

EUROPEAN PARLIAMENT

2004



2009

Session document

FINAL
A6-0196/2006

23.5.2006

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on information on the payer accompanying transfers of funds
(COM(2005)0343 – C6-0246/2005 – 2005/0138(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Alexander Nuno Alvaro

Draftsman (*): Udo Bullman, Committee on Economic and Monetary Affairs

(*) Enhanced cooperation between committees - Rule 47 of the Rules of
Procedure

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- *** Assent procedure
majority of Parliament's component Members except in cases covered by Articles 105, 107, 161 and 300 of the EC Treaty and Article 7 of the EU Treaty
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend the common position
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission.)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT	6
OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS (*).....	6
PROCEDURE.....	6

(*) Enhanced cooperation between committees - Rule 47 of the Rules of Procedure

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds
(COM(2005)0343 – C6-0246/2005 – 2005/0138(COD))
(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2005)0343)¹,
 - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0246/2005),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Economic and Monetary Affairs (A6-0196/2006),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1
Recital -1 (new)

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

¹ OJ C ... / Not yet published in OJ.

terrorist purposes.

Justification

It is necessary to identify the link between the threat by terrorism and its possible effect on the confidence in the financial system as a whole.

Amendment 2

Recital -1 a (new)

(-1a) In order to facilitate their criminal activities, money launderers and terrorist financiers could try to take advantage of the freedom of capital movements which the integrated financial area entails, if certain coordinating measures are not adopted at Community level. By its scale Community action should ensure that Special Recommendation VII of the Financial Action Task Force (hereinafter referred to as the FATF) is transposed uniformly throughout the EU, and in particular, that there is no discrimination between national payments within a Member State and cross-border payments between Member States. Unco-ordinated action by Member States alone in the field of cross-border transfers of funds could have a significant impact on the smooth functioning of payment systems at the EU level, and therefore damage the internal market in the field of financial services.

Justification

A non-EU approach could have a significant impact on the European internal market.

Amendment 3

Recital 1

(1) In the wake of the terrorist attacks in the USA on 11 September 2001, the extraordinary European Council on 21 September 2001 reiterated that the fight against terrorism is a key objective of the European Union. The European Council

(1) In the wake of the terrorist attacks in the USA on 11 September 2001, the extraordinary European Council on 21 September 2001 reiterated that the fight against terrorism is a key objective of the European Union. The European Council

approved a plan of action dealing with enhanced police and judicial co-operation, developing international legal instruments against terrorism, preventing terrorist funding, strengthening air security and greater consistency between all relevant policies. This plan of action was revised by the European Council following the terrorist attacks of 11 March 2004 in Madrid, and now specifically addresses the need to ensure that the legislative framework created by the Community for the purpose of combating terrorism and improving judicial cooperation is adapted to the nine Special Recommendations against Terrorist Financing adopted by the **Financial Action Task Force on Money Laundering and Terrorist Financing** (FATF).

approved a plan of action dealing with enhanced police and judicial co-operation, developing international legal instruments against terrorism, preventing terrorist funding, strengthening air security and greater consistency between all relevant policies. This plan of action was revised by the European Council following the terrorist attacks of 11 March 2004 in Madrid, and now specifically addresses the need to ensure that the legislative framework created by the Community for the purpose of combating terrorism and improving judicial cooperation is adapted to the nine Special Recommendations against Terrorist Financing adopted by the FATF.

Justification

The redraft results of recital 0b (new).

Amendment 4 Recital 2

(2) In order to prevent terrorist funding, measures aimed at the freezing of funds and economic resources of certain persons, groups and entities have been taken, including Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of

(2) In order to prevent terrorist funding, measures aimed at the freezing of funds and economic resources of certain persons, groups and entities have been taken, including Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of

Afghanistan. To that same end, measures aimed at protecting the financial system against the channelling of funds and economic resources for terrorist purposes have been taken. **Directive 2005/.../EC** of the European Parliament and of the Council of ... **2005** on prevention of the use of the financial system for the purposes of money laundering and terrorist financing¹ contains a number of measures aimed at combating the misuse of the financial system for the purpose of money laundering and terrorist financing. All those measures do not, however, fully prevent terrorists and other criminals from having access to payment systems for moving their funds.

¹ *OJ L ...,2005, p. .. (to be published, 2004/0137/COD).*

Afghanistan. To that same end, measures aimed at protecting the financial system against the channelling of funds and economic resources for terrorist purposes have been taken. **Directive 2005/60/EC** of the European Parliament and of the Council of **26 October 2005** on prevention of the use of the financial system for the purposes of money laundering and terrorist financing¹ contains a number of measures aimed at combating the misuse of the financial system for the purpose of money laundering and terrorist financing. All those measures do not, however, fully prevent terrorists and other criminals from having access to payment systems for moving their funds.

¹ *OJ L 309, 25.11.2005, p. 15.*

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 5 Recital 5 (new)

(5a) Persons who merely convert paper documents into electronic data and are acting under a contract with a payment service provider do not fall within the scope of this Regulation, nor does any natural or legal person that provides payment service providers solely with a message or other support systems for transmitting funds or with clearing and settlement systems.

Amendment 6 Recital 5 a (new)

(5a) Persons who merely convert paper documents into electronic data while acting under a contract with a payment service

¹ *OJ L ...,2005, p. .. (to be published, 2004/0137/COD).*

provider do not fall within the scope of this Regulation, nor do natural or legal persons that provides payment service providers solely with a message or other support systems for transmitting funds or with clearing and settlement systems.

Justification

Clarification, already considered necessary in the money-laundering directive, to show that the regulation should not be applied to people providing support systems for payment service providers, and are thus merely passing on a message to other payment service providers or supplying some other system to support the transfer of funds, nor to clearing and settlement systems (see also Recital 34 of the third money-laundering directive).

Amendment 7 Recital 6

*(6) **Due to the** lower risk of money laundering or terrorist financing associated with transfers of funds **that flow from a commercial transaction or where the payer and the payee are payment service providers acting on their own behalf,** it is appropriate to exempt such transfers from the scope of this Regulation, **under the condition that it is always possible to trace them back to the payer.***

*(6) **Where there is a** lower risk of money laundering or terrorist financing associated with transfers of funds, it is appropriate to exempt such transfers from the scope of this Regulation. **Such exemptions should cover credit or debit cards, ATM withdrawals, direct debits, truncated cheques, payments of taxes, fines or other levies, where the payer and the payee are payment service providers acting on their own behalf. In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, providing that it is always possible to trace the transfer back to the payer. Where Member States have applied the derogation for electronic money in Directive 2005/60/EC, they should apply that derogation under this Regulation, provided the amount transacted does not exceed EUR 1 000.***

Justification

Alignment with the amendment on extending the rules on exceptions under Article 2, which ensures an effective exception for the 'giro' systems in some Member States that guarantee

traceability.

Amendment 8
Recital 6 a (new)

(6a) The exemption for electronic money, as defined by Article 1(3) of Directive 2000/46/EC, covers electronic money irrespective of whether or not the issuer of electronic money enjoys a waiver under Article 8 of that directive.

Justification

The aim here is to clarify the point that the e-money exemption refers to e-money products, in other words, that it can also be applied if need be to e-money issuers that are exempted by the e-money directive.

Amendment 9
Recital 6 a (new)

(6a) The exemption for electronic money, as defined by Article 1(3)(b) of Directive 2000/46/EC of the European Parliament and of the Council of 18 September 2000 on the taking up, pursuit of and prudential supervision of the business of electronic money institutions¹, applies to all issuers of electronic money.

¹ OJ L 275, 27.10.2000, p. 39.

Justification

This is to clarify that the exemption for e-money refers to e-money products which means that it is also applicable for those e-money-remittances, which are exempted from the Money Laundering Directive.

Amendment 10
Recital 7

(7) In order to balance the risk of driving transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, the obligation to verify that the information on the payer is accurate should ***be able to be applied on a risk-sensitive basis, as regards transfers of funds to payees outside the Community up to EUR 1 000.***

(7) In order not to hinder the efficiency of payment systems, the verification requirements for account and non-account based transfers should be separated. In order to balance the risk of driving transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, ***in the case of transfers not made from an account,*** the obligation to verify that the information on the payer is accurate should be applied ***only to individual transfers that exceed EUR 1 000.*** ***For account-based transfers, payment service providers are not required to verify information on the payer for each transfer of funds where the obligations of Directive 2005/60/EC have been met.***

Justification

Deletion as a result of the amendment regarding Art.5. Art.5 will now be motivated by recital 9 a.

Amendment 11 Recital 7

(7) In order to balance the risk of driving transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, the obligation to verify that the information on the payer is accurate should ***be able to be applied on a risk-sensitive basis, as regards transfers of funds to payees outside the Community up to EUR 1000.***

(7) In order not to hinder the efficiency of payment systems, the verification requirements for account and non-account based transfers should be separated. In order to balance the risk of driving transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, ***in the case of transfers not made from an account,*** the obligation to verify that the information on the payer is accurate should be applied ***only to individual transfers that exceed EUR 1 000.*** ***For account-based transfers, payment service providers are not required to verify information on the payer for each transfer of funds where the obligations of Directive***

2005/60/EC have been met.

Justification

Amended recital in line with the proposed amendment of Article 5.

Replaces Article 5.

Amendment 12

Recital 12

(12) Due to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to enable the payment service provider of the payee to avoid or correct such situations when becoming aware of a lack of presence or incompleteness of information on the payer. In this regard, flexibility should be allowed as regards the extent of information on the payer on a risk-sensitive basis. In addition, the accuracy and completeness of information on the payer should remain in the responsibility of the payment service provider of the payer. In the case where the payment service provider of the payer is situated outside the Community, enhanced customer due diligence should be applied, in accordance with **Article [11] of Directive 2005/.../EC**, in respect of cross-frontier correspondent banking relationships with that payment service provider.

(12) Due to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to enable the payment service provider of the payee to avoid or correct such situations when becoming aware of a lack of presence or incompleteness of information on the payer. In this regard, flexibility should be allowed as regards the extent of information on the payer on a risk-sensitive basis. In addition, the accuracy and completeness of information on the payer should remain in the responsibility of the payment service provider of the payer. In the case where the payment service provider of the payer is situated outside the Community, enhanced customer due diligence should be applied, in accordance with **Article 13 of Directive 2005/60/EC**, in respect of cross-frontier correspondent banking relationships with that payment service provider.

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 13

Recital 13

(13) In any event, the payment service provider of the payee should *exert* special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or

(13) In any event, the payment service provider of the payee should *exercise* special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or

incompleteness of information on the payer, and should report suspicious transactions to the competent authorities.

incompleteness of information on the payer, and should report suspicious transactions to the competent authorities ***in accordance with the reporting obligations set out in Chapter III of Directive 2005/60/EC and national implementing measures.***

Justification

Clarifies the point that Article 9 applies irrespective of the provisions of the third money-laundering directive.

Amendment 14
Recital 13

(13) In any event, the payment service provider of the payee should exert special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or incompleteness of information on the payer, and should report suspicious transactions to the competent authorities.

(13) In any event, the payment service provider of the payee should exert special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or incompleteness of information on the payer, and should report suspicious transactions to the competent authorities ***in accordance with the reporting obligations set out in Chapter III of Directive 2005/60/EC and national implementing measures.***

Justification

Clarifies that Art.9 applies irrespective of the 3MLD.

Amendment 15
Recital 13 a (new)

(13a) The provisions on transfers of funds lacking information on the payer apply without prejudice to any obligations payment service providers have to suspend and/or reject transfers of funds which violate provisions in civil, administrative or criminal law.

Justification

Clarifies the point that Article 9 applies irrespective of other legislation that could require the payment service provider to suspend or reject payment.

Amendment 16

Recital 15

(15) Since, in criminal investigations, it may not be possible to identify the data required or the individuals involved until many months or even years after the original transfer of funds, it is appropriate to require payment service providers to keep records of information on the payer for the purposes of preventing, investigating, detecting and **prosecuting** money laundering or terrorist financing. In a democratic society, this period should be limited. ***It is appropriate that this period be set to five years.***

(15) Since, in criminal investigations, it may not be possible to identify the data required or the individuals involved until many months or even years after the original transfer of funds, it is appropriate to require payment service providers to keep records of information on the payer for the purposes of preventing, investigating **and** detecting money laundering or terrorist financing. In a democratic society, this period should be limited.

Justification

In accordance with international standards relating to the fight against terrorist financing and money laundering, international financial organisations and other relevant organisations must store data and information for at least five years. This is laid down, for example, in Recommendation 10 of the FATF and also in Article 30 of the new Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing. The proposed amendment would ensure the same record-keeping period at EU level for all data relating to money laundering and terrorist financing, although individual countries would be permitted to lay down a suitably longer period, taking into account the limitation periods for detecting and prosecuting money laundering and terrorist financing.

Amendment 17

Recital 16 a (new)

(16a) The number of working days in the Member State of the payment service provider of the payer determines the number of days to respond to requests for

information on the payer.

Justification

Clarifies the determination of working days.

Amendment 18
Recital 16 a (new)

(16a) The time limit of three working days for responding to requests for complete information on the payer should be determined by reference to national provisions establishing bank working days in the Member State in which the payment service provider of the payer is situated.

Justification

Necessary to clarify the periods referred to in Articles 6 and 13, as there are different rules in the Member States and in some cases also between different types of payment service providers.

Amendment 19
Recital 17

(17) Given the importance of the combat against money laundering and terrorist financing, Member States should lay down effective, proportionate and dissuasive penalties in national law for failure to comply with the provisions of this Regulation.

(17) Given the importance of the combat against money laundering and terrorist financing, Member States should lay down effective, proportionate and dissuasive penalties in national law for failure to comply with the provisions of this Regulation. ***In particular, Member States should ensure that data collected and stored pursuant to this Regulation are not used for commercial purposes, profiling operations or 'fishing expeditions'.***

Amendment 20
Recital 18

(18) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council

deleted

***Decision 1999/468/EC of 28 June 1999
laying down the procedures for the
exercise of implementing powers
conferred on the Commission.***

Justification

Adaptation to the changes made in Art.16 and 17.

Amendment 21
Recital 18 a (new)

(18a) In its resolution of 5 February 2002 on the implementation of financial services legislation, the European Parliament requested that it and the Council should have an equal role in supervising the way in which the Commission exercises its executive role in order to reflect the legislative powers of the European Parliament under Article 251 of the Treaty. In the solemn declaration made before the European Parliament the same day by its President, the Commission supported that request. On 11 December 2002, the Commission proposed amendments to Decision 1999/468/EC (COM (2002)0719), and submitted an amended proposal on 22 April 2004 (COM (2004)0324). The European Parliament does not consider that this proposal preserves its legislative prerogatives. In the view of the European Parliament, it and the Council should have the opportunity of evaluating the conferral of implementing powers on the Commission within a determined period. It is therefore appropriate to limit the period during which the Commission may adopt implementing measures.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 22
Recital 18 a (new)

(18a) In its resolution of 5 February 2002 on the implementation of financial services legislation¹, the European Parliament requested that it and the Council should have an equal role in supervising the way in which the Commission exercises its executive role in order to reflect the legislative powers of the European Parliament under Article 251 of the Treaty. In the solemn declaration made before the European Parliament by its President on the same day, the Commission supported that request. On 11 December 2002, the Commission proposed amendments to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission², and then submitted an amended proposal on 22 April 2004. The Parliament does not consider that this proposal preserves its legislative prerogatives. In the European Parliament's view, the Parliament and the Council should have the opportunity to evaluate the conferral of implementing powers on the Commission within a determined period. It is therefore appropriate to limit the period during which the Commission may adopt implementing measures.

¹ OJ C 284 E, 21.11.2002, p. 115.

² OJ L 184, 17.7.1999, p. 23.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 23
Recital 18 b (new)

(18b) The European Parliament should be given a period of three months from the first transmission of draft amendments and implementing measures to allow it to examine them and to give its opinion. However, in urgent and duly justified cases, it should be possible to shorten that period. If, within that period, a resolution is adopted by the European Parliament, the Commission should re-examine the draft amendments or measures.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 24
Recital 18 b (new)

(18b) The European Parliament should be given a period of three months from the first transmission of draft amendments and implementing measures to allow it to examine them and to give its opinion. However, in urgent and duly justified cases, it should be possible to shorten that period. If, within that period, a resolution is adopted by the European Parliament, the Commission should re-examine the draft amendments or measures.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 25
Recital 19

(19) A number of countries and territories

(19) A number of countries and territories

which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***and have established membership of*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***or have signed a monetary convention with the European Union represented by a Member State and have payment service providers that participate directly, or indirectly, in*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

Justification

Adaptation to the amendment to Art.18.

Amendment 26 Recital 19

(19) A number of countries and territories which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***and have established membership of*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

(19) A number of countries and territories which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***or have signed a monetary convention with the European Union represented by a Member State and have payment service providers that participate directly or indirectly in*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

Justification

In line with the amendment to Article 18.

Amendment 27
Recital 20

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of EUR 150. It is also appropriate to make this option conditional upon requirements to be met by **the charitable** organisations in order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of EUR 150 **executed within the territory of that Member State**. It is also appropriate to make this option conditional upon requirements to be met by **non-profit** organisations in order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

Justification

The exemption of a non-profit organisation shall only be valid in the Member State where the exemption was permitted.

Adaptation to amendment to Art.19.

Amendment 28
Recital 20

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of **EUR 150**. It is also appropriate to make this option conditional upon requirements to be met by the charitable organisations in

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of **EUR 1 000**. It is also appropriate to make this option conditional upon requirements to be met by the charitable organisations in

order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

Justification

Alignment with the amendment to Article 19(1) raising the threshold to €1000, so that anonymous donations can still be possible within certain limits, on condition of strict checks on non-profit organisations.

Amendment 29

Article 2, paragraph 2, subparagraph 1

2. This Regulation shall not apply to transfers of funds ***which flow from a commercial transaction*** carried out using a credit or debit card ***or any other similar payment instrument***, provided that a unique identifier, allowing the transaction to be traced back to the payer, accompanies ***all transfers of funds flowing from that commercial transaction***.

2. This Regulation shall not apply to transfers of funds carried out using a credit or debit card provided that:

(a) the payee has an agreement with the payment service provider permitting payment for the provision of goods and services; and

(b) a unique identifier, allowing the transaction to be traced back to the payer, accompanies the transfer of funds.

Justification

This is to clarify and to clearly lay out the different exemptions. The sense of the Commission proposal has not been changed.

Amendment 30

Article 2, paragraph 2, subparagraph 1

2. This Regulation shall not apply to transfers of funds ***which flow from a commercial transaction*** carried out using a

2. This Regulation shall not apply to transfers of funds carried out using a credit or debit card provided that:

credit or debit card ***or any other similar payment instrument***, provided that a unique identifier, allowing the transaction to be traced back to the payer, accompanies ***all transfers of funds flowing from that commercial transaction***.

(a) the payee has an agreement with the payment service provider permitting payment for the provision of goods and services; and

(b) a unique identifier, allowing the transaction to be traced back to the payer, accompanies the transfer of funds.

Justification

As the Council proposes and the draftsman welcomes, this wording clarifies the contents and presents it more clearly. The sense of the Commission proposal is unchanged.

Amendment 31

Article 2, paragraph 2, subparagraph 2

This regulation shall not apply to transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. ***deleted***

Justification

This provision has been redrafted in Article 2, paragraph 2g (new) (amendment 22 of the draft report).

Amendment 32

Article 2, paragraph 2 a (new)

2a. Where a Member State chooses to apply the derogation set out in Article 11(5) (d) of Directive 2005/60/EC, this Regulation shall not be applied to transfers of funds using electronic money covered by the said derogation, except where the amount transacted is more than EUR 1 000.

Justification

Setting aside concerns about possible abuses, the draftsman favours an exemption for e-money that incorporates the relevant provision in the third money-laundering directive and is also, in accordance with the FATF recommendation, limited to single transfers of up to EUR 1 000. The draftsman regards this wording as a clarification of the exemption discussed by the Council.

Amendment 33

Article 2, paragraph 2 b (new)

2b. Without prejudice to Article 2(2a) , this Regulation shall not apply to transfers of funds carried out by means of a mobile telephone or any other digital or IT device, when such transfers are pre-paid and do not exceed EUR 150.

Justification

For the purpose of this regulation and setting aside any doubts about the possibility of abuse, the draftsman advocates an exception for prepaid mobile phone cards. This rule should in no way prejudice the definition of such cards in the context of the E-money directive.

Amendment 34

Article 2, paragraph 2 a and 2 b (new)

2a. Where a Member State chooses to apply the derogation set out in Article 11(5)(d) of Directive 2005/60/EC, this Regulation shall not apply to transfers of funds using electronic money covered by that derogation, except where the amount involved is more than EUR 1 000.

2b. This Regulation shall not apply to transfers of funds performed via mobile phone or other digital or telematic devices where such transfers have been prepaid and the amount involved is no higher than EUR 150.

Justification

E-money shall be excluded from this regulation in accordance with the 3MLD; furthermore

and in accordance with the Special FATF Recommendations there shall be a limitation to transfers below EUR 1.000.

Amendment 35
Article 2, paragraph 2 c (new)

2c. This Regulation shall not apply to transfers of funds carried out by means of a mobile telephone or any other digital or IT device, when such transfers are post-paid and meet all of the following conditions:

- the payee has an agreement with the payment service provider permitting payment for the provision of goods and services;

- a unique identifier, allowing the transaction to be traced back to the payer, accompanies the transfer of funds; and

- the payment service provider is subject to the obligations set out in Directive 2005/60/EC.

Justification

There should be an exception for transfers made by mobile phone, as long as traceability is guaranteed. Therefore it is sensible to make the exception dependent on application of the rules under the third money-laundering directive.

Amendment 36
Article 2, paragraph 2 c and 2 d (new)

2c. Member States may decide not to apply this Regulation to transfers of funds within that Member State to a payee account permitting payment for the provision of goods or services if:

(a) the payment service provider of the payee is subject to the obligations set out in Directive 2005/60/EC;

(b) the payment service provider of the payee is able by means of a unique identifier to trace back, through the

payee, the transfer of funds from the legal or natural person who has an agreement with the payee for the provision of goods or services; and

(c) the transaction amounts to EUR 1 000 or less.

Member States making use of this derogation shall inform the Commission.

2d. This Regulation shall not apply to transfers of funds performed via mobile phone or other digital or telematic devices where such transfers have been postpaid and satisfy the following conditions:

(a) the payee has an agreement with the payment service provider permitting payment for the provision of goods and services;

(b) a unique identifier allowing the transaction to be traced back to the payer accompanies the transfers;

(c) the payment service provider is subject to the obligations set out in Directive 2005/60/EC.

Justification

Electronic giro payments shall be excluded if it is certified that the payment service provider of the payee is able to trace the paying client. This exemption allows for common practice in some Member States that bills are paid in cash by a third party.

Amendment 37

Article 2, paragraph 2 d (new)

2d. Member States may decide not to apply this Regulation to transfers of funds within that Member State to a payee account permitting payment for the provision of goods or services if:

(a) the payment service provider of the payee is subject to the obligations set out in Directive 2005/60/EC;

(b) the payment service provider of the payee is able by means of a unique

reference number to trace back, through the payee, the transfer of funds from the legal or natural person who has an agreement with the payee for the provision of goods and services; and

(c) the amount transacted is EUR 1 000 or less.

Member States making use of this derogation shall inform the Commission.

Justification

The exemption is intended to apply to giro systems that ensure that the recipient bank can trace back through the payee the identity of the paying customer. The purpose of this exemption is to avoid creating difficulties for the practice in some Member States enabling third parties to settle accounts by credit payments.

Amendment 38

Article 2, paragraph 2 e (new)

2e. This Regulation shall not apply to transfers of funds where the payer withdraws cash from his own account.

Justification

Clarification of the intention of the Commission that personal cash withdrawals are exempted.

Amendment 39

Article 2, paragraph 2 e (new)

2e. This Regulation shall not apply to transfers of funds where the payer withdraws cash from his or her own account.

Justification

Clarifies the Commission's intention to ensure that cash withdrawals from the payer's own account do not come within the directive's scope.

Amendment 40
Article 2, paragraph 2 f (new)

2f. This Regulation shall not apply to transfers of funds where there is a debit transfer authorisation between two parties permitting payments between them through accounts provided a unique identifier accompanies the transfer of funds to enable the natural or legal person to be traced back.

Justification

According to the fact that debit transfers are common procedure in some Member Countries it should be exempted also because of the fact that traceability is given.

Amendment 41
Article 2, paragraph 2 f (new)

2f. This Regulation shall not apply to transfers of funds where there is a debit transfer authorisation between two parties permitting payments between them through accounts provided a unique identifier accompanies the transfer of funds to enable the natural or legal person to be traced back.

Justification

Exemption for debit procedures, which are a widespread form of payment for regular transactions such as insurance contributions. Exemption from the directive's scope is justifiable since the money transfer can be traced back through the recipient via the authorisation.

Amendment 42
Article 2, paragraph 2 g (new)

2g. This Regulation shall not apply to transfers of funds using cheques that have been truncated.

Justification

Clarification of the Commission proposal concerning truncated cheques.

Amendment 43
Article 2, paragraph 2 g (new)

2g. This Regulation shall not apply to transfers of funds using cheques that have been truncated.

Justification

Makes clear that electronically processed cheques – as also paper-based cheques in general – do not come under the directive's scope.

Amendment 44
Article 2, paragraph 2 h (new)

2h. This Regulation shall not apply to transfers of funds to public authorities for taxes, fines or other levies within a Member State.

Justification

Taxes and similar payments shall be exempted

Amendment 45
Article 2, paragraph 2 h (new)

2h. This Regulation shall not apply to transfers of funds to public authorities for taxes, fines or other levies within a Member State.

Justification

Payments of tax and levies to public agencies are considered risk-free and otherwise comprehensible and so should be exempted from the directive's scope.

Amendment 46
Article 2, paragraph 2 i (new)

2i. This Regulation shall not apply to transfers of funds where both the payer and the payee are payment service providers acting on their own behalf.

Justification

Changes necessary due to new overview of exemptions.

Amendment 47
Article 2, paragraph 2 i (new)

2i. This Regulation shall not apply to transfers of funds where both the payer and the payee are payment service providers acting on their own behalf.

Justification

To clarify the point that the regulation does not apply to inter-bank business.

Amendment 48
Article 3, paragraph 1

1. “terrorist financing” means ***any of the offences within the meaning of Article [1(3)] of Directive 2005/.../EC;***

1. “terrorist financing” means ***the provision or collection of funds within the meaning of Article 1(4) of Directive 2005/60/EC;***

Justification

Adaptation to the definition of "terrorist financing" in the 3MLD.

Amendment 49
Article 3, point 1

1. “terrorist financing” means ***any of the offences within the meaning of Article***

1. “terrorist financing” means ***the provision or collection of funds within the meaning***

[1(3)] of Directive 2005/.../EC;

of Article 1(4) of Directive 2005/60/EC;

Justification

Matches the definition in the third money-laundering directive.

Amendment 50
Article 3, paragraph 2

2. “money laundering” means any *of the offences within the meaning of Article [1(2)] of Directive 2005/.../EC;*

2. “money laundering” means any *conduct which, when committed intentionally, is regarded as money laundering for the purposes of Article 1(2) or (3) of Directive 2005/60/EC;*

Justification

Adaptation of the definition in the 3MLD.

Amendment 51
Article 3, point 2

2. “money laundering” means any *of the offences within the meaning of Article [1(2)] of Directive 2005/.../EC;*

2. “money laundering” means any *conduct which, when committed intentionally, is regarded as money laundering for the purposes of Article 1(2) or (3) of Directive 2005/60/EC;*

Justification

Matches the definition in the third money-laundering directive.

Amendment 52
Article 3, paragraph 3

3. “payer” means a natural or legal person who *has the right of disposal of funds and who allows them to be transferred to a payee;*

3. “payer” means *either* a natural or legal person who *is the account holder who allows a transfer of funds from an account, or, where there is no account, a natural or legal person who places the*

order for a transfer of funds;

Justification

Adaptation to FATF definition, which is necessary due to practicability reasons and to guarantee an international level playing field for EU payment service providers.

Amendment 53
Article 3, point 3

3. “payer” means a natural or legal person who ***has the right of disposal of funds and who allows them to be transferred to a payee;***

3. “payer” means ***either*** a natural or legal person who ***is the account holder who allows a transfer of funds from an account, or, where there is no account, a natural or legal person who places the order for a transfer of funds;***

Justification

Matches the FATF definition. Needed to ensure it is practicable and provide equal competitive conditions for EU payment service providers.

Amendment 54
Article 3, paragraph 5

5. “payment service provider” means a natural or legal person whose business includes the provision of ***payment*** services ***to payment service users;***

5. “payment service provider” means a natural or legal person, , whose business includes the provision of ***transfer of funds*** services;

Justification

Simplification.

Amendment 55
Article 3, point 5

5. “payment service provider” means a natural or legal person whose business includes the provision of ***payment*** services ***to payment service users;***

5. “payment service provider” means a natural or legal person whose business includes the provision of ***fund transfer*** services;

Justification

Simplifies the definition, as the term ‘payment service user’ now does not need to be defined itself.

Amendment 56 Article 3, point 7

7. “transfer of funds” means any transaction carried out on behalf of a payer through a payment service provider by electronic means with a view to making funds available to a payee at ***another*** payment service provider, irrespective of whether the payer and the payee are the same person;

7. “transfer of funds” means any transaction carried out on behalf of a payer through a payment service provider by electronic means with a view to making funds available to a payee at ***a*** payment service provider, irrespective of whether the payer and the payee are the same person;

Justification

Makes clear that fund transfers still come under the scope of the directive if the payer and the payee are both customers of the same payment service provider.

Amendment 57 Article 3, paragraph 8

8. “payment service user” means a ***natural or legal person who makes use of a payment service, in the capacity of payer or payee;*** ***deleted***

Justification

Adaptation to amendment to Art.3, paragraph 5.

Amendment 58 Article 3, point 8

8. “payment service user” means a ***natural or legal person who makes use of a payment service, in the capacity of payer or payee;*** ***deleted***

Justification

Matches amendment to Article 3(5).

Amendment 59

Article 3, paragraph 9 a (new)

9a. “unique identifier” means a combination of letters, numbers or symbols, determined by the payment service provider, in accordance with the protocols of the payment and settlement system or messaging system used to effect the transfer and which allows the source of the transfers to be identified.

Justification

Necessary definition.

Amendment 60

Article 3, point 9 a (new)

9a. “unique identifier” means a combination of letters, numbers or symbols, determined by the payment service provider, in accordance with the protocols of the payment and settlement system or messaging system used to effect the transfer.

Justification

Necessary definition of the term ‘unique identifier’.

Amendment 61

Article 4, paragraph 3

Where the account number of the payer

Where the account number of the payer

does not exist, the payment service provider of the payer **may** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

does not exist, the payment service provider of the payer **shall** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

Justification

Provides for a clear rule saying that a transfer of funds has to be accompanied either by the account number or a unique identifier.

Amendment 62
Article 4, paragraph 3

Where the account number of the payer does not exist, the payment service provider of the payer **may** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

Where the account number of the payer does not exist, the payment service provider of the payer **shall** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

Justification

Removes the ambiguity by stipulating that either an account number or a unique identifier must accompany the transfer.

Amendment 63
Article 5, paragraph 2, subparagraph 2

However, for transfers of funds to payees outside the Community up to an amount of EUR 1 000, payment service providers may determine the extent of such verification in view of the risks of money laundering and terrorist financing.

deleted

Justification

So as not to curb efficient practices, there shall be a distinction regarding verifications - in accordance with the Council - between account related and non-account-related transfers.

Amendment 64
Article 5, paragraph 2, subparagraph 2

However, for transfers of funds to payees outside the Community up to an amount of EUR 1 000, payment service providers may determine the extent of such verification in view of the risks of money laundering and terrorist financing. *deleted*

Justification

To avoid reducing the efficiency of the payment system it is proposed, with the Council's agreement, to distinguish between account-based and non-account-based transfer systems in conjunction with the provisions on verification. See below.

Amendment 65
Article 5, paragraph 2 a (new)

2a. In the case of transfers of funds from an account, verification may be deemed to have taken place if:

(a) a payer's identity has been verified in connection with the opening of the account and the information obtained by means of this verification has been stored in accordance with the obligations set out in Articles 8(2) and 30(a) of Directive 2005/60/EC, or

(b) the payer falls within the scope of Article 9(6) of Directive 2005/60/EC.

Justification

There shall be no obligation for the payment service provider to verify account-based transfers provided that the regulations in the 3MLD are fulfilled.

Amendment 66
Article 5, paragraph 2 a (new)

2a. In the case of transfers of funds from an account, verification may be deemed to have taken place if:

(a) a payer's identity has been verified in connection with the opening of the account

***and the information gained by this verification has been stored in accordance with the obligations set out in Articles 8(2) and 30(a) of Directive 2005/60/EC, or
(b) the payer falls within the scope of Article 9(6) of Directive 2005/60/EC.***

Justification

In the case of account-based transfers, payment service providers should not be obliged to verify information on the recipient for every individual transaction, provided that they comply with the third money-laundering directive.

Amendment 67
Article 5, paragraph 2 b (new)

2b. However, in the case of transfers of funds not made from an account, the payment service provider of the payer shall verify the information on the payer only where the amount exceeds EUR 1 000, unless the transaction is carried out in several operations that appear to be linked and together exceed EUR 1 000.

Justification

In the case of such independent transfers the payment service provider shall be obliged to verify complete information about the payer whereas in the case of a transfer of funds under 1000 € the verification of the name shall be sufficient.

Amendment 68
Article 5, paragraph 2 b (new)

2b. However, in the case of transfers of funds not made from an account, the payment service provider of the payer shall verify the information on the payer only where the amount exceeds EUR 1 000, unless the transaction is carried out in several operations that appear to be linked

and together exceed EUR 1 000.

Justification

For transfers not made from an account, the payment service provider should verify the information on the payer only for each individual transaction exceeding €1000. This should prevent an undesirably large number of small payments being made outside the normal transfer system.

Amendment 69

Article 6, paragraph 1

By way of derogation from **Article 5**, transfers of funds, where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, shall only be required to be accompanied by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.

By way of derogation from **Article 5(1)**, transfers of funds, where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, shall only be required to be accompanied by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.

Justification

Correction of a cross-referencing mistake.

Amendment 70

Article 6, paragraph 2

However, if so requested by the payment service provider of the payee, the payment service provider of the payer shall make available to the payment service provider of the payee, complete information on the payer, within three working days of receiving that request.

However, if so requested ***with good reason*** by the payment service provider of the payee, the payment service provider of the payer shall make available to the payment service provider of the payee, complete information on the payer, within three working days of receiving that request.

Justification

To avoid systematic requests which would be very expensive for the financial institutions concerned, requests under Article 6, paragraph 2 should not be complied with unless there is a good reason for the request

Amendment 71
Article 7, heading

Transfers of funds from the Community to
payees outside the Community

Transfers of funds from the Community to
outside the Community

Justification

Clarification.

Amendment 72
Article 7, paragraph 1

1. Transfers of funds **from the Community to payees** outside the Community shall be accompanied by complete information on the payer.

1. Transfers of funds **where the payment service provider of the payee is situated** outside the Community shall be accompanied by complete information on the payer.

Justification

Clarification.

Amendment 73
Article 7, paragraph 1

1. Transfers of funds **from the Community to payees** outside the Community shall be accompanied by complete information on the payer.

1. Transfers of funds **where the payment service provider of the payee is situated** outside the Community shall be accompanied by complete information on the payer.

Justification

Makes clear that the location of the payee's payment service provider is the determining factor, and not the payee's own location.

Amendment 74
Article 7, paragraph 2

2. In the case of batch file transfers from a

2. In the case of batch file transfers from a

single payer **to payees** outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

single payer **where the payment service providers of the payees are situated** outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

Justification

Clarification.

Amendment 75
Article 7, paragraph 2

2. In the case of batch file transfers from a single payer **to** payees outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

2. In the case of batch file transfers from a single payer **where the payment service providers of the payees are situated** outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

Justification

Makes clear that the location of the payee's payment service provider is the determining factor, and not the payee's own location.

Amendment 76
Article 8, introductory part

The payment service provider of the payee shall have effective procedures in place in order to detect a lack of presence of the following information on the payer:

The payment service provider of the payee **shall check whether the fields in the messaging or payment and settlement system used to effect the transfer that contain information on the payer have been completed in accordance with the characters or inputs admissible within the conventions of that messaging or payment and settlement system. It** shall have

effective procedures in place in order to detect a lack of presence of the following information on the payer:

Justification

Clarification in order to make sure that the payment service provider has only to prove whether the relevant fields have been accomplished not whether these information are regards the content correct.

Amendment 77
Article 8, introductory part

The payment service provider of the payee shall have effective procedures in place in order to detect a lack of presence of the following information on the payer:

The payment service provider of the payee ***is required to detect that fields within the messaging or payment and settlement system used to effect the transfer in respect of the information on the payer have been completed in accordance with the characters or inputs admissible within the conventions of that messaging or payment and settlement system.*** It shall have effective procedures in place in order to detect a lack of presence of the following information on the payer:

Justification

Makes clear that the payee's payment service provider must only verify whether the relevant fields have been completed, but not how. In other words, he is not required to check the correctness of the data. This meets the needs of an automated payment system.

Amendment 78
Article 8, point 2

2. For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4, ***or, where applicable, the***

2. For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4.

information required under Article 13.

Justification

Horizontal amendment, because of the amendment to delete Article 13(2).

Amendment 79
Article 8, point 2

(2) For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4, ***or, where applicable, the information required under Article 13.***

(2) For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4.

Justification

Horizontal amendment, because of the amendment to delete Article 13(2).

Amendment 80
Article 8, point 2 a (new)

(2a) For batch file transfers, where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4 need only be included in the batch file, not in the individual transfers bundled therein.

Justification

Special rules for batch file transfers.

Amendment 81
Article 8, point 2 a (new)

(2a) For batch file transfers where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4 only in the batch file, not in the

individual transfers bundled therein.

Justification

Special provision for batch file transfers.

Amendment 82
Article 9, paragraph 1

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving transfers of funds, it *may* either reject the transfer, or ask for complete information on the payer. ***In the latter case, the payment service provider of the payee may either hold the funds pending enquiry or make the funds available to the payee.*** In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and ***Directive 2005/.../EC***, as well as national implementing measures.

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving transfers of funds ***within the Community or transfers of funds over an amount of EUR 1 000 and USD 1 000 from outside the Community***, it ***shall*** either reject the transfer or ask for complete information on the payer. In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and ***Directive 2005/60/EC***, as well as national implementing measures.

Justification

Addition, as Special Recommendation VII provides for a minimum threshold of EUR/USD 1000, under which the payers' countries are not obliged to identify the payer and forward full information. If there is no minimum threshold for incoming money transfers as well, there will be conflict in the international payment system. Under Article 9 (1) of the draft regulation, these transfers would always be rejected or, in each individual case, complete information on the payer would have to be requested.

Amendment 83
Article 9, paragraph 1

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving

transfers of funds, *it may* either reject the transfer, or ask for complete information on the payer. ***In the latter case, the payment service provider of the payee may either hold the funds pending enquiry or make the funds available to the payee.*** In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and ***Directive 2005/.../EC***, as well as national implementing measures.

transfers of funds ***within the Community or transfers of funds over an amount of EUR 1 000 and USD 1 000 from outside the Community, it shall*** either reject the transfer, or ask for complete information on the payer. In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and ***Directive 2005/60/EC***, as well as national implementing measures, ***notwithstanding any contractual arrangements and contractual law that governs such a business relationship.***

Justification

Addition, as Special Recommendation VII provides for a minimum threshold of EUR/USD 1000, under which the payers' countries are not obliged to identify the payer and forward full information. If there is no minimum threshold for incoming money transfers as well, there will be conflict in the international payment system. Under Article 9 (1) of the draft regulation, these transfers would always be rejected or, in each individual case, complete information on the payer would have to be requested.

Amendment 84

Article 9, paragraph 2, subparagraph 1

2. Where a payment service provider ***repeatedly*** fails to supply the required information on the payer, the payment service provider of the payee ***shall reject any transfers of funds from that payment service provider or terminate*** its business relationship with ***that payment service provider either with respect to transfer of funds services or with respect to any mutual supply of services.***

2. Where a payment service provider ***regularly*** fails to supply the required information on the payer ***when making transfers of funds over an amount of EUR 1 000 and USD 1 000***, the payment service provider of the payee ***shall consider restricting or even terminating*** its business relationship with ***these financial institutions.***

Justification

Special Recommendation VII provides for a minimum threshold of EUR/USD 1000, under which the payers' countries are not obliged to identify the payer and forward full information.

Under Article 9 (2) of the draft regulation, if transfers from third countries were repeatedly received and – legitimately – complete details of the payer not provided, the business relationship would have to be terminated. Such sanctions are not in the interests of consumers and businesses in the EU. There must be some margin for manoeuvre for payment service providers in the EU.

Amendment 85

Article 9, paragraph 2, subparagraph 1

2. Where a payment service provider ***repeatedly*** fails to supply the required information on the payer, the payment service provider of the payee shall ***reject any transfers of funds from that payment service provider or terminate*** its business relationship with ***that payment service provider either with respect to transfer of funds services or with respect to any mutual supply of services.***

2. Where a payment service provider ***regularly*** fails to supply the required information on the payer ***by transfers of funds of over EUR 1 000 and USD 1 000,*** the payment service provider of the payee shall ***consider restricting or even terminating*** its business relationship with ***these financial institutions.***

Justification

Special Recommendation VII provides for a minimum threshold of EUR/USD 1000, under which the payers' countries are not obliged to identify the payer and forward full information. Under Article 9 (2) of the draft regulation, if transfers from third countries were repeatedly received and – legitimately – complete details of the payer not provided, the business relationship would have to be terminated. Such sanctions are not in the interests of consumers and businesses in the EU. There must be some margin for manoeuvre for payment service providers in the EU.

Amendment 86

Article 10

The payment service provider of the payee shall consider incomplete information on the payer as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported, in accordance with the obligations set out in Chapter III of ***Directive 2005/.../EC***, to the authorities responsible for combating money laundering or terrorist financing.

The payment service provider of the payee shall consider incomplete information on the payer as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported, in accordance with the obligations set out in Chapter III of ***Directive 2005/60/EC***, to the authorities responsible for combating money laundering or terrorist financing.

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 87
Article 13, paragraph 2

**2. If, in the case referred to in paragraph 1, ~~deleted~~
an intermediary payment service provider
does not receive complete information on
the payer, it shall inform the payment
service provider of the payee accordingly,
when transferring the funds.**

Justification

The payment service provider of the payee already has an obligation to check that complete information has been provided. An additional check by the intermediary payment service provider would mean duplication of work and would unnecessarily slow down the payment process. It seems more sensible to limit the duties of the intermediary payment service provider to forwarding the data and keeping records, as provided for under Article 13(1) and (3). The EU regulation should not go further than the provisions of FATF Special Recommendation VII.

Amendment 88
Article 13, paragraph 3

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, **complete** information on the payer, within three working days of receiving that request.

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, **all the** information on the payer **which it had received, irrespective of whether it was complete or not**, within three working days of receiving that request.

Justification

An intermediary payment service provider should only be obliged to transmit all information he received irrespective of it being complete or not.

Amendment 89

Article 13, paragraph 3

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, ***complete information on the payer***, within three working days of receiving that request.

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, ***all the information on the payer which it has received, irrespective of whether it is complete or not***, within three working days of receiving that request.

Justification

Makes clear that an intermediary payment service provider need only pass on the information it has received (i.e. in some cases incomplete information).

Amendment 90
Chapter V, heading

General obligations, implementing ***and amending*** powers

General obligations ***and*** implementing powers

Justification

See amendments to Art.16 and 17.

Amendment 91
Article 14, paragraph 1

Payment service providers shall respond fully and without delay to enquiries from the authorities responsible for combating money laundering or terrorist financing of the Member State in which the payment service provider is situated, concerning the information on the payer accompanying transfers of funds and corresponding records, ***in accordance with the time-limits and procedural requirements established in the national law of that Member State.***

Payment service providers shall respond fully and without delay, ***in accordance with the procedural requirements established in the national law of that Member State***, to enquiries from the authorities responsible for combating money laundering or terrorist financing of the Member State in which the payment service provider is situated, concerning the information on the payer accompanying transfers of funds and corresponding records.

Justification

Clarification to avoid any confusion between the terms "time limits" and "without delay".

Amendment 92
Article 14, paragraph 1

Payment service providers shall respond fully and without delay to enquiries from the authorities responsible for combating money laundering or terrorist financing of the Member State in which the payment service provider is situated, concerning the information on the payer accompanying transfers of funds and corresponding records, ***in accordance with the time-limits and procedural requirements established in the national law of that Member State.***

Payment service providers shall respond fully and without delay, ***in accordance with the procedural requirements established in the national law of that Member State,*** to enquiries from the authorities responsible for combating money laundering or terrorist financing of the Member State in which the payment service provider is situated, concerning the information on the payer accompanying transfers of funds and corresponding records.

Justification

Deletes the concept of 'time limits', to avoid conflict with the words 'without delay'.

Amendment 93
Article 14, paragraph 2

Those authorities may use that information only for the purposes of preventing, investigating, detecting or prosecuting money laundering or terrorist financing.

Those authorities ***acting in accordance with national criminal law and fundamental rights*** may use that information only for the purposes of preventing, investigating, detecting or prosecuting money laundering or terrorist financing.

Justification

It is essential that authorities responsible for combating money laundering or terrorist financing act in accordance with national penal laws and basic rights.

Amendment 94
Article 15, title

Penalties

Penalties ***and monitoring***

Justification

Adaptation to the amendment on Art.15, paragraph 2 (new).

Amendment 95
Article 15, heading

Penalties

Penalties ***and monitoring***

Justification

In line with the amendment to Article 15, second paragraph (new).

Amendment 96
Article 15, paragraph 1 a (new)

Member States shall require competent authorities to effectively monitor and take necessary measures with a view to ensuring compliance with the requirements of this Regulation.

Justification

Clarifications that the competent authorities shall monitor this regulation.

Amendment 97
Article 15, paragraph 1 a (new)

Member States shall require the competent authorities to monitor effectively and to take necessary measures in order to ensure compliance with this Regulation.

Justification

Makes clear that the competent authorities should monitor application of the regulation.

Amendment 98
Article 16

Article 16

deleted

Implementing and amending powers

1. The Commission may, in accordance with the procedure referred to in Article 17(2) and taking into account any developments in the field of money laundering and terrorist financing, and corresponding changes in international standards, notably those agreed in the Financial Action Task Force on money laundering and terrorist financing (FATF), adopt measures concerning the clarification of the definitions set out in Article 3(5) and (7).

2. The Commission may, in accordance with the procedure referred to in Article 17(2) and taking into account any developments in the field of money laundering and terrorist financing, and corresponding changes in international standards, notably those agreed in the FATF, adopt measures concerning the updating of the monetary thresholds established for the obligations laid down in Articles 5 and 19.

Justification

Deletion of article 16 rather than article 17 would remove all implementing measures delegated to the Commission while ensuring a transparent process is retained in article 18 and thus enabling certain territories linked to Member States to remain in the national payment system of the member state to which they are linked.

Amendment 99
Article 17, paragraph 1

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing

established by **Directive 2005/.../EC**,
hereinafter “the Committee”.

established by **Directive 2005/60/EC**,
hereinafter “the Committee”.

Amendment 100
Article 17, paragraph 1

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Directive **2005/.../EC**, hereinafter “the Committee”.

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Directive **2005/60/EC**, hereinafter “the Committee”.

Justification

Completion of the directive number.

Amendment 101
Article 17, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof ***and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Regulation.***

Justification

Necessary addition to ensure that the essential provisions of this regulation remain.

Amendment 102
Article 17, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2, Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof ***and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Regulation.***

Justification

Necessary addition to ensure that the essential provisions of this regulation remain.

Amendment 103

Article 17, paragraph 2 a (new)

2a. Without prejudice to the implementing measures already adopted, on 1 April 2008 at the latest, the application of this Regulation's provisions requiring the adoption of technical rules, amendments and decisions in accordance with paragraph 2 shall be suspended. Acting on a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, they shall review them prior to the expiry of the date referred to above.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive. It sets the 1st April 2008 as a deadline for the sunset clause to enter into force.

Amendment 104

Article 17, paragraph 2 a (new)

2a. Without prejudice to the implementing measures already adopted, on 1 April 2008 the application of the provisions requiring the adoption of technical rules, amendments and decisions in accordance with paragraph 2 shall be suspended. Acting on a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, shall review these provisions prior to the date referred to above.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive. It sets the 1st April 2008 as a deadline for the sunset clause to enter into force.

Amendment 105

Article 18, paragraph 1, subparagraph 1

1. The Commission may authorise any Member State to conclude agreements with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

1. The Commission may authorise any Member State to conclude agreements, ***under national arrangements***, with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

Justification

Necessary amendment to cover the constitutional agreements between some member states and their territories.

Amendment 106

Article 18, paragraph 1, subparagraph 1

1. The Commission may authorise any Member State to conclude agreements with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

1. The Commission may authorise any Member State to conclude agreements, ***under national arrangements***, with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

Justification

Amendment that the Council considers necessary to cover the constitutional arrangements of some Member States with their 'territories'.

Amendment 107

Article 18, paragraph 1, subparagraph 2, introductory part

Such agreements may be authorised only if
***the country or territory concerned fulfils
all the following conditions:***

Such agreements may be authorised only
if:

Justification

Redraft in order to allow a better overview and additions. See below.

Amendment 108

Article 18, paragraph 1, subparagraph 2, introductory part

Such agreements may be authorised only if
***the country or territory concerned fulfils all
the following conditions:***

Such agreements may be authorised only if:

Justification

Reworded for greater clarity and in view of additions. See below.

Amendment 109

Article 18, paragraph 1, subparagraph 2, point (a)

(a) ***it*** shares a monetary union with the
Member State concerned or forms part of
the currency area of ***the Member State
concerned;***

(a) ***the country or territory concerned***
shares a monetary union with the Member
State concerned or forms part of the
currency area of ***that Member State or has
signed a monetary convention with the
European Union represented by a
Member State;***

Justification

Addition to also cover areas within the EU represented by a member state, like Monaco.

Amendment 110

Article 18, paragraph 1, subparagraph 2, point (a)

a) ***it*** shares a monetary union with the Member State concerned or forms part of the currency area ***of the Member State concerned***;

(a) ***the country or territory concerned*** shares a monetary union with the Member State concerned or forms part of the currency area ***of that Member State or has signed a Monetary Convention with the European Union represented by a Member State***;

Justification

Addition that the Council deems necessary to take account of territories within the EU such as Monaco.

Amendment 111

Article 18, paragraph 1, subparagraph 2, point (b)

(b) ***it*** is a member of the payment and clearing systems of the Member State concerned;

(b) ***the country or territory concerned*** is a member of the payment and clearing systems of the Member State concerned;

Justification

Redraft in order to allow a better overview and additions. See above

Amendment 112

Article 18, paragraph 1, subparagraph 2, point (b)

b) ***it is a member of the payment and clearing systems of the Member State concerned***;

(b) ***payment service providers in the country or territory concerned participate directly or indirectly in payment and settlement systems in that Member State; and***

Justification

The Council deems this necessary as it is not the territories but the local payment service providers that are part of the payment system.

Amendment 113
Article 18, paragraph 1, subparagraph 2, point (c)

(c) **it** requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

(c) **the country or territory concerned** requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

Justification

Redraft in order to allow a better overview and additions. See above

Amendment 114
Article 18, paragraph 1, subparagraph 2, point (c)

c) **it** requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

(c) **the country or territory concerned** requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

Justification

Reworded for greater clarity and in view of additions. See above.

Amendment 115
Article 19, title

Transfers of funds to **charitable** organisations within a Member State

Transfers of funds to **non-profit** organisations within a Member State

Justification

Adaptation to amendment on Art.19. See below.

Amendment 116
Article 19, heading

Transfers of funds to **charitable** organisations within a Member State

Transfers of funds to **non-profit** organisations within a Member State

Justification

In line with amendment to Article 19.

Amendment 117
Article 19, paragraph 1

Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to organisations carrying out activities for charitable, religious, cultural, educational, social, or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to **non-profit** organisations carrying out activities for charitable, religious, cultural, educational, social, **scientific** or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority **or self-regulatory body recognised under national law**, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

Justification

This exception should cover only non-profit organisations. To take account of national conditions, recognised self-regulatory bodies should be included as possible supervisory bodies. Increase of the threshold to €1000 so that anonymous donations are still possible within certain limits. The problem here is not the donors, but the organisations themselves, which can operate secretly. It must be a precondition that there are strict checks on non-profit organisations.

Amendment 118
Article 19, paragraph 1

Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to organisations carrying out activities for charitable, religious, cultural, educational, social, or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

1. Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to **non-profit** organisations carrying out activities for charitable, religious, cultural, educational, social, scientific or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority **or self-regulatory body recognised under national law**, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively

within the territory of that Member State.

Justification

Makes clear that only non-profit organisations come under the exemption. These include scientific establishments such as cancer research institutes. To take account of specific conditions in individual Member States, self-administered bodies recognised under national law should also be considered.

Amendment 119
Article 19, paragraph 2

Member States shall communicate to the Commission the measures that they have adopted for applying the option provided in the first paragraph.

2. Member States ***making use of this Article*** shall communicate to the Commission the measures that they have adopted for applying the option provided in the first paragraph, ***including a list of organisations covered by this exemption, the names of the natural persons who ultimately control the organisations, and an explanation of how the list will be updated. That information shall also be made available to the authorities responsible for combating money laundering and terrorist financing.***

Justification

The names of the exempted organisations shall be listed and forwarded to the Commission.

Amendment 120
Article 19, paragraph 2

Member States shall communicate to the Commission ***the*** measures that they have adopted for applying the option provided in the first paragraph.

2. Member States ***making use of this Article*** shall communicate to the Commission the measures that they have adopted for applying the option provided in the first paragraph, ***including a list of organisations covered by the exemption, the names of the natural persons who ultimately control the organisations and an explanation of how the list will be updated. This information shall also be made available to the authorities responsible for combating***

money laundering and terrorist financing.

Justification

Organisations exempted from the regulation should be listed by name and submitted to the Commission.

Amendment 121

Article 19, paragraph 2 a (new)

2a. An up-to-date list of organisations covered by this exemption shall be communicated by the Member State concerned to the payment service providers operating in that Member State.

Justification

This up-to-date list shall be also transmitted to the payment service providers acting in the member state concerned.

Amendment 122

Article 19, paragraph 2 a (new)

2a. An up-to-date list of organisations covered by the exemption shall be communicated by the Member State concerned to the payment service providers operating in that Member State.

Justification

A list of organisations exempted from the regulation should also be made available to payment service providers operating in the country concerned.

Amendment 123

Article 20

This Regulation shall enter into force ***on the twentieth day*** following ***that*** of its publication in the Official Journal of the European Union.

However, Articles 4 to 14 and 19 shall

This Regulation shall enter into force ***twelve months*** following ***the day*** of its publication in the Official Journal of the European Union.

apply from 1 January 2007.

Justification

Payment service providers need 12 months to prepare for implementation of the Regulation based on most institutions' system configurations and stage of development. These 12 months are necessary to address design, implementation and testing of IT systems but also to inform and review contractual relationships with the customers.

Amendment 124

Article 20, paragraph 2 a (new)

By 2010 at the latest, the Commission shall present a report to the European Parliament and to the Council on the implications of the application of Article 2 with regard to further experience concerning electronic money, as defined in Article 1 (3) of Directive 2000/46/EC, and other newly developed means of payment for the purposes of money laundering and terrorist financing. Should there be a risk of misuse regarding money laundering or terrorist financing, the Commission shall submit a proposal to amend this Regulation.

Justification

As still not enough is known about the current and future risks of money laundering and terrorist financing by electronic money and payments using mobile phones, your draftsman considers that a review clause for the exceptions is required. In addition, any need for rules on new, innovative means of payment should be assessed. The Commission should draw up a report on whether any action is needed and if necessary propose appropriate amendments.

Amendment 125

Article 20 b (new)

Article 20b

Confirmation of the Regulation

This Regulation shall be confirmed five years after its entry into force in accordance with the procedure laid down in Article 251 of the Treaty; otherwise it is no longer valid. Decisions taken on the basis of the Regulation during its period of validity shall not be affected.

Justification

It is essential to reassess the regulation after a period of time which is sufficient to assess the effectiveness and successful implementation of the regulation. Only regulations which - in view of their aim - prove themselves to be effective and successful shall stay valid. This prevents excessive legislation within the European Union, urges the Parliament and the other institutions to monitor successful lawmaking and provides within this framework for the possibility to make any necessary changes to the text.

EXPLANATORY STATEMENT

Since the terrorist attacks of 11 September 2001 in the United States and the attacks in Madrid on 11 March 2004, the fight against terrorism has been a top priority throughout the world. The European Council declared it one of the European Union's key objectives and approved a plan of action. The European Union has also pledged to take measures to reduce terrorists' access to financial and other economic resources. One of the proposed measures is to put into practice the recommendations of the Financial Action Task Force (FATF)¹. The EU Member States are committed to implementing Special Recommendation VII (SR VII) on wire transfers at European level in order to counter terrorist financing effectively.

The aim of this proposal is to assist the authorities responsible for combating money laundering and terrorist financing, i.e. to ensure that basic information on the payer is immediately available to them, by laying down rules on the information that must accompany transfers of funds. The full traceability of transfers of funds can be a particularly important and valuable tool in the prevention, investigation, detection and prosecution of money laundering and the financing of terrorism. It is therefore appropriate, in order to ensure the transmission of information on the payer throughout the payment chain, to provide for a system imposing the obligation on payment service providers for transfers of funds to be accompanied by accurate and meaningful information on the payer.

According to its revised interpretative note, which was adopted on 10 June 2005, SR VII should be transposed by December 2006.

The present proposal is directly linked to Regulations 2001/2580/EC of 27 December 2001² and 2002/881/EC of 27 May 2002³, which relate to the freezing of terrorists' assets. The provisions of these regulations only apply, however, to targeted individuals or groups which are considered as terrorists by the United Nations Security Council. The third Money Laundering Directive⁴, adopted on 26 October 2005, contains provisions on the prevention of the use of the financial system for the purpose of money laundering, including terrorist financing.

The rapporteur supports the fight against terrorism and notes the need to take measures to prevent terrorist financing. In principle, therefore, the approach pursued in this proposal is worthy of support.

Nevertheless, the following changes to the Commission proposal are suggested:

With regard to the applicability of the regulation, the following exceptions should remain:

¹ The FATF, founded in Paris in 1989 by the G7, is the body responsible at international level for combating money laundering and terrorist financing. Its recommendations are considered to be the world standard in this field.

² On specific restricted measures directed against certain persons and entities with a view to combating terrorism. OJ L 344, 28.12.2001, p. 70. Regulation as amended by Commission Regulation (EC) No 745/2003 (OJ L 106, 29.4.2003, p. 22).

³ Imposing certain specific restrictive measures directed against certain persons and entities associated with Osama Bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the exports of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan. OJ L 139, 29.5.2002, p. 9. Regulation as last amended by Commission Regulation (EC) No 2034/2004 (OJ L 353, 27.11.2004, p. 11).

⁴ Directive 2005/60/EC.

- Electronic transfers unless the amount transferred is higher than EUR 1 000;
- Use of a credit or debit card in a commercial transaction;
- Payment for goods or services when the payment service provider is bound by the provisions of the third Money Laundering Directive, the traceability of data is ensured and the transfer amount is less than EUR 1 000;
- Cash withdrawals from one's own account;
- The use of direct debit;
- The use of electronic cheques;
- The payment of taxes, fees or other charges;
- Self-dealing by payment service providers;
- Mobile payments

Furthermore, the rapporteur points to the need for several clarifications and additions as regards the definitions used.

The rapporteur is of the opinion that a distinction must be made between account-based and non-account-based transfers in terms of the requirement to verify information on the payer. In the case of account-based transfers, therefore, the verification of data is obsolete, provided that all the necessary information was checked when the account was opened and the transfer falls within the scope of Article 9(6) of the third Money Laundering Directive. In the case of a non-account-based transfer, the payment service provider should merely be required to confirm the name of the payer when the transfer amount does not exceed EUR 1 000. On the other hand, all information is to be verified when several separate transfers adding up to more than EUR 1 000 are made.

The rapporteur considers it appropriate to treat outgoing and incoming transfers in the same way.

Following a consultation with the European Data Protection Supervisor, it is clear that the five-year retention period proposed by the Commission is not questionable from a data protection perspective under the conditions laid down in the regulation and can, therefore, be supported. A possible extension of this period is not appropriate, as harmonisation considerations would not be taken into account and it would mean overstepping the framework established under the third Money Laundering Directive.

With regard to the banking systems to be used to record the information (SWIFT), it should be made clear that the payment service providers can only be asked to confirm that all the fields have been filled in and not to check the accuracy of this information. The special nature of batch transfers should also be taken into account.

The consequences set out in the proposal for a regulation for payment service providers that repeatedly and systematically fail to transmit the required data are too rigid in the rapporteur's view. Moreover, they should only be considered in the case of transfers exceeding EUR 1 000. This should prevent a flood of processing work and ensure the practicality of the provisions.

In order to take into account the different requirements under procedural law regarding intervention, a corresponding provision must be added.

It is imperative that the use of transmitted and stored data should be restricted to the fields of application that are named, as the Commission text states, in order to prevent the storage of citizens' data being generally authorised, and to limit as far as possible the intrusion on basic rights resulting from the application of this regulation.

In addition to the introduction of monitoring by the Member States, the rapporteur considers that neither the implementing and amending powers nor the comitology procedure should come into play. It should rather be possible to amend legal provisions that have come into being under the codecision procedure solely by means of codecision.

It should be made clear with regard to donation transfers that the exemption mentioned should apply to non-profit-making organisations. It should also cover scientific organisations and local authorities.

The Member States should ensure that the organisations to which this regulation applies are listed in their country and that these lists are kept up-to-date and made available to any other Member State concerned.

Finally, the rapporteur believes that a review clause should be inserted regarding electronic transfers and mobile payments applicable three years after the regulation's entry into force, alongside a sunset clause five years after its entry into force. The aim of the review clause is to observe and take into account if need be the latest developments in the financial sector. If mobile payments are today still rudimentary and unusual, the situation could change completely in the next three years. Developments in information technology should not be hindered. The proposed review of the regulation as a whole after five years is intended as a means of self-monitoring of the institutions and counteracting potential overregulation. The requirement for the legislative bodies to review and confirm the need for the provisions they have adopted is in line with the EU's objective of reducing bureaucracy.

19.4.2006

OPINION OF THE COMMITTEE ON ECONOMIC AND MONETARY AFFAIRS (*)

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds
(COM(2005)0343 – C6-0246/2005 – 2005/0138(COD))

Draftsman (*): Udo Bullmann

(*) Enhanced cooperation between committees – Rule 47 of the Rules of Procedure

SHORT JUSTIFICATION

The Commission's proposed regulation COM(2005)0343 aims finally to transpose into Community law Special Recommendation VII by the FATF¹ on wire transfers (electronic payment transactions). It was internationally agreed that the FATF special recommendation should be applied by 1 January 2007 at the latest.

The proposal regulates the requirement on banks and other payment service providers to provide information on payers transferring funds, i.e. the requirements on all payment service providers involved in the transfer of funds. By making it a general requirement on payment service providers to transfer full details on the payer, the regulation aims to make money transfers traceable.

The draftsman welcomes the fact that the proposal largely follows the interpretative note by the FATF on Special Recommendation VII, but he also considers it appropriate to create exemptions from the scope of the regulation, in order to take account of special situations in the payment systems of some Member States. In the draftsman's view there is a balance to be struck between the need to consider national particularities, the need for action to be proportionate, and the opportunities for misuse in the area of money laundering and terrorist financing that may arise as a result of exemptions from the law.

The following points need mentioning.

- The interpretation followed for dealing with money transfers of up to €1000 is rather strict, and the draftsman welcomes this. Although the maximum threshold of €1000 allowed by the FATF for alleviated measures is indeed used, it is not exploited to avoid making any requirements at all for verifying and forwarding information on the

¹ Financial Action Task Force on Money Laundering and Terrorist Financing.

payer. Complete information must accompany the fund transfer in every case. In the case of cash payments the payer's name must also be verified. Since the third money-laundering directive contains sufficient requirements on the management of accounts, when payments are from accounts in the EU it should only be necessary to forward the account number or an identifying number.

- The draftsman welcomes the exemptions listed in Article 2 for credit or debit cards, withdrawals from teller machines, debit transfer authorisations, electronically processed cheques, payments to public authorities and transactions between banks. He also accepts an exemption for payments to settle accounts if a system is set up in one Member State to enable the payer to be identified through the recipient, for instance by a public service provider and the latter's payment service provider. The electronic funds exemption under the third directive on money laundering has been incorporated. In accordance with the FATF recommendation a threshold of €1000 on transactions has been laid down in both cases.
- The rapid growth of new electronic payment systems such as e-money or payment systems offered by mobile phone companies poses a challenge for adequate regulation. The form of exemption chosen for e-money seems to the draftsman for the moment to be sufficiently restrictive; in the case of mobile phone companies there is a need for further consultation in the course of this legislative procedure. There is disagreement on assessing the risks from money-laundering and terrorist financing in the area of e-money payments and mobile payment systems. So the draftsman considers that for the aims pursued by this regulation there needs to be a review clause on the e-money exemption and the inclusion of new electronic payment systems.
- The requirements on the payee's payment service provider have here been clarified. The payee must verify whether the fields provided in the payment system have been completed, as is consonant with the needs of an automated payment system. If the payment service provider ascertains that the information is incomplete, he must reject the transfer or otherwise require full details from the relevant payment service provider making the transfer. In the case of continuing incomplete transfers by a given service provider the recipient agency is required to enter into a dialogue with the transferring service provider and gradually restrict or terminate business relations for transfer transactions.
- The draftsman welcomes the proposed exemption for donations to charities, as long as it is applied in a clear framework and monitored by the authorities in a Member State.
- As negotiations between the institutions on comitology are continuing, the draftsman proposes deleting the comitology provisions in this regulation.

AMENDMENTS

The Committee on Economic and Monetary Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Recital 2

(2) In order to prevent terrorist funding, measures aimed at the freezing of funds and economic resources of certain persons, groups and entities have been taken, including Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan. To that same end, measures aimed at protecting the financial system against the channelling of funds and economic resources for terrorist purposes have been taken. **Directive 2005/.../EC** of the European Parliament and of the Council of ... **2005** on prevention of the use of the financial system for the purposes of money

(2) In order to prevent terrorist funding, measures aimed at the freezing of funds and economic resources of certain persons, groups and entities have been taken, including Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with Usama bin Laden, the Al-Qaida network and the Taliban, and repealing Council Regulation (EC) No 467/2001 prohibiting the export of certain goods and services to Afghanistan, strengthening the flight ban and extending the freeze of funds and other financial resources in respect of the Taliban of Afghanistan. To that same end, measures aimed at protecting the financial system against the channelling of funds and economic resources for terrorist purposes have been taken. **Directive 2005/60/EC** of the European Parliament and of the Council of **26 October 2005** on prevention of the use of the financial system for the purposes of

¹ Not yet published in OJ.

laundrying and terrorist financing¹ contains a number of measures aimed at combating the misuse of the financial system for the purpose of money laundering and terrorist financing. All those measures do not, however, fully prevent terrorists and other criminals from having access to payment systems for moving their funds.

¹ OJ L ...,2005, p. .. (to be published, 2004/0137/COD).

money laundrying and terrorist financing¹ contains a number of measures aimed at combating the misuse of the financial system for the purpose of money laundering and terrorist financing. All those measures do not, however, fully prevent terrorists and other criminals from having access to payment systems for moving their funds.

¹ OJ L 309, 25.11.2005, p. 15.

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 2 Recital 5 a (new)

(5a) Persons who merely convert paper documents into electronic data while acting under a contract with a payment service provider do not fall within the scope of this Regulation, nor do natural or legal persons that provides payment service providers solely with a message or other support systems for transmitting funds or with clearing and settlement systems.

Justification

Clarification, already considered necessary in the money-laundering directive, to show that the regulation should not be applied to people providing support systems for payment service providers, and are thus merely passing on a message to other payment service providers or supplying some other system to support the transfer of funds, nor to clearing and settlement systems (see also Recital 34 of the third money-laundering directive).

Amendment 3 Recital 6

(6) Due to the lower risk of money laundrying or terrorist financing associated with transfers of funds ***that flow from a commercial transaction or where the payer and the payee are payment service***

(6) Where there is a lower risk of money laundrying or terrorist financing associated with transfers of funds, it is appropriate to exempt such transfers from the scope of this Regulation. ***Such exemptions should cover***

¹ OJ L ...,2005, p. .. (to be published, 2004/0137/COD).

providers acting on their own behalf, it is appropriate to exempt such transfers from the scope of this Regulation, ***under the condition that it is always possible to trace them back to the payer.***

credit or debit cards, ATM withdrawals, direct debits, truncated cheques, payments of taxes, fines or other levies, where the payer and the payee are payment service providers acting on their own behalf. ***In addition, in order to reflect the special characteristics of national payment systems, Member States may exempt electronic giro payments, providing that it is always possible to trace the transfer back to the payer. Where Member States have applied the derogation for electronic money in Directive 2005/60/EC, they should apply that derogation under this Regulation, provided the amount transacted does not exceed EUR 1 000.***

Justification

Alignment with the amendment on extending the rules on exceptions under Article 2, which ensures an effective exception for the 'giro' systems in some Member States that guarantee traceability.

Amendment 4 Recital 6 a (new)

(6a) The exemption for electronic money, as defined by Article 1(3) of Directive 2000/46/EC, covers electronic money irrespective of whether or not the issuer of electronic money enjoys a waiver under Article 8 of that directive.

Justification

The aim here is to clarify the point that the e-money exemption refers to e-money products, in other words, that it can also be applied if need be to e-money issuers that are exempted by the e-money directive.

Amendment 5 Recital 7

(7) In order to balance the risk of driving transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, the obligation to verify that the

(7) In order not to hinder the efficiency of payment systems, the verification requirements for account and non-account based transfers should be separated. In order to balance the risk of driving

information on the payer is accurate should ***be able to*** be applied ***on a risk-sensitive basis, as regards transfers of funds to payees outside the Community up to*** EUR 1000.

transactions underground by applying too strict identification requirements against the potential terrorist threat posed by small transfers, ***in the case of transfers not made from an account***, the obligation to verify that the information on the payer is accurate should be applied ***only to individual transfers that exceed*** EUR 1 000. ***For account-based transfers, payment service providers are not required to verify information on the payer for each transfer of funds where the obligations of Directive 2005/60/EC have been met.***

Justification

Amended recital in line with the proposed amendment of Article 5.

Replaces Article 5.

Amendment 6 Recital 12

(12) Due to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to enable the payment service provider of the payee to avoid or correct such situations when becoming aware of a lack of presence or incompleteness of information on the payer. In this regard, flexibility should be allowed as regards the extent of information on the payer on a risk-sensitive basis. In addition, the accuracy and completeness of information on the payer should remain in the responsibility of the payment service provider of the payer. In the case where the payment service provider of the payer is situated outside the Community, enhanced customer due diligence should be applied, in accordance with ***Article [11] of Directive 2005/.../EC***, in respect of cross-frontier correspondent banking relationships with that payment service provider.

(12) Due to the potential terrorist financing threat posed by anonymous transfers, it is appropriate to enable the payment service provider of the payee to avoid or correct such situations when becoming aware of a lack of presence or incompleteness of information on the payer. In this regard, flexibility should be allowed as regards the extent of information on the payer on a risk-sensitive basis. In addition, the accuracy and completeness of information on the payer should remain in the responsibility of the payment service provider of the payer. In the case where the payment service provider of the payer is situated outside the Community, enhanced customer due diligence should be applied, in accordance with ***Article 13 of Directive 2005/60/EC***, in respect of cross-frontier correspondent banking relationships with that payment service provider.

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 7
Recital 13

(13) In any event, the payment service provider of the payee should *exert* special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or incompleteness of information on the payer, and should report suspicious transactions to the competent authorities.

(13) In any event, the payment service provider of the payee should *exercise* special vigilance, on a risk-based assessment, when becoming aware of a lack of presence or incompleteness of information on the payer, and should report suspicious transactions to the competent authorities ***in accordance with the reporting obligations set out in Chapter III of Directive 2005/60/EC and national implementing measures.***

Justification

Clarifies the point that Article 9 applies irrespective of the provisions of the third money-laundering directive.

Amendment 8
Recital 13 a (new)

(13a) The provisions on transfers of funds lacking information on the payer apply without prejudice to any obligations payment service providers have to suspend and/or reject transfers of funds which violate provisions in civil, administrative or criminal law.

Justification

Clarifies the point that Article 9 applies irrespective of other legislation that could require the payment service provider to suspend or reject payment.

Amendment 9
Recital 16 a (new)

(16a) The time limit of three working days for responding to requests for complete information on the payer should be determined by reference to national provisions establishing bank working days in the Member State in which the payment service provider of the payer is situated.

Justification

Necessary to clarify the periods referred to in Articles 6 and 13, as there are different rules in the Member States and in some cases also between different types of payment service providers.

Amendment 10 **Recital 18 a (new)**

(18a) In its resolution of 5 February 2002 on the implementation of financial services legislation¹, the European Parliament requested that it and the Council should have an equal role in supervising the way in which the Commission exercises its executive role in order to reflect the legislative powers of the European Parliament under Article 251 of the Treaty. In the solemn declaration made before the European Parliament by its President on the same day, the Commission supported that request. On 11 December 2002, the Commission proposed amendments to Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission², and then submitted an amended proposal on 22 April 2004. The Parliament does not consider that this proposal preserves its legislative prerogatives. In the European Parliament's view, the Parliament and the Council should have the opportunity to evaluate the conferral of implementing powers on the Commission within a determined period. It is therefore appropriate to limit the period during which the Commission may adopt implementing measures.

¹ OJ C 284 E, 21.11.2002, p. 115.

² OJ L 184, 17.7.1999, p. 23.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 11
Recital 18 b (new)

(18b) The European Parliament should be given a period of three months from the first transmission of draft amendments and implementing measures to allow it to examine them and to give its opinion. However, in urgent and duly justified cases, it should be possible to shorten that period. If, within that period, a resolution is adopted by the European Parliament, the Commission should re-examine the draft amendments or measures.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive.

Amendment 12
Recital 19

(19) A number of countries and territories which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***and have established membership of*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

(19) A number of countries and territories which do not form part of the territory of the Community share a monetary union or form part of the currency area of a Member State ***or have signed a monetary convention with the European Union represented by a Member State and have payment service providers that participate directly or indirectly in*** the payment and clearing systems of that Member State. In order to avoid a significant negative effect on the economies of those countries or territories which could result from the application of this Regulation to transfers of funds between the Member States concerned and those countries or territories, it is appropriate to provide for the possibility for such transfers of funds to be treated as transfers of funds within that Member State.

Justification

In line with the amendment to Article 18.

Amendment 13
Recital 20

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of **EUR 150**. It is also appropriate to make this option conditional upon requirements to be met by the charitable organisations in order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

(20) In order not to discourage donations for charitable purposes, it is appropriate to authorise Member States to exempt payment services providers situated in their territory from collecting, verifying, recording, or sending information on the payer for transfers of funds up to a maximum amount of **EUR 1 000**. It is also appropriate to make this option conditional upon requirements to be met by the charitable organisations in order to allow Member States to ensure that this exemption does not give rise to abuse by terrorists as a cover for or a means of facilitating the financing of their activities.

Justification

Alignment with the amendment to Article 19(1) raising the threshold to €1000, so that anonymous donations can still be possible within certain limits, on condition of strict checks on non-profit organisations.

Amendment 14
Article 2, paragraph 2, subparagraph 1

2. This Regulation shall not apply to transfers of funds ***which flow from a commercial transaction*** carried out using a credit or debit card ***or any other similar payment instrument***, provided that a unique identifier, allowing the transaction to be traced back to the payer, accompanies ***all transfers of funds flowing from that commercial transaction***.

2. This Regulation shall not apply to transfers of funds carried out using a credit or debit card provided that:

(a) the payee has an agreement with the payment service provider permitting payment for the provision of goods and services; and

(b) a unique identifier, allowing the transaction to be traced back to the payer, accompanies the transfer of funds.

Justification

As the Council proposes and the draftsman welcomes, this wording clarifies the contents and

presents it more clearly. The sense of the Commission proposal is unchanged.

Amendment 15
Article 2, paragraph 2, subparagraph 2

This regulation shall not apply to transfers of funds where both the payer and the payee are payment service providers acting on their own behalf. ***deleted***

Justification

This provision has been redrafted in Article 2, paragraph 2g (new) (amendment 22 of the draft report).

Amendment 16
Article 2, paragraph 2 a (new)

2a. Where a Member State chooses to apply the derogation set out in Article 11(5) (d) of Directive 2005/60/EC, this Regulation shall not be applied to transfers of funds using electronic money covered by the said derogation, except where the amount transacted is more than EUR 1 000.

Justification

Setting aside concerns about possible abuses, the draftsman favours an exemption for e-money that incorporates the relevant provision in the third money-laundering directive and is also, in accordance with the FATF recommendation, limited to single transfers of up to EUR 1 000. The draftsman regards this wording as a clarification of the exemption discussed by the Council.

Amendment 17
Article 2, paragraph 2 b (new)

2b. Without prejudice to Article 2(2a) , this Regulation shall not apply to transfers of funds carried out by means of a mobile telephone or any other digital or IT device, when such transfers are pre-paid and do not exceed EUR 150.

Justification

For the purpose of this regulation and setting aside any doubts about the possibility of abuse, the draftsman advocates an exception for prepaid mobile phone cards. This rule should in no

way prejudice the definition of such cards in the context of the E-money directive.

Amendment 18
Article 2, paragraph 2 c (new)

2c. This Regulation shall not apply to transfers of funds carried out by means of a mobile telephone or any other digital or IT device, when such transfers are post-paid and meet all of the following conditions:

- the payee has an agreement with the payment service provider permitting payment for the provision of goods and services;

- a unique identifier, allowing the transaction to be traced back to the payer, accompanies the transfer of funds; and

- the payment service provider is subject to the obligations set out in Directive 2005/60/EC.

Justification

There should be an exception for transfers made by mobile phone, as long as traceability is guaranteed. Therefore it is sensible to make the exception dependent on application of the rules under the third money-laundering directive.

Amendment 19
Article 2, paragraph 2 d (new)

2d. Member States may decide not to apply this Regulation to transfers of funds within that Member State to a payee account permitting payment for the provision of goods or services if:

(a) the payment service provider of the payee is subject to the obligations set out in Directive 2005/60/EC;

(b) the payment service provider of the payee is able by means of a unique reference number to trace back, through the payee, the transfer of funds from the legal or natural person who has an

agreement with the payee for the provision of goods and services; and

(c) the amount transacted is EUR 1 000 or less.

Member States making use of this derogation shall inform the Commission.

Justification

The exemption is intended to apply to giro systems that ensure that the recipient bank can trace back through the payee the identity of the paying customer. The purpose of this exemption is to avoid creating difficulties for the practice in some Member States enabling third parties to settle accounts by credit payments.

Amendment 20

Article 2, paragraph 2 e (new)

2e. This Regulation shall not apply to transfers of funds where the payer withdraws cash from his or her own account.

Justification

Clarifies the Commission's intention to ensure that cash withdrawals from the payer's own account do not come within the directive's scope.

Amendment 21

Article 2, paragraph 2 f (new)

2f. This Regulation shall not apply to transfers of funds where there is a debit transfer authorisation between two parties permitting payments between them through accounts provided a unique identifier accompanies the transfer of funds to enable the natural or legal person to be traced back.

Justification

Exemption for debit procedures, which are a widespread form of payment for regular transactions such as insurance contributions. Exemption from the directive's scope is justifiable since the money transfer can be traced back through the recipient via the

authorisation.

Amendment 22
Article 2, paragraph 2 g (new)

2g. This Regulation shall not apply to transfers of funds using cheques that have been truncated.

Justification

Makes clear that electronically processed cheques – as also paper-based cheques in general – do not come under the directive's scope.

Amendment 23
Article 2, paragraph 2 h (new)

2h. This Regulation shall not apply to transfers of funds to public authorities for taxes, fines or other levies within a Member State.

Justification

Payments of tax and levies to public agencies are considered risk-free and otherwise comprehensible and so should be exempted from the directive's scope.

Amendment 24
Article 2, paragraph 2 i (new)

2i. This Regulation shall not apply to transfers of funds where both the payer and the payee are payment service providers acting on their own behalf.

Justification

To clarify the point that the regulation does not apply to inter-bank business.

Amendment 25
Article 3, point 1

1. "terrorist financing" means ***any of the***

1. "terrorist financing" means ***the provision***

*offences within the meaning of Article
[1(3)] of Directive 2005/.../EC;*

*or collection of funds within the meaning
of Article 1(4) of Directive 2005/60/EC;*

Justification

Matches the definition in the third money-laundering directive.

Amendment 26
Article 3, point 2

2. “money laundering” means any *of the
offences within the meaning of Article
[1(2)] of Directive 2005/.../EC;*

2. “money laundering” means any *conduct
which, when committed intentionally, is
regarded as money laundering for the
purposes of Article 1(2) or (3) of Directive
2005/60/EC;*

Justification

Matches the definition in the third money-laundering directive.

Amendment 27
Article 3, point 3

3. “payer” means a natural or legal person
who *has the right of disposal of funds and
who allows them to be transferred to a
payee;*

3. “payer” means *either* a natural or legal
person who *is the account holder who
allows a transfer of funds from an account,
or, where there is no account, a natural or
legal person who places the order for a
transfer of funds;*

Justification

*Matches the FATF definition. Needed to ensure it is practicable and provide equal
competitive conditions for EU payment service providers.*

Amendment 28
Article 3, point 5

5. “payment service provider” means a
natural or legal person whose business
includes the provision of *payment* services
to payment service users;

5. “payment service provider” means a
natural or legal person whose business
includes the provision of *fund transfer*
services;

Justification

Simplifies the definition, as the term ‘payment service user’ now does not need to be defined itself.

Amendment 29 Article 3, point 7

7. “transfer of funds” means any transaction carried out on behalf of a payer through a payment service provider by electronic means with a view to making funds available to a payee at ***another*** payment service provider, irrespective of whether the payer and the payee are the same person;

7. “transfer of funds” means any transaction carried out on behalf of a payer through a payment service provider by electronic means with a view to making funds available to a payee at ***a*** payment service provider, irrespective of whether the payer and the payee are the same person;

Justification

Makes clear that fund transfers still come under the scope of the directive if the payer and the payee are both customers of the same payment service provider.

Amendment 30 Article 3, point 8

8. “payment service user” means a natural or legal person who makes use of a payment service, in the capacity of payer or payee;

deleted

Justification

Matches amendment to Article 3(5).

Amendment 31 Article 3, point 9 a (new)

9a. “unique identifier” means a combination of letters, numbers or symbols, determined by the payment service provider, in accordance with the protocols of the payment and settlement system or messaging system used to effect the transfer.

Justification

Necessary definition of the term ‘unique identifier’.

Amendment 32
Article 4, paragraph 3

Where the account number of the payer does not exist, the payment service provider of the payer **may** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

Where the account number of the payer does not exist, the payment service provider of the payer **shall** substitute it by a unique identifier, which allows the transaction to be traced back to the payer.

Justification

Removes the ambiguity by stipulating that either an account number or a unique identifier must accompany the transfer.

Amendment 33
Article 5, paragraph 2, subparagraph 2

However, for transfers of funds to payees outside the Community up to an amount of EUR 1 000, payment service providers may determine the extent of such verification in view of the risks of money laundering and terrorist financing.

deleted

Justification

To avoid reducing the efficiency of the payment system it is proposed, with the Council’s agreement, to distinguish between account-based and non-account-based transfer systems in conjunction with the provisions on verification. See below.

Amendment 34
Article 5, paragraph 2 a (new)

2a. In the case of transfers of funds from an account, verification may be deemed to have taken place if:

(a) a payer’s identity has been verified in connection with the opening of the account and the information gained by this verification has been stored in accordance

***with the obligations set out in Articles 8(2) and 30(a) of Directive 2005/60/EC, or
(b) the payer falls within the scope of Article 9(6) of Directive 2005/60/EC.***

Justification

In the case of account-based transfers, payment service providers should not be obliged to verify information on the recipient for every individual transaction, provided that they comply with the third money-laundering directive.

Amendment 35
Article 5, paragraph 2 b (new)

2b. However, in the case of transfers of funds not made from an account, the payment service provider of the payer shall verify the information on the payer only where the amount exceeds EUR 1 000, unless the transaction is carried out in several operations that appear to be linked and together exceed EUR 1 000.

Justification

For transfers not made from an account, the payment service provider should verify the information on the payer only for each individual transaction exceeding €1000. This should prevent an undesirably large number of small payments being made outside the normal transfer system.

Amendment 36
Article 6, paragraph 1

By way of derogation from **Article 5**, transfers of funds, where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, shall only be required to be accompanied by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.

By way of derogation from **Article 5(1)**, transfers of funds, where both the payment service provider of the payer and the payment service provider of the payee are situated in the Community, shall only be required to be accompanied by the account number of the payer or a unique identifier allowing the transaction to be traced back to the payer.

Justification

Correction of a cross-referencing mistake.

Amendment 37
Article 6, paragraph 2

However, if so requested by the payment service provider of the payee, the payment service provider of the payer shall make available to the payment service provider of the payee, complete information on the payer, within three working days of receiving that request.

However, if so requested ***with good reason*** by the payment service provider of the payee, the payment service provider of the payer shall make available to the payment service provider of the payee, complete information on the payer, within three working days of receiving that request.

Justification

To avoid systematic requests which would be very expensive for the financial institutions concerned, requests under Article 6, paragraph 2 should not be complied with unless there is a good reason for the request

Amendment 38
Article 7, heading

Transfers of funds from the Community to ***payees*** outside the Community

Transfers of funds from the Community to outside the Community

Justification

Clarification.

Amendment 39
Article 7, paragraph 1

1. Transfers of funds ***from the Community to payees*** outside the Community shall be accompanied by complete information on the payer.

1. Transfers of funds ***where the payment service provider of the payee is situated*** outside the Community shall be accompanied by complete information on the payer.

Justification

Makes clear that the location of the payee's payment service provider is the determining factor, and not the payee's own location.

Amendment 40
Article 7, paragraph 2

2. In the case of batch file transfers from a single payer **to** payees outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

2. In the case of batch file transfers from a single payer **where the payment service providers of the** payees **are situated** outside the Community, paragraph 1 shall not apply to the individual transfers bundled together therein, provided that the batch file contains that information and that the individual transfers carry the account number of the payer or a unique identifier.

Justification

Makes clear that the location of the payee's payment service provider is the determining factor, and not the payee's own location.

Amendment 41 Article 8, introductory part

The payment service provider of the payee shall have effective procedures in place in order to detect a lack of presence of the following information on the payer:

The payment service provider of the payee **is required to detect that fields within the messaging or payment and settlement system used to effect the transfer in respect of the information on the payer have been completed in accordance with the characters or inputs admissible within the conventions of that messaging or payment and settlement system.** It shall have effective procedures in place in order to detect a lack of presence of the following information on the payer:

Justification

Makes clear that the payee's payment service provider must only verify whether the relevant fields have been completed, but not how. In other words, he is not required to check the correctness of the data. This meets the needs of an automated payment system.

Amendment 42 Article 8, point 2

(2) For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4, **or, where applicable, the**

(2) For transfers of funds where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4.

information required under Article 13.

Justification

Horizontal amendment, because of the amendment to delete Article 13(2).

Amendment 43
Article 8, point 2 a (new)

(2a) For batch file transfers where the payment service provider of the payer is situated outside the Community, complete information on the payer as referred to in Article 4 only in the batch file, not in the individual transfers bundled therein.

Justification

Special provision for batch file transfers.

Amendment 44
Article 9, paragraph 1

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving transfers of funds, **it may** either reject the transfer, or ask for complete information on the payer. **In the latter case, the payment service provider of the payee may either hold the funds pending enquiry or make the funds available to the payee.** In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and **Directive 2005/.../EC**, as well as national implementing measures.

1. If the payment service provider of the payee becomes aware that information on the payer required under this Regulation is missing or incomplete when receiving transfers of funds **within the Community or transfers of funds over an amount of EUR 1 000 and USD 1 000 from outside the Community, it shall** either reject the transfer, or ask for complete information on the payer. In all cases, the payment service provider of the payee shall comply with any applicable law or administrative provisions relating to money laundering and terrorist financing, in particular, Regulations (EC) No 2580/2001 and (EC) No 881/2002 and **Directive 2005/60/EC**, as well as national implementing measures, **notwithstanding any contractual arrangements and contractual law that governs such a business relationship.**

Justification

Addition, as Special Recommendation VII provides for a minimum threshold of EUR/USD

1000, under which the payers' countries are not obliged to identify the payer and forward full information. If there is no minimum threshold for incoming money transfers as well, there will be conflict in the international payment system. Under Article 9 (1) of the draft regulation, these transfers would always be rejected or, in each individual case, complete information on the payer would have to be requested.

Amendment 45
Article 9, paragraph 2, subparagraph 1

2. Where a payment service provider ***repeatedly*** fails to supply the required information on the payer, the payment service provider of the payee shall ***reject any transfers of funds from that payment service provider or terminate*** its business relationship with ***that payment service provider either with respect to transfer of funds services or with respect to any mutual supply of services.***

2. Where a payment service provider ***regularly*** fails to supply the required information on the payer ***by transfers of funds of over EUR 1 000 and USD 1 000,*** the payment service provider of the payee shall ***consider restricting or even terminating*** its business relationship with ***these financial institutions.***

Justification

Special Recommendation VII provides for a minimum threshold of EUR/USD 1000, under which the payers' countries are not obliged to identify the payer and forward full information. Under Article 9 (2) of the draft regulation, if transfers from third countries were repeatedly received and – legitimately – complete details of the payer not provided, the business relationship would have to be terminated. Such sanctions are not in the interests of consumers and businesses in the EU. There must be some margin for manoeuvre for payment service providers in the EU.

Amendment 46
Article 10

The payment service provider of the payee shall consider incomplete information on the payer as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported, in accordance with the obligations set out in Chapter III of ***Directive 2005/.../EC***, to the authorities responsible for combating money laundering or terrorist financing.

The payment service provider of the payee shall consider incomplete information on the payer as a factor in assessing whether the transfer of funds, or any related transaction, is suspicious, and whether it must be reported, in accordance with the obligations set out in Chapter III of ***Directive 2005/60/EC***, to the authorities responsible for combating money laundering or terrorist financing.

Justification

Updated following adoption of the third directive on money-laundering on 26 October 2005.

Amendment 47
Article 13, paragraph 2

2. If, in the case referred to in paragraph 1, an intermediary payment service provider does not receive complete information on the payer, it shall inform the payment service provider of the payee accordingly, when transferring the funds. **deleted**

Justification

The payment service provider of the payee already has an obligation to check that complete information has been provided. An additional check by the intermediary payment service provider would mean duplication of work and would unnecessarily slow down the payment process. It seems more sensible to limit the duties of the intermediary payment service provider to forwarding the data and keeping records, as provided for under Article 13(1) and (3). The EU regulation should not go further than the provisions of FATF Special Recommendation VII.

Amendment 48
Article 13, paragraph 3

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, **complete information on the payer**, within three working days of receiving that request.

3. Where paragraph 1 applies, the intermediary payment service provider shall, upon request from the payment service provider of the payee, make available to that payment service provider, **all the information on the payer which it has received, irrespective of whether it is complete or not**, within three working days of receiving that request.

Justification

Makes clear that an intermediary payment service provider need only pass on the information it has received (i.e. in some cases incomplete information).

Amendment 49
Article 14, paragraph 1

Payment service providers shall respond fully and without delay to enquiries from the authorities responsible for combating money laundering or terrorist financing of the Member State in which the payment service provider is situated, concerning the

Payment service providers shall respond fully and without delay, **in accordance with the procedural requirements established in the national law of that Member State**, to enquiries from the authorities responsible for combating money laundering or terrorist

information on the payer accompanying transfers of funds and corresponding records, ***in accordance with the time-limits and procedural requirements established in the national law of that Member State.***

financing of the Member State in which the payment service provider is situated, concerning the information on the payer accompanying transfers of funds and corresponding records.

Justification

Deletes the concept of ‘time limits’, to avoid conflict with the words ‘without delay’.

Amendment 50
Article 14, paragraph 2

Those authorities may use that information only for the purposes of preventing, investigating, detecting or prosecuting money laundering or terrorist financing.

Those authorities ***acting in accordance with national criminal law and fundamental rights*** may use that information only for the purposes of preventing, investigating, detecting or prosecuting money laundering or terrorist financing.

Justification

It is essential that authorities responsible for combating money laundering or terrorist financing act in accordance with national penal laws and basic rights.

Amendment 51
Article 15, heading

Penalties

Penalties ***and monitoring***

Justification

In line with the amendment to Article 15, second paragraph (new).

Amendment 52
Article 15, paragraph 1 a (new)

Member States shall require the competent authorities to monitor effectively and to take necessary measures in order to ensure compliance with this Regulation.

Justification

Makes clear that the competent authorities should monitor application of the regulation.

Amendment 53
Article 17, paragraph 1

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Directive **2005/.../EC**, hereinafter “the Committee”.

1. The Commission shall be assisted by the Committee on the Prevention of Money Laundering and Terrorist Financing established by Directive **2005/60/EC**, hereinafter “the Committee”.

Justification

Completion of the directive number.

Amendment 54
Article 17, paragraph 2, subparagraph 1

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof ***and provided that the implementing measures adopted in accordance with this procedure do not modify the essential provisions of this Regulation.***

Justification

Necessary addition to ensure that the essential provisions of this regulation remain.

Amendment 55
Article 17, paragraph 2 a (new)

2a. Without prejudice to the implementing measures already adopted, on 1 April 2008 the application of the provisions requiring the adoption of technical rules, amendments and decisions in accordance with paragraph 2 shall be suspended. Acting on a proposal from the Commission, the European Parliament and the Council may renew the provisions concerned in accordance with the procedure laid down in Article 251 of the Treaty and, to that end, shall review these provisions prior to the date referred to above.

Justification

The objective is to align the comitology provisions of the regulation on information on the payer with those adopted in the Capital Adequacy directive. It sets the 1st April 2008 as a deadline for the sunset clause to enter into force.

Amendment 56

Article 18, paragraph 1, subparagraph 1

1. The Commission may authorise any Member State to conclude agreements with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

1. The Commission may authorise any Member State to conclude agreements, ***under national arrangements***, with a country or territory which does not form part of the territory of the Community as determined in accordance with Article 299 of the Treaty, which contain derogations from this Regulation in order to allow for transfers of funds between that country or territory and the Member State concerned to be treated as transfers of funds within that Member State.

Justification

Amendment that the Council considers necessary to cover the constitutional arrangements of some Member States with their 'territories'.

Amendment 57

Article 18, paragraph 1, subparagraph 2, introductory part

Such agreements may be authorised only if ***the country or territory concerned fulfils all the following conditions:***

Such agreements may be authorised only if:

Justification

Reworded for greater clarity and in view of additions. See below.

Amendment 58

Article 18, paragraph 1, subparagraph 2, point (a)

a) ***it*** shares a monetary union with the Member State concerned or forms part of the currency area ***of the Member State concerned;***

(a) ***the country or territory concerned*** shares a monetary union with the Member State concerned or forms part of the currency area ***of that Member State or has signed a Monetary Convention with the***

European Union represented by a Member State;

Justification

Addition that the Council deems necessary to take account of territories within the EU such as Monaco.

Amendment 59

Article 18, paragraph 1, subparagraph 2, point (b)

b) it is a member of the payment and clearing systems of the Member State concerned;

(b) payment service providers in the country or territory concerned participate directly or indirectly in payment and settlement systems in that Member State; and

Justification

The Council deems this necessary as it is not the territories but the local payment service providers that are part of the payment system.

Amendment 60

Article 18, paragraph 1, subparagraph 2, point (c)

c) it requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

(c) the country or territory concerned requires payment service providers under its jurisdiction to apply the same rules as those established under this Regulation.

Justification

Reworded for greater clarity and in view of additions. See above.

Amendment 61

Article 19, heading

Transfers of funds to ***charitable*** organisations within a Member State

Transfers of funds to ***non-profit*** organisations within a Member State

Justification

In line with amendment to Article 19.

Amendment 62
Article 19, paragraph 1

Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to organisations carrying out activities for charitable, religious, cultural, educational, social, or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

1. Member States may exempt payment service providers situated in their territory from the obligations set out in Article 5, as regards transfers of funds to ***non-profit*** organisations carrying out activities for charitable, religious, cultural, educational, social, scientific or fraternal purposes, provided these organisations are subject to reporting and external audit requirements or supervision by a public authority ***or self-regulatory body recognised under national law***, and that those transfers of funds are limited to a maximum amount of EUR 150 per transfer and take place exclusively within the territory of that Member State.

Justification

Makes clear that only non-profit organisations come under the exemption. These include scientific establishments such as cancer research institutes. To take account of specific conditions in individual Member States, self-administered bodies recognised under national law should also be considered.

Amendment 63
Article 19, paragraph 2

Member States shall communicate to the Commission ***the*** measures that they have adopted for applying the option provided in the first paragraph.

2. Member States ***making use of this Article*** shall communicate to the Commission the measures that they have adopted for applying the option provided in the first paragraph, ***including a list of organisations covered by the exemption, the names of the natural persons who ultimately control the organisations and an explanation of how the list will be updated. This information shall also be made available to the authorities responsible for combating money laundering and terrorist financing.***

Justification

Organisations exempted from the regulation should be listed by name and submitted to the Commission.

Amendment 64
Article 19, paragraph 2 a (new)

2a. An up-to-date list of organisations covered by the exemption shall be communicated by the Member State concerned to the payment service providers operating in that Member State.

Justification

A list of organisations exempted from the regulation should also be made available to payment service providers operating in the country concerned.

Amendment 65
Article 20

This Regulation shall enter into force ***on the twentieth day*** following ***that*** of its publication in the Official Journal of the European Union.

However, Articles 4 to 14 and 19 shall apply from 1 January 2007.

This Regulation shall enter into force ***twelve months*** following ***the day*** of its publication in the Official Journal of the European Union.

Justification

Payment service providers need 12 months to prepare for implementation of the Regulation based on most institutions' system configurations and stage of development. These 12 months are necessary to address design, implementation and testing of IT systems but also to inform and review contractual relationships with the customers.

Amendment 66
Article 20, paragraph 2 a (new)

By 2010 at the latest, the Commission shall present a report to the European Parliament and to the Council on the implications of the application of Article 2 with regard to further experience concerning electronic money, as defined in Article 1 (3) of Directive 2000/46/EC, and other newly developed means of payment for the purposes of money laundering and terrorist financing. Should there be a risk of misuse regarding money laundering or

terrorist financing, the Commission shall submit a proposal to amend this Regulation.

Justification

As still not enough is known about the current and future risks of money laundering and terrorist financing by electronic money and payments using mobile phones, your draftsman considers that a review clause for the exceptions is required. In addition, any need for rules on new, innovative means of payment should be assessed. The Commission should draw up a report on whether any action is needed and if necessary propose appropriate amendments.

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds
References	COM(2005)0343 - C6-0246/2005 - 2005/0138(COD)
Committee responsible	LIBE
Opinion by Date announced in plenary	ECON 8.9.2005
Enhanced cooperation – date announced in plenary	27.10.2005
Drafts(wo)man Date appointed	Udo Bullmann 27.9.2005
Previous drafts(wo)man	
Discussed in committee	29.11.2005 13.3.2006 18.4.2006
Date adopted	19.4.2006
Result of final vote	+: 31 –: 0 0: 2
Members present for the final vote	Zsolt László Becsey, Pervenche Berès, Sharon Bowles, Udo Bullmann, Ieke van den Burg, David Casa, Elisa Ferreira, José Manuel García-Margallo y Marfil, Jean-Paul Gauzès, Gunnar Hökmark, Karsten Friedrich Hoppenstedt, Sophia in 't Veld, Piia-Noora Kauppi, Wolf Klinz, Christoph Konrad, Astrid Lulling, Cristobal Montoro Romero, John Purvis, Alexander Radwan, Antolín Sánchez Presedo, Margarita Starkevičiūtė, Ivo Strejček, Sahra Wagenknecht
Substitute(s) present for the final vote	Harald Ettl, Catherine Guy-Quint, Alain Lipietz, Vladimír Maňka, Thomas Mann, Diamanto Manolakou, Giovanni Pittella, Poul Nyrup Rasmussen
Substitute(s) under Rule 178(2) present for the final vote	Marios Matsakis, Marie-Line Reynaud
Comments (available in one language only)	

PROCEDURE

Title	Proposal for a regulation of the European Parliament and of the Council on information on the payer accompanying transfers of funds				
References	COM(2005)0343 – C6 0246/2005 – 2005/0138(COD)				
Date submitted to Parliament	26.7.2005				
Committee responsible Date announced in plenary	LIBE 8.9.2005				
Committee(s) asked for opinion(s) Date announced in plenary	ECON 8.9.2005				
Not delivering opinion(s) Date of decision					
Enhanced cooperation Date announced in plenary	ECON 27.10.2005				
Rapporteur(s) Date appointed	Alexander Alvaro 13.10.2005				
Previous rapporteur(s)					
Simplified procedure – date of decision					
Legal basis disputed Date of JURI opinion		/			
Financial endowment amended Date of BUDG opinion		/			
European Economic and Social Committee consulted – date of decision in plenary					
Committee of the Regions consulted – date of decision in plenary					
Discussed in committee	21.2.2006	18.4.2006			
Date adopted	15.5.2006				
Result of final vote	+ – 0	37 0 0			
Members present for the final vote	Alexander Alvaro, Roberta Angelilli, Edit Bauer, Johannes Blokland, Mihael Brejc, Kathalijne Maria Buitenweg, Maria Carlshamre, Giusto Catania, Carlos Coelho, Fausto Correia, Kinga Gál, Elly de Groen-Kouwenhoven, Ewa Klamt, Magda Kósáné Kovács, Barbara Kudrycka, Stavros Lambrinidis, Romano Maria La Russa, Sarah Ludford, Antonio Masip Hidalgo, Claude Moraes, Lapo Pistelli, Martine Roure, Inger Segelström, Antonio Tajani, Ioannis Varvitsiotis, Manfred Weber, Stefano Zappalà, Tatjana Ždanoka				
Substitute(s) present for the final vote	Camiel Eurlings, Giovanni Claudio Fava, Sophia in 't Veld, Sylvia-Yvonne Kaufmann, Bill Newton Dunn, Marie-Line Reynaud				
Substitute(s) under Rule 178(2) present for the final vote	Panagiotis Beglitis, Emine Bozkurt, Pasqualina Napoletano				
Date tabled	23.5.2006				
Comments (available in one language only)	...				