



2016/0413(COD)

26.10.2017

AMENDMENTS

80 - 263

Draft report

Mady Delvaux, Juan Fernando López Aguilar
(PE610.703v01-00)

Controls on cash entering or leaving the Union

Proposal for a regulation

(COM(2016)0825 – C8-0001/2017 – 2016/0413(COD))

(Joint committee procedure – Rule 55 of the Rules of Procedure)

Amendment 80
Bernd Lucke

Draft legislative resolution
Citation 2

Draft legislative resolution

– having regard to Article 294(2) and **Articles 33 and 114** of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0001/2017),

Amendment

– having regard to Article 294(2) and **Article 33** of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0001/2017),

Or. en

Amendment 81
Barbara Kappel

Draft legislative resolution
Paragraph 1

Draft legislative resolution

1. ***Adopts its position at first reading hereinafter set out;***

Amendment

1. ***Rejects the proposal;***

Or. en

Amendment 82
Bernd Lucke

Proposal for a regulation
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular **Articles 33 and 114** thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular **Article 33** thereof,

Or. en

Amendment 83

Bernd Lucke

Proposal for a regulation

Recital 2

Text proposed by the Commission

(2) The re-introduction into the economy of illicit proceeds and the diversion of money to finance illicit activities ***create distortions and unfair competitive disadvantages to law-abiding citizens and companies, and are therefore a threat to the functioning of the internal market. Moreover, it*** fosters criminal and terrorist activities which endanger the security of Union citizens. Accordingly, the Union has taken action to protect itself.

Amendment

(2) The re-introduction into the economy of illicit proceeds and the diversion of money to finance illicit activities fosters criminal and terrorist activities which endanger the security of Union citizens. Accordingly, the Union has taken action to protect itself.

Or. en

Amendment 84

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) Criminals smuggle cash in the Union but there are no clear estimates on the scale and value of sums smuggled across borders. Responsibility for detecting, recording and investigating cash movements is fragmented among Member States and national authorities may face legal barriers preventing customs from controlling or reporting on cash movements leaving or entering the EU. Some high value bearer instruments other than cash, such as gold, diamonds, pre-paid cards, digital wallets, bearer shares etc. are rarely reported on, due to the difficulty of detecting them or because they currently fall outside of the scope of

Amendment 85

Mady Delvaux, Ana Gomes, Juan Fernando López Aguilar

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) In view of the risk that the application of Directive 91/308/EEC would lead to an increase in cash movements for illicit purposes which could pose a threat to the financial system and the internal market, that Directive was complemented by Regulation (EC) No 1889/2005 of the European Parliament and of the Council²⁰. That Regulation aims at preventing and detecting money laundering and the financing of terrorism by laying down a system of controls applicable to natural persons who enter or leave the Union carrying amounts of cash *or bearer-negotiable instruments* equal to or greater than 10 000 EUR or its equivalent in other currencies.

²⁰ Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9).

Amendment

(4) In view of the risk that the application of Directive 91/308/EEC would lead to an increase in cash movements for illicit purposes which could pose a threat to the financial system and the internal market, that Directive was complemented by Regulation (EC) No 1889/2005 of the European Parliament and of the Council²⁰. That Regulation aims at preventing and detecting money laundering and the financing of terrorism by laying down a system of controls applicable to natural persons who enter or leave the Union carrying amounts of cash equal to or greater than 10 000 EUR or its equivalent in other currencies. ***The term 'entering or leaving the Union' should be defined in function of the territory of the Union as defined in Art.355, TFEU, in order to ensure that this Regulation has the broadest possible scope of application and that no areas such as free zones, international transit areas and similar areas would be exempt from its application and present opportunities to circumvent applicable controls.***

²⁰ Regulation (EC) No 1889/2005 of the European Parliament and of the Council of 26 October 2005 on controls of cash entering or leaving the Community (OJ L 309, 25.11.2005, p. 9).

Amendment 86
Mady Delvaux, Juan Fernando López Aguilar

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) *The importance to control cash movements into and leaving the EU is highlighted by the anomalies reported by Europol, namely that : in spite of a steady increase of the use of non-cash payment methods and a moderate decline in the use of cash for payments, the total value of euro banknotes in circulation continues to rise beyond the rate of inflation, and the demand for high denomination notes, not commonly associated with payments, has been sustained, which could indicate a link to criminal activities.^{1a}*

^{1a} *Europol Report “Why is Cash still King?”, 2015*

Or. en

Amendment 87
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) Directive (EU) 2015/849 identifies and describes a number of criminal activities the proceeds of which may be subject to money laundering or used for the financing of terrorism. Often, the proceeds of those criminal activities are, for the purpose of their being laundered or used

(6) Directive (EU) 2015/849 identifies and describes a number of criminal activities the proceeds of which may be subject to money laundering or used for the financing of terrorism. Often, the proceeds of those criminal activities are, for the purpose of their being laundered or used

for terrorism financing, transported across the external border of the Union. This Regulation should take this into account and lay down a system of rules that, apart from contributing to the prevention of money laundering and terrorism financing as such, facilitate the detection and investigation of the criminal activities identified in Directive (EU) 2015/849.

for terrorism financing, transported across the external border of the Union. This Regulation should take this into account and lay down a system of rules that, apart from contributing to the prevention of money laundering ***including predicate offences such as tax crimes***, and terrorism financing as such, facilitate the detection and investigation of the criminal activities identified in Directive (EU) 2015/849.

Or. en

Amendment 88

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Directive (EU) 2015/849 identifies and describes a number of criminal activities the proceeds of which may be subject to money laundering or used for the financing of terrorism. Often, the proceeds of those criminal activities are, for the purpose of their being laundered or used for terrorism financing, transported across the external border of the Union. This Regulation should take this into account and lay down a system of rules that, apart from contributing to the prevention of money laundering and terrorism financing as such, facilitate the detection and investigation of the criminal activities identified in Directive (EU) 2015/849.

Amendment

(6) Directive (EU) 2015/849 identifies and describes a number of criminal activities the proceeds of which may be subject to money laundering or used for the financing of terrorism. Often, the proceeds of those criminal activities are, for the purpose of their being laundered or used for terrorism financing, transported across the external border of the Union. This Regulation should take this into account and lay down a system of rules that, apart from contributing to the prevention of money laundering and terrorism financing as such, facilitate the detection and investigation of the criminal activities identified in Directive (EU) 2015/849 ***as well as those affecting the security of the Union and of its Member States.***

Or. es

Amendment 89

Petr Ježek, Nils Torvalds

Proposal for a regulation
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) This Regulation does not have the effect of modifying the obligation to respect fundamental rights and fundamental legal principles as enshrined in Article 6 of the TEU and in the Charter of Fundamental Rights of the European Union (hereinafter ‘the Charter’).

Or. en

Amendment 90
Petr Ježek, Nils Torvalds

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to ensure their uniform application by competent authorities, controls should be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and should be performed within a common risk management framework, as defined in Regulation 952/2013, which shall take into account the analysis carried out under articles 6 and 7 of Directive 2015/849. The Commission should be empowered to adopt, by means of delegated acts, the definition of the criteria of this common risk management framework. The establishment of a risk management framework common to all Member States should not prevent them from carrying out controls by random checks.

Or. en

Amendment 91

Mady Delvaux, Juan Fernando López Aguilar, Ana Gomes, Eva Joly

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Considering their presence at the external borders of the Union, their expertise in carrying out controls on passengers and freight crossing the external border and experience gained in the application of Regulation (EC) No 1889/2005, customs authorities should continue to act as the competent authorities for the purposes of this Regulation. At the same time, the Member States should continue to be able also to designate other national authorities present at the external border to act as competent authorities.

Amendment

(11) Considering their presence at the external borders of the Union, their expertise in carrying out controls on passengers and freight crossing the external border and experience gained in the application of Regulation (EC) No 1889/2005, customs authorities should continue to act as the competent authorities for the purposes of this Regulation. At the same time, the Member States should continue to be able also to designate other national authorities present at the external border to act as competent authorities.

Resources from custom authorities and other national authorities should receive specific training on how to identify cash-based money laundering and Member States should allocate resources according to a risk analysis, and not disregard necessary controls of private aircrafts and yachts entering and leaving their territories.

Or. en

Amendment 92

Barbara Kappel

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) One of the key concepts used by this Regulation is that of ‘cash’, which should be defined as comprising four categories: currency, bearer-negotiable instruments, commodities used as highly liquid stores of value and certain types of

Amendment

deleted

prepaid cards. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value, as well as prepaid cards which are not linked to a bank account are likely to be used in place of currency as anonymous means of transfer of value across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

Or. en

Amendment 93
Daniel Dalton

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) One of the key concepts used by this Regulation is that of 'cash', which should be defined as comprising **four** categories: currency, bearer-negotiable instruments, commodities used as highly liquid stores of value **and certain types of prepaid cards**. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value, **as well as prepaid cards which are not linked to a bank account are likely to be used in place of currency as anonymous means of transfer of value**

Amendment

(12) One of the key concepts used by this Regulation is that of 'cash', which should be defined as comprising **three** categories: currency, bearer-negotiable instruments, **and** commodities used as highly liquid stores of value. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response

across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

Or. en

Amendment 94
Fulvio Martusciello

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) One of the key concepts used by this Regulation is that of 'cash', which should be defined as comprising four categories: currency, bearer-negotiable instruments, commodities used as highly liquid stores of value *and certain types of prepaid cards*. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value, *as well as prepaid cards which are not linked to a bank account* are likely to be used in place of currency as anonymous means of transfer of value across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their

Amendment

(12) One of the key concepts used by this Regulation is that of 'cash', which should be defined as comprising four categories: currency, bearer-negotiable instruments *and* commodities used as highly liquid stores of value. Given their characteristics, certain bearer-negotiable instruments *and* commodities used as highly liquid stores of value are likely to be used in place of currency as anonymous means of transfer of value across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid

associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

Or. en

Amendment 95 **Emil Radev**

Proposal for a regulation **Recital 12**

Text proposed by the Commission

(12) One of the key concepts used by this Regulation is that of ‘cash’, which should be defined as comprising four categories: currency, bearer-negotiable instruments, commodities used as highly liquid stores of value and *certain types of* prepaid cards. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value, as well as prepaid cards which are not linked to a bank account are likely to be used in place of currency as anonymous means of transfer of value across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

Amendment

(12) One of the key concepts used by this Regulation is that of ‘cash’, which should be defined as comprising four categories: currency, bearer-negotiable instruments, commodities used as highly liquid stores of value and *anonymous* prepaid cards. Given their characteristics, certain bearer-negotiable instruments, commodities used as highly liquid stores of value, as well as *anonymous* prepaid cards which are not linked to a bank account are likely to be used in place of currency as anonymous means of transfer of value across the external borders which are not traceable using the classic system of supervision by the public authorities. This Regulation should lay down the essential components of the definition of 'cash' while at the same time enabling the Commission to amend the non-essential components in response to the efforts by criminals and their associates to circumvent a measure which controls only one type of highly liquid store of value by bringing across external borders another type. If evidence of such behaviour on an appreciable scale is detected, it is essential that measures be taken swiftly to remedy the situation.

Amendment 96
Barbara Kappel

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) *Bearer negotiable instruments are financial instruments that enable the physical holder to claim a payment of a financial amount without being registered or mentioned by name. They can be easily used to transfer considerable amounts of value and present salient similarities with currency in terms of risks for abuse, liquidity and anonymity.* **deleted**

Or. en

Amendment 97
Barbara Kappel

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) *Commodities used as highly liquid stores of value are goods that represent a high ratio between their value and volume and for which an easily accessible international trading market exists which allows them to be converted into currency whilst incurring only modest transaction costs. Such commodities are mostly presented in a standardised way that allows for quick verification of their value.* **deleted**

Or. en

Amendment 98
Daniel Dalton

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) Prepaid cards are non-nominal cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these instruments also present a clear social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to certain types of prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability. *deleted*

Or. en

Amendment 99
Fulvio Martusciello

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) Prepaid cards are non-nominal cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these instruments also present a clear *deleted*

social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to certain types of prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

Or. en

Amendment 100
Barbara Kappel

Proposal for a regulation
Recital 15

Text proposed by the Commission

Amendment

(15) Prepaid cards are non-nominal cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these instruments also present a clear social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to certain types of prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

deleted

Or. en

Amendment 101
Bernd Lucke

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Prepaid cards are non-nominal cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these instruments also present a clear social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to certain types of prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

Amendment

(15) Prepaid cards are non-nominal cards storing ***or providing access to*** monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these instruments also present a clear social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include ***certain types of*** prepaid cards in the definition of cash, ***in particular if they can be bought without customer due diligence procedures (“anonymous prepaid cards”)***. This will allow for the possibility to extend the measures to certain types of prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

Or. en

Amendment 102
Emil Radev

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) Prepaid cards are ***non-nominal*** cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these

Amendment

(15) ***Anonymous*** prepaid cards are ***anonymous*** cards storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which are not linked to a bank account. They are widely used for a variety of legitimate purposes and some of these

instruments also present a clear social interest. As such prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to *certain types of* prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

instruments also present a clear social interest. As such *anonymous* prepaid cards are easily transferrable and can be used to transfer considerable value across external borders. It is therefore necessary to include *anonymous* prepaid cards in the definition of cash. This will allow for the possibility to extend the measures to *anonymous* prepaid cards if the evidence justifies it and with due regard to proportionality and practical enforceability.

Or. en

Amendment 103 **Daniel Dalton**

Proposal for a regulation **Recital 16**

Text proposed by the Commission

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR 10 000 or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, *pre-paid cards' worth* or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Amendment

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR 10 000 or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Or. en

Amendment 104
Fulvio Martusciello

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR **10 000** or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, *pre-paid cards*' worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Amendment

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR **10 000** or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Or. en

Amendment 105
Emil Radev

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR **10 000** or its

Amendment

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR **10 000** or its

equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, pre-paid cards' worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, *anonymous* pre-paid cards' worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Or. en

Amendment 106

Bernd Lucke

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. ***In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR 10 000 or its equivalent in*** commodities used as a highly liquid store of value, bearer-negotiable instruments, pre-paid cards' ***worth or other currencies. It*** should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Amendment

(16) For the prevention of money laundering and the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union ***if the total value of cash they carry in any currency, commodities used as a highly liquid store of value, bearer-negotiable instruments, and anonymous pre-paid cards valued at their maximum store of money exceeds a threshold of EUR 10 000. The obligation to declare*** should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control. ***In order not to restrict free movement unduly or overburden innocent citizens and authorities with administrative formalities, natural persons carrying less such cash should not be obliged to submit a declaration.***

Or. en

Amendment 107

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Recital 16

Text proposed by the Commission

(16) For the prevention of money laundering *and* the financing of terrorism, an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR 10 000 or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, pre-paid cards' worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Amendment

(16) For the prevention of money laundering, the financing of terrorism, *and other activities contrary to the security of the Union as a whole and of its Member States* an obligation to declare should be imposed on natural persons entering or leaving the Union. In order not to restrict free movement unduly or overburden citizens and authorities with administrative formalities, the obligation should be subject to a threshold of EUR 10 000 or its equivalent in commodities used as a highly liquid store of value, bearer-negotiable instruments, pre-paid cards' worth or other currencies. It should apply to natural persons carrying such amounts on their person, in their luggage or in the conveyance in which they cross the external border. They should be required to make the cash available to the competent authorities for control.

Or. es

Amendment 108

Bernd Lucke

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) As regards movements of cash that is not accompanied by its owner, sender, intended recipient or their representative, such as cash entering or leaving the Union in postal packages, courier shipments,

Amendment

(17) As regards movements of cash that is not accompanied by its owner, sender, intended recipient or their representative, such as cash entering or leaving the Union in postal packages, courier shipments,

unaccompanied luggage or containerised cargo, the competent authorities at the external border should have the power to require the sender or the recipient or their representative to make a disclosure declaration. Such disclosure should cover a number of elements, such as the origin, destination, economic provenance and intended use of the funds, which are not covered by the usual documentation submitted to customs, such as shipping documents and customs declarations. This will allow the competent authorities to carry out risk analysis and concentrate their efforts on those shipments which they deem to present the highest risk, while not imposing systematic additional formalities. The disclosure obligation should be subject to a threshold *identical to* that for cash carried by natural persons.

unaccompanied luggage or containerised cargo, the competent authorities at the external border should have the power to require the sender or the recipient or their representative to make a disclosure declaration. Such disclosure should cover a number of elements, such as the origin, destination, economic provenance and intended use of the funds, which are not covered by the usual documentation submitted to customs, such as shipping documents and customs declarations. This will allow the competent authorities to carry out risk analysis and concentrate their efforts on those shipments which they deem to present the highest risk, while not imposing systematic additional formalities. The disclosure obligation should be subject to a threshold *significantly lower than* that for cash carried by natural persons.

Or. en

Amendment 109
Barbara Kappel

Proposal for a regulation
Recital 19

Text proposed by the Commission

(19) As regards the obligation to declare and the disclosure obligation, competent authorities should be vested with the power to carry out all requisite controls on persons, their luggage, the conveyance used to cross the external border and any unaccompanied consignment or receptacle crossing that border which may contain cash, or a means of transport carrying them. In the event of failure to comply with the obligations, the competent authorities should establish an ex officio declaration for subsequent communication of the relevant information to other authorities.

Amendment

deleted

Amendment 110
Fulvio Martusciello

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) *Where they detect amounts of cash below the threshold but there are indications that the cash may be linked to criminal activity as defined in this Regulation, competent authorities should be able to record essential information on the persons carrying the cash, such as their identity details and nationality, and details regarding the means of transport used, such as the type of the conveyance, its point of departure and destination.* **deleted**

Or. it

Amendment 111
Barbara Kappel

Proposal for a regulation
Recital 20

Text proposed by the Commission

Amendment

(20) *Where they detect amounts of cash below the threshold but there are indications that the cash may be linked to criminal activity as defined in this Regulation, competent authorities should be able to record essential information on the persons carrying the cash, such as their identity details and nationality, and details regarding the means of transport used, such as the type of the conveyance, its point of departure and destination.* **deleted**

Or. en

Amendment 112
Fulvio Martusciello

Proposal for a regulation
Recital 20

Text proposed by the Commission

(20) Where they detect amounts of cash below the threshold but there are indications that the cash may be linked to criminal activity as defined in this Regulation, competent authorities should be able to record essential information on the persons carrying the cash, such as their identity details and nationality, and details regarding the means of transport used, such as the type of the conveyance, its point of departure and destination.

Amendment

(20) Where they detect amounts of cash below the threshold, **but between EUR 7500 and EUR 9999**, but there are indications that the cash may be linked to criminal activity as defined in this Regulation, competent authorities should be able to record essential information on the persons carrying the cash, such as their identity details and nationality, and details regarding the means of transport used, such as the type of the conveyance, its point of departure and destination.

Or. it

Amendment 113
Barbara Kappel

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation.

Amendment

deleted

Amendment 114**Mady Delvaux****Proposal for a regulation****Recital 21***Text proposed by the Commission*

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation.

Amendment

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question, ***which should promptly make it available to the Financial Intelligence Units of the other Member States***. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation. ***For that purpose, an interconnection between the information exchange systems used by, respectively, competent authorities and Financial Investigations Units should be put in place. In order to further strengthen the cooperation between the Financial Intelligence Units, the Commission should assess the adequacy of establishing a Union Financial Intelligence Unit, and present a legislative proposal, if appropriate.***

Amendment 115**Tom Vandenkendelaere****Proposal for a regulation****Recital 21**

Text proposed by the Commission

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation.

Amendment

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question, ***which should swiftly transfer this information to the Financial Intelligence Units of the other Member States***. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation.

Or. en

Amendment 116

Daniel Dalton

Proposal for a regulation

Recital 21

Text proposed by the Commission

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation.

Amendment

(21) That information should be passed on to the Financial Intelligence Unit of the Member State in question. Those units are designated as the hub elements in the fight against money-laundering and terrorist financing who receive and process information from various sources such as financial institutions and analyse it in order to determine if there are grounds for further investigation that may not be apparent to the competent authorities who collect the declarations and perform controls under this Regulation. ***The Commission should assess ways in which to strengthen cooperation between Financial Intelligence Units through existing mechanisms.***

Amendment 117**Barbara Kappel****Proposal for a regulation****Recital 22***Text proposed by the Commission*

(22) *The detection of a sub-threshold amount in situations where there are indications of criminal activity is highly relevant in this context. Consequently, it should also be possible to share information relating to sub-threshold amounts with the competent authorities in other Member States if there are indications of criminal activity.*

*Amendment**deleted*

Or. en

Amendment 118**Barbara Kappel****Proposal for a regulation****Recital 23***Text proposed by the Commission*

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are indications of criminal activity, irrespective of the amount or whether the cash is carried by a

Amendment

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain *specific* circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are *severe* indications of criminal activity, irrespective of the amount or whether the cash is

natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

carried by a natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

Or. en

Amendment 119
Fulvio Martusciello

Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are indications of criminal activity, ***irrespective of the***

Amendment

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are indications of criminal activity ***in an amount in excess of***

amount or *whether* the cash is carried by a natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

EUR 7500 or *if* the cash is carried by a natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

Or. it

Amendment 120

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are indications of

Amendment

(23) Considering that the movements of cash that are subject to controls under this Regulation take place across the external border, and given the difficulty of acting once the cash has left the point of entry or exit and the associated risk if even small amounts are used illicitly, the competent authorities should be able to seize and retain cash temporarily in certain circumstances, subject to checks and balances: first, where the obligation to declare or to disclose has not been met and, secondly, where there are indications of

criminal activity, irrespective of the amount or whether the cash is carried by a natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

criminal activity, irrespective of the amount or whether the cash is carried by a natural person or is unaccompanied. In view of the nature of such temporary seizure and retention and the impact that it may have on the freedom of movement and the right to property, the period of retention should be limited to the absolute minimum time that other competent authorities require to determine whether there are grounds for further intervention, such as investigations or seizure of the cash based on other legal instruments. ***Also, natural persons impacted by the temporary seizure and retention of their cash should be offered the possibility to keep a minimum amount of cash, where possible given the type of cash seized and retained, in order to be able to afford food, water and shelter.*** A decision to retain cash temporarily under this Regulation should be accompanied by a statement of reasons and adequately describe the specific factors that have given rise to the action. If at the end of the time limit no decision concerning the further intervention is taken or if the competent authority decides that there are no grounds to further retain the cash, it should immediately be made available to the declarant.

Or. en

Amendment 121

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) It is essential that competent authorities that collect information pursuant to this Regulation transmit it in a timely manner to the national Financial Intelligence Unit, in order to enable it to

Amendment

(24) It is essential that competent authorities that collect information pursuant to this Regulation transmit it in a timely manner to the national Financial Intelligence Unit, in order to enable it to

further analyse and compare them with other data as foreseen in Directive 2015/849 [

further analyse and compare them with other data as foreseen in Directive 2015/849. ***In addition, the creation of a European Financial Intelligence Unit would help to ensure efficient exchange of information and to improve coordination and cooperation between competent authorities across the Union.***

Or. en

Amendment 122
Tom Vandenkendelaere

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) It is essential that competent authorities that collect information pursuant to this Regulation transmit it in a timely manner to the national Financial Intelligence Unit, in order to enable ***it*** to further analyse and compare ***them*** with other data as foreseen in Directive 2015/849 [

Amendment

(24) It is essential that competent authorities that collect information pursuant to this Regulation transmit it in a timely manner to the national Financial Intelligence Unit, ***which should swiftly make the information available to the Financial Intelligence Units of the other Member States***, in order to enable ***the FIUs*** to further analyse and compare ***the information*** with other data as foreseen in Directive 2015/849.

Or. en

Amendment 123
Emil Radev

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Where they register a failure to declare or disclose or have indications of criminal activity, competent authorities should be able to share the information

Amendment

(25) Where they register a failure to declare or disclose or have indications of criminal activity, competent authorities should be able to share the information

through appropriate channels with authorities competent for the fight against the criminal activity in question. Such exchange of data is proportionate considering that offenders against the obligation to declare who have been apprehended in one Member State would be likely to select another Member State of entry or exit where the competent authorities would have no knowledge of their earlier infractions. The exchange of such information should be made mandatory, in order to ensure consistent application across Member States. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union that information should also be made available to the Commission. In order to achieve better the preventive and dissuasive objectives of this Regulation with regards to the circumvention of the obligation to declare, anonymised risk information and risk analysis results should also mandatorily be exchanged between Member States and with the Commission.

through appropriate channels with authorities competent for the fight against the criminal activity in question. Such exchange of data is proportionate considering that offenders against the obligation to declare who have been apprehended in one Member State would be likely to select another Member State of entry or exit where the competent authorities would have no knowledge of their earlier infractions. The exchange of such information should be made mandatory, in order to ensure consistent application across Member States. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union that information should also be made available to the Commission *and the European Public Prosecutor's Office*. In order to achieve better the preventive and dissuasive objectives of this Regulation with regards to the circumvention of the obligation to declare, anonymised risk information and risk analysis results should also mandatorily be exchanged between Member States and with the Commission.

Or. en

Amendment 124
Barbara Kappel

Proposal for a regulation
Recital 25

Text proposed by the Commission

(25) Where they register a failure to declare or disclose or have indications of criminal activity, competent authorities should be able to share the information through appropriate channels with authorities competent for the fight against the criminal activity in question. Such exchange of data is proportionate considering that offenders against the

Amendment

(25) Where they register a failure to declare or disclose or have *severe* indications of criminal activity, competent authorities should be able to share the information through appropriate channels with authorities competent for the fight against the criminal activity in question. Such exchange of data is proportionate considering that offenders against the

obligation to declare who have been apprehended in one Member State would be likely to select another Member State of entry or exit where the competent authorities would have no knowledge of their earlier infractions. The exchange of such information should be made mandatory, in order to ensure consistent application across Member States. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union that information should also be made available to the Commission. In order to achieve better the preventive and dissuasive objectives of this Regulation with regards to the circumvention of the obligation to declare, anonymised risk information and risk analysis results should also mandatorily be exchanged between Member States and with the Commission.

obligation to declare who have been apprehended in one Member State would be likely to select another Member State of entry or exit where the competent authorities would have no knowledge of their earlier infractions. The exchange of such information should be made mandatory, in order to ensure consistent application across Member States. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union that information should also be made available to the Commission. In order to achieve better the preventive and dissuasive objectives of this Regulation with regards to the circumvention of the obligation to declare, anonymised risk information and risk analysis results should also mandatorily be exchanged between Member States and with the Commission.

Or. en

Amendment 125

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) For the purposes of the analysis carried out by the Financial Intelligence Units and in order to enable authorities in other Member States to control and enforce the obligation to declare, particularly with respect to declarants who have previously committed infractions against that obligation it is necessary that the declaration data is stored for a sufficiently long period so as to enable the competent authorities to effectively conduct investigations. ***Processing of personal data under this Regulation serves the same purposes as that under Directive (EU)***

Amendment

(28) For the purposes of the analysis carried out by the Financial Intelligence Units and in order to enable authorities in other Member States to control and enforce the obligation to declare, particularly with respect to declarants who have previously committed infractions against that obligation it is necessary that the declaration data is stored for a sufficiently long period so as to enable the competent authorities to effectively conduct investigations. ***In line with the case-law of the Court of Justice of the European Union, such as Opinion 1/15 of 26 July***

2015/849. Under this Directive, the Financial Intelligence Units retain data provided to them by "obliged entities" for five years. In order to control and enforce the obligation to declare effectively, the period of retention of declaration data should be aligned with that provided for under Directive (EU) 2015/849.

2017 on the EU-Canada PNR, a distinction should be made between personal data of suspicious persons and personal data of non-suspicious persons. When there is no suspicion that the cash may be linked to criminal activity after a risk analysis, personal data should not be kept for more than one year. When there is such a suspicion, personal data should be retained for up to three years to allow proper criminal investigations.

Or. en

Justification

Article 1 of Directive 2015/849 says "to prevent the use of the Union's financial system for the purposes of money laundering and terrorist financing". Article 12 of this Regulation says "for the purposes of the prevention and fight against criminal activities", which is broader.

Amendment 126 **Daniel Dalton**

Proposal for a regulation **Recital 29**

Text proposed by the Commission

(29) In order to encourage compliance and deter circumvention, Member States should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance.

Amendment

(29) In order to encourage compliance and deter circumvention, Member States should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance. ***They should be decided by Member States in accordance with national law.***

Amendment 127**Jonás Fernández, Ramón Jáuregui Atondo****Proposal for a regulation****Recital 29***Text proposed by the Commission*

(29) In order to encourage compliance and deter circumvention, Member States should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance.

Amendment

(29) In order to encourage compliance and deter circumvention, Member States should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance, ***and be established in accordance with the calculation method and, where appropriate, the maximum and minimum amounts set by the Commission, in order to avoid excessive disparities in the application of penalties for non-compliance across the Member States.***

Or. es

Amendment 128**Bernd Lucke****Proposal for a regulation****Recital 29***Text proposed by the Commission*

(29) In order to encourage compliance and deter circumvention, Member States

Amendment

(29) In order to encourage compliance and deter circumvention, Member States

should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance.

should introduce penalties for non-compliance with the obligations to declare or disclose. The penalties should apply only to the failure to declare or disclose under this Regulation and should not take into account the criminal activity potentially associated with the cash, which may be the object of further investigation and measures falling outside the scope of this Regulation. They should be effective, proportionate and dissuasive, and not go beyond what is required to encourage compliance. ***Member States should agree on a uniform set of penalties to prevent the flow of illicit cash using the points of entry with the lowest penalties for noncompliance.***

Or. en

Amendment 129
Barbara Kappel

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure uniform application of controls and the efficient processing, transmission and analysis of the declarations by competent authorities, implementing powers should be conferred on the Commission to adopt the template of declaration and disclosure forms, to determine the criteria of a common risk management framework, to establish the technical rules and modalities and the template of the forms to be used for the declarations, the information exchange and to establish the rules and the format to be used for the provision of statistical information to the Commission. This should include the establishment of appropriate electronic systems. The powers should be exercised in accordance with Regulation (EU) No 182/2011 of the

Amendment

deleted

²³ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Or. en

Amendment 130
Mady Delvaux

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure uniform application of controls and the efficient processing, transmission and analysis of the declarations by competent authorities, implementing powers should be conferred on the Commission to adopt the template of declaration and disclosure forms, to ***determine the criteria of a common risk management framework***, to establish the technical rules and modalities and the template of the forms to be used for the declarations, the information exchange ***and*** to establish the rules and the format to be used for the provision of statistical information to the Commission. This should include the establishment of appropriate electronic systems. The powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²³ .

Amendment

(30) ***While most Member States use already a harmonized declaration form, the EU currency Declaration From (EU-CDF), on a voluntary basis***, in order to ensure uniform application of controls and the efficient processing, transmission and analysis of the declarations by competent authorities, implementing powers should be conferred on the Commission to adopt the template of declaration and disclosure forms, to establish the technical rules and modalities and the template of the forms to be used for the declarations, ***for the information exchange between competent authorities and for the interconnection between the information exchange systems used by, respectively, competent authorities and Financial Investigations Units, as well as*** to establish the rules and the format to be used for the provision of statistical information to the Commission. This should include the establishment of appropriate electronic systems. The powers should be exercised in accordance with

²³ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).*

Or. en

Amendment 131
Tom Vandenkendelaere

Proposal for a regulation
Recital 30

Text proposed by the Commission

(30) In order to ensure uniform application of controls and the efficient processing, transmission and analysis of the declarations by competent authorities, implementing powers should be conferred on the Commission to adopt the template of declaration and disclosure forms, to determine the criteria of a common risk management framework, to establish the technical rules and modalities and the template of the forms to be used for the declarations, the information exchange and to establish the rules and the format to be used for the provision of statistical information to the Commission. This should ***include the establishment of*** appropriate electronic systems. The powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²³ .

²³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of

Amendment

(30) In order to ensure uniform application of controls and the efficient processing, transmission and analysis of the declarations by competent authorities, implementing powers should be conferred on the Commission to adopt the template of declaration and disclosure forms, to determine the criteria of a common risk management framework, to establish the technical rules and modalities and the template of the forms to be used for the declarations, the information exchange and to establish the rules and the format to be used for the provision of statistical information to the Commission. This should ***be done through*** appropriate electronic systems. The powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²³ .

²³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of

16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Or. en

Justification

Through an existing electronic system such as the Customs Information System (CIS).

Amendment 132

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) In order to ensure their uniform application by competent authorities, controls should be based primarily on a risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary countermeasures, and should be performed within a common risk management framework, as defined in Regulation (EU) No952/2013 of the European Parliament and of the Council, which should take into account the risk assessment analysis carried out under Directive (EU) 2015/849. The Commission should be empowered to adopt, by means of delegated acts, the definition of the criteria of this common risk management framework.

Or. en

Amendment 133
Barbara Kappel

Proposal for a regulation
Recital 31

Text proposed by the Commission

Amendment

(31) *In order to be able to quickly take account of future modifications of international standards such as established by the Financial Action Task Force or to address circumvention of this Regulation through reliance on liquid stores of value which are not covered by the definition of 'cash', the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to that definition. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.²⁴ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.* *deleted*

²⁴ *Ref. to OJ [L 123/1]*

Or. en

Amendment 134
Daniel Dalton

Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) In order to be able to quickly take account of future modifications of international standards such as established by the Financial Action Task Force or to address circumvention of this Regulation through reliance on liquid stores of value which are not covered by the definition of 'cash', the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to *that definition*. *It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.²⁴ In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.*

²⁴ Ref. to OJ [L 123/1]

Amendment

(31) In order to be able to quickly take account of future modifications of international standards such as established by the Financial Action Task Force or to address circumvention of this Regulation through reliance on liquid stores of value which are not covered by the definition of 'cash', the power to adopt *implementing* acts in accordance with Article 291 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of modifications to *Annex I to this Regulation*.

Or. en

Amendment 135

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 31 a (new)

(31a) In order to remedy the current situation whereby many travellers are not aware of their obligation to declare cash, the Commission, in cooperation with Member States, should launch regular information campaigns directed towards EU citizens and third country nationals as well as legal persons. The Commission should also make available information related to competent authorities and penalties in place at the level of Member States on its website.

Or. en

Amendment 136
Barbara Kappel

Proposal for a regulation
Recital 32

(32) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States, but, because of the transnational scale of money laundering and terrorism financing, and the specificities of the internal market and its fundamental freedoms, which can only be fully implemented by ensuring that no excessively disparate treatment based on national legislation is imposed on cash crossing the external border of the Union, can be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary to achieve those objectives.

deleted

Amendment 137

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Article 1 – paragraph 1

Text proposed by the Commission

This Regulation provides for a system of controls with respect to cash entering or leaving the Union to complement the legal framework for the prevention of money laundering and terrorist financing laid down in Directive (EU) 2015/849.

Amendment

This Regulation provides for a system of controls with respect to cash entering or leaving the Union, to complement the legal framework for the prevention of money laundering and terrorist financing laid down in Directive (EU) 2015/849, ***and for the prevention of any other criminal activity contrary to the security of the Union or of its Member States.***

Or. es

Amendment 138

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 2

Text proposed by the Commission

- *bearer-negotiable instruments referred to in Annex I;*

Amendment

deleted

Or. en

Amendment 139

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 3

Text proposed by the Commission

Amendment

- *commodities used as highly liquid stores of value referred to in Annex I;* *deleted*

Or. en

Amendment 140

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 3

Text proposed by the Commission

Amendment

- commodities used as highly liquid stores of value referred to in Annex I;

- commodities used as highly liquid stores of value referred to in Annex I, *particularly gold;*

Or. fr

Amendment 141

Anne Sander

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 3

Text proposed by the Commission

Amendment

- commodities used as highly liquid stores of value referred to in Annex I;

- commodities used as highly liquid stores of value referred to in Annex I, *particularly gold;*

Or. fr

Amendment 142

Fulvio Martusciello

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 4

Text proposed by the Commission

Amendment

- *prepaid cards referred to in Annex I;* *deleted*

Or. en

Amendment 143

Daniel Dalton

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 4

Text proposed by the Commission

Amendment

- *prepaid cards referred to in Annex I;* *deleted*

Or. en

Amendment 144

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 4

Text proposed by the Commission

Amendment

- *prepaid cards referred to in Annex I;* *deleted*

Or. en

Amendment 145

Emil Radev

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 4

Text proposed by the Commission

Amendment

- prepaid cards referred to in Annex - *anonymous* prepaid cards referred

I;

to in Annex I;

Or. en

Amendment 146

Bernd Lucke

Proposal for a regulation

Article 2 – paragraph 1 – point a – indent 4

Text proposed by the Commission

- prepaid cards referred to in Annex I;

Amendment

- ***certain types of*** prepaid cards referred to in Annex I;

Or. en

Amendment 147

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) 'currency' means banknotes and coins that are in circulation as a medium of exchange or that have been in circulation as a medium of exchange and can still be exchanged through financial institutions or central banks for banknotes ***and coins that are in circulation as a medium of exchange;***

Amendment

(c) 'currency' means banknotes and coins that are in circulation as a medium of exchange or that have been in circulation as a medium of exchange and can still be exchanged through financial institutions or central banks for banknotes;

Or. en

Amendment 148

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *'bearer-negotiable instrument'* **deleted**
*means an instrument other than currency
which entitles its holder to claim a
financial amount upon presentation of the
instrument without having to prove
his/her identity or entitlement to that
amount;*

Or. en

Amendment 149

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 2 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) *'bearer-negotiable instrument'*
means an instrument other than currency
which entitles its holder to claim a
financial amount upon presentation of the
instrument *without having to prove his/her
identity or entitlement to that amount;*

(d) *'bearer-negotiable instrument'*
means an instrument other than currency
which entitles its holder to claim a
financial amount upon presentation of the
instrument;

Or. en

Justification

It could be difficult for customs officers, on the spot, to determine whether a bearer-negotiable instrument needs a proof of identity or not. Also, this definition could clash with Annex I which includes “cheques” under bearer-negotiable instruments: cheques in some countries (e.g. France) may require an identity proof.

Amendment 150

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point e

Text proposed by the Commission

Amendment

(e) *'commodities used as highly liquid stores of value' means goods that present a high ratio between their value and their volume and that can easily be converted into currency through accessible trading markets whilst incurring only modest transaction costs;* **deleted**

Or. en

Amendment 151
Fulvio Martusciello

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

Text proposed by the Commission

Amendment

(f) *'prepaid card' means a non-nominal card storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which is not linked to a bank account;* **deleted**

Or. en

Amendment 152
Daniel Dalton

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

Text proposed by the Commission

Amendment

(f) *'prepaid card' means a non-nominal card storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which is not linked to a bank* **deleted**

account;

Or. en

Amendment 153

Barbara Kappel

Proposal for a regulation

Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) 'prepaid card' means a non-nominal card storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which is not linked to a bank account;

deleted

Or. en

Amendment 154

Bernd Lucke

Proposal for a regulation

Article 2 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) 'prepaid card' means a non-nominal card storing monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which is not linked to a bank account;

(f) 'prepaid card' means a non-nominal card storing *or providing access to* monetary value or funds which can be used for payment transactions, for acquiring goods or services or for redemption of currency and which is not linked to a bank account;

Or. en

Amendment 155

Barbara Kappel

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid cards to circumvent the obligations laid down in Articles 3 and 4.

Amendment

deleted

Or. en

Amendment 156
Daniel Dalton

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt *delegated* acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in *paragraphs 3, 4* and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid cards to circumvent the obligations laid down in Articles 3 and 4.

Amendment

2. The Commission shall be empowered to adopt *implementing* acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in *paragraphs 3, 4* and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid cards to circumvent the obligations laid down in Articles 3 and 4.

Or. en

Amendment 157
Fulvio Martusciello

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value *or prepaid cards* to circumvent the obligations laid down in Articles 3 and 4.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments *and* commodities used as highly liquid stores of value to circumvent the obligations laid down in Articles 3 and 4.

Or. en

Amendment 158
Emil Radev

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering or terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or

cards to circumvent the obligations laid down in Articles 3 and 4.

anonymous prepaid cards to circumvent the obligations laid down in Articles 3 and 4.

Or. en

Amendment 159

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Article 2 – paragraph 2

Text proposed by the Commission

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering *or* terrorist financing or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid cards to circumvent the obligations laid down in Articles 3 and 4.

Amendment

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to amend Annex I to take account of new trends in money laundering or terrorist financing, as defined in paragraphs 3, 4 and 5 of Article 1 of Directive (EU) 2015/849, or best practices in preventing money laundering, terrorist financing, *organised crime and any other criminal activity contrary to the security of the Union or of its Member States*, or to prevent the use by criminals of bearer-negotiable instruments, commodities used as highly liquid stores of value or prepaid cards to circumvent the obligations laid down in Articles 3 and 4, *and to establish the method for the calculation of the penalties for non-compliance referred to in Article 13 and, where appropriate, their maximum and minimum levels.*

Or. es

Amendment 160

Petr Ježek

Proposal for a regulation

Article 3 – title

Text proposed by the Commission

Amendment

Obligation to declare

Obligation to declare *accompanied cash*

Or. en

Amendment 161

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the declarant, including full name, address, date and place of birth, *and* nationality;

(a) the declarant, including full name, *contact details (including* address), date and place of birth, nationality *and ID number*;

Or. en

Amendment 162

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the owner of the cash, including full name, address, date and place of birth, *and* nationality;

(b) the owner of the cash, including full name, *contact details (including* address), date and place of birth, nationality *and ID number in case of natural persons or registration number or VAT number in case of legal persons*;

Or. en

Amendment 163

Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 3 – paragraph 2 – point c

Text proposed by the Commission

(c) the intended recipient of the cash, including full name, address, date and place of birth, **and** nationality;

Amendment

(c) the intended recipient of the cash, including full name, **contact details (including address)**, date and place of birth, nationality **and ID number in case of natural persons or registration number or VAT number in case of legal persons**;

Or. en

Amendment 164
Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 3 – paragraph 2 – point d

Text proposed by the Commission

(d) the amount **and** nature of the cash;

Amendment

(d) the amount **or value as well as** nature of the cash;

Or. en

Amendment 165
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 3 – paragraph 3

Text proposed by the Commission

3. The information shall be provided in writing or electronically using the form laid down pursuant to Article 15(a). An endorsed copy shall be delivered to the declarant **upon request**.

Amendment

3. The information shall be provided in writing or electronically using the form laid down pursuant to Article 15(a). An endorsed copy shall be delivered to the declarant.

Or. en

Justification

Declarants should always be able to obtain a written copy, as they may not always be in the position to request one (e.g. not knowing they are entitled to, not speaking the language of the country)

Amendment 166

Petr Ježek

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Disclosure obligation

Amendment

Disclosure obligation *for unaccompanied cash*

Or. en

Amendment 167

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Where unaccompanied cash of a value of EUR 10 000 or more is entering or leaving the Union, the competent authorities of the Member State ***through which the cash is entering or leaving may, following a risk analysis, require*** the ***sender*** or the recipient or ***their*** representative to make a disclosure declaration. ***The obligation*** to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete ***or the cash is not made available for control.***

Amendment

1. Where unaccompanied cash of a value of EUR 10 000 or more is entering or leaving the Union, the ***sender or his representative shall declare the amount to the*** competent authorities of the Member State ***of departure, in the case of a consignment leaving the Union, or of destination in the case of a consignment entering the Union, and shall attach a copy of his declaration to his consignment. If, at the time of a control resulting in the discovery of an undeclared sum, the competent authorities of the Member State of destination or of the Member State of departure are unable to contact the sender, they may require*** the recipient of ***the sum*** or ***his*** representative to make a

disclosure declaration *within a time limit which they shall set and which shall not exceed 30 days. The cash shall remain at the disposal of the competent authorities for purposes of checking until the recipient or his representative has signed this declaration or, if no declaration is made, until the expiry of the time limit.* **Obligations** to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete.

Or. fr

Justification

The mere introduction of an obligation to declare unaccompanied cash of a value of EUR 10 000 or more when it is sent could make it possible to step up efforts to combat money laundering and terrorist financing effectively. The obligation to declare it should rest with the sender, as the recipient might not know the amounts he was about to receive.

Amendment 168 **Petr Ježek**

Proposal for a regulation **Article 4 – paragraph 1**

Text proposed by the Commission

1. Where unaccompanied cash of a value of EUR 10 000 or more is entering or leaving the Union, the competent authorities of the Member *State* through which the cash is entering or leaving *may, following a risk analysis, require* the sender *or* the recipient or *their* representative to make a disclosure declaration. The obligation to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or the cash is not made available for control.

Amendment

1. Where unaccompanied cash of a value of EUR 10 000 or more is entering or leaving the Union *the sender or its representative shall declare that cash to* the competent authorities of the Member *States* through which the cash is entering or leaving, *and join its declaration to the shipment.*

Where the competent authorities carrying out the controls laid down in article 5 detect that the obligation to declare the cash was not fulfilled and are not able to

contact the sender, they may require the recipient or its representative to make a disclosure declaration, within a set deadline which may not be longer than 30 days. The competent authorities retain cash until the recipient or its representative make the disclosure or, if no disclosure is made, until the deadline expires.

The obligation to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or the cash is not made available for control.

Or. en

Amendment 169

Bernd Lucke

Proposal for a regulation

Article 4 – paragraph 1

Text proposed by the Commission

1. Where unaccompanied cash of a value of EUR **10 000** or more is entering or leaving the Union, the competent authorities of the Member State through which the cash is entering or leaving may, following a risk analysis, require the sender or the recipient or their representative to make a disclosure declaration. The obligation to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or the cash is not made available for control.

Amendment

1. Where unaccompanied cash of a value of EUR **2 000** or more is entering or leaving the Union, the competent authorities of the Member State through which the cash is entering or leaving may, following a risk analysis, require the sender or the recipient or their representative to make a disclosure declaration. The obligation to declare shall not be deemed to be fulfilled if the information provided is incorrect or incomplete or the cash is not made available for control.

Or. en

Amendment 170

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 4 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The disclosure declaration referred to in paragraph 1 shall provide the details of:

(Does not affect the English version.)

Or. fr

Amendment 171

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the declarant, including full name, address, date and place of birth, **and** nationality;

(a) the declarant, including full name, **contact details (including address)**, date and place of birth, nationality **and ID number**;

Or. en

Amendment 172

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 4 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the owner of the cash, including the full name, address, date and place of birth **and** nationality;

(b) the owner of the cash, including the full name, **contact details (including address)**, date and place of birth, nationality **and ID number in case of natural persons or registration number or VAT number in case of legal persons**;

Or. en

Amendment 173

Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the sender of the cash, including the full name, address, date and place of birth **and** nationality;

Amendment

(c) the sender of the cash, including the full name, **contact details (including address)**, date and place of birth, nationality **and ID number in case of natural persons or registration number or VAT number in case of legal persons**;

Or. en

Amendment 174
Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 4 – paragraph 2 – point d

Text proposed by the Commission

(d) the recipient or intended recipient of the cash, including the full name, address, date and place of birth **and** nationality;

Amendment

(d) the recipient or intended recipient of the cash, including the full name, **contact details (including address)**, date and place of birth, nationality **and ID number in case of natural persons or registration number or VAT number in case of legal persons**;

Or. en

Amendment 175
Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 4 – paragraph 2 – point e

Text proposed by the Commission

(e) the amount **and** nature of the cash;

Amendment

(e) the amount **or value as well as** nature of the cash;

Or. en

Amendment 176

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 4 – paragraph 3

Text proposed by the Commission

3. The information shall be provided in writing or electronically using the form laid down pursuant to Article 15(a). An endorsed copy shall be delivered to the declarant *upon request*.

Amendment

3. The information shall be provided in writing or electronically using the form laid down pursuant to Article 15(a). An endorsed copy shall be delivered to the declarant.

Or. en

Justification

Declarants should always be able to obtain a written copy, as they may not always be in the position to request one (e.g. not knowing they are entitled to, not speaking the language of the country)

Amendment 177

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The obligation referred to in paragraph 1 shall not apply to the institutions referred to in Article 3(1) and (2) of Directive (EU) 2015/849.

Or. fr

Justification

The financial institutions referred to in Article 3(1) and (2) of Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, which, being referred to there, are already subject to obligations of transparency and traceability, must be

exempted from the prior declaration obligation.

Amendment 178

Petr Ježek

Proposal for a regulation

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The obligation laid down in paragraph 1 shall not apply to credit and financial institutions as defined in article 3 paragraph 2 and 3 of the Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC.

Or. en

Amendment 179

Petr Ježek

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. If the obligation under Article 3 or ***the disclosure obligation under*** Article 4 has not been fulfilled, the competent authorities shall establish in writing or in an electronic form an ex officio declaration which shall contain to the extent possible the details listed in Article 3(2) or Article 4(2), as the case may be.

3. If the obligation under Article 3 or Article 4 has not been fulfilled, the competent authorities shall establish in writing or in an electronic form an ex officio declaration which shall contain to the extent possible the details listed in Article 3(2) or Article 4(2), as the case may be.

Amendment 180**Thierry Cornillet, Nathalie Griesbeck****Proposal for a regulation****Article 5 – paragraph 4***Text proposed by the Commission**Amendment*

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework in accordance with the criteria laid down pursuant to Article 15(b).

deleted

Or. fr

Justification

There is no point in stating that all controls are to be based on risk analysis, as that is inherent in any control system. Incidentally, the existence of a risk analysis should not prevent (a) the performance of random checks, which may often prove positive; (b) the performance of checks in response to information obtained by an inspection service (a precise tip-off concerning a person or a flow of funds).

Amendment 181**Mady Delvaux, Juan Fernando López Aguilar****Proposal for a regulation****Article 5 – paragraph 4***Text proposed by the Commission**Amendment*

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework in accordance with the criteria laid down

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework, *as defined* in Article 46 of Regulation 952/2013. *This framework shall take into*

pursuant to Article 15(b).

account the risk assessment analysis carried out under articles 6 and 7 of Directive (EU) 2015/849.

Or. en

Amendment 182

Petr Ježek, Nils Torvalds

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework *in accordance with the criteria laid down pursuant to Article 15(b).*

Amendment

4. The controls, *other than random checks*, shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework *as defined in Regulation 952/2013. This framework shall take into account the risk assessment analysis carried out under article 6 and 7 of Directive 2015/849.*

Or. en

Amendment 183

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 4

Text proposed by the Commission

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework in accordance with the criteria laid down pursuant to Article 15(b).

Amendment

4. The controls shall be based primarily on risk analysis, with the purpose of identifying and evaluating the risks and developing the necessary counter-measures, and shall be performed within a common risk management framework in accordance with the criteria laid down *in a delegated act* pursuant to Article 14. *This*

shall not prevent competent authorities to proceed with spontaneous controls or controls based on specific information obtained by another authority. Competent authorities shall be equipped with adequate control tools, such as possible card readers in the case of pre-paid cards to ascertain the sums being effectively carried.

Or. en

Justification

Competent authorities use risk analysis to check items at customs but they should also be allowed to perform random checks.

Amendment 184
Petr Ježek, Nils Torvalds

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The powers conferred on the competent authorities in this article shall also extend to article 6.*

Or. en

Amendment 185
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The powers conferred on the competent authorities by this Article shall also extend to Article 6.*

Amendment 186
Barbara Kappel

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. Where the competent authorities detect that a natural person is entering or leaving the Union with an amount of cash below the threshold referred to in Article 3 and that, following a risk analysis, there are indications that the cash is related to criminal activity, they shall record that information, the full name, address, date and place of birth, and nationality of that person, and the information on the means of transport used.

Amendment

1. Where the competent authorities detect that a natural person is entering or leaving the Union with an amount of cash below the threshold referred to in Article 3 and that, following a risk analysis, there are *severe* indications that the cash is related to criminal activity, they shall record that information, the full name, address, date and place of birth, and nationality of that person, and the information on the means of transport used.

Or. en

Amendment 187
Barbara Kappel

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. Where the competent authorities detect that a shipment of unaccompanied cash of an amount below the threshold referred to in Article 4 is entering or leaving the Union and that, following a risk analysis, there are indications that the cash is related to criminal activity, they shall record that information, the full name, address, date and place of birth, and nationality of the sender, the intended recipient or their representative, and the information on the means of shipment used.

Amendment

2. Where the competent authorities detect that a shipment of unaccompanied cash of an amount below the threshold referred to in Article 4 is entering or leaving the Union and that, following a risk analysis, there are *severe* indications that the cash is related to criminal activity, they shall record that information, the full name, address, date and place of birth, and nationality of the sender, the intended recipient or their representative, and the information on the means of shipment used.

Amendment 188

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities may *seize and* temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Amendment

1. The competent authorities may temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Or. fr

Justification

The decision referred to in Article 7(1) is by its nature a temporary retention decision rather than a decision to seize the money.

Amendment 189

Anne Sander

Proposal for a regulation

Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities may *seize and* temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Amendment

1. The competent authorities may temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Or. fr

Amendment 190

Petr Ježek, Nils Torvalds

Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authorities may *seize and* temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Amendment

1. The competent authorities may temporarily retain cash by an administrative decision in accordance with the conditions laid down in national legislation where:

Or. en

Justification

The objective of this article is to enable competent authorities to detain cash (and note seize it) between the moment they detect an anomaly and the moment that other authorities such as FIUs or judicial authorities, decide whether there are sufficient grounds to proceed with an inquiry and judicially seize or liberate it.

Amendment 191
Barbara Kappel

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

Text proposed by the Commission

(b) there are indications that the cash is related to criminal activity, irrespective of whether it is carried by a natural person or is unaccompanied cash.

Amendment

(b) there are *severe* indications that the cash is related to criminal activity, irrespective of whether it is carried by a natural person or is unaccompanied cash.

Or. en

Amendment 192
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 1 a (new)

1a. When implementing paragraph 1, the competent authorities shall, where possible, allow natural persons to keep a minimum amount of cash with them for purposes such as covering subsistence expenses. Such minimum amount of cash shall be defined according to national law, taking into account the minimum income in the Member State where the cash is retained.

Or. en

Justification

Seizing and retaining cash of travellers may disproportionately impact the poorest of travellers, such as migrants or asylum-seekers, who might not be aware of the obligation to declare. They should not lose everything based on mere indications of crime - at least, a minimum amount to guarantee their means of subsistence should be provided.

Amendment 193

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. The administrative decision referred to in paragraph 1 **shall be** accompanied by a statement of reasons, be communicated to the person affected at the time it is issued, **and shall be subject to effective remedy in accordance with procedures provided for in national law.**

2. The administrative decision referred to in paragraph 1, accompanied by a statement of reasons, **shall be** communicated to the person affected at the time it is issued.

Or. fr

Justification

The decision to retain sums should not be subject to a remedy, as that might damage the inquiry to be conducted, be it administrative or judicial. At the same time, it is important to stress that the person affected will not be deprived of all remedies because he will be able (a)

to contest, inter alia, the decision to retain the sums in the event of his being prosecuted and (b) to secure repayment of the sums, together with compensation if the money was retained without good reason.

Amendment 194
Nils Torvalds

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid down by national law; it may not be longer than **30** days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant.

Amendment

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid down by national law; it may not be longer than **20 working** days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant.

Or. en

Amendment 195
Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid

Amendment

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid

down by national law; it *may* not be longer than 30 days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant.

down by national law; it *shall* not be longer than 30 days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant *or the person affected*.

Or. en

Justification

If the cash is retained because the person did not do a proper declaration under Article 3, then he/she is not a “declarant”.

Amendment 196

Thierry Cornillet, Nathalie Griesbeck

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid down by national law; it may not be longer than **30** days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant.

Amendment

3. The period of temporary retention shall be strictly limited to the time required for competent authorities to determine whether the circumstances of the case warrant further retention. The maximum period of temporary retention shall be laid down by national law; it may not be longer than **90** days. If no determination is made regarding further retention of the cash within that period or if a determination is made that the circumstances of the case do not warrant further retention, the cash shall immediately be made available to the declarant.

Or. fr

Justification

It is necessary to make provision for a sufficiently long period to enable the competent

authorities to assess in detail whether or not there are grounds for retaining money for longer. That is why the time limit should be longer than 30 days.

Amendment 197

Mady Delvaux

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall record the information obtained under Articles 3, 4, 5(3) or 6 and transmit it to the Financial Intelligence Unit of the Member State in which it was obtained, in accordance with *the technical rules laid down pursuant to Article 15(c)*.

Amendment

1. The competent authorities shall record the information obtained under Articles 3, 4, 5(3) or 6 and transmit it to the Financial Intelligence Unit of the Member State in which it was obtained, in accordance with *paragraph 1a*.

Or. en

Amendment 198

Tom Vandenkendelaere

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall record the information obtained under Articles 3, 4, 5(3) or 6 and transmit it to the Financial Intelligence Unit of the Member State in which it was obtained, in accordance with the technical rules laid down pursuant to Article 15(c).

Amendment

1. The competent authorities shall record the information obtained under Articles 3, 4, 5(3) or 6 and transmit it to the Financial Intelligence Unit of the Member State in which it was obtained, *which shall swiftly transmit the information to the Financial Intelligence Units of the other Member States*, in accordance with the technical rules laid down pursuant to Article 15(c).

Or. en

Amendment 199

Mady Delvaux

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

Text proposed by the Commission

Amendment

1a. *For the purposes of paragraph 1, an interconnection between the system competent authorities use to exchange information pursuant to Council Regulation (EC) No 515/97[1] and the system Financial Intelligence Units use to exchange information pursuant to Council Decision 2000/642/JHA[2] shall be put in place in accordance with the technical rules laid down by the Commission pursuant to Article 15(c).[1] Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters, OJ L 82 of 22.3.1997, p. 1, lastly amended by Regulation (EU) No 2015/1525 of the European Parliament and of the Council of 9 September 2015, OJ L 243 of 18.9.2015, p. 1.[2] Council Decision 2000/642/JHA of 17 October 2000 concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information. OJ L 271 of 24.10.2000, p. 4.*

Or. en

Amendment 200

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. The information referred to in

2. The information referred to in

paragraph 1 shall be communicated as soon as possible, and no later than **one month** after the date on which it was collected.

paragraph 1 shall be communicated as soon as possible, **by electronic means** and no later than **three working days** after the date on which it was collected.

Or. en

Justification

The objective is to speed up the sharing of information.

Amendment 201

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

2. The information referred to in paragraph 1 shall be communicated as soon as possible, and no later than **one month** after the date on which it was collected.

Amendment

2. The information referred to in paragraph 1 shall be communicated as soon as possible, and no later than **five working days** after the date on which it was collected.

Or. en

Amendment 202

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall assess, and if found appropriate, present a legislative proposal for the creation of a Union Financial Intelligence Unit by 1 January 2019.

Or. en

Amendment 203
Tom Vandenkendelaere

Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The competent authority of each Member State shall, by electronic means, communicate the following information to the competent authorities of all the other Member States:

Amendment

1. The competent authority of each Member State shall, by electronic means, communicate the following information to the competent authorities of all the other Member States ***and to the Commission***:

Or. en

Amendment 204
Tom Vandenkendelaere

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. ***Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.***

Amendment

deleted

Or. en

Justification

Information referred to in paragraph 1 shall always be transmitted to the Commission by the competent authority. See amendment to Article 9 - paragraph 1

Amendment 205
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.

Amendment

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission, ***OLAF, Eurojust, Europol and the European Public Prosecutor's Office.***

Or. en

Amendment 206
Emil Radev

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.

Amendment

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission ***and the European Public Prosecutor's Office.***

Or. en

Amendment 207
Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be

Amendment

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be

transmitted to the Commission.

transmitted to the Commission *and to the European Public Prosecutor*.

Or. en

Amendment 208

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.

Amendment

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission. ***The Commission shall carry out a statistical analysis of the information received and make this available to the public.***

Or. es

Amendment 209

Barbara Kappel

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Where there are indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.

Amendment

2. Where there are ***severe*** indications that the cash is related to criminal activity which could adversely affect the financial interests of the Union, the information referred to in paragraph 1 shall also be transmitted to the Commission.

Or. en

Amendment 210
Mady Delvaux, Juan Fernando López Aguilar

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission

3. The competent authority shall communicate the information referred to in paragraph 1 and 2 in accordance with the technical rules laid down pursuant to Article **15(c)** and using the form laid down pursuant to Article 15(d).

Amendment

3. The competent authority shall communicate the information referred to in paragraph 1 and 2 in accordance with the technical rules laid down pursuant to Article **15(ca)** and using the form laid down pursuant to Article 15(d).

Or. en

Amendment 211
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The information referred to in paragraphs 1 and 2 shall be communicated as soon as possible, and no later than **one month** after the date on which it was collected.

Amendment

4. The information referred to in paragraphs 1 and 2 shall be communicated as soon as possible, and no later than **three working days** after the date on which it was collected.

Or. en

Justification

The objective is to speed up the sharing of information.

Amendment 212
Nils Torvalds, Petr Ježek

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. The information referred to in paragraphs 1 and 2 shall be communicated as soon as possible, and no later than ***one month*** after the date on which it was collected.

Amendment

4. The information referred to in paragraphs 1 and 2 shall be communicated as soon as possible, and no later than ***five working days*** after the date on which it was collected.

Or. en

Amendment 213

Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation

Article 10 – paragraph 1 – point c

Text proposed by the Commission

(c) declarations obtained under Article 3 or 4, where there are indications that the cash is related to money laundering ***or*** terrorist financing.

Amendment

(c) declarations obtained under Article 3 or 4, where there are indications that the cash is related to money laundering, terrorist financing ***or any other criminal activity contrary to the security of the Union or of its Member States.***

Or. es

Amendment 214

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall notify the Commission of any communication of information pursuant to paragraph 1.

Amendment

2. Member States shall notify the Commission of any communication of information pursuant to paragraph 1 ***and the Commission shall on a regular basis present a report on the information communicated.***

Or. en

Amendment 215

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall act as controllers of the personal data they obtained in accordance with Articles 3, 4 and 6.

Amendment

1. The competent authorities shall act as controllers of the personal data they obtained in accordance with Articles 3, 4, **5(3)** and 6.

Or. en

Amendment 216

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The processing of personal data on the basis of this Regulation shall take place only for the purposes of the prevention **and fight against** criminal **activities**. .

Amendment

2. The processing of personal data on the basis of this Regulation shall take place only for the purposes of the prevention, **investigation, detection or prosecution of criminal offences or the execution of criminal penalties. This processing falls under the scope of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.**

Or. en

Justification

Aligning the wording with the Data Protection Directive 2016/680.

Amendment 217

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 3

Text proposed by the Commission

3. The personal data obtained in accordance with Articles 3, 4 and 6 shall be accessed only by duly authorised staff of the competent authorities and be adequately protected against unauthorized access or communication. Unless otherwise provided for in Articles 8, 9 and 10, it may not be disclosed or communicated without the express authorisation of the competent authority which originally obtained the information. However, that authorisation shall not be necessary where the competent authorities are required to disclose or communicate that information pursuant to legal provisions in force in the Member State in question, particularly in connection with legal proceedings.

Amendment

3. The personal data obtained in accordance with Articles 3, 4, **5(3)** and 6 shall be accessed only by duly authorised staff of the competent authorities and be adequately protected against unauthorized access or communication. Unless otherwise provided for in Articles 8, 9 and 10, it may not be disclosed or communicated without the express authorisation of the competent authority which originally obtained the information. However, that authorisation shall not be necessary where the competent authorities are required to disclose or communicate that information pursuant to legal provisions in force in the Member State in question, particularly in connection with legal proceedings.

Or. en

Amendment 218

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. Personal data obtained in accordance with Articles 3, 4 and 6 shall be stored by the competent authorities and the

Amendment

4. Personal data obtained in accordance with Articles 3, 4 and 6 shall be stored by the competent authorities and the

Financial Intelligence Unit for a period of **five years** after the date on which it was collected. At the expiry of this period **it** shall be deleted or rendered anonymous.

Financial Intelligence Unit for a period of **up to one year** after the date on which it was collected. At the expiry of this period, **the personal data obtained** shall be **automatically** deleted, or rendered anonymous **only for the purpose of providing anonymised statistical information pursuant to Article 15(e)**.

Or. en

Justification

In line with the recent CJEU opinion 1/15 of 26 July 2017 on the EU-Canada PNR, a distinction should be made between suspicious and non-suspicious persons. When there is no suspicion, keeping the data for one year is enough.

Amendment 219

Birgit Sippel, Sylvia-Yvonne Kaufmann

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. Personal data obtained in accordance with Articles 3, 4 and 6 shall be stored by the competent authorities and the Financial Intelligence Unit **for a period** of five years **after the date on which it was collected. At the expiry of this period it** shall be **deleted or rendered anonymous**.

Amendment

4. ***In case of a violation against the rules laid down in this Regulation*** personal data obtained in accordance with Articles 3, 4, **5 (3)**, and 6 shall be stored by the competent authorities and the Financial Intelligence Unit **only up to three years. If there are indications that the cash is related to a criminal activity, personal data obtained in accordance with Articles 3, 4, 5 (3), and 6 shall be stored by the competent authorities and the Financial Intelligence Unit only up to a total** of five years. ***In such case the reasons for this longer storage shall be justified and recorded. If no decision is taken on the continued storage that data shall be erased automatically after three years.***

Or. en

Amendment 220
Daniel Dalton, Bernd Lucke

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *The period of retention may be extended once with another period which shall not exceed five additional years if - after they have carried out a thorough assessment of the necessity and proportionality of such further retention and consider it to be justified for the fulfilment of their tasks with respect to the fight against money laundering or terrorist financing, the Financial Intelligence Unit determines that further retention is required or; - after they have carried out a thorough assessment of the necessity and proportionality of such further retention and consider it to be justified for the fulfilment of their tasks with respect to providing effective controls as regards the obligation to declare laid down under this Regulation, competent authorities determine that further retention is required.*

Or. en

Amendment 221
Eva Joly
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *If there are indications that the cash is related to a criminal activity, personal data obtained in accordance with Articles 3, 4, 5(3) and 6 shall be stored by the competent authorities and the Financial Intelligence Unit for a period of*

up to three years after the date on which it was collected. At the expiry of this period, the personal data obtained shall be automatically deleted, or rendered anonymous only for the purpose of providing anonymised statistical information pursuant to Article 15(e).

Or. en

Justification

In line with the recent CJEU opinion 1/15 of 26 July 2017 on the EU-Canada PNR, a distinction should be made between suspicious and non-suspicious persons. When there is a suspicion that the cash is linked to crime, the data should be kept for three years to allow proper investigations.

Amendment 222

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 12 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *Member States may allow further retention that shall not exceed three additional years, after having carried out a thorough assessment of the necessity and proportionality of such further retention and consider it to be justified and necessary for the fulfilment of their tasks and investigations with respect to the fight against money laundering or terrorist financing and the Financial Intelligence Unit determines that further retention is required.*

Or. en

Amendment 223

Mady Delvaux, Juan Fernando López Aguilar

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Amendment

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare ***or disclose*** laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive. ***Member States shall provide for competent authorities to have the power to impose pecuniary administrative sanctions which shall be equal to at least 20% and not higher than 40% of the value of the undeclared or wrongfully declared or the wrongfully disclosed cash.***

Or. en

Amendment 224
Jonás Fernández, Ramón Jáuregui Atondo

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Amendment

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive, ***in accordance with the method of calculation and, where appropriate, the maximum and minimum levels set by the Commission by delegated act.***

Or. es

Amendment 225
Bernd Lucke

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Amendment

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive. ***Member States shall aim at introducing a uniform set of penalties across the Union.***

Or. en

Amendment 226

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Amendment

Each Member State shall introduce ***significant*** penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Or. en

Amendment 227

Daniel Dalton

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Amendment

Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive. ***These penalties are to be***

decided by Member States in accordance with national law. Each Member State shall introduce penalties to apply in the event of failure to comply with the obligation to declare laid down in Articles 3 and 4. Such penalties shall be effective, proportionate and dissuasive.

Or. en

Amendment 228
Barbara Kappel

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2 The power to adopt delegated acts referred to in Article 2(2) shall be conferred on the Commission for an indeterminate period of time from²⁶***
- 3. The delegation of power referred to in Article 2(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on***

Better Law-Making of 13 April 2016.

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

6. A delegated act adopted pursuant to Article 2(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

*²⁶ *Date of entry into force of the basic legislative act or any other date set by the legislator.*

Or. en

Amendment 229

Daniel Dalton

Proposal for a regulation

Article 14 – title

Text proposed by the Commission

Amendment

Exercise of the *delegation*

Exercise of the *implementation*

Or. en

Amendment 230

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 231

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2 The power to adopt **delegated** acts referred to in Article 2(2) shall be conferred on the Commission for an indeterminate period of time from²⁶

²⁶ *Date of entry into force of the basic legislative act or any other date set by the legislator.

Amendment

2 The power to adopt **implementing** acts referred to in Article 2(2) shall be conferred on the Commission for an indeterminate period of time from²⁶

²⁶ *Date of entry into force of the basic legislative act or any other date set by the legislator.

Or. en

Amendment 232

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 3

Text proposed by the Commission

3. The **delegation** of power referred to in Article 2(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the **delegation** of the power specified in that decision. It shall take effect the day following the publication of

Amendment

3. The **implementation** of power referred to in Article 2(2) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the **implementation** of the power specified in that decision. It shall take effect the day following the

the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any *delegated* acts already in force.

publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any *implementing* acts already in force.

Or. en

Amendment 233

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 4

Text proposed by the Commission

4. Before adopting *a delegated* act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

Amendment

4. Before adopting *an implementing* act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016.

Or. en

Amendment 234

Daniel Dalton

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

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

Amendment

5. As soon as it adopts *an implementing* act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 235

Daniel Dalton

Proposal for a regulation
Article 14 – paragraph 6

Text proposed by the Commission

6. *A delegated* act adopted pursuant to Article 2(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that *they* will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment

6. *An implementing* act adopted pursuant to Article 2(2) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that *they* will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 236
Barbara Kappel

Proposal for a regulation
Article 15

Text proposed by the Commission

Article 15

Conferral of implementing powers

The Commission shall adopt, by means of implementing acts, measures to ensure the uniform application of controls by competent authorities, including:

(a) the template of the declaration and disclosure forms referred to in Articles 3(3) and 4(3);

(b) the criteria of the common risk management framework referred to in Article 5(4);

(c) the technical rules for the exchange of information under Articles 8 and 9, including the establishment of an

Amendment

deleted

appropriate electronic system;

(d) the template of the form for the communication of information referred to in Article 9(3);

(e) the rules and the format to be used by Member States for providing to the Commission anonymous statistical information on declarations and infractions pursuant to Article 17.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 16(2).

Or. en

Amendment 237

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the criteria of the common risk management framework referred to in Article 5(4); **deleted**

Or. en

Justification

This should be done by delegated act (pursuant to Article 14)

Amendment 238

Petr Ježek, Nils Torvalds

Proposal for a regulation

Article 15 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the criteria of the common risk **deleted**

management framework referred to in Article 5(4);

Or. en

Amendment 239

Mady Delvaux

Proposal for a regulation

Article 15 – paragraph 1 – point c

Text proposed by the Commission

(c) the technical rules for the exchange of information under Articles 8 *and* 9, including the *establishment of an appropriate electronic system*;

Amendment

(c) the technical rules for the exchange of information under Articles 8, including the *interconnection referred to in Article 8(1a)*;

Or. en

Amendment 240

Daniel Dalton

Proposal for a regulation

Article 15 – paragraph 1 – point c

Text proposed by the Commission

(c) the technical rules for the exchange of information under Articles 8 and 9, *including the establishment of an appropriate electronic system*;

Amendment

(c) the technical rules for the exchange of information under Articles 8 and 9, *via the Customs Information System, as laid down in Article 23 of Regulation (EC) No 515/97*;

Or. en

Amendment 241

Tom Vandenkendelaere

Proposal for a regulation

Article 15 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) the technical rules for the exchange of information under Articles 8 and 9, ***including the establishment of*** an appropriate electronic system;

(c) the technical rules for the exchange of information under Articles 8 and 9, ***through*** an appropriate electronic system;

Or. en

Justification

Through an existing electronic system such as the Customs Information System (CIS).

Amendment 242

Mady Delvaux

Proposal for a regulation

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

Text proposed by the Commission

Amendment

(ca) the technical rules for the exchange of information under Article 9, via the Customs Information System, as laid down referred to in Article 23 of Council Regulation (EC) No 515/97;

Or. en

Amendment 243

Barbara Kappel

Proposal for a regulation

Article 16

Text proposed by the Commission

Amendment

Article 16

deleted

Committee procedure

1. The Commission shall be assisted by the Cash Controls Committee. That committee shall be a committee within the meaning of Regulation (EU) No

182/2011.

2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

Or. en

Amendment 244

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The information referred to in point (c) of paragraph 1 shall be provided to the Commission at least every six months.

Amendment

The information referred to in point (c) of paragraph 1 shall be provided to the Commission at least every six months. ***The Commission shall publish an annual report on the statistical information to estimate the scale and sums of smuggled cash.***

Or. en

Amendment 245

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 17 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall publish the information referred to in paragraph 1a and 1b on its website and inform readers, in a clear way, about the controls with respect to cash entering or leaving the Union.

Or. en

Justification

Citizens and travellers who wish to be informed about their obligations should have the possibility to find information about cash controls and the list of competent authorities on a website hosted by the Commission.

Amendment 246

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

Information campaigns

At the start of application of this Regulation, the Commission, in cooperation with the Member States and the European Data Protection Supervisor, shall carry out a campaign informing EU citizens and third-country nationals, as well as legal persons, about the objectives of this Regulation, the obligations under Articles 3 and 4, the data stored, the list of competent authorities, the possibility for temporary retention under Article 7, the penalties introduced pursuant to Article 13 and the rights to an effective remedy. The Commission and Member States shall repeat such campaigns regularly. Member States shall devise and implement the necessary policies to inform their citizens and residents about this Regulation. Member States shall ensure that sufficient funding is made available for such information policies.

Or. en

Justification

In order to inform citizens and travellers about the obligation to declare cash when crossing borders, and thus make it more effective, the Commission should launch information campaigns about this Regulation.

Amendment 247

Daniel Dalton

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation five years after its entry into force and every five years thereafter.

Amendment

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation five years after its entry into force and every five years thereafter. ***The scope of the report should not include an evaluation of an introduction of a mandatory declaration, or legislative proposal.***

Or. en

Amendment 248

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation ***five*** years after its entry into force and every ***five*** years thereafter.

Amendment

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation ***three*** years after its entry into force and every ***three*** years thereafter. ***That report shall evaluate whether the disclosure procedure for unaccompanied cash fits the purpose or whether the introduction of a mandatory declaration would be a more viable option and shall present, if appropriate, a legislative proposal. It shall also evaluate whether other assets should be included within the scope of this Regulation.***

Or. en

Amendment 249

Nils Torvalds, Petr Ježek

Proposal for a regulation

Article 18 – paragraph 1

Text proposed by the Commission

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation **five** years after its entry into force and every **five** years thereafter.

Amendment

The Commission shall submit to the European Parliament and to the Council a report on the application of this Regulation **three** years after its entry into force and every **three** years thereafter.

Or. en

Amendment 250

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

**European Financial Intelligence Unit
(FIU)**

By end of 2019, the Commission shall present a legislative proposal to create a European Financial Intelligence Unit that will facilitate coordination, including the exchange of information between FIUs within the Union, and generally assist and support Member States' FIUs. This European Unit shall be empowered to assist national FIUs 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.

Or. en

Amendment 251
Barbara Kappel

Proposal for a regulation
Annex I

Text proposed by the Commission

Amendment

ANNEX I

deleted

Bearer-negotiable instruments, commodities used as highly liquid stores of value and prepaid cards which are considered cash in accordance with points (ii), (iii) and (iv) of Article 2(1)(a)

1. The following bearer negotiable instruments shall be considered cash in accordance with Article 2(1)(a)(ii):

(a) traveller's cheques;

(b) cheques, promissory notes or money orders that are either in bearer form, signed but with the payee's name omitted, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery.

2. The following commodities used as highly liquid stores of value shall be considered cash in accordance with Article 2(1)(a)(iii):

(a) coins with a gold content of at least 90 %;

(b) bullion such as bars, nuggets or clumps with a gold content of at least 99,5 %.

3. The following prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):

Or. en

Amendment 252
Barbara Kappel

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Proposal for a regulation
Annex I – heading 1

Text proposed by the Commission

Amendment

*Bearer-negotiable instruments,
commodities used as highly liquid stores
of value and prepaid cards which are
considered cash in accordance with points
(ii), (iii) and (iv) of Article 2(1)(a)*

deleted

Or. en

Amendment 253
Emil Radev

Proposal for a regulation
Annex I – heading 1

Text proposed by the Commission

Amendment

Bearer-negotiable instruments,
commodities used as highly liquid stores of
value and prepaid cards which are
considered cash in accordance with points
(ii), (iii) and (iv) of Article 2(1)(a)

Bearer-negotiable instruments,
commodities used as highly liquid stores of
value and **anonymous** prepaid cards which
are considered cash in accordance with
points (ii), (iii) and (iv) of Article 2(1)(a)

Or. en

Amendment 254
Barbara Kappel

Proposal for a regulation
Annex I – point 1

Text proposed by the Commission

Amendment

**1. The following bearer negotiable
instruments shall be considered cash in
accordance with Article 2(1)(a)(ii):**

deleted

- (a) traveller's cheques;**
- (b) cheques, promissory notes or
money orders that are either in bearer**

form, signed but with the payee's name omitted, endorsed without restriction, made out to a fictitious payee, or otherwise in such form that title thereto passes upon delivery.

Or. en

Amendment 255
Barbara Kappel

Proposal for a regulation
Annex I – point 2

Text proposed by the Commission

Amendment

2. *The following commodities used as highly liquid stores of value shall be considered cash in accordance with Article 2(1)(a)(iii):* **deleted**

(a) coins with a gold content of at least 90 %;

(b) bullion such as bars, nuggets or clumps with a gold content of at least 99,5 %.

Or. en

Amendment 256
Barbara Kappel

Proposal for a regulation
Annex I – point 2 – point a

Text proposed by the Commission

Amendment

(a) coins with a gold content of at least 90 %; **deleted**

Or. en

Amendment 257

Daniel Dalton

Proposal for a regulation
Annex I – point 2 – point b

Text proposed by the Commission

Amendment

(b) bullion such as bars, nuggets or clumps with a gold content of at least 99,5 %.

deleted

Or. en

Amendment 258

Barbara Kappel

Proposal for a regulation
Annex I – point 2 – point b

Text proposed by the Commission

Amendment

(b) bullion such as bars, nuggets or clumps with a gold content of at least 99,5 %.

deleted

Or. en

Amendment 259

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation
Annex I – point 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) other precious metals, including iridium, osmium, palladium, platinum, rhodium, ruthenium, or silver, having a level of purity of 500 or more parts per thousand; and an alloy containing 500 or more parts per thousand, in the aggregate, of two or more of the metals listed above;

Justification

Precious metals and stones such as diamonds should also be included in the scope of this Regulation, in line with the Europol recommendations in the “Why is cash still a king?” report.

Amendment 260

Eva Joly

on behalf of the Verts/ALE Group

Proposal for a regulation

Annex I – point 2 – point b b (new)

Text proposed by the Commission

Amendment

(bb) precious stones, including substances with gem quality market-recognised beauty, rarity, and value, and including diamond, corundum(including rubies and sapphires), beryl (including emeralds and aquamarines), chrysoberyl, spinel, topaz, zircon, tourmaline, garnet, crystalline and cryptocrystalline quartz, olivine peridot, tanzanite, jadeite jade, nephritejade, spodumene, feldspar, turquoise, lapis lazuli, opal or natural pearls.

Or. en

Justification

Precious metals and stones such as diamonds should also be included in the scope of this Regulation, in line with the Europol recommendations in the “Why is cash still a king?” report.

Amendment 261

Barbara Kappel

Proposal for a regulation

Annex I – point 3

Text proposed by the Commission

Amendment

3. ***The following prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):*** ***deleted***

Or. en

Amendment 262
Bernd Lucke

Proposal for a regulation
Annex I – point 3

Text proposed by the Commission

Amendment

3. The following prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):

3. The following prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):

anonymous prepaid cards which can be bought without customer due diligence procedures (indication of name, address and date of birth).

Or. en

Amendment 263
Emil Radev

Proposal for a regulation
Annex I – point 3

Text proposed by the Commission

Amendment

3. The following prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):

3. The following ***anonymous*** prepaid cards shall be considered cash in accordance with Article 2(1)(a)(iv):

Or. en