced staff so that official controls can be carried out efficiently and effectively;
	(d) that they have appropriate and properly maintained facilities and equipment to ensure that staff can perform official controls efficiently and effectively;
	2. FIUs shall ensure the impartiality, quality and consistency of official controls at all levels. The criteria listed in paragraph 1 must be fully respected by every FIU on which the competence to carry out official controls is conferred.

Or. en

Justification

Equivalent to Regulation (EC) 882/2004

Amendment 427
Sven Giegold, Rui Tavares

Proposal for a directive
Article 31 – paragraph 6 b (new)

Text proposed by the Commission	*Amendment*
	6b. FIUs shall carry out internal audits or may have external audits carried out, and shall take appropriate measures in the light of their results, to ensure that they are achieving the objectives of this Directive. These audits shall be subject to independent scrutiny and shall be carried out in a transparent manner.

Or. en

Justification

Equivalent to Regulation (EC) 882/2004

Amendment 428
Sven Giegold, Rui Tavares

Proposal for a directive
Article 31 – paragraph 6 c (new)

Text proposed by the Commission	*Amendment*
	6c. The Commission shall coordinate without delay the action undertaken by Member States when it, further to information received from Member States or from other sources, becomes aware of activities that are, or appear to be, contrary to anti money laundering law and are of particular interest at

Community level, and in particular when:

(a) such activities have, or might have, ramifications in several Member States;

(b) it appears that similar activities have been carried out in several Member States; or

(c) Member States are unable to agree on appropriate action to address non-compliance.

When official controls at destination show repeated non-compliance, the FIU that has carried out the control shall inform the Commission and the FIU of the other Member States without delay.

The Commission may:

(a) in collaboration with the Member State concerned, send an inspection team to carry out an official control on-the-spot;

(b) request that the competent authority of the Member State of dispatch intensify relevant official controls and report on the action and measures taken.

Or. en

Justification

Equivalent to Regulation (EC) 882/2004

Amendment 429
Nils Torvalds, Olle Schmidt

Proposal for a directive
Article 32 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The information referred to in paragraph 1 of this Article shall be forwarded to the FIU of the Member State in whose territory the institution or person forwarding the information is situated. The person or	2. The information referred to in paragraph 1 of this Article shall be forwarded to the FIU of the Member State in whose territory the institution or person forwarding the information is situated***, alternatively to the***

persons designated in accordance with the procedures provided for in Article 8(4) shall forward the information.	***FIU of the Member State where the obliged entity is established***. The person or persons designated in accordance with the procedures provided for in Article 8(4) shall forward the information.

Or. en

Amendment 430
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 32 – paragraph 2

Text proposed by the Commission	*Amendment*
2. The information referred to in paragraph 1 of this Article shall be forwarded to the FIU of the Member State in whose territory the ***institution or person forwarding the information is situated***. The person or persons designated in accordance with the procedures provided for in Article 8(4) shall forward the information.	2. The information referred to in paragraph 1 of this Article shall be forwarded to the FIU of the Member State in whose territory the ***obliged entity is established***. The person or persons designated in accordance with the procedures provided for in Article 8(4) shall forward the information.

Or. en

Justification

Suspicious activity should be reported to the FIU of the home or branch member state only. Together with the varying reporting and language requirements of law enforcement agencies, a local reporting requirement would result in a significant increase of the compliance burden.

Amendment 431
Véronique Mathieu Houillon, Monica Luisa Macovei

Proposal for a directive
Article 32 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Without prejudice of paragraph 1, Member States shall require obliged

entities to address systematically to the FIU of each Member State concerned by the operation reported, other kind of information, such as threshold-based transactions defined at national level on specific situations considered at risk for money laundering and financing terrorism, with all relevant elements of information.

Or. en

Amendment 432
Philippe De Backer

Proposal for a directive
Article 33 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
By way of derogation from Article 32(1), Member States may, in the case of the persons referred to in Article 2(1)(3)(a), (b), and (***d***) designate an appropriate self-regulatory body of the profession concerned as the authority to receive the information referred to in Article 32(1).	By way of derogation from Article 32(1), Member States may, in the case of the persons referred to in Article 2(1)(3)(a), (b), ***(d)*** and (***e***) ***and those professions and categories of undertaking referred to in Article 4,*** designate an appropriate self-regulatory body of the profession concerned as the authority to receive the information referred to in Article 32(1).

Or. en

Amendment 433
Jean-Paul Gauzès

Proposal for a directive
Article 33 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
By way of derogation from Article 32(1), Member States ***may***, in the case of the persons referred to in Article 2(1)(3)(a), (b), and (d) ***designate an appropriate*** self-	By way of derogation from Article 32(1), Member States ***must***, in the case of the persons referred to in Article 2(1)(3)(a), (b), and (d) ***provide the*** self-regulatory

regulatory body of the profession concerned ***as*** the authority to receive the information referred to in Article 32(1).	body of the profession concerned ***with the option of being*** the authority to receive the information referred to in Article 32(1). ***In all circumstances, Member States must provide the means and manner to achieve the protection of professional secrecy, confidentiality and privacy.***

Or. en

Amendment 434
Jean-Paul Gauzès

Proposal for a directive
Article 33 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States ***shall*** not apply the obligations laid down in Article 32(1) to notaries, other independent legal professionals, auditors, external accountants and tax advisors ***only to the strict extent that such exemption relates*** to information they receive from or obtain on one of their clients, in the course of ascertaining the legal position for their client or performing their task of defending or representing that client in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings, whether such information is received or obtained before, during or after such proceedings.	2. Member States ***must*** not apply the obligations laid down in Article 32(1) to notaries, other independent legal professionals, auditors, external accountants and tax advisors ***with regard*** to information they receive from or obtain on one of their clients, in the course of ascertaining the legal position for their client or performing their task of defending or representing that client in, or concerning judicial proceedings, including advice on instituting or avoiding proceedings, whether such information is received or obtained before, during or after such proceedings.

Or. en

Amendment 435
Graham Watson, Nils Torvalds, Bill Newton Dunn

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ***take all appropriate measures in order to protect employees*** of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU ***from being exposed to*** threats or hostile action.	Member States shall ***ensure that individuals, including employees and representatives*** of the obliged entity***,*** who report suspicions of money laundering or terrorist financing either internally or to the FIU ***are duly protected from*** threats or hostile action***, and from all forms of adverse treatment, adverse consequence, or adverse or discriminatory employment actions. Member States shall guarantee legal aid free of charge for such persons and shall provide secure communication channels, including anonymous channels, for persons to report suspicions of money laundering or terrorist financing***.

Or. en

Amendment 436
Sven Giegold, Rui Tavares

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall take all appropriate measures in order to protect employees of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats ***or hostile action***.	Member States shall take all appropriate measures in order to protect employees ***and others*** of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats***, hostile action, adverse treatment or adverse consequences. The ESAs and the FIU shall provide one or more secure communication channels for persons to report suspicions of money laundering or terrorist financing. Such channels shall ensure that the identity of persons providing information is known only to the ESAs or the FIU. Member States shall guarantee legal aid free of charge***.

Or. en

Amendment 437
Emine Bozkurt

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall take all appropriate measures in order to protect employees of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats or hostile action.	Member States shall take all appropriate measures in order to protect employees of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats or hostile action. ***They will ensure that there are adequate witness and whistle-blower protection programmes.***

Or. en

Amendment 438
Monica Luisa Macovei, Véronique Mathieu Houillon

Proposal for a directive
Article 37 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall take all appropriate measures in order to protect employees of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats or hostile action.	Member States shall take all appropriate measures in order to protect ***whistle blowers and*** employees of the obliged entity who report suspicions of money laundering or terrorist financing either internally or to the FIU from being exposed to threats or hostile action.

Or. en

Amendment 439
Sophia in 't Veld

Proposal for a directive
Chapter 5 – title

Text proposed by the Commission	*Amendment*
RECORD KEEPING AND STATISTICAL DATA	***DATA PROTECTION,*** RECORD KEEPING AND STATISTICAL DATA

Or. en

Amendment 440
Sophia in 't Veld

Proposal for a directive
Article 39 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) in the case of the customer due diligence, a copy or the references of the evidence required, for a period of ***five*** years after the business relationship with their customer has ended. Upon expiration of this period, personal data shall be deleted unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 ***after the business relationship has ended shall not exceed ten*** years***;***	(a) in the case of the customer due diligence, a copy or the references of the evidence required, for a period of ***two*** years after the business relationship with their customer has ended. Upon expiration of this period, personal data shall be deleted***,*** unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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

Justification

No justification has been given regarding the regarding the proposed initial data retention period of five years.

Amendment 441
Graham Watson

Proposal for a directive
Article 39 – paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) in the case of the customer due diligence, a copy or the references of the evidence ***required***, for a period of five years after the business relationship with their customer has ended. Upon expiration of this period, personal data shall be deleted unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 ***after the business relationship has ended*** shall not exceed ten years;	(a) in the case of the customer due diligence, a copy or the references of the evidence ***obtained***, for a period of five years after the ***occasional transaction was carried out or after the*** business relationship with their customer has ended. Upon expiration of this period, personal data shall be deleted unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 shall not exceed ten years;

Or. en

Amendment 442
Sophia in 't Veld

Proposal for a directive
Article 39 – paragraph 1 – point a a (new)

Text proposed by the Commission	*Amendment*
	(aa) Any personal data retained may not be used for any purpose other than the purpose for which it has been retained.

Or. en

Justification

Emphasis on purpose limitation. As regards the retention of 'commercial data', a general ban on the processing of 'commercial data' should be mentioned in an Article regarding data

protection. Mentioning it only in relation to retention could suggest it's allowed under other titles. When 'commercial data' would be mentioned here, it should be done in unambiguous language.

Amendment 443
Sophia in 't Veld

Proposal for a directive
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of ***five*** years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end*** of the ***business relationship, whichever*** period ***ends first, shall not exceed ten*** years.	(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of ***two*** years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 444
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever period ends first, shall not exceed ten years.	(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever period ends first, shall not exceed ten years. ***The information may be retained for a longer period where it is necessary to do so in order to give effect to the commercial purposes of transactions or former relationship between the customer and the obliged entity.***

Or. en

Amendment 445
Jean-Paul Gauzès

Proposal for a directive
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original	(b) in the case of business relationships and transactions, the supporting evidence and records, consisting of the original

documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever period ends first, shall not exceed ten years.	documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever period is the shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever period ends first, shall not exceed ten years. ***However, information may be retained for a longer period where it is necessary to do so in order to give effect to the commercial purposes of transactions or former relationship between the customer and the obliged entity.***

Or. en

Amendment 446
Graham Watson

Proposal for a directive
Article 39 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) ***in the case of business relationships and transactions,*** the supporting evidence and records, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever ***period is the***	(b) the supporting evidence and records ***of transactions***, consisting of the original documents or copies admissible in court proceedings under the applicable national legislation for a period of five years following either the carrying-out of the transactions or the end of the business relationship, whichever ***expires first***. Upon expiration of this period, personal data

shortest. Upon expiration of this period, personal data shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever ***period ends*** first, shall not exceed ten years.

shall be deleted, unless otherwise provided for by national law, which shall determine under which circumstances obliged entities 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 either the carrying-out of the transactions or the end of the business relationship, whichever ***expires*** first, shall not exceed ten years.

Or. en

Amendment 447
Frank Engel

Proposal for a directive
Article 58 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall require obliged entities to have in place appropriate procedures for their employees to report breaches internally through a specific, independent and anonymous channel.	3. Member States shall require obliged entities ***referred to in Article 2(1)(1) and (2)*** to have in place appropriate procedures for their employees to report breaches internally through a specific, independent and anonymous channel.

Or. en

Amendment 448
Sophia in 't Veld

Proposal for a directive
Article 39 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Data Protection

1. With regard to the processing of personal data carried out by Member States within the framework of this Directive, the provisions of Directive 95/46/EC are applicable. With regard to the processing of personal data by the European supervisory authorities, the provisions of Regulation (EC) No 45/2001 are applicable.

2. Personal data shall only be processed on the basis of this Directive for the sole purpose of the prevention of money laundering and terrorist financing.

3. The processing of data collected on the basis of this Directive for commercial purposes is prohibited.

Or. en

Amendment 449
Frank Engel

Proposal for a directive
Article 40 a (new)

Text proposed by the Commission	*Amendment*
	Article 40a
	The collection, processing and transfer of information for anti-money laundering purposes shall be considered as a public interest under Directive 95/46/EC.

Or. en

Amendment 450
Sylvie Guillaume, Pervenche Berès, Liem Hoang Ngoc

Proposal for a directive
Article 40 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall require that their obliged entities have systems in place that enable them to respond fully and rapidly to enquiries from the FIU, or from other authorities, in accordance with their national law, as to whether they maintain or have maintained during the previous five years a business relationship with specified natural or legal persons and on the nature of that relationship.	***1. Member States shall have national centralised mechanisms enabling them to identify, in a timely manner, whether natural or legal persons hold or control bank accounts kept by financial institutions on their territory.***
	2. Member States shall also have mechanisms providing the competent authorities with a means of identifying property without giving prior notice to the owner.
	3. Member States shall require that their obliged entities have systems in place that enable them to respond fully and rapidly to enquiries from the FIU, or from other authorities, in accordance with their national law, as to whether they maintain or have maintained during the previous five years a business relationship with specified natural or legal persons and on the nature of that relationship.

Or. fr

Justification

Pour une lutte efficace contre le blanchiment de capitaux et le financement du terrorisme, il est essentiel que les cellules de renseignement financier disposent d'informations sur les données bancaires, en un temps opportun et dans le respect de la confidentialité, au travers d'un registre centralisé. Cette proposition constitue un outil essentiel pour les cellules de renseignement financier et les autres autorités compétentes, le cas échéant, pour mener des enquêtes et des analyses efficaces des soupçons de blanchiment. Les Etats membres doivent donc considérer que l'établissement d'une base de données centralisée contenant des informations bancaires est une solution plus efficace, tant en termes de sécurité que de confidentialité, que de requérir l'information directement auprès des banques établies dans les Etats membres.

Amendment 451
Cornelis de Jong

Proposal for a directive
Article 40 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall require that their obliged entities have systems in place that enable them to respond fully and rapidly to enquiries from the FIU, or from other authorities, in accordance with their national law, as to whether they maintain or have maintained during the previous five years a business relationship with specified natural or legal persons and on the nature of that relationship.	Member States shall require that their obliged entities have systems in place that enable them to respond fully and rapidly to enquiries from the FIU, or from other authorities, in accordance with their national law, as to whether they maintain or have maintained during the previous five years a business relationship with specified natural or legal persons and on the nature of that relationship***, through secure channels and in a manner that ensures full confidentiality of the enquiries***.

Or. en

Amendment 452
Jürgen Klute

Proposal for a directive
Article 41 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) data measuring the reporting, investigation and judicial phases of the national anti-money laundering and terrorist financing regime, including the number of suspicious transaction reports made to the FIU, the follow-up given to these reports and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences and the value in euro of property that has been frozen, seized or confiscated.	(b) data measuring the reporting, investigation and judicial phases of the national anti-money laundering and terrorist financing regime, including the number of suspicious transaction reports made to the FIU, the follow-up given to these reports and, on an annual basis, the number of cases investigated, the number of persons prosecuted, the number of persons convicted for money laundering or terrorist financing offences and the value in euro of property that has been frozen, seized or confiscated. ***The collected data shall be disaggregated by type of criminal***

activity.

Or. en

Amendment 453
Burkhard Balz

Proposal for a directive
Article 42 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall require that, where the legislation of the third country does not permit application of the measures required under ***the first subparagraph of*** paragraph 1, obliged entities ***take additional measures to effectively handle the risk of*** money laundering ***or*** terrorist financing, and inform their home supervisors. If the additional measures are not sufficient, competent authorities in the home country shall ***consider*** additional supervisory actions, including***, as appropriate, requesting*** the financial group to close down its operations in the ***host*** country.	4. Member States shall require that, where the legislation of the third country does not permit ***customer due diligence obligations and the*** application of the measures required under paragraph 1, obliged entities ***ensure that branches and majority-owned subsidiaries in the relevant third country apply additional measures to manage the*** money laundering ***and*** terrorist financing ***risks***, and inform their home supervisors. If the additional measures are not sufficient, competent authorities in the home country shall ***take*** additional supervisory actions, including ***placing additional controls on the financial group. If the additional supervisory actions are still not sufficient, competent authorities shall require obliged entities to refrain from establishing business relationships and from undertaking transactions. If a business relationship already exists, competent authorities shall require such relationship to be terminated by cancelling the business contract or by any other effective measure. If the set of measures is still not effective, competent authorities shall request*** the financial group to close down its operations in the ***relevant third*** country.

Or. en

Amendment 454
Sven Giegold, Rui Tavares

Proposal for a directive
Article 42 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall require that, where the legislation of the third country does not permit application of the measures required under the first subparagraph of paragraph 1, obliged entities ***take additional measures to effectively handle the risk of money laundering or terrorist financing, and inform their home supervisors. If the additional measures are not sufficient, competent authorities in the home country shall consider additional supervisory actions, including, as appropriate, requesting the financial group to close down its operations in the host country***.	4. Member States shall require that, where the legislation of the third country does not permit ***customer due diligence obligations and the*** application of the measures required under the first subparagraph of paragraph 1, obliged entities ***must ensure that branches, subsidiaries, outsourced activities and majority-owned companies in this third country do not establish or continue business relationships and do not undertake transactions. Insofar as a business relationship already exists, the obliged entity must ensure that such relationship is terminated by cancelling the business contract or any other effective measure***.

Or. en

Amendment 455
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 42 – paragraph 5

Text proposed by the Commission	*Amendment*
5. EBA, EIOPA and ESMA shall develop draft regulatory technical standards specifying the type of additional measures referred to in paragraph 4 of this Article and the minimum action to be taken by obliged entities referred to Article 2(1)(1) and (2) where the legislation of the third country does not permit application of the measures required under paragraphs 1 and 2. EBA, EIOPA and ESMA shall submit	5. EBA, EIOPA and ESMA shall develop draft regulatory technical standards specifying the type of additional measures referred to in paragraph 4 of this Article and the minimum action to be taken by obliged entities referred to Article 2(1)(1) and (2) where the legislation of the third country does not permit application of the measures required under paragraphs 1 and 2. EBA, EIOPA and ESMA shall submit

those draft regulatory technical standards to the Commission within ***two years*** of the date of entry into force of this Directive.	those draft regulatory technical standards to the Commission within ***18 months*** of the date of entry into force of this Directive.

Or. en

Amendment 456
Graham Watson, Nils Torvalds, Bill Newton Dunn

Proposal for a directive
Article 43 – paragraph 1 – subparagraph 1

Text proposed by the Commission	*Amendment*
Member States shall require that obliged entities take measures proportionate to their risks, nature and size so that their ***relevant*** employees are aware of the provisions adopted pursuant to this Directive, including relevant data protection requirements.	Member States shall require that obliged entities take measures proportionate to their risks, nature and size so that their employees are aware of the provisions adopted pursuant to this Directive, including relevant data protection requirements.

Or. en

Amendment 457
Graham Watson, Nils Torvalds, Bill Newton Dunn

Proposal for a directive
Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
These measures shall include participation of their ***relevant*** employees in special ongoing training programmes to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases.	These measures shall include participation of their employees in special ongoing training programmes to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases.

Or. en

Amendment 458
Arlene McCarthy

Proposal for a directive
Article 43 – paragraph 1 – subparagraph 2

Text proposed by the Commission	*Amendment*
These measures shall include participation of their relevant employees in special ongoing training programmes to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases.	These measures shall include participation of their relevant employees in special ongoing training programmes to help them recognise operations which may be related to money laundering or terrorist financing and to instruct them as to how to proceed in such cases. ***Member states shall ensure that obliged entities designate a senior executive to be ultimately responsible for the entity's anti-money laundering policies and procedures.***

Or. en

Amendment 459
Sven Giegold, Rui Tavares

Proposal for a directive
Article 43 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Member States shall require that obliged entities appoint the member(s) of the management body who are responsible for the implementation of the laws, regulations and administrative provisions necessary to comply with this Directive.

Or. en

Amendment 460
Ana Gomes

Proposal for a directive
Article 43 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall require that obliged entities appoint the member(s) of the management board who are responsible for the implementation of the laws, regulations and administrative provisions necessary to comply with this Directive.

Or. en

Amendment 461
Jürgen Klute

Proposal for a directive
Article 43 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall require that obliged entities appoint the member(s) of the management board who are responsible for the implementation of the laws, regulations and administrative provisions necessary to comply with this Directive.

Or. en

Amendment 462
Monica Luisa Macovei

Proposal for a directive
Article 43 – paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. Member States shall require that obliged entities appoint the member(s) of the management board who are

responsible for the implementation of the laws, regulations and administrative provisions necessary to comply with this Directive.

Or. en

Amendment 463
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Article 43 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that, wherever practicable, timely feedback on the effectiveness of and follow-up to reports of suspected money laundering or terrorist financing is provided.	3. Member States shall ensure that, wherever practicable, timely feedback on the effectiveness of and follow-up to reports of suspected money laundering or terrorist financing is provided ***to obliged entities***.

Or. en

Amendment 464
Peter Simon

Proposal for a directive
Article 43 – paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States shall ensure that, wherever practicable, timely feedback on the effectiveness of and follow-up to reports of suspected money laundering or terrorist financing is provided.	3. Member States shall ensure that, wherever practicable, timely feedback on the effectiveness of and follow-up to reports of suspected money laundering or terrorist financing is provided ***to the obliged entities***.

Or. de

Amendment 465
Marlene Mizzi

Proposal for a directive
Article 44 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall provide that currency exchange offices ***and*** trust or company service providers ***shall be licensed or registered and providers of gambling services be authorised***.	1. Member States shall provide that currency exchange offices**,** trust or company service providers ***and providers of gambling services be adequately regulated for the purpose of ensuring that the persons who effectively direct or will direct the business of such entities or beneficial owners of such entities are fit and proper persons***.

Or. en

Amendment 466
Roberta Metsola

Proposal for a directive
Article 44 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall provide that currency exchange offices ***and*** trust or company service providers shall be licensed or registered and providers of gambling services be ***authorised***.	1. Member States shall provide that currency exchange offices**,** trust or company service providers shall be licensed or registered and providers of gambling services be ***regulated for the purpose of ensuring that the persons who effectively direct or will direct the business of such entities or the beneficial owners of such entities are fit and proper persons.***

Or. en

Justification

As Article 44(1) addresses areas that are not yet harmonised at EU level (in particular gambling services), I believe that there is a need to ensure that this Article is in line with the legal basis and general risk-based approach of the Directive and that it does not impose

measures that seek to harmonise areas that go beyond its aims and objectives. I am therefore proposing that Article 44 (1) and Article 44 (2) become directly linked and, that recital 38 is amended to clarify further the scope of Article 44

Amendment 467
Peter Simon

Proposal for a directive
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In respect of the obliged entities referred to in Article 2***(1)(3) (a), (b), (d) and (e)***, Member States shall ensure that competent authorities take the necessary measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.	3. In respect of the obliged entities referred to in Article 2, Member States shall ensure that competent authorities take the necessary measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.

Or. de

Amendment 468
Sophie Auconie

Proposal for a directive
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In respect of the obliged entities referred to in Article 2(1)(3) (a), (b), (d) and (***e***), Member States shall ensure that competent authorities take the necessary measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.	3. ***3.*** In respect of the obliged entities referred to in Article 2(1)(3) (a), (b), (d)***,*** ***(e)*** and (***g***), Member States shall ensure that competent authorities take the necessary measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.

Or. en

Justification

Whereas professional sport is particularly vulnerable to money laundering, frequently associated with tax fraud and match-fixing, the revised FAFT Recommendations as well as the Commission's proposal for an AMLD4 fail to address this issue. In order to remedy this shortcoming, the professional sport sector should be subject to the AMLD4 on the same grounds as the other non-financial professions.

Amendment 469
Emine Bozkurt

Proposal for a directive
Article 44 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In respect of the obliged entities referred to in Article 2(1)(3) (a), (b), (d) and (e), Member States shall ensure that competent authorities take the necessary measures to prevent criminals or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.	3. In respect of the obliged entities referred to in Article 2(1)(3) (a), (b), (d) and (e), Member States shall ensure that competent authorities take the necessary measures to prevent ***convicted*** criminals ***in the abovementioned areas*** or their associates from holding or being the beneficial owner of a significant or controlling interest, or holding a management function in those obliged entities.

Or. en

Amendment 470
Ana Gomes, Monica Luisa Macovei

Proposal for a directive
Article 45 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that the competent authorities have adequate powers, including the power to compel the production of any information that is relevant to monitoring compliance and perform checks, and have adequate financial, human and technical resources to	2. Member States shall ensure that the competent authorities have adequate powers, including the power to compel the production of any information that is relevant to monitoring compliance and perform checks, and have adequate financial, human and technical resources to

perform their functions. Member States shall ensure that staff of these authorities maintain high professional standards, including standards of confidentiality and data protection, they shall be of high integrity and be appropriately skilled.	perform their functions. Member States shall ensure that staff of these authorities maintain high professional standards, including standards of confidentiality and data protection, they shall be of high integrity and be appropriately skilled. ***Member States shall ensure that conflict of interests do not arise among members of the Boards and staff of competent authorities. A conflict of interests exists where the impartial and objective exercise of the functions of a person is compromised for reasons involving family, emotional life, political, professional activity or national affinity, economic interest or any other shared interest with an obliged entity;***

Or. en

Amendment 471
Sharon Bowles, Olle Schmidt

Proposal for a directive
Article 45 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the case of credit and financial institutions and providers of gambling services, competent authorities shall have enhanced supervisory powers, notably the possibility to conduct on-site inspections.	3. In the case of credit and financial institutions and providers of gambling services, competent authorities shall have enhanced supervisory powers, notably the possibility to conduct on-site inspections. ***Competent authorities in charge of supervising credit and financial institutions shall monitor the adequacy of the legal advice they receive with a view to reduce legal and regulatory arbitrage in the case of aggressive tax planning and avoidance***.

Or. en

Amendment 472
Mario Borghezio

Proposal for a directive
Article 45 – paragraph 3

Text proposed by the Commission	*Amendment*
3. In the case of credit and financial institutions and providers of gambling services, competent authorities shall have enhanced supervisory powers, notably the possibility to conduct on-site inspections.	3. In the case of credit and financial institutions and providers of gambling services, ***the bankruptcy court offices, the*** competent authorities, shall have enhanced supervisory powers, notably the possibility to conduct on-site inspections.

Or. it

Amendment 473
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 45 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall ensure that obliged entities that ***operate*** branches or subsidiaries in other Member States respect the national provisions of that other Member State pertaining to this Directive.	4. Member States shall ensure that obliged entities that ***provide services through*** branches or subsidiaries in other Member States respect the national provisions of that other Member State pertaining to this Directive. ***Obliged entities operating under the freedom to provide services principle shall only be subject to provisions and risk assessment of the Member States where they are established pertaining to this Directive.***

Or. en

Justification

The application of host member state obligations and risk assessments to firms passporting on a cross-border services basis with no physical presence will lead to the erosion of the single market. This proposed amendment clarifies that cross-border business is not impacted by the provision.

Amendment 474
Graham Watson

Proposal for a directive
Article 45 – paragraph 4

Text proposed by the Commission	*Amendment*
4. Member States shall ***ensure*** that obliged entities that operate branches or subsidiaries in other Member States respect the national provisions of that other Member State pertaining to this Directive.	4. Member States shall ***require*** that obliged entities that operate branches or subsidiaries in other Member States respect the national provisions of that other Member State pertaining to this Directive.

Or. en

Amendment 475
Graham Watson, Nils Torvalds, Bill Newton Dunn

Proposal for a directive
Article 45 – paragraph 6 – introductory part

Text proposed by the Commission	*Amendment*
6. Member States shall ensure that ***competent authorities that apply a risk-sensitive*** approach to supervision:	6. Member States shall ensure that ***when applying a risk-based*** approach to supervision***, competent authorities***:

Or. en

Justification

Member States should ensure implementation of a risk-based approach, and avoid that competent authorities apply a "tick-the-box-approach".

Amendment 476
Sven Giegold, Rui Tavares, Judith Sargentini

Proposal for a directive
Article 48 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission ***may*** lend such assistance	The Commission ***shall*** lend such assistance

as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***may*** regularly convene ***meetings with*** representatives from Member States' FIUs ***to*** facilitate ***co-operation and to exchange views on co-operation related issues***.	as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***shall*** regularly convene ***meeting of the EU FIUs' Platform composed of*** representatives from Member States' FIUs***, and, where appropriate, meetings of the EU FIUs' Platform with EBA, EIOPA or ESMA. The EU FIUs' Platform is set up to formulate guidance on implementation issues relevant for FIUs and reporting entities,*** facilitate ***FIUs' activities particularly on international cooperation and joint analysis, share information on trends and risk factors in the internal market, ensure the participation of the FIUs in the governance of the FIU.net system***.

Or. en

Amendment 477
Judith Sargentini

Proposal for a directive
Article 48 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission ***may*** lend such assistance as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***may*** regularly convene ***meetings with*** representatives from Member States' FIUs ***to*** facilitate ***co-operation and to exchange views on co-operation related issues***.	The Commission ***shall*** lend such assistance as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***shall*** regularly convene ***meeting of the EU FIUs' Platform composed of*** representatives from Member States' FIUs ***and, where appropriate, meetings of the EU FIUs' Platform with EBA, EIOPA or ESMA. The EU FIUs' Platform is set up to formulate guidance on implementation issues relevant for FIUs and reporting entities,*** facilitate ***FIUs' activities particularly on international cooperation and joint analysis, share information on trends and risk factors in the internal market, ensure the participation of the***

FIUs in the governance of the FIU.net system.

Or. en

Amendment 478
Graham Watson

Proposal for a directive
Article 48 – paragraph 1

Text proposed by the Commission	*Amendment*
The Commission may lend such assistance as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***may*** regularly convene meetings with representatives from Member States' FIUs to facilitate co-operation and to exchange views on co-operation related issues.	The Commission may lend such assistance as may be needed to facilitate coordination, including the exchange of information between FIUs within the Union. It ***shall*** regularly convene meetings with representatives from Member States' FIUs to facilitate co-operation and to exchange views on co-operation related issues.

Or. en

Amendment 479
Arlene McCarthy

Proposal for a directive
Article 49 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure that their FIUs co-operate with each other to the greatest extent possible irrespective of whether they are administrative, law enforcement or judicial or hybrid authorities.	Member States shall ensure that their FIUs co-operate with each other ***and with FIUs from non-Member States,*** to the greatest extent possible irrespective of whether they are administrative, law enforcement or judicial or hybrid authorities.

Or. en

Amendment 480
Véronique Mathieu Houillon, Monica Luisa Macovei

Proposal for a directive
Article 50 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission	*Amendment*
	Especially, when a FIU based in the Union wants to obtain additional information from an obliged entity of another Member State which operates on its territory, the request shall be addressed to the FIU of the Member State in whose territory the obliged entity is situated. This FIU shall transfer requests and answers promptly and without any filter.

Or. en

Amendment 481
Cornelis de Jong

Proposal for a directive
Article 52 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure that ***FIUs undertake all necessary measures, including security measures, to ensure that*** information submitted pursuant to Articles 49 and 50 ***is not accessible by*** any other authority, agency or department, ***unless prior approval is given*** by the FIU providing the information.	Member States shall ensure that ***any dissemination of the*** information submitted pursuant to Articles 49 and 50 ***by the receiving FIU to*** any other authority, agency or department, ***- or any use of this information for administrative, investigative, prosecutorial or judicial purposes, beyond those originally approved, is made subject to the prior authorisation*** by the FIU providing the information. ***The receiving FIU should protect exchanged information in the same manner as it would protect information received from domestic sources and which is consistent with privacy and data protection obligations.***

Or. en

Amendment 482
Bill Newton Dunn, Graham Watson, Nils Torvalds

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ***encourage*** their FIUs to use protected channels of communication between ***FIUs and to use the decentralised computer network FIU.net***.	1. Member States shall ***require*** their FIUs to use protected channels of communication between ***themselves***.

Or. en

Amendment 483
Frank Engel

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall encourage their FIUs to use protected channels of communication between FIUs ***and to use the decentralised computer network FIU.net***.	1. Member States shall encourage their FIUs to use protected channels of communication between FIUs.

Or. en

Amendment 484
Monika Hohlmeier

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall encourage their FIUs to use protected channels of	1. Member States shall encourage their FIUs to use protected channels of

communication between FIUs ***and to use the decentralised computer network FIU.net***.	communication between FIUs.

Or. en

Justification

A directive should define results and goals - not the precise instruments to achieve those. It should therefore be possible to choose the most efficient and best "protected channels of communication". Defining the instrument FIU.net in the Directive is therefore impossible both for legal and practical reasons. The same applies to Recital 40.

Amendment 485
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 53 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall encourage their FIUs to use protected channels of communication between ***FIUs and to use the decentralised computer network FIU.net***.	1. Member States shall encourage their FIUs to use protected channels of communication between ***themselves***.

Or. en

Justification

Prevents the Directive from becoming outdated when it is adopted.

Amendment 486
Frank Engel

Proposal for a directive
Article 53 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs co-operate to apply	2. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs co-operate to apply

sophisticated technologies. These technologies shall allow FIUs to match their data with other FIUs in an anonymous way by ensuring full protection of personal data with the aim to detect subjects of the FIU's interests in other Member States and identify their proceeds and funds.	sophisticated technologies ***in cooperation with Europol***. These technologies shall allow FIUs to match their data with other FIUs in an anonymous way by ensuring full protection of personal data with the aim to detect subjects of the FIU's interests in other Member States and identify their proceeds and funds.

Or. en

Amendment 487
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 53 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs co-operate to apply sophisticated technologies. These technologies shall allow FIUs to match their data with other FIUs in an anonymous way by ensuring full protection of personal data with the aim to detect subjects of the FIU's interests in other Member States and identify their proceeds and funds.	2. Member States shall ensure that, in order to fulfil their tasks as laid down in this Directive, their FIUs co-operate to apply sophisticated technologies ***in cooperation with Europol***. These technologies shall allow FIUs to match their data with other FIUs in an anonymous way by ensuring full protection of personal data with the aim to detect subjects of the FIU's interests in other Member States and identify their proceeds and funds.

Or. en

Justification

The words 'in cooperation with Europol' should be added in order to fully take into account the agreement between FIUs and Europol to use Europol secure information network SIENA to exchange information.

Amendment 488
Emine Bozkurt

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ***ensure that*** their FIUs ***cooperate*** with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.	Member States shall ***encourage cooperation of*** their FIUs with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.

Or. en

Amendment 489
Bill Newton Dunn, Graham Watson, Nils Torvalds

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ***ensure that*** their FIUs cooperate with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.	Member States shall ***encourage*** their FIUs ***to*** cooperate with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.

Or. en

Amendment 490
Cornelis de Jong

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ***ensure that*** their FIUs cooperate with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.	Member States shall ***encourage*** their FIUs ***to*** cooperate with Europol regarding analyses carried out having a cross-border dimension concerning at least two Member States.

Or. en

Amendment 491
Monika Hohlmeier

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure that their FIUs cooperate with Europol regarding analyses ***carried out*** having a cross-border dimension concerning at least two Member States.	Member States shall ensure that their FIUs cooperate with Europol regarding analyses ***of ongoing cases*** having a cross-border dimension concerning at least two Member States.

Or. en

Justification

Article 3 of the Council decision establishing the European Police Office (Europol) (2009/371/JHA), defines Europol objective to support and strengthen action by the competent authorities of Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States. Article 4 defines illegal money-laundering activities as a competence of Europol. Therefore it is necessary to keep Europol involved in the analysis of ongoing cases with a cross-border dimension.

Amendment 492
Frank Engel

Proposal for a directive
Article 54 – paragraph 1

Text proposed by the Commission	*Amendment*
Member States shall ensure that their FIUs cooperate with Europol regarding analyses ***carried out*** having a cross-border dimension concerning at least two Member States.	Member States shall ensure that their FIUs cooperate with Europol regarding analyses ***of on-going cases*** having a cross-border dimension concerning at least two Member States.

Or. en

Amendment 493
Jürgen Klute

Proposal for a directive
Article 54 a (new)

Text proposed by the Commission	*Amendment*
	Article 54a
	Trade agreements with third countries
	The Commission shall ensure that any trade agreement with third countries includes the appropriate means to fight financial crimes and illicit capital flows from and to those countries. To this end, free trade agreements with third countries shall as a general rule include automatic data exchange including on capital flows and taxation, effective cooperation with the financial authorities and shall accordingly be re-negotiated if they do not include such measures.

Or. en

Amendment 494
Emine Bozkurt

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that obliged entities can be held liable for breaches of the national provisions adopted pursuant to this Directive.	1. Member States shall ensure that obliged entities can be held liable for breaches of the national provisions adopted pursuant to this Directive***, including in cases where obliged entities rely on third parties to meet the requirements laid down in this Directive. In addition, Member States shall ensure that any such third parties may also be held liable for breaches of national provisions adopted pursuant to this Directive.***

Or. en

Amendment 495
Frank Engel, Krišjānis Kariņš

Proposal for a directive
Article 55 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that obliged entities can be held liable for breaches of the national provisions adopted pursuant to this Directive.	1. Member States shall ensure that obliged entities can be held liable for breaches of the national provisions adopted pursuant to this Directive. ***The penalties must be effective, proportionate and dissuasive.***

Or. en

Amendment 496
Frank Engel

Proposal for a directive
Article 55 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Without prejudice to the right of Member States to impose criminal penalties, Member States shall ensure that competent authorities may take appropriate administrative measures and impose administrative sanctions where obliged entities breach the national provisions, adopted in the implementation of this Directive, and shall ensure that they are applied. Those measures and sanctions shall be effective, proportionate and dissuasive.	2. Without prejudice to the right of Member States to impose criminal penalties, Member States shall ensure that competent authorities may take appropriate administrative measures and impose administrative sanctions where obliged entities ***referred to in Article 2(1)(1) and (2)*** breach the national provisions, adopted in the implementation of this Directive, and shall ensure that they are applied. Those measures and sanctions shall be effective, proportionate and dissuasive.

Or. en

Amendment 497
Frank Engel

Proposal for a directive
Article 56 – paragraph 1 – introductory part

Text proposed by the Commission	*Amendment*
1. This Article shall at least apply to situations where obliged entities demonstrate systematic failings in relation to the requirements of the following Articles:	1. This Article shall at least apply to situations where obliged entities ***referred to in Article 2(1)(1) and (2)*** demonstrate systematic failings in relation to the requirements of the following Articles:

Or. en

Amendment 498
Frank Engel

Proposal for a directive
Article 56 – paragraph 1 – point b

Text proposed by the Commission	*Amendment*
(b) 32***, 33*** and 34 (suspicious transaction reporting);	(b) 32 and 34 (suspicious transaction reporting);

Or. en

Amendment 499
Jean-Paul Gauzès

Proposal for a directive
Article 56 – paragraph 2 – point a

Text proposed by the Commission	*Amendment*
(a) a public statement which indicates the natural or legal person and the nature of the breach;	(a) a public statement which indicates the natural or legal person and the nature of the breach***, if necessary and proportionate after a case by case evaluation***;

Or. en

Amendment 500
Arlene McCarthy

Proposal for a directive
Article 56 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) a temporary ban against any member of the obliged entity's management body, who is held responsible, to exercise functions in institutions;	(d) a temporary ***or permanent*** ban against any member of the obliged entity's management body, who is held responsible, to exercise functions in institutions;

Or. en

Amendment 501
Frank Engel

Proposal for a directive
Article 56 – paragraph 2 – point d

Text proposed by the Commission	*Amendment*
(d) a temporary ban against any member of the obliged ***entity's management body***, who is held responsible, to exercise functions in institutions;	(d) a temporary ban against any member of ***management body of*** the obliged ***entities referred to in Article 2(1)(1) and (2)***, who is held responsible, to exercise functions in institutions;

Or. en

Amendment 502
Arlene McCarthy

Proposal for a directive
Article 56 – paragraph 2 – point e

Text proposed by the Commission	*Amendment*
(e) in case of a legal person, administrative pecuniary sanctions of up to ***10%*** of the	(e) in case of a legal person, administrative pecuniary sanctions of up to ***20%*** of the

total annual turnover of that legal person in the preceding business year;	total annual turnover of that legal person in the preceding business year;

Or. en

Amendment 503
Arlene McCarthy

Proposal for a directive
Article 56 – paragraph 2 – point f

Text proposed by the Commission	*Amendment*
(f) in case of a natural person, administrative pecuniary sanctions of up to ***EUR 5 000 000, or in the Member States where the euro is not the official currency, the corresponding value in the national currency on the date of entry into force of this Directive***;	(f) in case of a natural person, administrative pecuniary sanctions of up to ***an unlimited amount***;

Or. en

Amendment 504
Arlene McCarthy

Proposal for a directive
Article 56 – paragraph 2 – point g

Text proposed by the Commission	*Amendment*
(g) administrative pecuniary sanctions of up to ***twice*** the amount of the profits gained or losses avoided because of the breach where those can be determined.	(g) administrative pecuniary sanctions of up to ***ten times*** the amount of the profits gained or losses avoided because of the breach where those can be determined.

Or. en

Amendment 505
Arlene McCarthy

Proposal for a directive
Article 56 – paragraph 2 – point g a (new)

Text proposed by the Commission	*Amendment*
	(ga) request the freezing or sequestration of assets;

Or. en

Amendment 506
Arlene McCarthy

Proposal for a directive
Article 57 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive 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. ***Where publication would cause a disproportionate damage to the parties involved, competent authorities shall publish the sanctions on an anonymous basis.***	1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive 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.

Or. en

Amendment 507
Jean-Paul Gauzès

Proposal for a directive
Article 57 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive 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***. Where publication would cause a disproportionate damage to the parties involved, competent authorities ***shall*** publish the sanctions on an anonymous basis.	1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive***, if necessary and proportionate after a case by case evaluation,*** without undue delay including information on the type and nature of the breach and the identity of persons responsible for it. Where publication would cause a disproportionate damage to the parties involved, competent authorities ***may*** publish the sanctions on an anonymous basis.

Or. en

Amendment 508
Cornelis de Jong

Proposal for a directive
Article 57 – paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive 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***. Where publication would cause a disproportionate damage to the parties involved, competent authorities shall publish the sanctions on an anonymous basis.	1. Member States shall ensure that competent authorities publish any sanction or measure imposed for breach of the national provisions adopted in the implementation of this Directive without undue delay including information on the type and nature of the breach and the identity of persons responsible for it. Where publication would cause a disproportionate damage to the parties involved, competent authorities shall publish the sanctions on an anonymous basis.

Or. en

Amendment 509
Monica Luisa Macovei, Véronique Mathieu Houillon

Proposal for a directive
Article 57 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	1a. Member States shall ensure that non-conviction based confiscation of property on the balance of probabilities, extended confiscation and confiscation from third parties should be extensively used. In all cases confiscation must be ordered by a court be it criminal or civil.

Or. en

Amendment 510
Cornelis de Jong

Proposal for a directive
Article 57 – paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States shall ensure that when determining the type of administrative sanctions or measures and the level of administrative pecuniary sanctions, the competent authorities shall take into account all relevant circumstances, including:	***deleted***
(a) the gravity and the duration of the breach;	
(b) the degree of responsibility of the responsible natural or legal person;	
(c) the financial strength of the responsible natural or legal person, as indicated by the total turnover of that person or the annual income of that person;	

(d) the importance of profits gained or losses avoided by the responsible natural or legal person, insofar as they can be determined;

(e) the losses for third parties caused by the breach, insofar as they can be determined;

(f) the level of cooperation of the responsible natural or legal person with the competent authority;

(g) previous breaches by the responsible natural or legal person.

Or. en

Amendment 511
Arlene McCarthy

Proposal for a directive
Article 57 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) where applicable, the extent to which an employee has been encouraged or pressured to act in a certain way by the internal rules, instructions or practices of the relevant institution;

Or. en

Amendment 512
Arlene McCarthy

Proposal for a directive
Article 57 – paragraph 3

Text proposed by the Commission	*Amendment*
3. EBA, EIOPA, and ESMA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of	3. ***In order to ensure their consistent application and dissuasive effect across the Union,*** EBA, EIOPA, and ESMA shall issue guidelines addressed to competent

Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within 2 years of the date of entry into force of this Directive.	authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within 2 years of the date of entry into force of this Directive.

Or. en

Amendment 513
Nils Torvalds, Olle Schmidt, Graham Watson

Proposal for a directive
Article 57 – paragraph 3

Text proposed by the Commission	*Amendment*
3. EBA, EIOPA, and ESMA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within ***2 years*** of the date of entry into force of this Directive.	3. EBA, EIOPA, and ESMA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within ***1 year*** of the date of entry into force of this Directive.

Or. en

Amendment 514
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 57 – paragraph 3

Text proposed by the Commission	*Amendment*
3. EBA, EIOPA, and ESMA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within ***2 years*** of the date of entry into force of this Directive.	3. EBA, EIOPA, and ESMA shall issue guidelines addressed to competent authorities in accordance with Article 16 of Regulation (EU) No 1093/2010, of Regulation (EU) No 1094/2010 and of Regulation (EU) No 1095/2010 on types of administrative measures and sanctions and level of administrative pecuniary sanctions applicable to obliged entities referred to in Article 2(1)(1) and (2). These guidelines shall be issued within ***18 months*** of the date of entry into force of this Directive.

Or. en

Amendment 515
Arlene McCarthy

Proposal for a directive
Article 58 – paragraph 2 – point b

Text proposed by the Commission	*Amendment*
(b) appropriate protection ***for employees of institutions*** who report breaches ***committed within the institution***;	(b) appropriate protection***, including full anonymity, for persons*** who report ***potential or actual*** breaches***, in particular and without prejudice to national provisions regulating judicial proceedings, the confidentiality of the identity of those persons during all stages of the procedure***;

Or. en

Amendment 516
Arlene McCarthy

Proposal for a directive
Article 58 – paragraph 2 – point b a (new)

Text proposed by the Commission	*Amendment*
	(ba) appropriate protection for the accused person;

Or. en

Amendment 517
Arlene McCarthy

Proposal for a directive
Article 58 – paragraph 2 – point b b (new)

Text proposed by the Commission	*Amendment*
	(bb) appropriate protection from adverse treatment at work for, and provision of legal assistance to, both the person who reports and the accused person;

Or. en

Amendment 518
Frank Engel

Proposal for a directive
Article 58 a (new)

Text proposed by the Commission	*Amendment*
	Article 58a
	1. The processing of personal data for the purposes of this Directive shall be carried out in accordance with Directive 95/46/EC and, where relevant, Regulation (EC) No 45/2001. Any further processing of data for commercial purposes is prohibited.
	2. Access by the data subject to information contained in a suspicious transaction report shall be prohibited. With the exception of the information

contained in a suspicious transaction report, if a data subject's rights regarding their personal data are unduly limited or restricted by obliged entities or competent authorities, the data subject may refer the matter to their data protection authority in accordance with Directive 95/46/EC.

Or. en

Amendment 519
Sven Giegold, Rui Tavares

Proposal for a directive
Article 58 a (new)

Text proposed by the Commission	*Amendment*
	Article 58a
	Delegated Powers
	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 5(1a) shall be conferred on the Commission for an indeterminate period of time from the date referred to in Article 62.
	3. The delegation of power referred to in Article 5(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 on the day following the publication of that decision in the Official Journal of the European Union or on 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 5(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 520
Peter Simon

Proposal for a directive
Article 59 – paragraph 1

Text proposed by the Commission	*Amendment*
Within ***four*** years after the date of entry into force of this Directive, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council.	Within ***three*** years after the date of entry into force of this Directive, the Commission shall draw up a report on the implementation of this Directive ***in the individual Member States*** and submit it to the European Parliament and the Council. ***The report shall also contain information about the assessment of the risk of money laundering and financing of terrorism, the measures taken by the Member States to reduce the risk, their actual implementation and their effectiveness.*** ***For the purposes of subparagraph 1, Member States shall inform the Commission annually what steps they have taken to identify, assess, understand and mitigate the money laundering and terrorist financing risks affecting them.*** ***Member States shall make available to the Commission all relevant domestic legal***

and administrative provisions and information about money laundering methods, the effectiveness of the measures taken and investigations into cases of money laundering and terrorist financing.

Or. de

Amendment 521
Jürgen Klute

Proposal for a directive
Article 59 – paragraph 1

Text proposed by the Commission	*Amendment*
Within four years after the date of entry into force of this Directive, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council.	Within four years after the date of entry into force of this Directive, the Commission shall draw up a report on the implementation of this Directive and submit it to the European Parliament and the Council. ***The report shall include an assessment on the effects of trade agreements between EU and third countries regarding the fight against financial crimes and recommendations for current and future trade agreements to effectively prevent financial crimes.***

Or. en

Amendment 522
Peter Simon

Proposal for a directive
Article 59 – paragraph 1 a (new)

Text proposed by the Commission	*Amendment*
	The Commission shall submit to the European Parliament and the Council within one year of the entry into force of this Directive a report on the provisions

concerning serious tax offences and punishments in the Member States, on the crossborder significance of tax offences and on the possible need for a coordinated approach in the EU, accompanied if appropriate by a legislative proposal.

Or. de

Amendment 523
Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) beneficial owners of pooled accounts held by notaries and other independent legal professionals from the Member States, or from third countries provided that they are subject to requirements to combat money laundering or terrorist financing consistent with international standards and are supervised for compliance with those requirements and provided that the information on the identity of the beneficial owner is available, on request, to the institutions that act as depository institutions for the pooled accounts.

Or. en

Amendment 524
Jean-Paul Gauzès

Proposal for a directive
Annex 2 – paragraph 1 – point 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) beneficial owners of pooled accounts held by notaries and other independent

legal professionals from the Member States, or from third countries provided that they are subject to requirements to combat money laundering or terrorist financing consistent with international standards and are supervised for compliance with those requirements and provided that the information on the identity of the beneficial owner is available, on request, to the institutions that act as depository institutions for the pooled accounts.

Or. en

Amendment 525
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) Obliged entities where they are subject to requirements to combat money laundering and terrorist financing under this Directive and have effectively implemented those requirements;

Or. en

Amendment 526
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Annex 2 – paragraph 1 – point 1 – point c a (new)

Text proposed by the Commission	*Amendment*
	(ca) Obliged entities where they are subject to requirements to combat money laundering and terrorist financing under this Directive and have effectively

implemented those requirements.

Or. en

Justification

Simplified customer due diligence should continue to be allowed under the fourth anti-money laundering directive in relation to pooled client accounts held by notaries and lawyers to prevent excessive administrative burdens and data processing by obliged entities. The wording is partly derived from recital 23 in the third anti-money laundering directive (2005/60/EC) from Interpretative note 10, paragraph 17(a)b in the revised FATF standards.

Amendment 527
Frank Engel, Krišjānis Kariņš

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) Long term purpose-orientated savings agreements, serving for instance as a safeguard for retirement provisions or for the acquisition of self-used real estate and where the incoming payments originate from a payment account which is identified according to article 11 and 12 of the directive.

Or. en

Amendment 528
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) financial products low in value where repayment is conducted through a bank account in the name of the customer;

Or. en

Amendment 529
Jean-Paul Gauzès

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) financial products which aim at financial physical assets in the form of leasing agreements or of low value consumer credit, provided the transactions are carried out through bank accounts.

Or. en

Amendment 530
Jürgen Klute

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e a (new)

Text proposed by the Commission	*Amendment*
	(ea) long-term purpose-orientated savings agreements, serving for instance as a safeguard for retirement provision or for the acquisition of self-used real estate, and where the incoming payments are made from an account which is identified in accordance with Articles 11 and 12 of the Directive.

Or. de

Amendment 531
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e b (new)

Text proposed by the Commission	*Amendment*
	(eb) non-face-to-face business relationships or transactions where the identity can be verified electronically;

Or. en

Amendment 532
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 2 – point e c (new)

Text proposed by the Commission	*Amendment*
	(ec) such products, services and transactions identified as low risk by the competent authorities of the home Member State of the obliged entities.

Or. en

Amendment 533
Peter Simon

Proposal for a directive
Annex 2 – paragraph 1 – point 3 – point a

Text proposed by the Commission	*Amendment*
(a) ***other*** EU Member States;	(a) EU Member States;

Or. de

Amendment 534
Krišjānis Kariņš, Frank Engel

Proposal for a directive
Annex 2 – paragraph 1 – point 3 – point d a (new)

Text proposed by the Commission	*Amendment*
	(da) jurisdictions identified by the Commission having anti-money laundering measures equivalent to those laid down by this Directive and other related rules and regulations of the Union;

Or. en

Amendment 535
Emilie Turunen

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point b

Text proposed by the Commission	*Amendment*
(b) products or transactions that might favour anonymity;	(b) products or transactions that might favour ***or allow for*** anonymity;

Or. en

Amendment 536
Peter Simon

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point c

Text proposed by the Commission	*Amendment*
(c) non-face-to-face business relationships or transactions;	***deleted***

Or. de

Amendment 537
Nils Torvalds, Olle Schmidt

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point c

Text proposed by the Commission	*Amendment*
(c) non-face-to-face business relationships or transactions;	(c) non-face-to-face business relationships or transactions ***without safeguards such as electronic verification of identity***;

Or. en

Amendment 538
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point c

Text proposed by the Commission	*Amendment*
(c) non-face-to-face business relationships or transactions;	(c) non-face-to-face business relationships or transactions***, e.g. electronic verification of identity***;

Or. en

Justification

Where available, electronic forms of verifying the identity of the customer may successfully mitigate against the risk of impersonation that arises in non-face-to-face relationships.

Amendment 539
Graham Watson

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point e

Text proposed by the Commission	*Amendment*
(e) new products and new business practices, including new delivery mechanism, and the use of new or developing technologies for both new and pre-existing products.	***deleted***

Or. en

Amendment 540
Peter Simon

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point e

Text proposed by the Commission	*Amendment*
(e) new products and new business practices, including new delivery mechanism, and the use of new or developing technologies for both new and pre-existing products.	***deleted***

Or. de

Amendment 541
Nils Torvalds, Olle Schmidt

Proposal for a directive
Annex 3 – paragraph 1 – point 2 – point e

Text proposed by the Commission	*Amendment*
(e) ***new products and new*** business practices, including new delivery ***mechanism, and the use of new or developing technologies for both new and pre-existing products***.	(e) ***the use of new or developing technologies or*** business practices, including new delivery ***mechanisms, for both new and pre-existing products, unless accompanied by proper safeguards***.

Or. en

Amendment 542
Graham Watson, Bill Newton Dunn, Nils Torvalds

Proposal for a directive
Annex 3 – paragraph 1 – point 3 – point c

Text proposed by the Commission	*Amendment*
(c) countries subject to sanctions, embargos or similar measures issued by,	(c) countries subject to sanctions, embargos or similar measures issued by,

for example, the United Nations;	for example, the United Nations ***and the European Union***;

Or. en

Amendment 543
Sylvie Guillaume, Pervenche Berès, Liem Hoang Ngoc

Proposal for a directive
Annex 3 a (new)

Text proposed by the Commission	*Amendment*
	Annex IIIa
	The following is a list of examples of countermeasures that Member States may, at least, apply pursuant to [Article 16a(2)]:
	(a) requiring financial institutions to apply specific elements of the enhanced due diligence measures;
	(b) introducing enhanced relevant reporting mechanisms or systematic reporting of financial transactions;
	(c) refusing the establishment of subsidiaries, branches or representative offices of financial institutions from the country concerned, or otherwise taking into account the fact that the financial institution concerned is from a country that does not have adequate AML-CFT systems;
	(d) prohibiting financial institutions from establishing branches or representative offices in the country concerned, or otherwise taking into account the fact that the branch or representative office is located in a country that does not have adequate AML-CFT systems;
	(e) limiting business relationships or financial transactions with the identified country and persons located in that country;

(f) prohibiting financial institutions from relying on third parties located in the country concerned to conduct certain elements of the customer due diligence procedure;

(g) requiring financial institutions to review and amend, or if necessary terminate, correspondent banking relationships with financial institutions in the country concerned;

(h) imposing increased supervisory and/or external audit requirements for branches and subsidiaries of financial institutions based in the country concerned;

(i) imposing increased external audit requirements for financial groups with respect to their branches and subsidiaries located in the country concerned.

Or. fr

Justification

Il doit être obligatoire pour tous les Etats membres d'appliquer des mesures de vigilances renforcées à toutes les transactions qui impliquent des juridictions non coopératives. Par ailleurs, les recommandations 10 et 19 du GAFI (et leurs notes interprétatives) doivent être transposées au niveau communautaire : la Directive doit prévoir que les vigilances renforcées prévues à la note interprétative de la recommandation 10 (§20) sont une boite à outils fournissant les mesures que les Etats membres doivent appliquer aux pays « listés ». La Directive doit, au moins prévoir que les contre-mesures que les Etats membres doivent appliquer en cas d'appel du GAFI à le faire sont incluses dans l'une des mesures listées au § 2 de la note interprétative de la recommandation 19.L'Union européenne doit endossées les vigilances renforcées du GAFI mais doit aussi être libre de compléter ces vigilances renforcées par d'autres mesures. Enfin, il est proposé d'introduire une obligation pour chaque Etat membre de notifier à la Commission les mesures prises contre les juridictions non coopératives et, le cas échéant, contre un Etat tiers non listé.

Amendment 544
Sven Giegold, Rui Tavares

Proposal for a directive
Annex 3 a (new)

Text proposed by the Commission	*Amendment*
	Annex III a
	The following are examples of the types of countermeasures that Member States can, at least, impose in accordance with Article 6 a:
	- Requiring obliged entities covered by this directive to apply appropriate EDD.
	- Introducing enhanced relevant reporting mechanisms or systematic reporting of transactions.
	- Refusing the establishment on the territory of a Member State of subsidiaries or branches or representative offices of institutions from the country concerned, or otherwise taking into account the fact that the relevant financial institution is from a country that does not have adequate anti-money laundering/combating terrorist financing systems.
	- Prohibiting financial institutions from establishing branches or representative offices in the country concerned, or otherwise taking into account the fact that the relevant financial institution is from a country that does not have adequate anti-money laundering/combating terrorist financing systems.
	- Limiting business relationships or financial transactions with the identified country or institutions or persons located in that country.
	- Prohibiting institutions and persons covered by this Directive from relying on third parties located in the country concerned to conduct elements of the CDD process.
	- Requiring institutions covered by this Directive to review and amend, or if necessary terminate, correspondent relationships with financial institutions in

the country concerned.

- Requiring increased supervisory examination and/or external audit requirements for branches and subsidiaries of institutions based in the country concerned.

- Requiring increased external audit requirements for financial groups with respect to any of their branches and subsidiaries located in the country concerned.

Or. en

Amendment 545
Sylvie Guillaume, Pervenche Berès, Liem Hoang Ngoc

Proposal for a directive
Annex 3 b (new)

Text proposed by the Commission	*Amendment*
	Annex IIIb
	The following is a list of examples of enhanced due diligence measures that Member States may, at least, apply pursuant to Article 16a(3):
	(a) obtaining additional information on the customer (e.g. occupation, volume of assets, information available through public databases, internet, etc.), and updating more regularly the identification data of customer and beneficial owner;
	(b) obtaining additional information on the intended nature of the business relationship;
	(c) obtaining information on the source of funds or source of wealth of the customer;
	(d) obtaining information on the reasons for intended or performed transactions;
	(e) obtaining the approval of senior management to commence or continue

the business relationship;

(f) conducting enhanced monitoring of the business relationship, by increasing the number and frequency of checks carried out, and selecting patterns of transactions that need further examination;

(g) requiring the first payment to be carried out through an account opened in the customer's name with another bank subject to similar due diligence standards.

Or. fr

Justification

Il doit être obligatoire pour tous les États membres d'appliquer des mesures de vigilances renforcées à toutes les transactions qui impliquent des juridictions non coopératives. Par ailleurs, les recommandations 10 et 19 du GAFI (et leurs notes interprétatives) doivent être transposées au niveau communautaire : la Directive doit prévoir que les vigilances renforcées prévues à la note interprétative de la recommandation 10 (§20) sont une boite à outils fournissant les mesures que les États membres doivent appliquer aux pays « listés ». La Directive doit, au moins prévoir que les contre-mesures que les États membres doivent appliquer en cas d'appel du GAFI à le faire sont incluses dans l'une des mesures listées au § 2 de la note interprétative de la recommandation 19.L'Union européenne doit endossées les vigilances renforcées du GAFI mais doit aussi être libre de compléter ces vigilances renforcées par d'autres mesures. Enfin, il est proposé d'introduire une obligation pour chaque État membre de notifier à la Commission les mesures prises contre les juridictions non coopératives et, le cas échéant, contre un État tiers non listé.

Amendment 546
Sven Giegold, Rui Tavares, Judith Sargentini

Proposal for a directive
Annex 3 b (new)

Text proposed by the Commission	*Amendment*
	Annex IIIb
	The following are type of enhanced due diligence measures that Member States should at least apply for the application of article 16:
	- Obtaining additional information on the

customer (e.g. occupation, volume of assets, information available through public databases, internet, etc.), and updating more regularly the identification data of customer and beneficial owner.

- Obtaining additional information on the intended nature of the business relationship.

- Obtaining information on the source of funds or source of wealth of the customer.

- Obtaining information on the reasons for intended or performed transactions.

- Obtaining the approval of senior management to commence or continue the business relationship.

- Conducting enhanced monitoring of the business relationship, by increasing the number and timing of controls applied, and selecting patterns of transactions that need further examination.

- Requiring the first payment to be carried out through an account in the customer's name with a bank subject to similar CDD standards.

Or. en

Amendment 547
Sylvie Guillaume, Pervenche Berès, Liem Hoang Ngoc

Proposal for a directive
Annex 3 c (new)

Text proposed by the Commission	*Amendment*
	Annex IIIc
	The essential information referred to in Article 29(3) is as follows: name, proof of establishment, legal form and status, address of main office, the key factors governing the company's operation, the list of members of the board of directors (memorandum, articles of association, list

of directors).

Or. fr