



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

2016/0208(COD)

19.12.2016

AMENDMENTS

291 - 467

Draft report

Krišjānis Kariņš, Judith Sargentini
(PE593.836v01-00)

on the proposal for directive of the European Parliament and of the Council
amending Directive (EU) 2015/849 on the prevention of the use of the financial
system for the purposes of money laundering or terrorist financing and
amending Directive 2009/101/EC

Proposal for a directive
(COM(2016)0450 – C8-0265/2016 – 2016/0208(COD))

Amendment 291

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand or fideicomiso.

Amendment

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand or fideicomiso.

Member States shall define the characteristics to determine where legal arrangements have a structure or functions similar to trusts.

Or. en

Amendment 292

Bernd Lucke, Ashley Fox, Monica Macovei, Pirkko Ruohonen-Lerner

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, ***fiducie, Treuhand*** or fideicomiso.

Amendment

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, ***Treuhand, Stiftung, Privatstiftung, Usufruct Fiducia***, or Fideicomiso, ***and all other similar in terms of structure or function, existing or future legal arrangements.***

Or. en

Amendment 293

Dariusz Rosati, Barbara Kudrycka

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, *such as, inter alia, fiducie, Treuhand or fideicomiso*.

Amendment

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts. *Member States, in cooperation with the Commission, shall define the characteristics to describe which legal arrangements have functions and a structure similar to trusts.*

Or. en

Amendment 294

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Pervenche Berès, Anneliese Dodds, Jonás Fernández

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand or fideicomiso.

Amendment

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand, *waaf* or fideicomiso, *and all other similar, in terms of structure or function, existing or future legal arrangements.*

Or. en

Amendment 295
Marco Valli, Marco Zanni

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point a
Directive 2015/849/EU
Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure or functions *similar to trusts*, such as, inter alia, fiducie, Treuhand or fideicomiso.

Amendment

Member States shall ensure that this Article applies to trusts, *foundations* and other types of *entity or* legal arrangements, *whether existing or future*, having a *similar* structure or functions *or aims*, such as, inter alia, fiducie, Treuhand or fideicomiso.

Or. it

Amendment 296
Othmar Karas

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point a
Directive 2015/849/EU
Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure *or* functions similar to trusts, *such as, inter alia, fiducie, Treuhand or fideicomiso*.

Amendment

Member States shall ensure that this Article applies to trusts and other types of legal arrangements having a structure *and* functions similar to trusts.

Or. en

Justification

Given that "Treuhand" has a different legal meaning than "trusts" and reflecting the fact that there doesn't seem to be a justification to single out three legal arrangements, while being silent on all other potential similar arrangements, it would be better to call upon Member States to estimate what national legal principle have a similar structure and function as "trusts"

Amendment 297

Brian Hayes

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall ***ensure that*** this Article ***applies*** to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand or fideicomiso.

Amendment

Member States shall ***require that the provisions in*** this Article ***apply*** to trusts and other types of legal arrangements having a structure or functions similar to trusts, such as, inter alia, fiducie, Treuhand or fideicomiso.

Or. en

Amendment 298

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

Each Member State shall require that trustees of any express trust administered in that Member State obtain and hold adequate, accurate and up-to-date information on beneficial ownership regarding the trust. That information shall include the identity of:

Amendment

Each Member State shall require that trustees of any express trust ***created,*** administered ***or operating*** in that Member State obtain and hold adequate, accurate and up-to-date information on beneficial ownership regarding the trust. That information shall include the identity of:

Or. it

Amendment 299

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Each Member State shall require that trustees of any ***express*** trust administered in that Member State obtain and hold adequate, accurate and up-to-date information on beneficial ownership regarding the trust. That information shall include the identity of:

- (a) the settlor;
- (b) the trustee;
- (c) the protector (if any);
- (d) the beneficiaries or class of beneficiaries;
- (e) any other natural person exercising effective control over the trust.

Amendment

Each Member State shall require that trustees of any trust ***created***, administered ***or operated*** in that Member State ***under the law of a Member State or of a third country*** obtain and hold adequate, accurate and up-to-date information on beneficial ownership regarding the trust. That information shall include the identity of:

- (a) the settlor(s);
- (b) the trustee(s);
- (c) the protector(s) ***(if any)***;
- (d) the beneficiaries or class of beneficiaries,
- (e) any other natural person exercising effective control over the trust ***or being mentioned in the trust deed or related documents***.

Or. en

Amendment 300

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Ramón Jáuregui Atondo, Jonás Fernández, Pervenche Berès, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Each Member State shall require that trustees of any express trust administered in that Member State obtain and hold adequate, accurate and up-to-date information on beneficial ownership regarding the trust. That information shall

Amendment

Each Member State shall require that trustees of any express trust ***created***, administered ***or operated*** in that Member State ***under the law of a Member State or third country*** obtain and hold adequate, accurate and up-to-date information on

include the identity of:

- (a) the settlor;
- (b) the trustee;
- (c) the protector (if any);
- (d) the beneficiaries or class of beneficiaries;

(e) any other natural person exercising effective control over the trust.

beneficial ownership regarding the trust. That information shall include the identity of:

- (a) the settlor (s);
- (b) the trustee (s);
- (c) the protector (s) (if any);
- (d) the beneficiaries or class of beneficiaries;

(da) any other person mentioned in the trust deed or related document (regardless of any distribution, right, power or interest);

Or. en

Amendment 301

Jonás Fernández, Ramón Jáuregui Atondo, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a a (new)

Directive 2015/849/EU

Article 31 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) in paragraph 1, the following subparagraph is added:

The information will be kept in a central register created by the Member State. The data in registries should be also automatically exchanged with jurisdictions in which beneficiaries of trusts are located. That location is to be identified by both the place of main residence of beneficiaries and by the country which issued their passports.

Or. en

Amendment 302

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a a (new)

Directive 2015/849/EU

Article 31 – paragraph 2

Present text

"2. Member States shall ***ensure that trustees disclose their status and provide the information referred to in paragraph 1 to obliged entities in a timely manner where, as a trustee, the trustee forms a business relationship or carries out an occasional transaction above the threshold set out in points (b), (c) and (d) of Article 11.***"

Amendment

(aa) ***paragraph 2 is replaced by the following:***

"2. Member States shall ***set up central trust registers and require trustees to make the information referred to in paragraph 1 available in the central register of the Member State(s) where the trust is created, administered or operated.***"

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 303

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a a (new)

Directive 2015/849/EU

Article 31 – paragraph 2

Present text

"2. Member States shall ensure that trustees disclose their status and provide the information referred to in paragraph 1 to obliged entities in a timely manner ***where, as a trustee, the trustee forms a business relationship or carries out an***

Amendment

(aa) ***paragraph 2 is replaced by the following:***

"2. Member States shall ensure that trustees ***and other beneficial owners*** disclose their status and provide the information referred to in paragraph 1 to obliged entities in a timely manner."

occasional transaction above the thresholds set out in points (b), (c) and (d) of Article 11."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 304

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a a (new)

Directive 2015/849/EU

Article 31 – paragraph 3

Present text

3. Member States shall require that the information referred to in paragraph 1 can be accessed in a timely manner by competent authorities and FIUs.

Amendment

(aa) paragraph 3 is replaced by the following:

3. Member States shall require that the information referred to in paragraph 1 can be directly accessed in a timely manner by competent authorities and FIUs. ***Obligated entities, FIUs and competent authorities shall report any discrepancy they find between the beneficial ownership information held in the central registers and the beneficial ownership information collected as part of their customer due diligence procedures or investigations.***

Or. en

Amendment 305

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a b (new)

Directive 2015/849/EU

Article 31 – paragraph 3

Present text

Amendment

"3. Member States shall ***require that*** the information referred to in paragraph 1 ***can be accessed*** in a timely manner ***by competent authorities and FIUs.***"

(ab) paragraph 3 is replaced by the following:

"3. Member States shall ***ensure that trustees disclose their status and provide*** the information referred to in paragraph 1 ***to obliged entities*** in a timely manner ***where, as a trustee, the trustee forms a business relationship or carries out a transaction with an obliged entity.***"

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 306

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point b

Directive 2015/849/EU

Article 31 – paragraph 3 a

Test proposed by the Commission

Amendment

(b) the following paragraph 3a is inserted:

deleted

"3a. The information referred to in paragraph 1 shall be held in a central register set up by the Member State where the trust is administered."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 307

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point b

Directive 2015/849/EU

Article 31 – paragraph 3 a

Text proposed by the Commission

3a. The information referred to in paragraph 1 shall be held in **a** central register set up by the Member State where the trust is administered.

Amendment

3a. The information referred to in paragraph 1 shall be held in **the** central register set up by the Member State where the trust, ***foundation or other type of legal entity, whether existing or future, was created or established or*** is administered ***or where it operates.***

Or. it

Amendment 308

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point b

Directive 2015/849/EU

Article 31 – paragraph 3 a

Text proposed by the Commission

3a. The information referred to in paragraph 1 shall be held in a central register set up by the Member State where the trust is administered;

Amendment

3a. The information referred to in paragraph 1 shall be held in a central register ***referred to in Article 30(3)*** set up by the Member State where the trust is administered;

Or. en

Amendment 309

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès, Caterina Chinnici

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point b

Directive 2015/849/EU

Article 31 – paragraph 3 a

Text proposed by the Commission

3a. The information referred to in paragraph 1 shall be held in a central register set up by the Member State where the trust is administered;

Amendment

3a. The information referred to in paragraph 1 shall be held in a central register set up by the Member State where the trust is ***created***, administered ***or operated***;

Or. en

Amendment 310

Bernd Lucke, Ashley Fox

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point c

Directive 2015/849/EU

Article 31 – paragraph 4

Text proposed by the Commission

4. Member States shall ensure that the information held in the register referred to in paragraph 3a is accessible in a timely and unrestricted manner by competent authorities and FIUs, without alerting the parties to the trust concerned. They ***shall also ensure that*** obliged entities are allowed timely access to that information, pursuant to the provisions on customer due diligence laid down in Chapter II. Member States shall notify to the Commission the characteristics of those mechanisms.

Amendment

4. Member States shall ensure that the information held in the register referred to in paragraph 3a is accessible in a timely and unrestricted manner by competent authorities and FIUs, without alerting the parties to the trust concerned. They ***may also provide*** obliged entities are allowed timely access to that information, pursuant to the provisions on customer due diligence laid down in Chapter II. Member States shall notify to the Commission the characteristics of those mechanisms.

Or. en

Amendment 311

Ashley Fox

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraphs 4 a and 4 b

(d) *the following paragraphs 4a and 4b are inserted:* *deleted*

‘4a. The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible to any person or organisation that can demonstrate a legitimate interest.

The information accessible to persons and organisations that can demonstrate a legitimate interest shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

4b. Whenever entering into a new customer relationship with a trust or other legal arrangement subject to registration of beneficial ownership information pursuant to paragraph 3a, the obliged entities shall collect proof of registration whenever applicable.’;

Or. en

Justification

I propose to make access by obliged entities a national choice, rather than a mandatory requirement. There may also be legitimate privacy reasons for keeping the information limited, since trusts are often used for sensitive financial or personal purposes.

Amendment 312

Jonás Fernández, Ramón Jáuregui Atondo, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a

Text proposed by the Commission

Amendment

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible to any person or organisation that can demonstrate a legitimate interest.

The information shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

The information accessible to persons and organisations that can demonstrate a legitimate interest shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

Or. en

Amendment 313

Brian Hayes

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

Amendment

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible to any person or organisation that can demonstrate a legitimate interest.

deleted

Or. en

Amendment 314

Nils Torvalds, Petr Ježek, Sylvie Goulard, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Text proposed by the Commission

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible ***to any person or organisation that can demonstrate a legitimate*** interest.

Amendment

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be ***publicly*** accessible.

The information publicly accessible shall consist of at least the name, the date of birth, the nationality, the country of residence, contact details (without disclosure of a home address), the nature and extent of the beneficial interest held of the beneficial owner as defined in Article 3(6)(b).

For the purpose of this paragraph, access to the information on beneficial ownership shall be in accordance with data protection rules and open data standards, as defined in Directive 2003/98/EC Article 2(7), and subject to online registration.

Or. en

Amendment 315

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

The information held in the register referred to in paragraph ***3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101*** shall be ***accessible to any***

Amendment

The following parts of the information held in the register referred to in paragraph 1a shall be publicly accessible: the name, the date of birth, the nationality, the country of residence and the nature and

person or organisation that can demonstrate a legitimate interest.

extent of the beneficial interest of the beneficial owner(s) as defined in Article 3(6)(b).

For the purpose of this paragraph, access to the information on beneficial ownership shall be in accordance with data protection rules and made possible in machine-readable and open format as defined in Directive 2013/37/EU.

Or. en

Amendment 316

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

The information held in the register referred to in paragraph 3a of this Article *with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101* shall be accessible to *any person or organisation that can demonstrate a legitimate interest.*

Amendment

The information held in the register referred to in paragraph 3a of this Article shall be accessible to *the public in an open data format.*

Or. it

Amendment 317

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès, Anneliese Dodds

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

The information held in the register

Amendment

The information held in the register

referred to in paragraph 3a of this Article with respect to any *other* trusts *than those referred to in Article 7b (b) of Directive (EC) 2009/101* shall be *accessible to any person or organisation that can demonstrate a legitimate interest*.

referred to in paragraph 3a of this Article with respect to any trusts *or similar legal entities* shall be *public*.

Or. en

Amendment 318

Miguel Viegas

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

“4a. The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (*b*) of Directive (EC) 2009/101 shall be accessible to any person or organisation *that can demonstrate a legitimate interest*.

Amendment

“4a. The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (*b*) of Directive (EC) 2009/101 shall be accessible to any person or organisation.

Or. pt

Justification

This amendment applies throughout the text; adopting it will necessitate corresponding changes throughout.

Amendment 319

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 1

Text proposed by the Commission

Amendment

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible to any person or organisation ***that can demonstrate a legitimate interest.***

The information held in the register referred to in paragraph 3a of this Article with respect to any other trusts than those referred to in Article 7b (b) of Directive (EC) 2009/101 shall be accessible to any person or organisation.

Or. en

Amendment 320

Miguel Viegas

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 a – subparagraph 2

Text proposed by the Commission

Amendment

The information accessible to persons and organisations that can demonstrate a legitimate interest shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b). ***deleted***

Or. pt

Justification

This amendment applies throughout the text; adopting it will necessitate corresponding changes throughout.

Amendment 321

Brian Hayes

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Text proposed by the Commission

Amendment

The information accessible to persons and organisations that can demonstrate a legitimate interest shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

deleted

Or. en

Amendment 322
Marco Valli, Marco Zanni

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2015/849/EU
Article 31 – paragraph 4 a – subparagraph 2

Text proposed by the Commission

Amendment

The information accessible to ***persons and organisations that can demonstrate a legitimate interest*** shall consist of the name, the ***month and year*** of birth, the nationality ***and*** the country of residence of the beneficial owner as defined in Article 3(6)(b).

The information accessible to ***the public*** shall ***at least*** consist of the name, the ***date*** of birth, the nationality, the country of residence ***and the business address*** of the beneficial owner, ***as well as the nature and extent of the beneficial interest held***, as defined in Article 3(6)(b).

For the purposes of this paragraph, access to the information by the public must be fully in accordance with the relevant open data standards and data protection rules. Access shall not be further subject to online registration or other restrictions of any kind, including payment of fees or charges to cover administrative costs.

Or. it

Amendment 323
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2015/849/EU
Article 31 – paragraph 4 a – subparagraph 2

Text proposed by the Commission

The information accessible to persons and organisations ***that can demonstrate a legitimate interest*** shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

Amendment

The information accessible to persons and organisations shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as defined in Article 3(6)(b).

Or. en

Amendment 324
Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Ramón Jáuregui Atondo, Jonás Fernández, Juan Fernando López Aguilar, Caterina Chinnici, Birgit Sippel, Pervenche Berès

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2015/849/EU
Article 31 – paragraph 4 a – subparagraph 2

Text proposed by the Commission

The information ***accessible to persons and organisations that can demonstrate a legitimate interest*** shall consist of the name, the ***month and year*** of birth, the nationality ***and*** the country of residence of the beneficial owner as defined in Article 3(6)(b).

Amendment

The information ***publicly accessible*** shall consist of the name, the ***date*** of birth, the nationality, the country of residence ***and the nature and extent of the interest held*** of the beneficial owner as defined in Article 3(6)(b).

Or. en

Amendment 325
Luděk Niedermayer

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31– paragraph 4 a – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

For the purpose of this paragraph, access to the information on beneficial ownership shall be in accordance with data protection rules and open data standards, and subject to online registration. Member States may introduce a fair and non-discriminatory fee to cover the direct administrative costs. The fee should not prevent stakeholders from access to information in the register.

Or. en

Amendment 326

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d

Directive 2015/849/EU

Article 31 – paragraph 4 b

Text proposed by the Commission

Amendment

4b. Whenever entering into a new customer relationship with a trust or other legal arrangement subject to registration of beneficial ownership information pursuant to paragraph 3a, the obliged entities shall collect proof of registration whenever applicable.”;

4b. Whenever entering into a new customer relationship with a trust or other legal arrangement subject to registration of beneficial ownership information pursuant to paragraph 3a, the obliged entities shall collect proof of registration whenever applicable ***and report to the relevant authorities any discrepancy that they find between the beneficial ownership information held in the central register and the beneficial ownership information collected as part of their customer due diligence procedures.***”;

Or. it

Amendment 327
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d
Directive 2015/849/EU
Article 31 – paragraph 4 b

Text proposed by the Commission

4b. Whenever entering into a new customer relationship with a trust or other legal arrangement subject to registration of beneficial ownership information pursuant to paragraph 3a, the obliged entities shall collect proof of registration ***whenever applicable.***

Amendment

4b. Whenever entering into a new customer relationship with a trust or other legal arrangement subject to registration of beneficial ownership information pursuant to paragraph 3a, the obliged entities shall collect proof of registration.;

Or. en

Amendment 328
Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point d a (new)
Directive 2015/849/EU
Article 31 – paragraph 5

Present text

"5. Member States shall require that the information held in the central register referred to in paragraph 4 is adequate, accurate and up-to-date."

Amendment

(da) paragraph 5 is replaced by the following:

"5. Member States shall require that the information held in the central register referred to in paragraph 1a is adequate, accurate and up-to-date.

To the extent that there is doubt as to whether the information held in the central register is adequate, accurate and up-to-date and the person(s) identified are the actual beneficial owner(s) and the trust or trustee do not cooperate to clarify the information, or where the trust or trustee do not provide identity information of all natural persons meeting the criteria

under paragraph 1 above, trusts should not be allowed to register in the central register."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 329

Krišjānis Kariņš

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d a (new)

Directive 2015/849/EU

Article 31 – paragraph 5

Present text

5. Member States shall require that the information held in the central register referred to in paragraph 4 is adequate, accurate and up-to-date.

Amendment

(da) paragraph 5 is replaced by the following:

5. Member States shall require that the information held in the central register referred to in paragraph 4 is adequate, accurate and up-to-date. ***Member States shall put in place mechanisms to ensure the information in the register is verified on a regular basis.***

Or. en

Amendment 330

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d a (new)

Directive 2015/849/EU

Article 31 – paragraph 5

Present text

"5. Member States shall require that the

Amendment

(da) paragraph 5 is replaced by the following:

"5. Member States shall require that the

information held in the central register referred to in paragraph 4 is adequate, accurate and up-to-date."

information held in the central register referred to in paragraph 4 is adequate, accurate and up-to-date. ***Member States shall require that the obliged entities report cases of missing or inaccurate disclosures.***"

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 331

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d a (new)

Directive 2015/849/EU

Article 31 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(da) the following paragraph 5a is inserted:

"5a. Trusts that are not registered in the central register should not be allowed to operate (i.e. hold bank accounts, engage in business transactions, hold or purchase assets, be enforceable under domestic laws and courts, etc.) within the territory of the Union. Existing registered trusts that do not update information, should be "inactivated": while their available information will be kept, they will be unable to operate within the territory of the Union as if they were unregistered trusts."

Or. en

Amendment 332

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point d c (new)

Directive 2015/849/EU

Article 31 – paragraph 6

Present text

"6. Member States shall ensure that obliged entities do not rely exclusively on the central register referred to in paragraph 4 to fulfil their customer due diligence requirements as laid down in Chapter II. *Those* requirements shall *be fulfilled by using a risk-based approach*."

Amendment

(dc) paragraph 6 is replaced by the following:

"6. Member States shall ensure that obliged entities do not rely exclusively on the central register referred to in paragraph 4 to fulfil their customer due diligence requirements as laid down in Chapter II. *When carrying out customer due diligence requirements, obliged entities shall however be required to report any discrepancy between central registers and information obtained directly through clients or other sources to competent authorities with a view to ensuring that central registers contain the most accurate, up-to-date and complete information possible.*"

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 333

Ashley Fox

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a

Text proposed by the Commission

(e) the following paragraph 7a is inserted:

‘7a. In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of

Amendment

deleted

fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Exemptions granted pursuant to the first subparagraph shall not apply to the credit institutions and financial institutions, and to obliged entities referred to in point (3)(b) of Article 2(1) that are public officials.

Where a Member State decides to establish an exemption in accordance with the first subparagraph, it shall not restrict access to information by competent authorities and FIUs’;

Or. en

Justification

7a does not provide a sufficient protection to the fundamental right to privacy which should be granted to all beneficial owners of trusts.

Amendment 334

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a **would expose** the beneficial owner to the risk of **fraud**, kidnapping, blackmail, violence or intimidation, **or where** the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information

Amendment

In exceptional circumstances **and under the conditions** laid down in national law, where **an in-depth and reasoned assessment shows that** the access referred to in paragraphs 4 and 4a **exposes** the beneficial owner to the risk of kidnapping, blackmail, violence or intimidation, **in particular when** the beneficial owner is a minor or otherwise incapable, Member

on the beneficial ownership on a case-by-case basis.

States may provide *for a limited time of no more than a year* for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

In the exceptional cases in which exemption is granted, the identity of the guardian/administrator/person exercising parental authority who is acting as representative of the beneficial owner must be clearly indicated in the register accessible to the public. The exemptions granted may be renewed following a review demonstrating that there is still a risk to the safety of the beneficial owner.

Or. it

Amendment 335

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

In exceptional circumstances ***and under specific terms*** laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis. ***Member States shall ensure that these exemptions are granted upon a detailed evaluation of the exceptional nature of the circumstances. Exemptions shall be reassessed at regular intervals to avoid abuse. When an exemption is***

granted, this has to be clearly indicated in the register. It shall further be possible to challenge exemptions before the national authority that granted the exemption.

Or. en

Amendment 336
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 10 – point e
Directive 2015/849/EU
Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of *fraud*, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis. *Member States shall ensure that these exemptions are granted upon an evaluation of the exceptional nature of the circumstances, with the evaluation accessible to the Commission upon request. Exemptions shall be reassessed at regular intervals of at least every two years to avoid abuse. When an exemption is granted, this has to be clearly indicated in the register.*

Or. en

Amendment 337
Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Cătălin Sorin Ivan, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis. ***Exemptions shall be reassessed at regular intervals to avoid abuse. When an exemption is granted, this has to be clearly indicated in the register and legal appeal against the exemption shall always be possible. Member States shall publish annual statistical data on the amount of exemptions granted and reasons stated and report the data to the Commission.***

Or. en

Amendment 338

Luděk Niedermayer

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from

Amendment

In exceptional circumstances laid down in national law, where the access referred to in paragraphs 4 and 4a would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from

such access to all or part of the information on the beneficial ownership on a case-by-case basis.

such access to all or part of the information on the beneficial ownership on a case-by-case basis. ***When an exemption is granted, this has to be clearly indicated in the register. Exemptions shall be reassessed at regular intervals to avoid abuse. Any legal or natural person may ask for the exemption to be examined by a court.***

Or. en

Amendment 339

Bernd Lucke, Pirkko Ruohonen-Lerner

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in ***paragraphs 4 and 4a*** would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, ***Member States may provide for an exemption from such access*** to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

In exceptional circumstances laid down in national law, where the access referred to in ***point b of paragraph 5*** would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, ***a competent authority may grant a temporary exemption*** to all or part of the information on the beneficial ownership on a case-by-case basis. ***When an exemption is granted this has to be clearly indicated in the register.***

Or. en

Amendment 340

Brian Hayes

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point e

Directive 2015/849/EU

Article 31 – paragraph 7 a – subparagraph 1

Text proposed by the Commission

In exceptional circumstances laid down in national law, where the access referred to in **paragraphs 4 and 4a** would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

In exceptional circumstances laid down in national law, where the access referred to in **paragraph 4** would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from such access to all or part of the information on the beneficial ownership on a case-by-case basis.

Or. en

Amendment 341

Miguel Viegas

Proposal for a directive

Article 1 – paragraph 1 – point 15 – point f

Directive 2015/849/EU

Article 31 – paragraph 8

Text proposed by the Commission

(f) Paragraph 8 is deleted;

Amendment

deleted

Or. pt

Justification

This amendment applies throughout the text; adopting it will necessitate corresponding changes throughout.

Amendment 342

Judith Sargentini

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point g

Directive 2015/849/EU

Article 31 – paragraph 9 – subparagraph 4

Text proposed by the Commission

Member States shall cooperate with the Commission in order to implement the different types of access in accordance with paragraphs 4 and 4a of this Article.”;

Amendment

The information referred to in paragraph 1 of this Article shall be available through the national registers and through the system of interconnection of registers for 10 years after the trust or other legal arrangement similar to a trust has been struck off from the commercial or company register. Member States shall cooperate with the Commission in order to implement the different types of access in accordance with paragraphs 4 and 4a of this Article.”;

Or. en

Amendment 343

Maria Grapini

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point g

Directive 2015/849/EU

Article 31 – paragraph 9 – subparagraph 4

Text proposed by the Commission

Member States shall cooperate with the Commission in order to implement the different types of access in accordance with paragraphs 4 and 4a of this Article;

Amendment

Member States shall cooperate with the Commission in order to implement the different types of access in accordance with paragraphs 4 and 4a of this Article ***and to propose improved procedures when it comes to ensuring interconnections;***

Or. ro

Amendment 344

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h

Directive 2015/849/EU

Article 31 – paragraph 10

Text proposed by the Commission

10. For the ***purposes*** of this Article, a trust is considered to be administered ***in each*** Member State where ***the trustees are established***;

Amendment

10. For the ***purpose*** of this Article, a trust is considered to be ***created***, administered ***or operated in a*** Member State where ***one or more of the following conditions are fulfilled***:

- (a) ***it is created according to or governed by the law of the Member State or has its ultimate court of appeal in the jurisdiction of the Member State***;
- (b) ***it is connected to the Member State by:***
 - (i) ***having one or more of the persons referred to in paragraph 1 or beneficial owners of the trust, as defined in Article 3(6)(b), resident in that Member State***;
 - (ii) ***holding real estate or other tangible assets in the Member State***;
 - (iii) ***holding shares or voting rights or ownership interest in a legal entity incorporated in that Member State***;
 - (iv) ***holding a bank or payment account in a credit institution situated in that Member State***.

Or. en

Amendment 345

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Cătălin Sorin Ivan, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès, Birgit Sippel

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h

Directive 2015/849/EU

Article 31 – paragraph 10

Text proposed by the Commission

10. For the purposes of this Article, a trust is considered to be administered in each Member State where ***the trustees are***

Amendment

10. For the purposes of this Article, a trust is considered to be administered in each Member State where:

established;

(a) it is created according to or governed by the Member State's law or has its ultimate court of appeal in the Member State's jurisdiction; or

(b) it is connected to the Member State by:

(i) having one or more of the beneficial owners of the trust, as defined in Article 3(6)(b), resident in that Member State;

(ii) holding real estate in that Member State;

(iii) holding shares or voting rights or ownership interest in a legal entity incorporated in that Member State; or

(iv) holding a bank or payment account in a credit institution situated in that Member State.

Or. en

Amendment 346

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h

Directive 2015/849/EU

Article 31 – paragraph 10

Text proposed by the Commission

10. For the purposes of this Article, a trust is considered to be administered in each Member State where the trustees are established.

Amendment

10. For the purposes of this Article, a trust, *foundation or other legal entity with a similar structure and functions* is considered to be administered, *created or operating in each Member State in which it has been constituted in accordance with the legislation of the Member State, or in each Member State where it has a connection, in that, for example, the trustees, beneficial owners or other natural persons involved in management and control are established or reside, or*

where it possesses activities, real or moveable property, bank accounts, shares, voting rights or holdings.

Or. it

Amendment 347

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h a (new)

Directive 2015/849/EU

Article 31 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

(ha) the following paragraph 10a is added:

"10a. Member States shall notify to the Commission the categories and characteristics of the legal arrangements that have been identified pursuant to the paragraph 1 within 12 months from the entry into the force of this Directive and upon expiry of that period the Commission should publish within 2 months in the Official Journal of the European Union the consolidated list of such legal arrangements.

By 26 June 2020, the Commission shall submit a report to the European Parliament and to the Council assessing whether all legal arrangements which have a structure and function similar to trusts governed under the law of Member States were duly identified and made subject to the obligations as set out in this Directive. Where appropriate, the Commission shall take the necessary steps to act upon the findings of that report."

Or. en

Amendment 348

Jonás Fernández, Ramón Jáuregui Atondo, Juan Fernando López Aguilar

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h a (new)

Directive 2015/849/EU

Article 31 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

(ha) the following paragraph 10a is added:

10a. Member States will require trust deeds of any trust administered in their territory to obtain and maintain sufficient, exact and current information about the trust. This information shall include:

- The trust deed.*
- All letter of wishes.*
- The name and address of the settlor*
- The name and addressee of all trustees and the name and addresses of all those on whose instructions they act.*
- The name of any enforcer and the instructions they hold.*
- The annual accounts of the trust.*
- Details of all trust distributions with the names and addresses of beneficiaries on record.*

Or. en

Amendment 349

Monica Macovei

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point h a (new)

Directive 2015/849/EU

Article 31 – paragraph 10 a (new)

(ha) Paragraph 5 is amended as follows:

10a. Member States shall require that the information held in the central register referred to in paragraph 4 is adequate, accurate and current. Member States shall put in place mechanisms to ensure the information in the register is verified on a regular basis. They shall also foresee mechanisms for encouraging obliged entities to report inconsistencies between the information they have collected through their customer due diligence process and that held in the central register.

Or. en

Amendment 350

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Pervenche Berès, Hugues Bayet, Birgit Sippel, Caterina Chinnici

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point -a a (new)

Directive 2015/849/EU

Article 32 – paragraph 1

Present text

1. Each Members State shall establish an FIU in order to prevent, detect and effectively combat money laundering and terrorist financing.

Amendment

(-aa) paragraph 1 is replaced by the following:

1. Each Member State shall establish an FIU in order to prevent, detect and effectively combat money laundering and terrorist financing. *The FIU shall be a police authority or other law enforcement service or entity which, under national law, is responsible for preventing and combating criminal offences.*

Or. en

Amendment 351

Emil Radev, Monika Hohlmeier

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a

Directive 2015/849/EU

Article 32 – paragraph 3 – subparagraph 1 – fourth sentence

Text proposed by the Commission

It shall be able to obtain and use information from any obliged entity;

Amendment

It shall be able to ***request***, obtain and use ***additional*** information from any obliged entity;

Or. en

Amendment 352

Emil Radev, Monika Hohlmeier

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2015/849/EU

Article 32 – paragraph 4

Present text

4. Member States shall ensure that their FIUs have access, directly or indirectly, in a timely manner, to the financial, administrative and law enforcement information that they require to fulfil their tasks properly. ***FIUs shall be able to respond to requests for information by competent authorities in their respective Member States when such requests for information are motivated by concerns relating to money laundering, associated predicate offences or terrorist financing. The decision on conducting the analysis or dissemination of information shall remain with the FIU.***

Amendment

(aa) paragraph 4 is replaced by the following:

4. Member States shall ensure that their FIUs have timely and unrestricted access, directly or indirectly, in a timely manner, to, ***at least, the following*** financial, administrative and law enforcement information that they require to fulfil their tasks properly:

(a) financial and administrative

information

- *information for bank accounts*
- *information on the identification of assets*
- *information on legal and beneficial ownership*
- *information on the identity of the person (ID, address, etc.)*
- (b) *law enforcement information*
 - *criminal police proceedings (ongoing criminal investigations);*
 - *criminal records;*
 - *mutual legal assistance records;*
 - *Schengen Information System, border crossings, border controls;*

FIUs shall be able to respond to requests for information by competent authorities in their respective Member States when such requests for information are motivated by concerns relating to money laundering, associated predicate offences or terrorist financing. The decision on conducting the analysis or dissemination of information shall remain with the FIU.

Or. en

Amendment 353

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 11 – point a a (new)

Directive 2015/849/EU

Article 32 – paragraph 7

Present text

Amendment

(aa) paragraph 7 is replaced by the following:

"7. Member States shall ensure that the FIU is empowered to take urgent action,

"7. Member States shall ensure that the FIU is empowered to take urgent action,

directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction that is proceeding, in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis to the competent authorities. The FIU shall be empowered to take such action, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions specified in the national law of the FIU receiving the request."

directly or indirectly, where there is a suspicion that a transaction is related to money laundering or terrorist financing, to suspend or withhold consent to a transaction that is proceeding, in order to analyse the transaction, confirm the suspicion and disseminate the results of the analysis ***automatically*** to the competent authorities. The FIU shall be empowered to take such action, directly or indirectly, at the request of an FIU from another Member State for the periods and under the conditions specified in the national law of the FIU receiving the request."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 354

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 1

Text proposed by the Commission

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC and bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Amendment

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC, ***financial instruments as defined in Directive 2014/65/EU*** and bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Or. en

Amendment 355

Ashley Fox

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 1

Text proposed by the Commission

1. Member States shall put in place ***automated centralised*** mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling ***payment accounts as defined in Directive 2007/64/EC and*** bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Amendment

1. Member States shall put in place mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Or. en

Justification

A register of this kind would need to have a clearly defined scope in order to pass the test of proportionality. However, the term “payment accounts” is very broad and covers instant savings accounts, electronic money accounts and some mortgages. Furthermore, in many Member States, law enforcement can already investigate bank and payment accounts through means other than a central register.

Amendment 356

Emil Radev, Monika Hohlmeier

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849

Article 32 a – paragraph 1

Text proposed by the Commission

1. Member States shall put in place automated centralised mechanisms, such as

Amendment

1. Member States shall put in place automated centralised mechanisms, such as

central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC and bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC and bank accounts **and safe deposit boxes** held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Or. en

Amendment 357

Nils Torvalds, Sylvie Goulard, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 1

Text proposed by the Commission

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC **and** bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Amendment

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC **as well as** bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Or. en

Justification

Support for the Commission proposal excluding safe deposit boxes.

Amendment 358
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2015/849/EU
Article 32 a – paragraph 1

Text proposed by the Commission

1. Member States shall put in place ***automated centralised*** mechanisms, such as ***central*** registries or ***central*** electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC and bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Amendment

1. Member States shall put in place mechanisms, such as registries or electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling payment accounts as defined in Directive 2007/64/EC and bank accounts held by a credit institution within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

Or. en

Amendment 359
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2015/849/EU
Article 32 a – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the information held in the ***centralised*** mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities for fulfilling their obligations under this Directive. Member States shall ensure that any FIU is able to provide information held in the ***centralised*** mechanisms referred to in paragraph 1 to any other FIUs ***in a timely manner*** in accordance with Article 53.

Amendment

2. Member States shall ensure that the information held in the mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities for fulfilling their obligations under this Directive. Member States shall ensure that any FIU is able to provide information held in the mechanisms referred to in paragraph 1 to any other FIUs in accordance with Article 53.

Amendment 360
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2015/849/EU
Article 32 a – paragraph 3 – introductory part

Text proposed by the Commission

3. The following information shall be accessible and searchable through the ***centralised*** mechanisms referred to in paragraph 1:

Amendment

3. The following information shall be accessible and searchable through the mechanisms referred to in paragraph 1:

Or. en

Amendment 361
Emil Radev, Monika Hohlmeier

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2015/849/EU
Article 32 a – paragraph 3 – indent 3 a (new)

Text proposed by the Commission

Amendment

– ***for the safe deposit boxes: the name of the renter and the duration of the lease***

Or. en

Amendment 362
Maite Pagazaurtundúa Ruiz

Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2015/849/EU
Article 32 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall prohibit their financial and credit institutions from keeping anonymous accounts, anonymous passbooks or anonymous safe deposit boxes. Member States shall, with no exceptions, require that the owners and beneficiaries of existing anonymous accounts, anonymous passbooks and anonymous safe deposit boxes be subject to customer due diligence measures as soon as possible and, in any event, before such accounts or passbooks are used in any way.

Or. es

(Article 1 paragraph 1)

Amendment 363

Bernd Lucke, Monica Macovei, Pirkko Ruuhonen-Lerner

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Those Member States which have not already done so shall establish national property registers and exchange the national data with competent authorities of other Member States. In order to facilitate the exchange of information the Commission shall develop, with FIUs, a standardised template for national competent authorities to use to submit the data.

Or. en

Amendment 364

Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. By 26 June 2019, the Commission shall submit a report to the European Parliament and to the Council assessing the conditions and the technical specifications and procedures for ensuring safe and efficient interconnection of the central registries. Where appropriate, that report shall be accompanied by a legislative proposal.

Or. en

Amendment 365

Nils Torvalds, Sylvie Goulard, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2015/849/EU

Article 32 a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) Member States may introduce exemptions from the obligations referred to in paragraphs 1-3 regarding passive bank accounts.

For the purpose of this paragraph, 'passive bank account' means a bank account with a balance of no more than EUR 5000 to and from which no payments, excluding interest payments and other normal service fees charged by the service provider, has been made during the past 36 months.

Or. en

Amendment 366
Enrico Gasbarra, Fulvio Martusciello

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2015/849/EU
Article 32 b (new)

Text proposed by the Commission

Amendment

(12a) the following Article 32b is inserted:

Article 32b

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling land and buildings within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms. The automated centralised mechanisms shall be established and kept by a public authority or agency or by entities to which public powers have been delegated which offer guarantees of appropriate training, impartiality and neutrality and which are subject to control by the authorities of the relevant Member State, including in relation to security and the confidentiality of personal data.

2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities. Member States shall ensure that any FIU is able to provide information held in the centralised mechanisms referred to in paragraph 1 to any other FIUs in a timely manner in accordance with Article 53.

3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:

- *for the real property owner and any person purporting to act on behalf of the owner: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(a) or a unique identification number;*
- *for the beneficial owner of the real property: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(b) or a unique identification number;*
- *for the real property: date and cause of ownership acquisition, mortgage and rights other than ownership;*
- *for the land: location, parcel number, land category (current state of land), parcel area (area of land);*
- *for the building: location, parcel number, building number, type, structure, floor area.*

4. *Member States shall cooperate among themselves and with the Commission in order to establish by 1 January 2018 a European real property register in accordance with paragraph 1.*

Or. it

Amendment 367
Luděk Niedermayer

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2015/849/EU
Article 32 b (new)

Text proposed by the Commission

Amendment

(12a) *the following Article 32b is inserted:*

"Article 32b

- 1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons owning real estate within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.*
- 2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible, to FIUs and competent authorities including of other Member States. Member States shall ensure that any FIU is able to provide information held in the centralised mechanisms referred to in paragraph 1 to any other Member State's FIUs in a timely manner in accordance with Article 53.*
- 3. Member States shall ensure that the automated centralised mechanism contains all necessary information to identify both the real estate and the legal owner of the real estate in question.*

Or. en

Amendment 368

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 12 a (new)

Directive 2015/849/EU

Article 32 b (new)

Text proposed by the Commission

Amendment

(12a) the following Article 32b is inserted:

Article 32b

- 1. Member States shall put in place automated centralised mechanisms, such*

as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling land, buildings or any other physical assets valued at 10 000 Euros or above within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities, including tax authorities. Member States shall ensure that any FIU is able to provide information held in the centralised mechanisms referred to in paragraph 1 to any other FIUs or competent authorities, including tax authorities, in a timely manner in accordance with Article 53.

3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:

- for the real property or asset owner and any person purporting to act on behalf of the owner: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(a) or a unique identification number;*
- for the beneficial owner of the property or asset: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(b) or a unique identification number;*
- for the property or asset: date and cause of ownership acquisition, mortgage and rights other than ownership;*
- for the land: location, parcel number, land category (current state of land), parcel area (area of land),*

valuation;

– *for the building: location, parcel number, building number, type, structure, floor area, valuation;*

– *for any other asset referred to in paragraph 1: type, description, valuation.*

Or. en

Amendment 369

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès, Anneliese Dodds, Caterina Chinnici

Proposal for a directive

Article 1 – paragraph 1 – point 12 a (new)

Directive 2015/849/EU

Article 32 b (new)

Text proposed by the Commission

Amendment

(12a) the following Article 32b is inserted:

Article 32b

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling land and buildings within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities. Member States shall ensure that any FIU is able to provide information held in the centralised mechanisms referred to in paragraph 1 to any other FIUs in a timely manner in accordance with Article 53.

3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:

- for the real property owner and any person purporting to act on behalf of the owner: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(a) or a unique identification number;**
- for the beneficial owner of the real property: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(b) or a unique identification number; – for the real property: date and cause of ownership acquisition, mortgage and rights other than ownership;**
- for the land: location, parcel number, land category (current state of land), parcel area (area of land); – for the building: location, parcel number, building number, type, structure, floor area.**

4. Member States shall cooperate among themselves and with the Commission in order to establish by 1 January 2018 a European real property register in accordance with paragraph 1 building on the European Land Information Service (EULIS).

Or. en

Amendment 370
Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 12 a (new)
Directive 2015/849/EU
Article 32 b (new)

(12a) The following article 32b is inserted:

Article 32b

1. Member States shall put in place automated centralised mechanisms, such as central registries or central electronic data retrieval systems, which allow the identification, in a timely manner, of any natural or legal persons holding or controlling life insurance contracts or investment related services such as insurance contracts with premium refund held within their territory. Member States shall notify the Commission of the characteristics of those national mechanisms.

2. Member States shall ensure that the information held in the centralised mechanisms referred to in paragraph 1 is directly accessible, at national level, to FIUs and competent authorities. Member States shall ensure that any FIU is able to provide information held in the centralised mechanisms referred to in paragraph 1 to any other FIUs in a timely manner in accordance with Article 53.

3. The following information shall be accessible and searchable through the centralised mechanisms referred to in paragraph 1:

- for the contracting partner and any person purporting to act on behalf of the contracting partner: the name, complemented by the other identification data required under the national provisions transposing Article 13(1) (a) or a unique identification number;**
- for the beneficial owner of the life insurance contract: the name, complemented by the other identification data required under the national provisions transposing Article 13(1)(b) or a unique identification number;**

– *for the life insurance contract:
date of conclusion of contract and insured
amount.*

4. *By 26 June 2019, the Commission
shall submit a report to the European
Parliament and to the Council assessing
the conditions and the technical
specifications and procedures for
ensuring safe and efficient
interconnection of the central registries.
Where appropriate, that report shall be
accompanied by a legislative proposal.*

Or. en

Amendment 371

Peter Simon, Ana Gomes
on behalf of the S&D Group
Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 12 a (new)

Directive 2015/849/EU

Article 33 – paragraph 1 – introductory part

Present text

1. Member States shall require
obliged entities, and, where applicable,
their directors *and employees*, to cooperate
fully by promptly:

Amendment

(13a) *in Article 33, paragraph 1 is
replaced by the following:*

"1. Member States shall require
obliged entities, and, where applicable,
their directors, *employees and externally
hired consultants and professionals* to
cooperate fully by promptly:

Or. en

(eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 372

**Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán
Crespo, Marisa Matias**

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)
Directive 2015/849/EU
Article 34 – paragraph 2

Present text

"2. Member States shall not apply the obligations laid down in Article 33(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 of their client or performing their task of defending or representing that client in, or concerning, judicial *proceedings, including providing advice on instituting or avoiding such* proceedings, whether such information is received or obtained before, during or after such proceedings."

Amendment

(13a) in Article 34, paragraph 2 is replaced by the following:

"2. Member States shall not apply the obligations laid down in Article 33(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 of their client or performing their task of defending or representing that client in, or concerning, judicial proceedings, whether such information is received or obtained before, during or after such proceedings."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 373
Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)
Directive 2015/849/EU
Article 34 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(13a) in article 34(2), the following subparagraph is added:

The exemption shall not apply in the case of suspicions of tax evasion, tax avoidance and tax fraud.

Amendment 374

Ana Gomes, Peter Simon

Proposal for a directive

Article 1 – paragraph 1 – point 13 a (new)

Directive 2015/849/EU

Article 34 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(13a) in Article 34, the following paragraph is added:

3a. Self-regulatory bodies designated by Member States under paragraph 1 shall publish an annual report containing information about:

(a) measures taken under Articles 58, 59 and 61;

(b) number of reports of breaches received;

(c) number of reports filed to the FIU;

(d) number and description of measures carried out to verify compliance by obliged entities with their obligations under:

i. Articles 10 to 24 (customer due diligence);

ii. Articles 33, 34 and 35 (suspicious transaction reporting);

iii. Article 40 (record-keeping); and

iv. Articles 45 and 46 (internal controls).

Or. en

Amendment 375

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive
Article 1 – paragraph 1 – point 13 b (new)
Directive 2015/849/EU
Article 37

Present text

"Disclosure of information in good faith by an obliged entity or by an employee or director of such an obliged entity in accordance with Articles 33 and 34 shall not constitute a breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not involve the obliged entity or its directors or employees in liability of any kind even in circumstances where they were not precisely aware of the underlying criminal activity and regardless of whether illegal activity actually occurred."

Amendment

(13b) Article 37 is replaced by the following:

"Disclosure of information in good faith by an obliged entity or by an employee or director of such an obliged entity, **FIUs or other relevant public bodies** in accordance with Articles 33 and 34 shall not constitute a breach of any restriction on disclosure of information imposed by contract or by any legislative, regulatory or administrative provision, and shall not involve the obliged entity or its directors or employees in liability of any kind even in circumstances where they were not precisely aware of the underlying criminal activity and regardless of whether illegal activity actually occurred."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 376
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 13 a (new)
Directive 2015/849/EU
Article 38

Present text

"Member States shall ensure that individuals, including employees and representatives of the obliged entity, who report suspicions of money laundering or

Amendment

(13a) Article 38 is replaced by the following:

"Member States shall ensure that individuals, including employees and representatives of the obliged entity who report suspicions of money laundering or

terrorist financing internally or to the FIU, are protected from being exposed to threats or hostile action, and in particular from adverse or discriminatory employment actions."

terrorist financing internally, *externally* or to the FIU, are protected from being exposed to threats, *retaliatory* or hostile action, and in particular from adverse or discriminatory employment actions, *civil claims and criminal charges linked to such disclosure*."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 377

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 13 c (new)

Directive 2015/849/EU

Article 38

Present text

"Member States shall ensure that individuals, including employees and representatives of the obliged entity who report suspicions of money laundering or terrorist financing internally or to the FIU, are protected from being exposed to threats or hostile action, *and* in particular from adverse or discriminatory employment *actions*."

Amendment

(13c) Article 38 is replaced by the following:

"Member States shall ensure that individuals, including employees and representatives of the obliged entity, *FIUs or other relevant public bodies* who report suspicions of money laundering or terrorist financing internally or to the FIU, are protected from being exposed to threats or *any* hostile action, in particular from *any* adverse or discriminatory employment *action*. *This protection shall also effectively comprise relatives or any other person with close links to the one that has reported the suspicion.*

Where there is reasonable ground to suspect that money laundering, associated predicate offences or terrorist financing, or an action with comparable risks for the public interest, have actually occurred and not been adequately dealt with by the obliged entity or the FIU, an individual,

including employees and representatives of the obliged entity or employees of the FIU or other relevant bodies shall also be protected if these cases are exposed publicly. In such circumstances, protection shall entail reasonable financial support or compensation in addition to the elements listed in paragraph 1."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 378

Ana Gomes, Peter Simon, Maria Grapini, Jeppe Kofod, Hugues Bayet, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès, Anneliese Dodds, Caterina Chinnici, Birgit Sippel

Proposal for a directive

Article 1 – paragraph 1 – point 13 b (new)

Directive 2015/849/EU

Article 38

Present text

Member States shall ensure that individuals, including employees and representatives of the obliged entity, who report suspicions of money laundering or terrorist financing internally or to the FIU, are protected from being exposed to threats or hostile action, and in particular from adverse or discriminatory employment actions.

Amendment

(13b) Article 38 is replaced by the following:

Member States shall ensure that individuals, including employees and representatives of the obliged entity who report suspicions of money laundering or terrorist financing internally or to the FIU, ***are legally*** protected from being exposed to threats or hostile action, and in particular from adverse or discriminatory employment actions.

Or. en

Amendment 379

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Ramón Jáuregui Atondo, Jonás Fernández, Juan Fernando López Aguilar, Pervenche Berès, Anneliese Dodds, Caterina Chinnici, Birgit Sippel

Proposal for a directive

Article 1 – paragraph 1 – point 13 c (new)

Directive 2015/849/EU

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(13c) in Article 38, the following paragraph is added:

1a. Member States shall ensure that individuals who are exposed to threats, hostile actions, or adverse or discriminatory employment actions for reporting suspicions of money laundering or terrorist financing internally or to the FIU are able to present a complaint in a safe manner to the respective competent authorities. Member States shall ensure that competent authorities have the legal duty to carry out an investigation and emit a decision. Judicial redress against the decision shall always be possible.

Or. en

Amendment 380

Ashley Fox

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2015/849/EU

Article 39 – paragraph 3

Text proposed by the Commission

Amendment

(14) in Article 39, paragraph 3 is replaced by the following:

deleted

‘3. The prohibition laid down in paragraph 1 shall not prevent disclosure between the credit institutions and financial institutions from the Member States provided that they belong to the same group, or between these entities and their branches and majority owned subsidiaries established in third countries,

provided that these branches and majority-owned subsidiaries fully comply with the group-wide policies and procedures, including procedures for sharing information within the group, in accordance with Article 42 and that the group-wide policies and procedures comply with the requirements set out in this Directive.’;

Or. en

Justification

This revision appears to prevent bank to bank sharing where banks are not part of the same group. Financial institutions can leverage data and significant analytical capabilities to provide information of real value in identifying criminal abuse.

Amendment 381 **Krišjānis Kariņš**

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2015/849/EU

Article 39 – paragraph 3

Text proposed by the Commission

3. The prohibition laid down in paragraph 1 shall not prevent disclosure between the credit institutions and financial institutions from the Member States ***provided that they belong to the same group***, or between these entities and their branches and majority owned subsidiaries established in third countries, provided that these branches and majority-owned subsidiaries fully comply with the group-wide policies and procedures, including procedures for sharing information within the group, in accordance with Article 42 and that the group-wide policies and procedures comply with the requirements set out in this Directive.;

Amendment

3. The prohibition laid down in paragraph 1 shall not prevent disclosure between the credit institutions and financial institutions from the Member States ***on risk sensitive basis***, or between these entities and their branches and majority owned subsidiaries established in third countries, provided that these branches and majority-owned subsidiaries fully comply with the group-wide policies and procedures, including procedures for sharing information within the group, in accordance with Article 42 and that the group-wide policies and procedures comply with the requirements set out in this Directive.;

Or. en

Amendment 382
Cora van Nieuwenhuizen

Proposal for a directive
Article 1 – paragraph 1 – point 15 – point a
Directive 2015/849/EU
Article 40 – paragraph 1 – point a

Text proposed by the Commission

(a) in the case of customer due diligence, a copy of the documents and information which are necessary to comply with the customer due diligence requirements laid down in Chapter II, including, where available, information obtained through electronic identification means as set out in Regulation (EU) No 910/2014, for a period of five years after the end of the business relationship with their customer or after the date of an occasional transaction;

Amendment

(a) in the case of customer due diligence, a copy of the documents and information which are necessary to comply with the customer due diligence requirements laid down in Chapter II, including, where available, information obtained through electronic identification means as set out in Regulation (EU) No 910/2014 **or alternative remote identification techniques subject to the approval of the competent authorities**, for a period of five years after the end of the business relationship with their customer or after the date of an occasional transaction;

Or. en

Amendment 383
Cora van Nieuwenhuizen

Proposal for a directive
Article 1 – paragraph 1 – point 15 – point a
Directive 2015/849/EU
Article 40 – paragraph 1 – point b

Text proposed by the Commission

(b) the supporting evidence and records of transactions, consisting of the original documents or copies admissible in judicial proceedings under the applicable national law, including, where available, information obtained through electronic identification means as set out in Regulation (EU) No 910/2014, which are

Amendment

(b) the supporting evidence and records of transactions, consisting of the original documents or copies admissible in judicial proceedings under the applicable national law, including, where available, information obtained through electronic identification means as set out in Regulation (EU) No 910/2014 **or**

necessary to identify transactions, for a period of five years after the end of a business relationship with their customer or after the date of an occasional transaction.;

alternative remote identification techniques subject to the approval of the competent authorities, which are necessary to identify transactions, for a period of five years after the end of a business relationship with their customer or after the date of an occasional transaction;

Or. en

Amendment 384

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Directive 2015/849/EU

Article 43

Present text

The processing of personal data on the basis of this Directive for the purposes of the prevention of money laundering and terrorist financing as referred to in Article 1 shall be considered to be a matter of public interest under *Directive 95/46/EC*.

Amendment

(15 a) Article 43 is replaced by the following:

The processing of personal data on the basis of this Directive for the purposes of the prevention of money laundering and terrorist financing as referred to in Article 1 shall be considered to be a matter of public interest under *Regulation (EU) 2016/679*.

Or. en

Amendment 385

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Directive 2015/849/EU

Article 44 – paragraph 2 – point d

Present text

Amendment

"(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU."

(15a) in Article 44(2), point (d) is replaced by the following:

"(d) data regarding the number of cross-border requests for information that were made, received, refused and partially or fully answered by the FIU, ***broken down by counterpart country.***"

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 386
Pirkko Ruohonen-Lerner

Proposal for a directive
Article 1 – paragraph 1 – point 15 a (new)
Directive 2015/849/EU
Article 46 a (new)

Text proposed by the Commission

Amendment

(15a) the following Article 46a is inserted:

Article 46a

Member States should ensure that the ownership registries of listed securities also support the anti-money laundering efforts. In situations where Member States reform the ways they administer these ownership registries, they should investigate possibilities to introduce a model of direct, centralised and public ownership registry for listed securities either through national registry or a system where the list of owners would be available in the headquarters of each listed enterprise. In addition, particular attention should be paid to getting reliable information on ultimate beneficiaries in situations where listed securities are traded in chains involving one or more

than one stock brokers.

Or. en

Amendment 387
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2015/849/EU
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

(16) in Article 47, paragraph 1 is replaced by the following:

deleted

‘1. Member States shall ensure that providers of exchanging services between virtual currencies and fiat currencies, custodian wallet providers, currency exchange and cheque cashing offices, and trust or company service providers are licensed or registered, and that providers of gambling services are regulated.’;

Or. en

Amendment 388
Emil Radev, Monika Hohlmeier

Proposal for a directive
Article 1 – paragraph 1 – point 16
Directive 2015/849/EU
Article 47 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that providers of exchanging services between virtual currencies and fiat currencies, custodian wallet providers, currency exchange and cheque cashing offices, *and* trust or company service providers are licensed or registered, and that providers of

1. Member States shall ensure that providers of exchanging services between virtual currencies and fiat currencies, custodian wallet providers, currency exchange and cheque cashing offices, *issuers, administrators, intermediaries and distributors of virtual currencies, the administrators and providers of systems*

gambling services are regulated.;

for online payments, trust or company service providers are licensed or registered, and that providers of gambling services are regulated.;

Or. en

Amendment 389
Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 16 b (new)
Directive 2015/849/EU
Article 48 – paragraph 1

Present text

Member States shall require the competent authorities to monitor effectively, *and to take the measures necessary to ensure, compliance with this Directive.*

Amendment

(16b) in Article 48, paragraph 1 is replaced by the following:

In particular, Member States shall require the competent authorities to monitor effectively *activities of persons whom AML/CFT related tasks are delegated by obliged entities and self-regulatory bodies.*

Or. en

Amendment 390
Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 16 c (new)
Directive 2015/849/EU
Article 48 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(16c) in Article 48, the following paragraph 1a is inserted:

1a. Member States shall ensure that one competent authority operates as supervising AML/CFT authority, which shall be structurally independent. The supervising AML/CFT authority shall

ensure supervision and coordination of anti-money laundering activities carried out by other competent authorities and law enforcement bodies to ensure that all obliged entities are subject to adequate supervision including inspections, preventions, monitoring and remedial actions. The supervising AML/CFT authority shall serve as a contact point for the supervising AML/CFT authorities of the other Member States, the Commission and the ESAs.

Or. en

Amendment 391

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 16 a (new)

Directive 2015/849/EU

Article 48 – paragraph 2

Present text

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 those authorities maintain high professional standards, including standards of confidentiality and data protection, that they are of high integrity and are appropriately skilled.

Amendment

(16a) in Article 48, paragraph 2 is replaced by the following:

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 those authorities maintain high professional standards, including standards of confidentiality and data protection, that they are of high integrity and are appropriately skilled. ***Member States shall ensure that staff of those authorities have sufficient rules and mechanisms in place to prevent and sanction situations of conflict of interest.***

Amendment 392

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Ramón Jáuregui Atondo, Juan Fernando López Aguilar, Jonás Fernández, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 16 b (new)

Directive 2015/849/EU

Article 48 – paragraph 9

Present text

9. In the case of the obliged entities referred to in point (3)(a), (b) and (d) of Article 2(1), Member States may allow the functions referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies comply with paragraph 2 of this Article.

Amendment

(16b) in Article 48, paragraph 9 is replaced by the following:

9. In the case of the obliged entities referred to in point (3)(a), (b), ***(ca)*** and (d) of Article 2(1), Member States may allow the functions referred to in paragraph 1 of this Article to be performed by self-regulatory bodies, provided that those self-regulatory bodies comply with paragraph 2 of this Article.

Or. en

Amendment 393

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 16 a (new)

Directive 2015/849/EU

Article 48 a (new)

Text proposed by the Commission

Amendment

(16a) the following Article 48a is inserted:

"Article 48a

1. Commission experts shall carry out general and specific audits in the competent authorities of the Member States. The Commission may appoint experts from Member States to assist its

own experts. General and specific audits shall be carried out on a regular basis. Their main purpose shall be to verify that competent authorities take action in accordance with the risk assessments and in compliance with this Directive. The Commission may, in advance of carrying out such audits, request that the Member States provide, as soon as possible, any relevant information.

2. Specific audits and inspections in one or more specific areas may supplement general audits. These specific audits and inspections shall in particular serve to:

(a) verify the implementation of the recommendations on the measures suitable for addressing the risks identified in risk assessments and may include, as appropriate, on-the-spot inspections of competent authorities;

(b) verify the functioning and organisation of competent authorities;

(c) investigate important or recurring problems in the Member States;

(d) investigate emergency situations, emerging problems or new developments in the Member States.

3. The Commission shall report on the findings of each audit carried out. Its report shall, if appropriate, contain recommendations for Member States to be included into the recommendations referred to in Article 7(5a). The Commission shall make its reports publicly available. The Commission shall provide the relevant competent authority with a draft report for comments, take those comments into consideration in preparing the final report and publish the competent authority's comments together with the final report.

4. The Commission shall establish an annual control programme, communicate it to Member States in advance, and report on its results. The Commission may

amend the programme to take account of developments in the fields of AML/CFT.

5. Member States shall:

(a) take appropriate follow-up action in the light of the recommendations resulting from the audits;

(b) give all necessary assistance and provide all documentation and other technical support that Commission experts request to enable them to carry out the audits efficiently and effectively;

(c) ensure that Commission experts have access to all premises or parts of premises and to information, including computing systems, relevant to the execution of their duties.

6. The Commission shall be empowered to adopt delegated acts in accordance with Article 64 in order to draw up detailed rules concerning the audits."

Or. en

Amendment 394
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 17
Directive 2015/849/EU
Article 49

Text proposed by the Commission

Member States shall ensure that ***policy makers, the*** FIUs, supervisors and other competent authorities involved in AML/CFT, such as tax authorities, have effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of policies and activities to combat money laundering and terrorist financing, including with a view to

Amendment

Member States shall ensure that FIUs, supervisors and other competent authorities involved in AML/CFT, such as tax authorities, have effective mechanisms to enable them to cooperate and coordinate domestically concerning the development and implementation of policies and activities to combat money laundering and terrorist financing, including with a view to fulfilling their obligation under Article 7.

fulfilling their obligation under Article 7.

Or. en

Amendment 395
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 18
Directive 2015/849/EU
Article 50 a

Text proposed by the Commission

Amendment

(18) in Section 3 of Chapter VI, the following subsection IIa is added:

deleted

"Subsection IIa

Cooperation between competent authorities

Article 50a

Member States shall not prohibit or place unreasonable or unduly restrictive conditions on the exchange of information or assistance between competent authorities. In particular Member States shall ensure that competent authorities do not refuse a request for assistance on the grounds that:

(a) the request is also considered to involve tax matters;

(b) national legislation requires obliged entities to maintain secrecy or confidentiality, except where the relevant information that is sought is held in circumstances where legal privilege or legal professional secrecy applies;

(c) there is an inquiry, investigation or proceeding underway in the requested Member State, unless the assistance would impede that inquiry, investigation or proceeding;

(d) the nature or status of the requesting

*counterpart authority is different from
that of requested competent authority;*

Or. en

Amendment 396

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2015/849/EU

Article 50 a – introductory part

Text proposed by the Commission

Member States shall ***not prohibit or place unreasonable or unduly restrictive conditions on*** the exchange of information ***or*** assistance between competent authorities. In particular Member States shall ensure that competent authorities do not refuse a request for assistance on the grounds that:

Amendment

Member States shall ***ensure*** the exchange of information ***and*** assistance between competent authorities. In particular Member States shall ensure that competent authorities do not refuse a request for assistance on the grounds that:

Or. en

Amendment 397

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2015/849/EU

Article 50 a – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The obligation to ensure effective, comprehensive and timely exchange of information with counterpart authorities shall apply to all types of exchanges including automatic, spontaneous and on request.

Amendment 398

Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2015/849/EU

Article 50 a – subparagraph 1a (new)

Text proposed by the Commission

Amendment

Member States shall establish a common cooperation framework for competent authorities responsible for supervising credit and financial institutions for compliance with their AML/CFT obligations.

Or. en

Amendment 399

Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 18 a (new)

Directive 2015/849/EU

Article 51

Present text

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 of the EU FIUs' Platform composed of representatives from Member States' FIUs, in order to facilitate cooperation among FIUs, exchange views and provide advice on implementation issues relevant for FIUs and reporting entities as well as on cooperation-related issues such as effective

(18a) Article 51 is replaced by the following paragraph:

The Commission ***shall set up a European Financial Intelligence Unit (EFIU)*** to facilitate coordination, including the exchange of information between FIUs within the Union. It may regularly convene meetings of the EU FIUs' Platform composed of representatives from Member States' FIUs, in order to facilitate cooperation among FIUs, exchange views and provide advice on implementation issues relevant for FIUs and reporting entities as well as on cooperation-related

FIU cooperation, the identification of suspicious transactions with a cross-border dimension, the standardisation of reporting formats through the FIU.net or its successor, the joint analysis of cross-border cases, and the identification of trends and factors relevant to assessing the risks of money laundering and terrorist financing at national and supranational level.

issues such as effective FIU cooperation, the identification of suspicious transactions with a cross-border dimension, the standardisation of reporting formats through the FIU.net or its successor, the joint analysis of cross-border cases, and the identification of trends and factors relevant to assessing the risks of money laundering and terrorist financing at national and supranational level.

The EFIU shall coordinate, assist and support Member States FIUs in cross-border cases. The EFIU shall lend support to those Member States especially in maintaining and developing the technical infrastructure for ensuring the exchange of information, assisting them in joint analysis of cross border cases and strategic analysis, and coordinate the work of Member States FIUs for cross-border cases.

The Commission shall provide the EFIU with adequate financial, human and technical resources in order to fulfil its tasks.

Or. en

Amendment 400

Petr Ježek, Nils Torvalds, Sylvie Goulard, Maite Pagazaurtundúa Ruiz, Louis Michel, Gérard Deprez, Lieve Wierinck, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 18 a (new)

Directive 2015/849/EU

Chapter VI – Section 3 – Subsection IV (new)

Text proposed by the Commission

Amendment

(18a) in Section 3 of Chapter VI, the following subsection IV is added:

Subsection IV

Article 51a

By June 2017, the Commission shall present a legislative proposal to create a

European FIU that would coordinate, assist and support Member States FIUs. This European FIU shall lend support national FIUs in maintaining and developing the technical infrastructure for ensuring the exchange of information, assist them in joint analysis of cross border cases and produce its own case analysis and coordinate the work of Member States FIUs for cross border cases. For this purpose, the national FIU shall automatically exchange information with this European FIU when investigating on a money laundering case. This legislative proposal shall take into account the results of the Commission mapping of the Member States FIUs powers and obstacles to cooperation in order to design a well-balanced and tailor made system of cooperation.

Or. en

Amendment 401

Petr Ježek, Nils Torvalds, Sylvie Goulard, Maite Pagazaurtundúa Ruiz, Gérard Deprez, Louis Michel, Lieve Wierinck, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 18 b (new)

Directive 2015/849/EU

Article 51 b (new)

Text proposed by the Commission

Amendment

(18b) the following Article 51b is inserted:

Article 51b

1. Member States shall ensure their FIU can cooperate and exchange relevant information with their foreign counterparts.

2. Member States shall ensure that their FIU is able to make inquiries on behalf of foreign counterparts where this could be relevant to an analysis of financial transactions. At a minimum,

inquiries should include:

– *Searching its own databases, which would include information related to suspicious transaction reports.*

– *Searching other databases to which it may have direct or indirect access, including law enforcement databases, public databases, administrative databases and commercially available databases.*

Where permitted to do so, FIUs shall also contact other competent authorities and financial institutions in order to obtain relevant information

Or. en

Amendment 402

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 19 b (new)

Directive 2015/849/EU

Article 53 – paragraph 3

Present text

3. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental principles of its national law. Those exceptions shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes.

Amendment

(ba) in Article 53, paragraph 3 is replaced by the following:

3. An FIU may refuse to exchange information only in exceptional circumstances where the exchange could be contrary to fundamental principles of its national law. Those exceptions shall be specified in a way which prevents misuse of, and undue limitations on, the free exchange of information for analytical purposes. ***When such exceptional circumstances are invoked, the requested FIU shall send a report to the Commission.***

Or. en

Amendment 403

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 19 – point b a (new)

Directive 2015/849/EU

Article 53 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(ba) the following paragraph is added:

3a. The FIU of each Member State shall quarterly publish summary statistics on its collaboration and the exchange of information with other FIUs. This should at least include the number of requests sent and received, whether those have been successfully followed-up and concluded, the type of information received or requested, the economic sector and nationality of the entity or individual concerned and the overall as well as average amounts of money included in requests, if applicable.

Or. en

Amendment 404

Peter Simon, Ana Gomes

on behalf of the S&D Group

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 19 – point b a (new)

Directive 2015/849/EU

Article 53 – paragraph 3 a (new)

Present text

Amendment

(ba) the following paragraph is added:

3a. The commission shall draw up a report on barriers of any kind experienced by competent authorities regarding the

exchange of information and assistance between authorities of different member states. This report shall be published every two years."

Or. en

(eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Amendment 405

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Jonás Fernández, Juan Fernando López Aguilar, Ramón Jáuregui Atondo, Pervenche Berès, Caterina Chinnici

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2015/849/EU

Article 54 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(19a) in Article 54, the following paragraph is added:

1a. Member States shall ensure that FIUs designate at least one official to be responsible for receiving requests for information or mutual legal assistance from homologous entities in other Member States and ensuring that those requests are treated in a timely manner.

Or. en

Amendment 406

Hugues Bayet, Ana Gomes, Peter Simon

Proposal for a directive

Article 1 – paragraph 1 – point 20 a (new)

Directive 2015/849/EU

Article 55 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(20a) the following paragraph 2 a is

being inserted

2a. By 31 December 2017, the Commission shall submit a legislative proposal to the European Parliament and to the Council addressing the necessary and efficient coordination of the FIUs and to coordinate the fight against financial criminality at the EU level via a European FIU

Or. en

Amendment 407
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2015/849/EU
Article 57

Text proposed by the Commission

Amendment

(21) Article 57 is replaced by the following:

deleted

‘Article 57

Differences between national law definitions of tax crimes shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and the use of information pursuant to Articles 53, 54 and 55.’;

Or. en

Amendment 408
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 21
Directive 2015/849/EU
Article 57

Text proposed by the Commission

Differences between national law definitions of ***tax crimes*** shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and the use of information pursuant to Articles 53, 54 and 55.;

Amendment

Differences between national law definitions of ***predicate offences*** shall not impede the ability of FIUs to provide assistance to another FIU and shall not limit the exchange, dissemination and the use of information pursuant to Articles 53, 54 and 55.;

Or. en

Amendment 409

Bernd Lucke, Sander Loones, Helga Stevens

Proposal for a directive

Article 1 – paragraph 1 – point 21 a (new)

Directive 2015/849/EU

Subsection III a (new)

Text proposed by the Commission

Amendment

(21a) in Section 3 of Chapter VI the following Subsection is inserted:

Subsection IIIa

Cooperation between competent authorities supervising credit and financial institutions and professional secrecy

Article 57a

1. Member States shall provide that all persons working for or who have worked for competent authorities supervising credit and financial institutions for compliance with this Directive, as well as auditors or experts acting on behalf of competent authorities, shall be bound by the obligation of professional secrecy.

No confidential information which they may receive in the course of their duties under this Directive may be divulged to any person or authority whatsoever, except in summary or collective form,

such that individual obliged entities cannot be identified, without prejudice to cases covered by criminal law.

2. Paragraph 1 shall not prevent these competent authorities from transmitting or exchanging information with each other in accordance with this Directive or other Directives or Regulations relating to the supervision of credit and financial institutions. Transmitting or exchanging information shall be subject to the receiving authority being bound by national law to comply with conditions of professional secrecy as indicated in paragraph 1.

3. Competent authorities receiving confidential information according to paragraph 1, shall only use this information:

- in the discharge of their duties under this Directive, including sanctioning ;*
- in the discharge of their duties under other Directives or Regulation, including sanctioning;*
- in an appeal against a decision of the competent authority, including court proceedings;*
- in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of credit and financial institutions.*

4. Member States shall ensure that competent authorities supervising credit and financial institutions cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation also includes the ability to conduct, within the powers of the requested competent authority, inquiries on behalf of a requesting competent authority, and the subsequent exchange of the information obtained through such inquiries.

5. Member States may conclude

cooperation agreements providing for collaboration and exchanges of confidential information with the competent authorities that constitute counterparts of the competent authorities mentioned in paragraph 1. Such cooperation agreements shall be concluded on the basis of reciprocity and only if the information disclosed is subject to guarantees of professional secrecy at least equivalent to those referred to in paragraph 1. Confidential information exchanged according to these cooperation agreements shall be used for the purpose of performing the supervisory task of the authorities mentioned.

Where the information originates in another Member State, it may not be disclosed without the express agreement of the competent authorities which have disclosed it and, where appropriate, solely for the purposes for which those authorities gave their agreement.

Article 57b

1. Notwithstanding Article 57a (1) and (3), Member States may authorise exchange of information, in the same Member State or in a different Member State, between the competent authorities and the following, in the discharge of their supervisory functions :

- authorities entrusted with the public duty of supervising other financial sector entities and the authorities responsible for the supervision of financial markets;*
- bodies involved in the liquidation and bankruptcy of institutions and in other similar procedures;*
- persons responsible for carrying out statutory audits of the accounts of credit and financial institutions.*

The information received shall in any event be subject to professional secrecy requirements at least equivalent to those

referred to in Article 57a (1).

2. Notwithstanding Article 57a (1) and (3), Member States may, by virtue of provisions laid down in national law, authorise the disclosure of certain information to other departments of their central government administrations responsible for law on the supervision of credit and financial institutions, and to inspectors acting on behalf of those departments.

However, such disclosures may be made only where necessary for the supervision of those institutions for compliance with this directive. Persons having access to the information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 57a (1).

3. Member States shall authorise the disclosure of certain information relating to the supervision of credit institutions for compliance with this Directive to Parliamentary enquiry committees in their Member State, courts of auditors in their Member State and other entities in charge of enquiries in their Member State, under the following conditions:

(a) that the entities have a precise mandate under national law to investigate or scrutinise the actions of authorities responsible for the supervision of these institutions or for laws on such supervision;

(b) that the entities consider the information necessary for fulfilling the mandate referred to in point (a);

(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in Article 57a (1);

(d) where the information originates in another Member State, that it is not disclosed without the express agreement of the competent authorities which have

disclosed it and, solely for the purposes for which those authorities gave their agreement.

4. This Subsection shall not prevent the competent authorities supervising credit and financial institutions for compliance with this Directive from transmitting confidential information, for the purposes of their tasks, to other authorities responsible for supervising credit and financial institutions according to other Directives or Regulations, including the European Central Bank acting according to Regulation 1024/2013.

Or. en

Amendment 410
Tom Vandenkendelaere

Proposal for a directive
Article 1 – paragraph 1 – point 21 a (new)
Directive 2015/849/EU
Subsection III a (new)

Text proposed by the Commission

Amendment

(21a) Subsection IIIa

Cooperation between competent authorities supervising credit and financial institutions and professional secrecy

Article 57a

1. Member States shall provide that all persons working for or who have worked for competent authorities supervising credit and financial institutions for compliance with this Directive, as well as auditors or experts acting on behalf of competent authorities, shall be bound by the obligation of professional secrecy.

No confidential information which they may receive in the course of their duties

under this Directive may be divulged to any person or authority whatsoever, except in summary or collective form, such that individual obliged entities cannot be identified, without prejudice to cases covered by criminal law.

2. Paragraph 1 shall not prevent these competent authorities from transmitting or exchanging information with each other in accordance with this Directive or other Directives or Regulations relating to the supervision of credit and financial institutions. That information shall be subject to the conditions of professional secrecy indicated in paragraph 1.

3. Competent authorities receiving confidential information according to paragraph 1, shall only use this information:

- in the discharge of their duties under this Directive, including sanctioning ;*
- in the discharge of their duties under other Directives or Regulation, including sanctioning;*
- in an appeal against a decision of the competent authority, including court proceedings;*
- in court proceedings initiated pursuant to special provisions provided for in Union law adopted in the field of credit and financial institutions.*

4. Member States shall ensure that competent authorities supervising credit and financial institutions cooperate with each other to the greatest extent possible, regardless of their respective nature or status. Such cooperation also includes the ability to conduct, within the powers of the requested competent authority, inquiries on behalf of a requesting competent authority, and the subsequent exchange of the information obtained through such inquiries.

5. Member States may conclude cooperation agreements providing for collaboration and exchanges of confidential information with the competent authorities that constitute counterparts of the competent authorities mentioned in paragraph 1. Such cooperation agreements shall be concluded on the basis of reciprocity and only if the information disclosed is subject to guarantees of professional secrecy at least equivalent to those referred to in paragraph 1. Confidential information exchanged according to these cooperation agreements shall be used for the purpose of performing the supervisory task of the authorities mentioned.

Where the information originates in another Member State, it may not be disclosed without the express agreement of the competent authorities which have disclosed it and, where appropriate, solely for the purposes for which those authorities gave their agreement.

Article 57b

1. Notwithstanding Article 57a (1) and (3), Member States may authorise exchange of information, in the same Member State or in a different Member State, between the competent authorities and the following, in the discharge of their supervisory functions :

- authorities entrusted with the public duty of supervising other financial sector entities and the authorities responsible for the supervision of financial markets;***
- bodies involved in the liquidation and bankruptcy of institutions and in other similar procedures;***
- persons responsible for carrying out statutory audits of the accounts of credit and financial institutions.***

The information received shall in any event be subject to professional secrecy requirements at least equivalent to those

referred to in Article 57a (1).

2. Notwithstanding Article 57a (1) and (3), Member States may, by virtue of provisions laid down in national law, authorise the disclosure of certain information to other departments of their central government administrations responsible for law on the supervision of credit and financial institutions, and to inspectors acting on behalf of those departments.

However, such disclosures may be made only where necessary for the supervision of those institutions for compliance with this directive. Persons having access to the information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 57a (1).

3. Member States may authorise the disclosure of certain information relating to the supervision of credit institutions for compliance with this Directive to Parliamentary enquiry committees in their Member State, courts of auditors in their Member State and other entities in charge of enquiries in their Member State, under the following conditions:

(a) that the entities have a precise mandate under national law to investigate or scrutinise the actions of authorities responsible for the supervision of these institutions or for laws on such supervision;

(b) that the information is strictly necessary for fulfilling the mandate referred to in point (a);

(c) the persons with access to the information are subject to professional secrecy requirements under national law at least equivalent to those referred to in Article 57a (1);

(d) where the information originates in another Member State, that it is not disclosed without the express agreement of the competent authorities which have

disclosed it and, solely for the purposes for which those authorities gave their agreement.

4. This Subsection shall not prevent the competent authorities supervising credit and financial institutions for compliance with this Directive from transmitting confidential information, for the purposes of their tasks, to other authorities responsible for supervising credit and financial institutions according to other Directives or Regulations, including the European Central Bank acting according to Regulation 1024/2013.

Or. en

Amendment 411
Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 21 a (new)
Directive 2015/849/EU
Subsection III a (new)

Text proposed by the Commission

Amendment

(21a) in Section 3 of Chapter VI, The following Subsection IIIa is inserted:

Subsection IIIa

Cooperation between competent authorities supervising credit and financial institutions and professional secrecy

Article 57a

Member States shall provide that all persons working for or who have worked for competent authorities supervising credit and financial institutions for compliance with this Directive and auditors or experts acting on behalf of such competent authorities shall be bound by the obligation of professional secrecy.

Confidential information which they receive in the course of their duties under this Directive may be disclosed only in summary or aggregate form, such that individual credit and financial institutions cannot be identified, without prejudice to cases covered by criminal law and administrative sanctioning provisions.

2. Paragraph 1 shall not prevent the exchange of information between competent authorities supervising credit and financial institutions within a Member State or between competent authorities supervising credit and financial institutions in different Member States in accordance with this Directive or other directives or regulations relating to the supervision of credit and financial institutions. That information shall be subject to the conditions of professional secrecy indicated in paragraph 1.

3. Competent authorities supervising credit and financial institutions receiving confidential information as referred to in paragraph 1, shall only use this information:

- in the discharge of their duties under this Directive or under other directives or regulations in the field of AML/CFT, prudential regulation and supervising credit and financial institutions, including sanctioning;*
- in an appeal against a decision of the competent authority supervising credit and financial institutions, including court proceedings;*
- in court proceeding initiated pursuant to special provisions provided for in Union law adopted in the field of this Directive or in the field of prudential regulations and supervision of credit and financial institutions.*

4. Member States shall ensure that competent supervising authorities cooperate with each other for the purposes of this Directive to the greatest

extent possible, regardless of their respective nature or status. Such cooperation also includes the ability to conduct, within the powers of the requested competent authority, inquiries on behalf of a requesting competent authority, and the subsequent exchange of the information obtained through such inquiries.

5. *Member States shall authorize their national competent authorities supervising credit and financial institutions to conclude cooperation agreements providing for collaboration and exchanges of confidential information with the competent authorities of third countries that constitute counterparts of the national competent authorities supervising credit and financial institutions mentioned in paragraph 1. Such cooperation agreements shall be concluded on the basis of reciprocity and only if the information disclosed is subject to guarantees of professional secrecy at least equivalent to those referred to in paragraph 1. Confidential information exchanged according to these cooperation agreements shall be used for the purpose of performing the supervisory task of those authorities.*

Where the exchanged information originates in another Member State, it shall only be disclosed with the explicit agreement of the competent authorities which have disclosed it and, where appropriate, solely for the purposes for which those authorities gave their agreement.

Article 57b

1. *Notwithstanding Article 57a (1) and (3), Member States may authorise exchange of information between competent authorities, in the same Member State or in a different Member State, between the competent authorities and authorities entrusted with the public*

duty of supervising financial sector entities and natural or legal persons acting in the exercise of their professional activities as referred to in Article 2(1)(3) of this Directive and the authorities responsible for the supervision of financial markets in the discharge of their respective supervisory functions.

The information received shall in any event be subject to professional secrecy requirements at least equivalent to those referred to in Article 57a (1).

2. Notwithstanding Article 57a (1) and (3), Member States may, by virtue of provisions laid down in national law, authorise the disclosure of certain information to other national authorities responsible for law on the supervision of the financial markets, or the investigation of money laundering, the associated predicate offences and terrorist financing.

However, confidential information exchanged according to paragraph 2 shall only be used for the purpose of performing the legal tasks of the authorities mentioned. Persons having access to such information shall be subject to professional secrecy requirements at least equivalent to those referred to in Article 57a (1).

3. This Subsection shall not prevent the competent authorities supervising credit and financial institutions for compliance with this Directive from transmitting confidential information, for the purposes of their tasks, to other authorities responsible for supervising credit and financial institutions according to other directives or regulations, including the European Central Bank acting according to Regulation 1024/2013.

Or. en

Amendment 412

Petr Ježek, Sylvie Goulard, Nils Torvalds, Maite Pagazaurtundúa Ruiz, Louis Michel, Gérard Deprez, Enrique Calvet Chambon

Proposal for a directive

Article 1 – paragraph 1 – point 21 a (new)

Directive 2015/849/EU

Subsection III a (new)

Text proposed by the Commission

Amendment

(21a) in Section 3 of Chapter VI, the following subsection is inserted :

Subsection IIIa

International Cooperation

Article 57a

1. Member State should ensure that their competent authorities supervising credit and financial institutions as well as their law enforcement authorities, provide the widest possible range of international cooperation with the competent authorities of third countries that constitute counterparts of the national competent authorities.

2. Member state shall ensure that there are effective gateways to facilitate the prompt and constructive exchange directly between counterparts, either spontaneously or upon request, of information relating to money laundering.

Or. en

Amendment 413

Sven Giegold

Proposal for a directive

Article 1 – paragraph 1 – point 21 a (new)

Directive 2015/849/EU

Article 58 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(21a) In Article 58(2), the following subparagraph is added:

Member States shall ensure that, in cases of breaches which are subject to criminal sanctions, law enforcement authorities are properly informed about such breaches.

Or. en

Amendment 414

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Ramón Jáuregui Atondo, Jonás Fernández, Juan Fernando López Aguilar, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 21 a (new)

Directive 2015/849/EU

Article 58 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(21a) In Article 58, the following paragraph is inserted:

4a. Member States shall ensure that competent authorities and self-regulatory bodies inform the Commission when national laws hamper their supervisory and investigatory powers that are necessary for the exercise of their functions.

Or. en

Amendment 415

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 21 b (new)

Directive 2015/849/EU

Article 59 – paragraph 1 – introductory part

Present text

Amendment

(21b) In Article 59, the introductory part of paragraph 1 is replaced by the following:

"1. Member States shall ensure that this Article applies at least to breaches on the part of obliged entities ***that are serious, repeated, systematic, or a combination thereof***, of the requirements laid down in:"

"1. Member States shall ensure that this Article applies at least to breaches on the part of obliged entities of the requirements laid down in:"

Or. en

Amendment 416

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 21 a (new)

Directive 2015/849/EU

Article 59 – paragraph 1 – point a (new)

Text proposed by the Commission

Amendment

(21a) In paragraph 1 of Article 59, the following point is added:

(aa) Articles 30 and 31 (transparency concerning beneficial ownership);

Or. it

Amendment 417

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 21 c (new)

Directive 2015/849/EU

Article 59 – paragraph 2 – point c

Present text

Amendment

(21c) in Article 59(2), point (c) is replaced by the following:

"(c) where an obliged entity is subject to an authorisation, withdrawal or suspension of the authorisation;"

"(c) *for cases that are serious, repeated, systematic, or a combination thereof and* where an obliged entity is subject to an authorisation, *the* withdrawal or suspension of the authorisation;"

Or. en

Amendment 418

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 21 b (new)

Directive 2015/849/EU

Article 59 – paragraph 2 – point e

Present text

(e) *maximum* administrative pecuniary sanctions of at least *twice* the amount of the benefit derived from the breach *where that benefit can be determined or at least EUR 1 000 000*.

Amendment

(21b) In Article 59, paragraph 2(e) is replaced by the following:

(e) administrative pecuniary sanctions of at least *whichever is the greater: triple* the amount of the benefit derived from the breach *or EUR 2 000 000*.

Or. it

(<http://eur-lex.europa.eu/legal-content/IT/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 419

Marco Valli, Marco Zanni

Proposal for a directive

Article 1 – paragraph 1 – point 21 c (new)

Directive 2015/849/EU

Article 59 – paragraph 3

Present text

‘3. Member States shall ensure that, by way of derogation from paragraph 2(e),

Amendment

(21c) Article 59(3) is replaced by the following:

‘3. Member States shall ensure that, by way of derogation from paragraph 2(e),

where the obliged entity concerned is a credit institution or financial institution, the following sanctions *can also be* applied:

(a) in the case of a legal person, **maximum** administrative pecuniary sanctions of at least **EUR 5 000 000** or 10 % of the total annual turnover according to the latest available accounts approved by the management body; where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting Directives according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking;

(b) in the case of a natural person, **maximum** administrative pecuniary sanctions of at least **EUR 5 000 000**, or in the Member States whose currency is not the euro, the corresponding value in the national currency on 25 June 2015.’

where the obliged entity concerned is a credit institution or financial institution, the following sanctions **are** applied:

(a) in the case of a legal person, administrative pecuniary sanctions of at least **whichever is the greater: EUR 10 000 000** or 10 % of the total annual turnover according to the latest available accounts approved by the management body; where the obliged entity is a parent undertaking or a subsidiary of a parent undertaking which is required to prepare consolidated financial accounts in accordance with Article 22 of Directive 2013/34/EU, the relevant total annual turnover shall be the total annual turnover or the corresponding type of income in accordance with the relevant accounting Directives according to the last available consolidated accounts approved by the management body of the ultimate parent undertaking;

(b) in the case of a natural person, administrative pecuniary sanctions of at least **EUR 10 000 000**, or in the Member States whose currency is not the euro, the corresponding value in the national currency on 25 June 2015.’

Or. it

(<http://eur-lex.europa.eu/legal-content/IT/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 420

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 21 d (new)

Directive 2015/849/EU

Article 59 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(21d) in Article 59(3), the following point is inserted:

'(ba) for cases that are serious, repeated, systematic, or a combination thereof the withdrawal of the authorisation to operate;'

Or. en

Amendment 421

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Pervenche Berès, Juan Fernando López Aguilar, Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a directive

Article 1 – paragraph 1 – point 21 b (new)

Directive 2015/849/EU

Article 61 – paragraph 1

Present text

1. Member States shall ensure that competent authorities establish effective and reliable mechanisms to encourage the reporting to competent authorities of potential or actual breaches of the national provisions transposing this Directive.

Amendment

(21b) in Article 61, paragraph 1 is replaced by the following:

1. Member States shall ensure that competent authorities *and self-regulatory bodies* establish effective and reliable mechanisms to encourage the reporting to competent authorities *and self-regulatory bodies* of potential or actual breaches of the national provisions transposing this Directive.

Or. en

Amendment 422

Ana Gomes, Peter Simon, Jeppe Kofod, Maria Grapini, Hugues Bayet, Ramón Jáuregui Atondo, Jonás Fernández, Juan Fernando López Aguilar, Pervenche Berès

Proposal for a directive

Article 1 – paragraph 1 – point 21 c (new)

Directive 2015/849/EU

Article 61 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(21c) in Article 61, the following paragraph 3a is added:

3a. Member States shall ensure that reporting to competent authorities and self-regulatory bodies receives proper and timely follow up and feedback.

Or. en

Amendment 423
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 21 a (new)
Directive 2015/849/EU
Article 64 – paragraph 2

Present text

"2. The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for an indeterminate period of time from 25 June 2015."

Amendment

(21a) In Article 64, paragraph 2 is replaced by the following:

"2. The power to adopt delegated acts referred to in Article 9 **and Article 48a** shall be conferred on the Commission for an indeterminate period of time from 25 June 2015."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 424
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 1 – paragraph 1 – point 21 b (new)
Directive 2015/849/EU
Article 64 – paragraph 5

Present text

"5. A delegated act adopted pursuant to Article 9 shall enter into force only if no

Amendment

(21b) In Article 64, paragraph 5 is replaced by the following:

"5. A delegated act adopted pursuant to Article 9 **and Article 48a** shall enter into

objection has been expressed either by the European Parliament or the Council within a period of one month 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 one month at the initiative of the European Parliament or of the Council."

force only if no objection has been expressed either by the European Parliament or the Council within a period of one month 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 one month at the initiative of the European Parliament or of the Council."

Or. en

(<http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32015L0849&from=EN>)

Amendment 425
Beatrix von Storch

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2015/849/EU
Article 65 – paragraph 2

Text proposed by the Commission

Amendment

(22) in Article 65, the following second paragraph is added:

deleted

‘The report shall be accompanied, if necessary, by appropriate proposals, including, where appropriate, with respect to virtual currencies, empowerments to set-up and maintain a central database registering users' identities and wallet addresses accessible to FIUs, as well as self-declaration forms for the use of virtual currency users.’;

Or. en

Amendment 426
Sven Giegold

Text proposed by the Commission

Amendment

(22a) In article 65 the following subparagraph 1a is added:

The report shall be accompanied, if necessary, by appropriate proposals, including, where appropriate, with respect to improving cooperation between Asset Recovery Offices of the Member States, cash payments, virtual currencies, empowerments to set-up and maintain a central database registering users' identities and wallet addresses accessible to FIUs, as well as self-declaration forms for the use of virtual currency users.

By the end of 2017, the Commission shall draw up a report on the Member States' FIUs powers and obstacles to cooperation. This evaluation shall include the assessment of means to support joint analysis of cross-border cases and solutions to increase the level of financial intelligence within the EU. The report shall be accompanied, if necessary, by appropriate proposals to remedy the obstacles in cooperation regarding access to, exchange of and use of information. The report shall include an assessment of the need for:

- (a) operational guidance on the proper implementation of this Directive;***
- (b) facilitation of information exchange on cross-border cases;***
- (c) a dispute settlement mechanism;***
- (d) support of joint strategic risk analysis at EU level;***
- (e) joint analysis teams for cross-border cases;***
- (f) obliged entities to report directly to FIU.net;***

(g) *establishment of a European Financial Intelligence Unit to enhance cooperation and coordination among national FIUs;*

By 1 January 2019 the Commission shall draw up a report summarising the results of the assessment concerning the possibility to impose a limit to cash transfers at EU level;

Or. en

Amendment 427

Dariusz Rosati, Barbara Kudrycka

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2015/849/EU

Article 66 – paragraph 1

Text proposed by the Commission

Directives 2005/60/EC and 2006/70/EC are repealed *with effect from 1 January 2017*;

Amendment

Directives 2005/60/EC and 2006/70/EC are repealed *18 months after the adoption of the amendments to the Anti-Money Laundering Directive*;

Or. en

Amendment 428

Dariusz Rosati, Barbara Kudrycka

Proposal for a directive

Article 1 – paragraph 1 – point 24

Directive 2015/849/EU

Article 67 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this *Directive by 1 January 2017*. They shall immediately communicate the text of those

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this *18 months after its adoption*. They shall immediately communicate the text of those

measures to the Commission;

measures to the Commission;

Or. en

Amendment 429

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 1 – paragraph 1 – point 24 a (new)

Directive 2015/849/EU

Annex II

Present text

Amendment

(24a) Annex II is deleted.

"ANNEX II

The following is a non-exhaustive list of factors and types of evidence of potentially lower risk referred to in Article 14:

(1) Customer risk factors:

(a) public companies listed on a stock exchange and subject to disclosure requirements (either by stock exchange rules or through law or enforceable means), which impose requirements to ensure adequate transparency of beneficial ownership;

(b) public administrations or enterprises;

(c) customers resident in lower risk geographical areas as set out in paragraph (3).

(2) Product, service, transaction or delivery channel risk factors:

(a) life insurance policies where the premium is low;

(b) insurance policies for pension schemes if there is no early surrender option and the policy cannot be used as collateral;

(c) a pension, superannuation or similar scheme that provides retirement benefits to employees, where contributions are made by way of deduction from wages, and the scheme rules do not permit the assignment of a member's interest under the scheme;

(d) financial products or services that provide appropriately defined and limited services to certain types of customers, so as to increase access for financial inclusion purposes;

(e) products where the risk of money laundering/terrorist financing are managed by other factors such as purse limits or transparency of ownership (e.g. certain types of electronic money as defined in Directive 2009/110/EC on the taking up, pursuit and prudential supervision of the business of electronic money institutions).

(3) Geographical risk factors:

(a) EU Member States;

(b) third countries having effective anti-money laundering/combating terrorist financing systems;

(c) third countries identified by credible sources as having a low level of corruption or other criminal activity;

(d) third countries which, on the basis of credible sources such as mutual evaluations, detailed assessment reports or published follow-up reports, have requirements to combat money laundering and terrorist financing consistent with the FATF Recommendations and effectively implement those requirements."

Or. en

(http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:JOL_2015_141_R_0003&from=ES)

Justification

To be voted in conjunction with deletion proposal for Articles 15 and 16 (amendment 11). See justification there.

Amendment 430

Cora van Nieuwenhuizen

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2015/849/EU

Annex III – point 2 – point c

Text proposed by the Commission

(c) non-face-to-face business relationships or transactions, without certain safeguards, such as electronic identification means or relevant trust services as defined in Regulation (EU) 910/2014;

Amendment

(c) non-face-to-face business relationships or transactions, without certain safeguards, such as electronic identification means or relevant trust services as defined in Regulation (EU) 910/2014 ***or alternative remote identification techniques subject to the approval of the competent authorities;***

Or. en

Amendment 431

Paul Tang

Proposal for a directive

Article 1 – paragraph 1 – point 25 a (new)

Directive 2015/849/EU

Annex III – point 2 – point c a (new)

Text proposed by the Commission

Amendment

(25a) in point (2) of Annex III, the following point (c a) is inserted:

(ca) tax crimes relating to direct taxes and indirect taxes and as defined in the national law of the Member States;

Or. en

Amendment 432

Miguel Viegas

Proposal for a directive

Article 2 – paragraph 1 – point 1

Directive 2009/101/EC

Article 1 a – paragraph 1 – point a

Text proposed by the Commission

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive, *save for those which are non profit-making*;

Amendment

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive;

Or. pt

Justification

This amendment applies throughout the text; adopting it will necessitate corresponding changes throughout.

Amendment 433

Marco Valli, Marco Zanni

Proposal for a directive

Article 2 – paragraph 1 – point 1

Directive 2009/101/EC

Article 1 a – paragraph 1 – point a

Text proposed by the Commission

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive, *save for those which are non profit-making*;

Amendment

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive;

Or. it

Amendment 434

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 2 – paragraph 1 – point 1

Directive 2009/101/EC

Article 1 a – paragraph 1 – point a

Text proposed by the Commission

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive, ***save for those which are non profit-making;***

Amendment

(a) corporate and other legal entities referred to in Article 30 of Directive 2015/849 of the European Parliament and of the Council*, including the types of companies referred to in Article 1 of this Directive;

Or. en

Amendment 435

Marco Valli, Marco Zanni

Proposal for a directive

Article 2 – paragraph 1 – point 1

Directive 2009/101/EC

Article 1 a – paragraph 1 – point b

Text proposed by the Commission

(b) trusts ***which comprise any property held by, or on behalf of, a person carrying on a business which consists of or includes the management of trusts, and acting as trustee of a trust in the course of that business with a view to gain profit,*** and other types of legal arrangements having a structure or functions similar to such trusts.

Amendment

(b) trusts, ***foundations*** and other types of legal arrangements having a structure or functions similar to such trusts.

Or. it

Amendment 436

Fabio De Masi, Matt Carthy, Miguel Urbán Crespo, Marisa Matias, Rina Ronja Kari,

Paloma López Bermejo

Proposal for a directive

Article 2 – paragraph 1 – point 1

Directive 2009/101/EC

Article 1 a – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) trusts which ***comprise any property held by, or on behalf of, a person carrying on a business which consists of or includes the management of trusts, and acting as trustee of a trust in the course of that business with a view to gain profit, and other types of legal arrangements having a structure or functions similar to such trusts.***

(b) trusts which ***are covered by Article 31 of Directive 2015/849/EU.***

Or. en

Amendment 437

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 2 – paragraph 1 – point 1 a (new)

Directive 2009/101/EC

Article 7 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(1a) in Article 7, the following point is inserted:

(aa) failure to disclose accurately and completely beneficial ownership information as required by Article 7b;

Or. en

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:258:0011:0019:EN:PDF>)

Amendment 438

Ana Gomes, Peter Simon

Proposal for a directive

Article 2 – paragraph 1 – point 1 a (new)

Directive 2009/101/EC

Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(1a) in Article 7, the following point is added:

(ba) failure to disclose beneficial ownership information as required by Article 7b.

Or. en

Amendment 439

Ana Gomes, Peter Simon

Proposal for a directive

Article 2 – paragraph 1 – point 1 b (new)

Directive 2009/101/EC

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1b) in Article 7, the following paragraph is added:

Member States shall ensure that where obligations apply to legal persons, penalties can be applied to the members of the management body or to any other individuals who under national law are responsible for the breach.

Or. en

Amendment 440

Beatrix von Storch

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b

(2) *in Chapter 2, the following Article 7b is inserted:* **deleted**

‘Article 7b

Disclosure of beneficial ownership information

1. Member States shall take the measures required to ensure compulsory disclosure by the entities referred to in Article 1a (a) and (b) of this Directive of adequate, accurate and current information on their beneficial ownership, in accordance with Articles 30 and 31 of Directive 2015/849.

The information shall consist of the name, the month and year of birth, the nationality and the country of residence of the beneficial owner as well as the nature and extent of the beneficial interest held.

2. The disclosure of beneficial ownership information as referred to in paragraph 1 shall be ensured through the central registers referred to in Article 30(3) and Article 31(3a) of Directive 2015/849.

3 Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2).

4. In exceptional circumstances laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of to all or part of the information on the beneficial ownership

on a case-by-case basis.

5. *The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal entities and legal arrangements through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register.'*

Or. en

Amendment 441

Ana Gomes, Peter Simon

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

The information shall consist of the name, the ***month and year*** of birth, the nationality ***and*** the country of residence of the beneficial owner as well as the nature and extent of the beneficial interest held.

Amendment

The information shall consist of ***at least*** the name, the ***date*** of birth, the nationality, the country of residence ***and contact details (without disclosure of a home address)*** of the beneficial owner as well as the nature and extent of the beneficial interest held.

Or. en

Amendment 442

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC
Article 7 b – paragraph 1 – subparagraph 2

Text proposed by the Commission

The information shall consist of the name, the ***month and year*** of birth, the nationality and the country of residence of the beneficial owner as well as the nature and extent of the beneficial interest held.

Amendment

The information shall ***at least*** consist of the name, the ***date*** of birth, the nationality and the country of residence of the beneficial owner as well as the nature and extent of the beneficial interest held.

Or. en

Amendment 443
Beatrix von Storch

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 2

Text proposed by the Commission

2. The disclosure of beneficial ownership information as referred to in paragraph 1 shall be ensured through the central registers referred to in Article 30(3) and Article 31(3a) of Directive 2015/849.

Amendment

deleted

Or. en

Amendment 444
Judith Sargentini, Sven Giegold

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 2

Text proposed by the Commission

2. The disclosure of beneficial ownership information as referred to in paragraph 1 shall be ensured through the

Amendment

2. The disclosure of beneficial ownership information as referred to in paragraph 1 shall be ensured through the

central registers referred to in Article 30(3)
and Article 31(3a) of Directive 2015/849.

central registers referred to in Article 30(3)
of Directive 2015/849.

Or. en

Amendment 445

Bernd Lucke, Sander Loones, Helga Stevens

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States shall ensure that
the beneficial ownership information
referred to in paragraph 1 of this Article
shall also be made publicly available
through the system of interconnection of
registers referred to in Article 4a(2).* *deleted*

Or. en

Amendment 446

Beatrix von Storch

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 3

Text proposed by the Commission

Amendment

3. *Member States shall ensure that
the beneficial ownership information
referred to in paragraph 1 of this Article
shall also be made publicly available
through the system of interconnection of
registers referred to in Article 4a(2).* *deleted*

Or. en

Amendment 447
Marco Valli, Marco Zanni

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2).

Amendment

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2), ***in open format, within the meaning of Directive 2013/37/EU amending Directive 2003/98/EC on the re-use of public sector information. Access to the interconnection system and the registers of each Member State shall not be subject to online registration or other restrictions of any kind, including fees or charges to cover administrative costs.***

Or. it

Amendment 448
Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2).

Amendment

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2). ***For the purpose of this paragraph, access to the information on beneficial ownership shall***

be in accordance with data protection rules and made possible in machine-readable and open format as defined in Directive 2013/37/EU.

Or. en

Amendment 449
Ana Gomes, Peter Simon

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2).

Amendment

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the system of interconnection of registers referred to in Article 4a(2), *in accordance with data protection rules and open data standards, and subject to online registration. Member States may introduce a fee to cover the administrative costs.*

Or. en

Amendment 450
Nils Torvalds, Petr Ježek, Sylvie Goulard, Lieve Wierinck, Enrique Calvet Chambon

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the

Amendment

3. Member States shall ensure that the beneficial ownership information referred to in paragraph 1 of this Article shall also be made publicly available through the

system of interconnection of registers referred to in Article 4a(2).

system of interconnection of registers referred to in Article 4a(2), ***in accordance with data protection rules and open data standards, as defined in Directive 2003/98/EC Article 2(7), and subject to online registration.***

Or. en

Amendment 451

Marco Valli, Marco Zanni

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 4

Text proposed by the Commission

4. In exceptional circumstances laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of ***fraud***, kidnapping, blackmail, violence or intimidation, ***or where*** the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

4. In exceptional circumstances ***and under the conditions*** laid down in national law, where ***an in-depth and reasoned assessment shows that*** the access referred to in paragraph 1 would expose the beneficial owner to the risk of kidnapping, blackmail, violence or intimidation, ***in particular when*** the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of all or part of the information on the beneficial ownership, ***for a limited time of no more than a year***, on a case-by-case basis. ***In cases in which such exemption is granted, the identity of the guardian/administrator/person exercising parental authority who is acting as representative of the beneficial owner must be clearly indicated in the register accessible to the public. The exemptions granted may be renewed following a review demonstrating that there is still a risk to the safety of the beneficial owner.***

Or. it

Amendment 452

Fabio De Masi, Rina Ronja Kari, Paloma López Bermejo, Matt Carthy, Miguel Urbán Crespo, Marisa Matias

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 4

Text proposed by the Commission

4. In exceptional circumstances laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from ***the compulsory disclosure of*** to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

4. In exceptional circumstances ***and other specific terms*** laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from ***such access*** to all or part of the information on the beneficial ownership on a case-by-case basis. ***Member States shall ensure that these exemptions are granted upon a detailed evaluation of the exceptional nature of the circumstances. Exemptions shall be reassessed at regular intervals to avoid abuse. When an exemption is granted, this has to be clearly indicated in the register. It shall further be possible to challenge exemptions before the national authority that granted the exemption.***

Or. en

Amendment 453

Ana Gomes, Peter Simon

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 4

Text proposed by the Commission

4. In exceptional circumstances laid

Amendment

4. In exceptional circumstances laid

down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of to all or part of the information on the beneficial ownership on a case-by-case basis.

down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of fraud, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of to all or part of the information on the beneficial ownership on a case-by-case basis. ***Exemptions shall be reassessed at regular intervals to avoid abuse. When an exemption is granted, this has to be clearly indicated in the register and legal appeal against the exemption shall always be possible. Member States shall publish annual statistical data on the amount of exemptions granted and reasons stated and report the data to the Commission.***

Or. en

Amendment 454

Judith Sargentini, Sven Giegold

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 4

Text proposed by the Commission

4. In exceptional circumstances laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of ***fraud***, kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of to all or part of the information on the beneficial ownership on a case-by-case basis.

Amendment

4. In exceptional circumstances laid down in national law, where the access to the information set out in paragraph 1 would expose the beneficial owner to the risk of kidnapping, blackmail, violence or intimidation, or where the beneficial owner is a minor or otherwise incapable, Member States may provide for an exemption from the compulsory disclosure of to all or part of the information on the beneficial ownership on a case-by-case basis. ***Member States shall ensure that these exemptions are granted upon an evaluation of the exceptional nature of***

the circumstances, with the evaluation accessible to the Commission upon request. Exemptions shall be reassessed at regular intervals of at least every two years to avoid abuse. Any exemption granted must be clearly indicated in the register.

Or. en

Amendment 455

Ana Gomes, Peter Simon
on behalf of the S&D Group
Pervenche Berès

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any exemption must be duly justified in the register and reviewed on a regular basis in order to keep the information accurate.

Or. en

Amendment 456

Bernd Lucke, Sander Loones, Helga Stevens

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 5

Text proposed by the Commission

Amendment

5. The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal *deleted*

entities and legal arrangements through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register.

Or. en

Amendment 457

Maria Grapini

Proposal for a directive

Article 2 – paragraph 1 – point 2

Directive 2009/101/EC

Article 7 b – paragraph 5

Text proposed by the Commission

(5) The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal entities and legal arrangements through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register.

Amendment

(5) The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal entities and legal arrangements through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register. *Furthermore, to avoid infringing fundamental rights, special measures must be put in place to protect the data.*

Or. ro

Amendment 458

Brian Hayes

Proposal for a directive

Article 2 – paragraph 1 – point 2

Text proposed by the Commission

5. The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal entities **and legal arrangements** through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register.

Amendment

5. The personal data of beneficial owners referred to in paragraph 1 shall be disclosed for the purpose of enabling third parties and civil society at large to know who are the beneficial owners, thus contributing to prevent the misuse of legal entities through enhanced public scrutiny. For this purpose the information shall be publicly available through the national registers and through the system of interconnection of registers for no longer than 10 years after the company has been struck off from the register.

Or. en

Amendment 459
Ana Gomes, Peter Simon

Proposal for a directive
Article 2 – paragraph 1 – point 2
Directive 2009/101/EC
Article 7 b – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall require the competent authorities and self-regulatory bodies to effectively monitor and to take the necessary measures with a view to ensuring compliance with the requirements of this Article. 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 those authorities

and bodies maintain high professional standards, including standards of confidentiality and data protection, are of high integrity and appropriately skilled.

Or. en

Amendment 460
Tom Vandenkendelaere

Proposal for a directive
Article 2 a (new)
Directive 2013/36/EU
Article 56 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

Article 2a

Amendments to Directive 2013/36/EU
In Article 56(1) of Directive 2013/36/EU,
the following point is added:
(fa) authorities responsible for
supervising the obliged entities mentioned
in article 2, paragraph 1, (1) and (2) of
Directive 2015/849 for compliance with
that Directive."

Or. en

Amendment 461
Bernd Lucke, Sander Loones, Helga Stevens, Pirkko Ruohonen-Lerner

Proposal for a directive
Article 2 a (new)
Directive 2013/36/EU
Article 56 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

Article 2a

Amendments to Directive 2013/36/EU
In Article 56(1) of Directive 2013/36/EU,

the following point is added:

"(fa) authorities responsible for supervising the obliged entities mentioned in article 2, paragraph 1, (1) and (2) of Directive 2015/849 for compliance with that Directive."

Or. en

Amendment 462

Tom Vandenkendelaere

Proposal for a directive

Article 2 b (new)

Directive 2009/138/EC

Article 68 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

Article 2b

Amendments to Directive 2009/138/EC

In Article 68(1)(b) of Directive 2009/138/EC the following point is added:

"(iiia) authorities responsible for supervising the obliged entities mentioned in article 2, paragraph 1, (1) and (2) of Directive 2015/849 for compliance with that Directive."

Or. en

Amendment 463

Bernd Lucke, Sander Loones, Helga Stevens, Pirkko Ruohonen-Lerner

Proposal for a directive

Article 2 b (new)

Directive 2009/138/EC

Article 68 – paragraph 1 – point b – point iii a (new)

Text proposed by the Commission

Amendment

Article 2b

Amendments to Directive 2009/138/EC
"In Article 68(1)(b) of Directive
2009/138/EC the following point is added:
(iiia) authorities responsible for
supervising the obliged entities mentioned
in article 2, paragraph 1, (1) and (2) of
Directive 2015/849 for compliance with
that Directive."

Or. en

Amendment 464
Dariusz Rosati, Barbara Kudrycka

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **by 1 January 2017 at the latest**. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive **the latest 18 months after the adoption of the amendments to this Directive**. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Amendment 465
Danuta Maria Hübner

Proposal for a directive
Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January **2017** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January **2018** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment 466

Brian Hayes

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 **January 2017** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 **June 2020** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. en

Justification

January 2017 is not a realistic implementation date. This new proposal requires new provisions such as the setting up of central registers which will take time to implement. June 2020 is a realistic implementation deadline.

Amendment 467

Markus Ferber

Proposal for a directive

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January **2017** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 January **2018** at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Or. de