AMENDMENTS
49 - 196

Draft opinion
Helmut Scholz
(PE700.579v01-00)


Proposal for a regulation
(COM(2021)0421 – C9-0340/2021 – 2021/0240(COD))
Amendment 49  
Victor Negrescu  
Proposal for a regulation  
Recital 2  

Text proposed by the Commission

(2) Cross-border nature of crime and criminal proceeds endanger Union financial system efforts relating to prevention of money laundering and financing of terrorism. Those efforts have to be tackled at Union level through the creation of an Authority responsible for contributing to the implementation of harmonised rules. In addition, the Authority should pursue a harmonised approach to strengthen the Union’s existing AML/CFT preventive framework, and specifically AML supervision and cooperation between FIUs. That approach should reduce divergences in national legislation and supervisory practices and introduce structures that benefit the smooth functioning of the internal market in a determined manner and should, consequently, be based on Article 114 TFEU.

Amendment

(2) Cross-border nature of crime and criminal proceeds endanger Union financial system efforts relating to prevention of money laundering and financing of terrorism and cross-border organised crime. Those efforts have to be tackled at Union level through the creation of an Authority responsible for contributing to the implementation of harmonised rules. In addition, the Authority should pursue a harmonised approach to strengthen the Union’s existing AML/CFT preventive framework, and specifically AML supervision and cooperation between FIUs. That approach should reduce divergences in national legislation and supervisory practices and introduce structures that benefit the smooth functioning of the internal market in a determined manner and should, consequently, be based on Article 114 TFEU.

Or. en

Amendment 50  
Victor Negrescu  
Proposal for a regulation  
Recital 6  

Text proposed by the Commission

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and cooperation mechanism for FIUs, is the most appropriate means of bringing

Amendment

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and cooperation mechanism for FIUs, is the most appropriate means of bringing
about supervision and cooperation between FIUs at Union level. This should be achieved by creating an Authority which should combine independence and a high level of technical expertise and which should be established in line with the Joint Statement and Common Approach of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies.

The Authority should be fully independent, should be supervised by the European Parliament and should not be constrained by national interest from the Member States.


Amendment 51
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and cooperation mechanism for FIUs, is the most appropriate means of bringing about supervision and cooperation between FIUs at Union level. This should be achieved by creating an Authority which should combine independence and a high level of technical expertise and which should be established in line with the Joint Statement and Common Approach of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies.

Amendment

(6) Combining both direct and indirect supervisory competences over obliged entities, and also functioning as a support and cooperation mechanism for FIUs, is the most appropriate means of bringing about supervision and cooperation between FIUs and other EU institutions, offices, bodies and agencies involved in the AML/CFT framework at Union level. This should be achieved by creating an Authority which should combine independence and a high level of technical expertise and which should be established in line with the Joint Statement and Common Approach of the European Commission.
Amendment 52
Alin Mituța, Gilles Boyer

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) A seat agreement should be established between the Authority and the host Member State, stipulating the conditions of establishment of the seat and advantages conferred by the Member State on the Authority and its staff.

Amendment

(7) The arrangements concerning the Authority’s seat should be laid down in a headquarters agreement between the Authority and the host Member State. That agreement should stipulate the conditions of establishment of the seat and the facilities to be provided by the Member State to the Authority and its staff.

Amendment 53
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) The powers of the Authority should allow it to improve AML/CFT supervision in the Union in various ways. With respect to selected obliged entities, the Authority should ensure group-wide compliance with the requirements laid down in the

Amendment

(8) The powers of the Authority should allow it to improve AML/CFT supervision in the Union in various ways. With respect to selected obliged entities, the Authority should ensure group-wide compliance with the requirements laid down in the
AML/CFT framework and any other legally binding Union acts that impose AML/CFT-related obligations on financial institutions. Furthermore, the Authority should carry out periodic reviews to ensure that all financial supervisors have adequate resources and powers necessary for the performance of their tasks. It should facilitate the functioning of the AML supervisory colleges and contribute to convergence of supervisory practices and promotion of high supervisory standards. With respect to non-financial supervisors, including self-regulatory bodies where appropriate, the Authority should coordinate peer reviews of supervisory standards and practices and request non-financial supervisors to investigate possible breaches of AML/CFT requirements. In addition, the Authority should coordinate the conduct of joint analyses by FIUs and make available to FIUs IT and artificial intelligence services and tools for secure information sharing, including through hosting of FIU.net.

Amendment 54
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 9

Text proposed by the Commission
(9) With the objective to strengthen AML/CFT rules at Union level and to enhance their clarity while ensuring consistency with international standards and other legislation, it is necessary to establish the coordinating role of the Authority at Union level in relation to all

Amendment
(9) With the objective to strengthen AML/CFT rules at Union level and to enhance their clarity while ensuring consistency with international standards and other legislation, it is necessary to establish the coordinating role of the Authority at Union level in relation to all
types of obliged entities to assist national supervisors and promote supervisory convergence, in order to increase the efficiency of the implementation of AML/CFT measures, also in the non-financial sector. Consequently, the Authority should be mandated to prepare regulatory technical standards, to adopt guidelines, recommendations and opinions with the aim that where supervision remains at national level, the same supervisory practices and standards apply in principle to all comparable entities. The Authority should be entrusted, due to its highly specialised expertise, with the development of a supervisory methodology, in line with a risk-based approach. Certain aspects of the methodology, which can incorporate harmonised quantitative benchmarks, such as approaches for classifying the inherent risk profile of obliged entities should be detailed in directly applicable binding regulatory measures – regulatory or implementing technical standards. Other aspects, which require wider supervisory discretion, such as approaches to assessing residual risk profile and internal controls in the obliged entities should be covered by non-binding guidelines, recommendations and opinions of the Authority. The harmonised supervisory methodology should take due account of, and where appropriate, leverage the existing supervisory methodologies relating to other aspects of supervision of the financial sector obliged entities, especially where there is interaction between AML/CFT supervision and prudential supervision. Specifically, the supervisory methodology to be developed by the Authority should be complementary to guidelines and other instruments developed by the European Banking Authority detailing approaches of prudential supervisory authorities with respect to factoring ML/TF risks in prudential supervision, in order to ensure effective interaction between prudential
and AML/CFT supervision.

prudential supervisory authorities with respect to factoring ML/TF risks in prudential supervision, in order to ensure effective interaction between prudential and AML/CFT supervision.

Or. en

Amendment 55
Gunnar Beck, Laura Huhtasaari

Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) The efficient usage of data leads to better monitoring and compliance of firms. Therefore, both direct and indirect supervision by the Authority and supervisory authorities of all obliged entities across the system should rely on expedient access to relevant data and information about the obliged entities themselves and the supervisory actions and measures taken towards them. To that end, the Authority should establish a central AML/CFT database with information collected from all supervisory authorities, and should make such information selectively available to any supervisory authority within the system. This data should also cover withdrawal of authorisation procedures, fit and proper assessments of shareholders and members of individual obliged entities as this will enable relevant authorities to duly consider possible shortcomings of specific entities and individuals that might have materialised in other Member States. The database should also include statistical information about supervisory and other public authorities involved in AML/CFT supervision. Such information would enable effective oversight by the Authority of the proper functioning and effectiveness of the AML/CFT supervisory system. The

Amendment

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information from the database would enable the Authority to react in a timely manner to potential weaknesses and cases of non-compliance by non-selected obliged entities. Pursuant to Article 24 of Council Regulation (EU) 2017/1939, the Authority will without undue delay report to the EPPO any criminal conduct in respect of which it could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of that Regulation. Pursuant to Article 8 of Regulation 883/2013, the Authority will transmit to OLAF without delay any information relating to possible cases of fraud, corruption or any other illegal activity affecting the financial interests of the Union.


Or. en

Amendment 56
Gunnar Beck, Laura Huhtasaari, Antonio Maria Rinaldi

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In order to ensure that only the

Amendment

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The riskiest obliged entities among those with significant cross-border operations are supervised directly at the level of the Union, the assessment of their inherent risk should be harmonised. Currently, there are various national approaches and supervisory authorities use distinct benchmarks for assessment and classification of inherent ML/TF risk of obliged entities. Using these national methodologies for selection of entities for direct supervision at Union level could lead to a different playing field among them. Therefore, the Authority should be empowered to develop regulatory technical standards laying out a harmonised methodology and benchmarks for categorising the inherent ML/TF risk as low, medium, substantial, or high. The methodology should be tailored to particular types of risks and therefore should follow different categories of obliged entities which are financial institutions in accordance with the Regulation of the European Parliament and of the Council on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing [OP please insert the next number for COM(2021)420]. That methodology should be sufficiently detailed and should establish specific quantitative and qualitative benchmarks considering at least the risk factors related to types of customers served, products and services offered, and geographical areas, including third country jurisdictions that obliged entities operate in or are related to. Specifically, each assessed obliged entity would have its inherent risk profile classified in each Member State where it operates in a manner consistent with the classification of any other obliged entity in the Union. The quantitative and qualitative benchmarks would allow such classification to be objective and not dependent on the discretion of a given supervisory authority in a Member State, or
the discretion of the Authority.

Or. en

Justification

Shell entities are, very often, companies created for a very short period of time that hide illegal activities, such as money laundering. It is therefore important to introduce a reference to the "period of activity" as a risk factor category for obliged entities listed in article 12.3.

Amendment 57
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 29

Text proposed by the Commission

(29) The Authority should have the opportunity to request a transfer of supervisory tasks and powers relating to a specific obliged entity on its own initiative in case of inaction or failure to follow its instructions within the provided deadline. Since the transfer of tasks and powers over an obliged entity without the specific request of the financial supervisor to the Authority would require a discretionary decision on the part of the Authority, the Authority should address a specific request to that end to the Commission. In order for the Commission to be able to take a decision coherent with the framework of the tasks allocated to the Authority within the AML/CFT framework, the request of the Authority should enclose an appropriate justification, and should indicate a precise duration of the reallocation of tasks and powers towards the Authority. The timeframe for the reallocation of powers should correspond to the time the Authority requires to deal with the risks at entity level, and should not exceed three years.

Amendment

(29) The Authority should have the opportunity to exercise itself all powers relating to a specific obliged entity in case of inaction or failure to follow its instructions within the provided deadline. The Authority shall notify the Commission. The notification of the Authority should enclose an appropriate justification, and should indicate a precise duration of the exercise of tasks and powers through the Authority. The timeframe for the exercise of powers through the authority should correspond to the time the Authority requires to deal with the risks at entity level, and should not exceed three years.
supervising the entity to the Authority swiftly, and in any case within a month.

Or. en

Amendment 58
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) In order to analyse suspicious activity affecting multiple jurisdictions, the relevant FIUs that received linked reports should be able to efficiently conduct joint analyses of cases of common interest. To this end, the Authority should be able to propose, coordinate and support with all appropriate means the joint analyses of cross-border suspicious transactions or activities. The joint analyses should be triggered where there is a need to conduct just such joint analyses pursuant to the relevant provisions in Union law. **Upon the explicit consent of** the FIUs participating in the joint analyses, the staff of the Authority supporting the conduct of joint analyses should be able to receive and process all necessary data and information, including the data and information pertaining to the analysed cases.

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Or. en

Amendment 59
Damian Boeselager
on behalf of the Greens/EFA Group
Proposal for a regulation
Recital 32

Text proposed by the Commission

(32) In order to analyse suspicious activity affecting multiple jurisdictions, the relevant FIUs that received linked reports should be able to efficiently conduct joint analyses of cases of common interest. To this end, the Authority should be able to propose, coordinate and support with all appropriate means the joint analyses of cross-border suspicious transactions or activities. The joint analyses should be triggered where there is a need to conduct just such joint analyses pursuant to the relevant provisions in Union law. **Upon the explicit consent of the FIUs participating in the joint analyses**, the staff of the Authority supporting the conduct of joint analyses should be able to receive and process all necessary data and information, including the data and information pertaining to the analysed cases.

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Amendment 60
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) In order to improve the effectiveness of the joint analyses, the Authority should be able to **initiate reviews of** methods, procedures and **conduct of the** joint analyses, with the aim of determining the lessons learnt and of improving and promoting these analyses. The feedback on the joint analysis should enable the authority to issue conclusions and recommendations which would ultimately

Amendment

(33) In order to improve the effectiveness of the joint analyses, the Authority should be able to **develop methods and procedures for the** conduct of joint analyses. **It shall also review these methods and procedures** with the aim of determining the lessons learnt and of improving and promoting these analyses. The feedback on the joint analysis should enable the authority to issue conclusions
lead to the regular refinement and improvement of the methods and procedures for the conduct of joint analyses.

and recommendations which would ultimately lead to the regular refinement and improvement of the methods and procedures for the conduct of joint analyses.

Amendment 61
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) In order to facilitate and improve cooperation between FIUs and the Authority, including for the purposes conducting joint analyses, the FIUs should be able to delegate one staff member per FIU to the Authority on a voluntary basis. The national FIU delegates should support the Authority’s staff in carrying out all the tasks relating to FIUs, including the conduct of joint analyses and the preparation of threat assessments and strategic analyses of money laundering and terrorist financing threats, risks and methods. Apart from the joint analyses, the Authority should encourage and facilitate various forms of mutual assistance between FIUs, including training and staff exchanges in order to improve capacity building and enable the exchange of knowledge and good practices amongst FIUs.

Amendment

(34) In order to facilitate and improve cooperation between FIUs and the Authority, including for the purposes conducting joint analyses, the FIUs should be able to delegate one staff member per FIU to the Authority. The national FIU delegates should support the Authority’s staff in carrying out all the tasks relating to FIUs, including the conduct of joint analyses and the preparation of threat assessments and strategic analyses of money laundering and terrorist financing threats, risks and methods. Apart from the joint analyses, the Authority should encourage and facilitate various forms of mutual assistance between FIUs, including training and staff exchanges in order to improve capacity building and enable the exchange of knowledge and good practices amongst FIUs.

Amendment 62
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 34 a (new)
(34a) In order to ensure a close cooperation with Union law enforcement and to avoid duplication of efforts between the Authority and Europol, the working arrangement between both organisations should ensure the possibility for each of them of having a liaison officer stationed at the premises of the other entity.

Or. en

Amendment 63
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 36

(36) In order to establish consistent, efficient and effective supervisory and FIU-related practices and ensure common, uniform and coherent application of Union law, the Authority should be able to issue guidelines and recommendations addressed to all or category of obliged entities and all or a category of supervisory authorities and FIUs. The guidelines and recommendations could be issued pursuant to a specific empowerment in the applicable Union acts, or on the own initiative of the Authority, where there is a need to strengthen the AML/CFT framework at Union level.

Or. en
Proposal for a regulation
Recital 37

Text proposed by the Commission

(37) The establishment of a solid governance structure within the Authority is essential for ensuring effective exercise of the tasks granted to the Authority, and for an efficient and objective decision-making process. Due to the complexity and variety of the tasks conferred on the Authority in both the supervision and FIU areas, the decisions cannot be taken by a single governing body, as is often the case in decentralised agencies. Whereas certain types of decisions, such as decisions on adoption of common instruments, need to be taken by representatives of appropriate authorities or FIUs, and respect voting rules of the TFEU, certain other decisions, such as the decisions towards individual selected obliged entities, or individual authorities, require a smaller decision-making body, whose members should be subject to appropriate accountability arrangements. Therefore, the Authority should comprise a General Board, and an Executive Board composed of five full-time independent members and of the Chair of the Authority.

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(37) The establishment of a solid governance structure within the Authority is essential for ensuring effective exercise of the tasks granted to the Authority, and for an efficient and objective decision-making process. Due to the complexity and variety of the tasks conferred on the Authority in both the supervision and FIU areas, the decisions cannot be taken by a single governing body, as is often the case in decentralised agencies. Whereas certain types of decisions, such as decisions on adoption of common instruments, need to be taken by representatives of appropriate authorities or FIUs, and respect voting rules of the TFEU, certain other decisions, such as the decisions towards individual selected obliged entities, or individual authorities, require a smaller decision-making body, whose members should be subject to appropriate accountability arrangements. Therefore, the Authority should comprise a General Board, and an Executive Board composed of seven full-time independent members and of the Chair of the Authority.

Or. en

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) For the purposes of voting and

Amendment

(40) For the purposes of voting and
taking decisions, each Member State should have one voting representative. Therefore, the heads of public authorities should appoint a permanent representative as the voting member of the General Board in supervisory composition. Alternatively, depending on the subject-matter of the decision or agenda of a given General board meeting, public authorities of a Member State may decide on an ad-hoc representative. The practical arrangements related to decision-making and voting by the General Board members in supervisory composition should be laid down in the Rules of Procedure of the General Board, to be developed by the Authority.

Amendment 66
Victor Negrescu

Proposal for a regulation
Recital 40

Text proposed by the Commission

(40) For the purposes of voting and taking decisions, each Member State should have one voting representative. Therefore, the heads of public authorities should appoint a permanent representative as the voting member of the General Board in supervisory composition. Alternatively, depending on the subject-matter of the decision or agenda of a given General board meeting, public authorities of a Member State may decide on an ad-hoc representative. The practical arrangements related to decision-making and voting by the General Board members in supervisory composition should be laid down in the

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Rules of Procedure of the General Board, to be developed by the Authority.

in supervisory composition should be laid down in the Rules of Procedure of the General Board, to be developed by the Authority.

Or. en

Amendment 67
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other non-voting observers, such as a representative of the Single Supervisory Mechanism and each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and Europol, the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting rules of the TFEU.

Amendment

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. Due to the complementary nature of their mandates, a representative of Europol should also be granted the status of non-voting member for the General Board in its FIU composition. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other non-voting observers, such as a representative of the Single Supervisory Mechanism and each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting
Amendment 68
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 41

Text proposed by the Commission

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other non-voting observers, such as a representative of the Single Supervisory Mechanism and of each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and Europol, the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting rules of the TFEU.

Amendment

(41) The Chair of the Authority should chair the General Board meetings and have a right to vote when decisions are taken by simple majority. The Commission should be a non-voting member on the General Board. A representative of the Civil Society Advisory Body should be entitled to participate as an observer. To establish good cooperation with other relevant institutions, the General Board should also be able to admit other non-voting observers, such as a representative of the Single Supervisory Mechanism and of each of the three European Supervisory Authorities (EBA, EIOPA and ESMA) for the General Board in its Supervisory Composition and Europol, the EPPO and Eurojust for the General Board in its FIU composition, where matters that fall under their respective mandates are discussed or decided upon. To allow a smooth decision making process, decisions of the General Board should be taken by a simple majority, except for decisions concerning draft regulatory and implementing technical standards, guidelines and recommendations which should be taken by a qualified majority of Member State representatives in accordance with voting rules of the TFEU.
Amendment 69
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The governing body of the Authority should be the Executive Board composed of the Chair of the Authority and of five full time members, appointed by the General Board based on the shortlist by the Commission. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure objectivity and appropriate rapidity of the decision-making process in the area of direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

Amendment

(42) The governing body of the Authority should be the Executive Board composed of the Chair and the Vice-Chair of the Authority and of five full time members, appointed by the General Board based on the gender-balanced shortlist by the Commission, after having received the approval of the European Parliament. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure objectivity and appropriate rapidity of the decision-making process in the area of direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

Or. en

Amendment 70
Victor Negrescu
Proposal for a regulation
Recital 42

Text proposed by the Commission

(42) The governing body of the Authority should be the Executive Board composed of the Chair of the Authority and of five full time members, appointed by the General Board based on the shortlist by the Commission. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure objectivity and appropriate rapidity of the decision-making process in the area of direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

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(42) The governing body of the Authority should be the Executive Board composed of the Chair of the Authority and of seven full time members, appointed by the General Board based on the shortlist by the Commission. With the aim of ensuring a speedy and efficient decision making process, the Executive Board should be in charge of planning and execution of all the tasks of the Authority except where specific decisions are explicitly allocated to the General Board. In order to ensure objectivity and appropriate rapidity of the decision-making process in the area of direct supervision of the selected obliged entities, the Executive Board should take all binding decisions addressed to selected obliged entities. In addition, together with a representative of the Commission the Executive Board should be collectively responsible for the administrative and budgetary decisions of the Authority. The consent of the Commission should be required when the Executive Board is taking decisions related to the budget administration, procurement, recruitment, and audit of the Authority, given that a portion of funding of the Authority will be provided from Union budget.

Or. en

Amendment 71
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 43

Text proposed by the Commission

(43) To allow for swift decisions, all

Amendment

(43) To allow for swift decisions, all
decisions of the Executive Board, including the decision where the Commission has a right to vote, should be taken by simple majority, with the Chair holding a casting vote in case of a tied vote. To ensure sound financial management of the Authority, the Commission’s consent should be required for decisions related to budget, administration and recruitment. The voting members of the Executive Board other than the Chair should be selected by the General Board, based on a short-list established by the Commission.

Amendment 72
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 44

Text proposed by the Commission

(44) To ensure the independent functioning of the Authority, the five Members of the Executive Board and the Chair of the Authority should act independently and in the interest of the Union as a whole. They should behave, both during and after their term of office, with integrity and discretion as regards the acceptance of certain appointments or benefits. To avoid giving any impression that a Member of the Executive Board might use its position as a Member of the Executive Board of the Authority to get a high-ranking appointment in the private sector after his term of office and to

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(44) To ensure the independent functioning of the Authority, the five Members of the Executive Board and the Chair and the Vice-Chair of the Authority should act independently and in the interest of the Union as a whole. They should behave, both during and after their term of office, with integrity and discretion as regards the acceptance of certain appointments or benefits. To avoid giving any impression that a Member of the Executive Board might use its position as a Member of the Executive Board of the Authority to get a high-ranking appointment in the private sector after his
prevent any post-public employment conflicts of interests, a cooling-off period for the five Members of the Executive Board, including the Chair of the Authority, should be introduced.

term of office and to prevent any post-public employment conflicts of interests, a cooling-off period for the five Members of the Executive Board, including the Chair and the Vice-Chair of the Authority, should be introduced.

Amendment 73
Victor Negrescu

Proposal for a regulation
Recital 44

*(Text proposed by the Commission)*

(44) To ensure the independent functioning of the Authority the five Members of the Executive Board and the Chair of the Authority should act independently and in the interest of the Union as a whole. They should behave, both during and after their term of office, with integrity and discretion as regards the acceptance of certain appointments or benefits. To avoid giving any impression that a Member of the Executive Board might use its position as a Member of the Executive Board of the Authority to get a high-ranking appointment in the private sector after his term of office and to prevent any post-public employment conflicts of interests, a cooling-off period for the five Members of the Executive Board, including the Chair of the Authority, should be introduced.

*(Amendment)*

(44) To ensure the independent functioning of the Authority the seven Members of the Executive Board and the Chair of the Authority should act independently and in the interest of the Union as a whole. They should behave, both during and after their term of office, with integrity and discretion as regards the acceptance of certain appointments or benefits. To avoid giving any impression that a Member of the Executive Board might use its position as a Member of the Executive Board of the Authority to get a high-ranking appointment in the private sector after his term of office and to prevent any post-public employment conflicts of interests, a cooling-off period for the five Members of the Executive Board, including the Chair of the Authority, should be introduced.

Amendment 74
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) The Chair of the Authority should be appointed based on objective criteria by the Council after approval by the European Parliament. He or she should represent the Authority externally and should report on the execution of Authority’s tasks.

Amendment

(45) The Chair of the Authority should be appointed based on objective criteria by the Council after approval by the European Parliament. He or she should represent the Authority externally and should report on the execution of Authority’s tasks. The Chair and the Vice-Chair of the Authority should be appointed on the basis of a gender-balanced shortlist of candidates proposed by the Commission based on objective criteria by the Council after approval by the European Parliament. The shortlisted candidates should be heard by the competent committees prior to their approval by the Parliament. The Chair and, when he or she is prevented from attending to his duties, the Vice-Chair should represent the Authority externally and should report on the execution of Authority’s tasks.

Or. en

Amendment 75
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 45

Text proposed by the Commission

(45) The Chair of the Authority should be appointed based on objective criteria by the Council after approval by the European Parliament. He or she should represent the Authority externally and should report on the execution of Authority’s tasks.

Amendment

(45) The Chair of the Authority should be appointed based on objective criteria by the Council after approval by the European Parliament. He or she should represent the Authority externally and should report on the execution of Authority’s tasks. The Chair of the Authority should be able to delegate his/her tasks relating to representation to the Vice-Chair or to a member of the Executive Board.

Or. en
Amendment 76  
Damian Boeselager  
on behalf of the Greens/EFA Group  
Proposal for a regulation  
Recital 46  

*Text proposed by the Commission*  

(46) The Executive Director of the Authority should be appointed by the Executive Board based on a shortlist from the Commission. The Executive Director of the Authority should be a senior administrative official of the Authority, in charge of the day-to-day management of the Authority, and responsible for budget administration, procurement, and recruitment and staffing.  

*Amendment*  

(46) The Executive Director of the Authority should be appointed by the Executive Board based on a gender-balanced shortlist from the Commission after approval by the European Parliament. The Executive Director of the Authority should be a senior administrative official of the Authority, in charge of the day-to-day management of the Authority, and responsible for budget administration, procurement, and recruitment and staffing.  

Or. en

Amendment 77  
Damian Boeselager  
on behalf of the Greens/EFA Group  
Proposal for a regulation  
Recital 46 a (new)  

*Text proposed by the Commission*  

(46a) To ensure close involvement of the representatives of the civil society, given the nature and extent of the powers exercised by the Authority, it should set up a Civil Society Advisory Body, with the support of the Commission. Its composition should be determined by the General Board after consultation of the European Parliament. The appointment of the chair of the Advisory body shall be approved by the European Parliament. Such advisory body should be consulted regularly, and in any case whenever the
Authority is required by the regulation to conduct public consultation with regard to the adoption of regulatory technical standards, implementing technical standards or when issuing guidelines and recommendations. Such consultation should be conducted unless justified on the grounds of urgency or proportionality. The Body's members should offer guarantees of acting in independent and objective manner and be provided with sufficient resources and expertise commensurate with its tasks.

Amendment 78
Alin Mituța, Gilles Boyer

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) To guarantee the proper functioning of the Authority, funding should be provided by a combination of fees levied on certain obliged entities and a contribution from the Union budget, depending on the tasks and functions. The budget of the Authority should be part of the Union budget, confirmed by the Budgetary Authority on the basis of a proposal from the Commission. The Authority should submit to the Commission a draft budget and an internal financial regulation for approval.

Amendment

(48) It is necessary to provide the Authority with the necessary financial and human resources in order to fulfil the objectives, tasks and responsibilities assigned to it under this Regulation. The Authority should have autonomy regarding the recruitment of contract agents. To guarantee the proper functioning of the Authority, funding should be provided by a combination of fees levied on certain obliged entities and a contribution from the Union budget, depending on the tasks and functions. The budget of the Authority should be part of the Union budget, confirmed by the Budgetary Authority on the basis of a proposal from the Commission. The Authority should submit to the Commission a draft budget and an internal financial regulation for approval.
Justification

The authority needs financial and human resources to achieve its tasks. Autonomy over contract agent recruitment will give the flexibility over human resources, when the need arises.

Amendment 79
Victor Negrescu

Proposal for a regulation
Recital 48

Text proposed by the Commission

(48) To guarantee the proper functioning of the Authority, funding should be provided by a combination of fees levied on certain obliged entities and a contribution from the Union budget, depending on the tasks and functions. The budget of the Authority should be part of the Union budget, confirmed by the Budgetary Authority on the basis of a proposal from the Commission. The Authority should submit to the Commission a draft budget and an internal financial regulation for approval.

Amendment

(48) To guarantee the proper functioning of the Authority and to cover all the tasks assigned to it under this Regulation, the Authority should be provided with sufficient staff, geographically and gender balanced, and adequate financial resources so that it can fulfil the objectives; funding should be provided by a combination of fees levied on certain obliged entities and a contribution from the Union budget, depending on the tasks and functions. The budget of the Authority should be part of the Union budget, confirmed by the Budgetary Authority on the basis of a proposal from the Commission. The Authority should submit to the Commission a draft budget and an internal financial regulation for approval.

Or. en

Amendment 80
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Recital 56

Text proposed by the Commission

(56) Without prejudice to the confidentiality obligations that apply to the

Amendment

(56) Without prejudice to the confidentiality obligations that apply to the
Authority’s staff and representatives in accordance with the relevant provisions in Union law, the Authority should be subject to Regulation (EC) No 1049/2001 of the European Parliament and of the Council.\(^{39}\)

In line with the confidentiality and professional secrecy restrictions related to supervisory and FIU support and coordination tasks of the Authority, such access should not be extended to confidential information handled by the staff of the Authority. In particular, any operational data or information related to such operational data of the Authority and of the EU FIUs that is in the possession of the Authority due to carrying out the tasks and activities related to support and coordination of FIUs should be deemed as confidential. With regard to supervisory tasks, access to information or data of the Authority, the financial supervisors, or the obliged entities obtained in the process of carrying out the tasks and activities related to direct supervision should in principle also be treated as confidential and not subject to any disclosure. However, confidential information listed that relates to a supervisory procedure can be fully or partially disclosed to the obliged entities which are parties to such supervisory procedure, subject to the legitimate interest of legal and natural persons other than the relevant party, in the protection of their business secrets.

Or. en

Amendment 81
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 59

Text proposed by the Commission

(59) The Authority should establish cooperative relations with the relevant Union agencies and bodies, including Europol, Eurojust, the EPPO, and the European Supervisory Authorities, namely the European Banking Authority, the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority. To improve cross-sectoral supervision and a better cooperation between prudential and AML/CFT supervisors the Authority should also establish cooperative relations with the authorities competent for prudential supervision of financial sector obliged entities, including the European Central Bank with regard to matters relating to the tasks conferred on it by Council Regulation (EU) No 1024/2013, as well as with resolution authorities as defined in Article 3 of Directive (EU) 2014/59/EU of the European Parliament and the Council and designated Deposit Guarantee Schemes authorities as defined in Article 2 (1), point 18 of Directive 2014/49/EU of the European Parliament and the Council. To this end, the Authority should be able to conclude agreements or memoranda of understanding with such bodies, including with regard to any information exchange which is necessary for the fulfilment of the respective tasks of the Authority and these bodies. The Authority should make its best efforts to share information with such bodies.

Amendment

(59) The Authority should establish cooperative relations with the relevant Union agencies and bodies, including Europol, Eurojust, the EPPO, and the European Supervisory Authorities, namely the European Banking Authority, the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority. To improve cross-sectoral supervision and a better cooperation between prudential and AML/CFT supervisors the Authority should also establish cooperative relations with the authorities competent for prudential supervision of financial sector obliged entities, including the European Central Bank with regard to matters relating to the tasks conferred on it by Council Regulation (EU) No 1024/2013, as well as with resolution authorities as defined in Article 3 of Directive (EU) 2014/59/EU of the European Parliament and the Council and designated Deposit Guarantee Schemes authorities as defined in Article 2 (1), point 18 of Directive 2014/49/EU of the European Parliament and the Council. To this end, the Authority should be able to conclude agreements or memoranda of understanding with such bodies, including with regard to any information exchange which is necessary for the fulfilment of the respective tasks of the Authority and these bodies. The parties involved should make their best efforts to share information with
bodies on their request, within the limits posed by legal constraints, including data protection legislation. In addition, the Authority should enable effective information exchange between all financial supervisors in the AML/CFT supervisory system and the aforementioned authorities, such cooperation and information exchanges should take place in a structured and efficient way.

Each other, within the limits posed by legal constraints, including data protection legislation. In addition, the Authority should enable effective information exchange between all financial supervisors in the AML/CFT supervisory system and the aforementioned authorities, such cooperation and information exchanges should take place in a structured and efficient way.


Amendment 82
Gunnar Beck, Laura Huhtasaari

Proposal for a regulation
Recital 60

Text proposed by the Commission

Amendment
(60) Public-private partnerships (‘PPPs’) have become increasingly important cooperation and information exchange fora between FIUs, various national supervisory and law enforcement authorities and obliged entities in some Member States. Where the Authority would act as direct supervisor of selected obliged entities which are part of a PPP in any Member State, it could be beneficial for the Authority to also participate therein, on conditions determined by the relevant national public authority or authorities that set up such PPP, and with their explicit agreement.

Amendment 83
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Recital 60

Text proposed by the Commission

(60) Public-private partnerships (‘PPPs’) have become increasingly important cooperation and information exchange fora between FIUs, various national supervisory and law enforcement authorities and obliged entities in some Member States. Where the Authority would act as direct supervisor of selected obliged entities which are part of a PPP in any Member State, it could be beneficial for the Authority to also participate therein, on conditions determined by the relevant national public authority or authorities that set up such PPP, and with their explicit agreement.

Amendment

(60) Public-private partnerships (‘PPPs’) have become increasingly important cooperation and information exchange fora between FIUs, various national supervisory and law enforcement authorities and obliged entities in some Member States and at EU and international levels. Where the Authority would act as direct supervisor of selected obliged entities which are part of a PPP in any Member State, it could be beneficial for the Authority to also participate therein, on conditions determined by the relevant national public authority or authorities that set up such PPP, and with their explicit agreement.
The Authority should also participate in partnerships established across multiple Member States, such as the Europol Financial Intelligence Public Private Partnership (EFIPPP).
bodies, offices or agencies as regards the prevention of and fight against money laundering and terrorist financing. *With the exception of Europol, the arrangements should not imply sharing of any confidential or operational information in possession of the Authority.*

Or. en

*Justification*

*Account should be taken of the operational tasks already carried out by Europol in preventing and fighting money laundering and terrorist financing and of the fact that Europol is already exchanging operational information with FIUs via either SIENA or FIU.net and should also be allowed to exchange operational information with the Authority.*

**Amendment 85**  
*Loránt Vincze, Sven Simon, Esteban González Pons*

**Proposal for a regulation**  
**Recital 62**

*Text proposed by the Commission*

(62) Since both predicate offenses as well as the crime of money laundering itself often are of global nature, and given that the Union obliged entities also operate with and in third countries, effective cooperation with all the relevant third country authorities in the areas of both supervision and functioning of FIUs are crucial for strengthening the Union AML/CFT framework. Given the Authority’s unique combination of direct and indirect supervision and FIU cooperation-related tasks and powers, it should be able to take an active role in such external cooperation arrangements. Specifically, the Authority should be empowered to develop contacts and enter into administrative arrangements with authorities in third countries that have regulatory, supervisory and FIU-related competences. The Authority’s role could be particularly beneficial in cases where...
the interaction of several Union public authorities and FIUs with third country authorities concerns matters within the scope of the Authority’s tasks. In such cases, the Authority should have a **leading** role in facilitating this interaction.

regulatory, supervisory and FIU-related competences. The Authority’s role could be particularly beneficial in cases where the interaction of several Union public authorities and FIUs with third country authorities concerns matters within the scope of the Authority’s tasks. In such cases, the Authority should have a **coordinating** role in facilitating this interaction. *The Authority should also undertake its activities in close consultation with other EU institutions, offices, bodies and agencies in the field of AML/CFT that already have established third-country cooperation relationships.*

Amendment 86
Alin Mituța, Gilles Boyer

Proposal for a regulation
Recital 63 a (new)

*Text proposed by the Commission*

*(63a) AML and eIDAS authorities must cooperate in an effective manner. The powers and tasks related to the direct and indirect supervision and oversight of all obliged entities, carried by the Authority must be consistent with the provisions of the Regulation (EU) 910/2014 (eID), to avoid duplication of tasks and excessive additional burden on the actors involved in the development and functionality of the European Digital Identity Wallets.*

*Justification*

*It is necessary to avoid duplication and contradiction between eID and AML supervision, concerning various tasks of the entities.*
Amendment 87
Alin Mituța, Gilles Boyer
Proposal for a regulation
Recital 63 b (new)

Text proposed by the Commission

(63b) The Authority should have the highest possible degree of autonomy vis-à-vis national supervisors. It should be able to gather and collect information directly from any and all obliged entities to ensure supervision of the highest quality throughout the Union. Mechanisms should be put in place to guarantee that the Authority is able to corroborate the information transmitted by national authorities and selected obliged entities, and that it is able to interview legal and natural persons to do so.

Or. en

Amendment 88
Alin Mituța, Gilles Boyer
Proposal for a regulation
Recital 63 c (new)

Text proposed by the Commission

(63c) The Authority should have an autonomous financial intelligence capability to decisively contribute to the fight against financial crime. National FIUs should cooperate extensively, sharing any and all relevant information for the purposes of preventing money laundering and its predicate offenses. The European System of FIUs should be established as the EU FIU in accordance with Parliament’s Resolution\(^1\).

\(^1\) on a comprehensive Union policy on preventing money laundering and
terrorist financing – the Commission’s Action Plan and other recent developments (2020/2686(RSP))

Amendment 89
Charles Goerens

Proposal for a regulation
Recital 65 a (new)

Text proposed by the Commission

(65a) The independence of lawyers vis-à-vis the government and state actors is a cornerstone of the rule of law. The right of bar associations to self-govern is pivotal to the well-functioning of the EU and Member State judiciary. The powers conferred to the Authority shall at all times apply without prejudice to these principles and must respect professional secrecy and legal privilege.

Amendment 90
Loránt Vincze, Sven Simon, Esteban González Pons

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

Text proposed by the Commission

-1 The objectives listed in points (a), (b), (e) and (f) shall be pursued without prejudice to and in synergy with the complementary objectives of Europol, as defined in its founding Regulation.
**Justification**

*Complementary articles to the ones listed above are the following Articles in the Europol Regulation: Article 3.1, Article 4.1.f), Article 4.1.g) and Article 4.1.h).*

**Amendment 91**  
*Charles Goerens*

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 4**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
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<tbody>
<tr>
<td>(4) ‘non-financial supervisor’ means a supervisor in charge of obliged entities listed in Article 3 of [AMLR], other than credit and financial institutions.</td>
<td>(4) ‘non-financial supervisor’ means a supervisor in charge of obliged entities listed in Article 3 of [AMLR], other than credit institutions, financial institutions and independent legal professionals that are (i) registered with a self-regulatory body and (ii) bound by professional secrecy under the rule of law, taking account of the fact that the legal profession is self-regulatory by nature.</td>
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</tbody>
</table>

**Amendment 92**  
*Gunnar Beck, Laura Huhtasaari*

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5 a (new)**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(5a) ‘AML Compliance Entity’, means an entity or digital platform that fully complies with GDPR and contributes to the effective compliance with the objectives and obligations set out in this regulation and in the legislative acts referred to in Article 1(2).</td>
<td>Or. en</td>
</tr>
</tbody>
</table>
Justification

Fighting money laundering is not only a responsibility of public authorities and private obliged entities. It is a collective responsibility. Other private entities – such as Regulatory Technologies (RegTech) and information companies - also play a significant role in combating money laundering. They are "AML Compliance Entities". Through innovative technologies, these entities support obliged entities to comply with the law and, in a broader way, help achieve the objectives established in this package of proposals. We also need to make sure AMLA doesn´t crowd out such entities from the market. Therefore, new technologies should be mentioned in this regulation, and we should signal our commitment to involve all relevant actors to effectively fight money laundering, not only the public actors.

Amendment 93
Victor Negrescu

Proposal for a regulation
Article 5 – paragraph 1 – point f

Text proposed by the Commission

(f) monitor and support the implementation of asset freezes under the Union restrictive measures across the internal market;

Amendment

(f) monitor and support the implementation of asset freezes including virtual assets and cryptocurrencies, under the Union restrictive measures across the internal market;

Or. en

Amendment 94
Loránt Vincze, Sven Simon, Esteban González Pons

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

Text proposed by the Commission

Tasks listed at points (a), (b),(e) and (g) shall be pursued in close cooperation with Europol.

Amendment


Or. en

Amendment 95
Loránt Vincze, Sven Simon, Esteban González Pons
Proposal for a regulation
Article 5 – paragraph 5 – point c

Text proposed by the Commission
(c) develop appropriate methods and procedures for the conduct of such joint analyses of cross-border cases;

Amendment
(c) develop appropriate methods and procedures for the conduct of such joint analyses of cross-border cases, also using the analytical expertise of other EU bodies such as Europol;

Or. en

Amendment 96
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 5 – point d

Text proposed by the Commission
(d) set up, coordinate, organise and facilitate the conduct of joint analyses carried out by FIUs;

Amendment
(d) set up, coordinate, organise and facilitate the conduct of joint analyses carried out by FIUs, taking into account analysis already carried out by other EU institutions, offices, bodies and agencies involved in the AML/CFT framework;

Or. en

Amendment 97
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 5 – point e

Text proposed by the Commission
(e) develop and make available to FIUs IT and artificial intelligence services and tools for secure information sharing, including by hosting FIU.net;

Amendment
(e) develop and make available to FIUs’ and connected third parties’ IT and artificial intelligence services and tools for secure information sharing, including by hosting FIU.net;
Amendment 98
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 5 – point h a (new)

Text proposed by the Commission

Amendment

(ha) Support and promote the interaction and information dissemination of FIUs with/to law enforcement agencies in general and Europol in particular;

Or. en

Amendment 99
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 5 – point h b (new)

Text proposed by the Commission

Amendment

(hb) Develop, support and promote processes for FIUs to efficiently and pro-actively detect and handle terrorist financing cases, involving also Europol intelligence;

Or. en

Amendment 100
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 5 – point i

Text proposed by the Commission

Amendment

(i) prepare and coordinate threat assessments, strategic analyses of money laundering and terrorism financing threats,

(i) in cooperation with Europol,

prepare and coordinate threat assessments, strategic analyses of money laundering and
risks and methods identified by FIUs. terrorism financing threats, risks and methods identified by FIUs.

Amendment 101
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 5 – paragraph 6

Text proposed by the Commission

6. For the purpose of carrying out the tasks conferred on it by this Regulation, the Authority shall apply all relevant Union law, and where this Union law is composed of Directives, the national legislation transposing those Directives. Where the relevant Union law is composed of Regulations and where currently those Regulations explicitly grant options for Member States, the Authority shall apply also the national legislation exercising those options.

Amendment

6. For the purpose of carrying out the tasks conferred on it by this Regulation, the Authority shall apply or take into consideration all relevant Union law, and where this Union law is composed of Directives, the national legislation transposing those Directives. Where the relevant Union law is composed of Regulations and where currently those Regulations explicitly grant options for Member States, the Authority shall apply also the national legislation exercising those options.

Amendment 102
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

3. With respect to FIUs in the Member States, the Authority shall have the following powers:

Amendment

3. With respect to FIUs in the Member States and other EU institutions, offices, bodies and agencies involved in the AML/CFT framework, the Authority shall have the following powers:
Amendment 103
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 6 – paragraph 3 – point b

Text proposed by the Commission

(b) to collect information and statistics in relation to the tasks and activities of the FIUs;

Amendment

(b) to collect information and statistics in relation to the tasks and activities of the FIUs and other EU institutions, offices, bodies and agencies involved in the AML/CFT framework with which the Authority is cooperating;

Or. en

Amendment 104
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 6 – paragraph 3 – point c

Text proposed by the Commission

(c) to obtain and process information and data required for the coordination of joint analyses as specified in Article 33;

Amendment

(c) to obtain, process and match information and data required for the initiation and coordination of joint analyses as specified in Article 33;

Or. en

Amendment 105
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 6 – paragraph 3 – point d

Text proposed by the Commission

(d) to issue guidelines and recommendations.

Amendment

(d) to issue guidelines and recommendations with the input, when relevant, from other EU institutions, offices, bodies and agencies involved in
the AML/CFT framework.

Amendment 106
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 6 – paragraph 4 – point c

Text proposed by the Commission
(c) to issue guidelines and recommendations, as provided in Article 43;

Amendment
(c) to issue guidelines and recommendations, as provided in Article 43 with the input, when relevant, from other EU institutions, offices, bodies and agencies involved in the AML/CFT framework;

Amendment 107
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 9 – paragraph 3

Text proposed by the Commission
3. Where the scope and Union-wide relevance of thematic reviews justify coordination at Union level, they shall be carried out jointly by the relevant supervisory authorities and shall be coordinated by the Authority. The General Board in supervisory composition shall draw up a list of joint thematic reviews. The General Board in supervisory composition shall draw up a report relating to the conduct, subject-matter and outcome of each joint thematic review. The Authority shall publish that report on its website.

Amendment
3. Where the scope and Union-wide relevance of thematic reviews justify coordination at Union level, they shall be carried out jointly by the relevant supervisory authorities and shall be coordinated by the Authority. The General Board in supervisory composition shall draw up a list of joint thematic reviews. The General Board in supervisory composition shall draw up a report relating to the conduct, subject-matter and outcome of each joint thematic review. The Authority shall share this report with the other EU institutions, offices, bodies and agencies involved in the AML/CFT framework and publish it on its website.
**Amendment 108**
Loránt Vincze, Sven Simon, Esteban González Pons

**Proposal for a regulation**
**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2. The Authority shall analyse the information received and ensure that it is made available to supervisory authorities on a need-to-know and confidential basis. The Authority may share the results of its analysis on its own initiative with supervisory authorities for the purposes of facilitating their supervisory activities.

*Amendment*

1. The Authority shall establish and keep up to date a central database of information collected pursuant to paragraph 2. The Authority shall analyse the information received, also making use, if relevant, of information from Europol in accordance with Regulation 2016/794 and ensure that this analysis is made available to supervisory authorities and other EU institutions, offices, bodies and agencies involved in the AML/CFT framework on a need-to-know and confidential basis. The Authority may share the results of its analysis on its own initiative with supervisory authorities for the purposes of facilitating their supervisory activities.

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**Amendment 109**
Gunnar Beck, Laura Huhtasaari

**Proposal for a regulation**
**Article 11 – paragraph 4**

*Text proposed by the Commission*

4. Any supervisory authority or any non-AML authority may address to the Authority a reasoned request for information collected pursuant to paragraph 2 that is relevant for its supervisory activities. The Authority shall assess those requests and provide the

*Amendment*

4. Any supervisory authority, any non-AML authority and AML Compliance Entity may address to the Authority a reasoned request for information collected pursuant to paragraph 2 and paragraph 3 that is relevant for its supervisory activities. The Authority shall assess those
information requested by the supervisory authorities or non-AML authorities on a need-to-know basis and confidential basis and in a timely manner. The Authority shall inform the authority that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether the information has been provided to the requesting authority.

requests and provide the information requested by the supervisory authorities or non-AML authorities or AML Compliance Entity on a need-to-know basis and confidential basis and in a timely manner. When the request is made by an Authority, the Authority shall inform the authority that has initially provided the requested information, of the identity of the requesting supervisory or other authority, the identity of an obliged entity concerned, the reason for the information request as well as whether the information has been provided to the requesting authority.

Or. en

Justification

It is important that other entities - namely information companies that comply with GDPR which contribute to compliance with the legislation and effectively combat money laundering - should have the opportunity to request access to that same information, given its vital role in supporting obliged entities to comply with the law and to fight money laundering.

Amendment 110
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Requests for information

1. The supervisory authorities shall provide the Authority with any information needed to carry out the duties assigned to it by this Regulation.

2. Where information is not made available under paragraph 1, the Authority may address a request directly to the relevant obliged entities or associations of obliged entities, both selected and non-selected. The request shall be duly justified, specify what information is required and fix a
reasonable time-limit within which the information is to be provided. In case of non-compliance, obliged entities shall be subject to the penalties provided for in Article 21.

Amendment 111
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 12 – paragraph 3 – point i a (new)

Text proposed by the Commission

Amendment

(ia) companies that are engaged in the issuance, trade or distribution of crypto-assets or provide services related to crypto-assets in the Union;

Justification
The scope Article 12 should be expanded to include crypto assets.

Amendment 112
Gunnar Beck, Laura Huhtasaari

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

Text proposed by the Commission

Amendment

(ca) with respect to the period of activity: in the first three years of activity.

Justification
Shell entities are, very often, companies created for a very short period of time that hide illegal activities such as money laundering. It is therefore vital to introduce a reference to the period of activity as risk factor category for obliged entities. In particular, AMLA should pay
special attention to the first three years of activity of such obliged entities.

Amendment 113
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 13 – paragraph 1 – point a

Text proposed by the Commission

(a) each credit institution assessed pursuant to Article 12 that has a high inherent risk profile in at least four Member States and that has been under supervisory or other public investigation for material breaches of the acts referred to in Article 1(2) in at least one of those Member States in the previous three years;

Amendment

(a) each credit institution assessed pursuant to Article 12 that has a high inherent risk profile in at least two Member States and that has been under supervisory or other public investigation for material breaches of the acts referred to in Article 1(2) in at least one of those Member States in the previous three years;

Or. en

Justification

The provisions of Art. 13 are too restrictive, and would likely leave out many entities.

Amendment 114
Charles Goerens

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. The Authority may require selected obliged entities and natural or legal persons belonging to them, and third parties to whom the selected obliged entities have outsourced operational functions or activities and natural or legal persons affiliated to them, to provide all information that is necessary in order to carry out the tasks conferred on it by this Regulation.

Amendment

1. The Authority may require selected obliged entities and natural or legal persons belonging to them, and third parties to whom the selected obliged entities have outsourced operational functions or activities and natural or legal persons affiliated to them, to provide all information that is necessary in order to carry out the tasks conferred on it by this Regulation. Any infringement of professional secrecy inherent in the legal profession should be avoided as breaching this basic principle would undermine
judicial independence.

Amendment 115
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. The Authority may require selected obliged entities and natural or legal persons belonging to them, and third parties to whom the selected obliged entities have outsourced operational functions or activities and natural or legal persons affiliated to them, to provide all information that is necessary in order to carry out the tasks conferred on it by this Regulation.

Amendment

1. The Authority may require selected obliged entities and natural or legal persons belonging to them, including their employees, and third parties to whom the selected obliged entities have outsourced operational functions or activities and natural or legal persons affiliated to them, to provide all information that is necessary in order to carry out the tasks conferred on it by this Regulation and other instruments of Union law.

Amendment 116
Alin Mituța

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The persons referred to in paragraph 1 or their representatives and, in the case of legal persons or associations having no legal personality, the persons authorised to represent them by law or by their constitution, shall supply the information requested. Lawyers duly authorised to act may supply the information on behalf of their clients. The latter shall remain fully responsible if the information supplied is incomplete.

Amendment

2. The Authority may require clients, counterparts and any other natural or legal persons involved in business dealings or transactions with the selected obliged entity to provide information for the purpose of verifying the information obtained pursuant to paragraph 1.
incorrect or misleading.

Amendment 117
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 25 – paragraph 8

Text proposed by the Commission

8. The Authority shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. In addition, the Authority shall refrain from imposing administrative pecuniary sanctions or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the same, has acquired the force of res judicata as the result of criminal proceedings under national law.

Amendment

8. The Authority shall refer matters for criminal prosecution to the relevant national authorities where, in carrying out its duties under this Regulation, it finds that there are serious indications of the possible existence of facts liable to constitute criminal offences. When two or more Member States are involved in facts liable to constitute criminal offences, the Authority shall consider sharing this information with Europol. In addition, the Authority shall refrain from imposing administrative pecuniary sanctions or periodic penalty payments where a prior acquittal or conviction arising from identical facts, or from facts which are substantially the same, has acquired the force of res judicata as the result of criminal proceedings under national law.

Amendment 118
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions of the Authority imposing

Amendment

The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions of the Authority imposing
an administrative pecuniary sanction or a periodic penalty payment. It may annul, reduce or increase the fine or periodic penalty payment imposed.

Or. en

**Amendment 119**
**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 30 – title**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requests to act in exceptional circumstances</td>
<td>Transfer of tasks and powers in exceptional circumstances</td>
</tr>
</tbody>
</table>

| Or. en |

**Amendment 120**
**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 30 – paragraph 4**

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Where the financial supervisor concerned does not comply with the request referred to in paragraph 2 and does not inform the Authority of the steps it has taken or intends to take to comply with the request within ten days from the day of the notification of the request, the Authority may request the Commission to grant permission to transfer the relevant tasks and powers referred to in Article 5(2) and Article 6(1) related to direct supervision of the non-selected obliged entity from the financial supervisor concerned to the Authority.</td>
<td></td>
</tr>
<tr>
<td>4. Where the financial supervisor concerned does not comply with the request referred to in paragraph 2 or does not inform the Authority of the steps it has taken or intends to take to comply with the request within ten days from the day of the notification of the request, the Authority may exercise directly itself all relevant tasks and powers referred to in Article 5(2) and Article 6(1) related to direct supervision of the non-selected obliged entity from the financial supervisor concerned.</td>
<td></td>
</tr>
</tbody>
</table>

| Or. en |
Amendment 121
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 30 – paragraph 5 – introductory part

*Text proposed by the Commission*  

5. *The request from* the Authority shall contain:

*Amendment*

5. The Authority shall *notify the Commission*. *The notification shall* contain:

Amendment 122
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 30 – paragraph 5 – point c

*Text proposed by the Commission*  

(c) a time limit, which shall not exceed three years, for the *requested* transfer of the relevant tasks and powers;

*Amendment*

(c) a time limit, which shall not exceed three years, for the transfer of the relevant tasks and powers;

Amendment 123
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 30 – paragraph 6

*Text proposed by the Commission*  

6. *The Commission shall have one month from the date of receipt of the request from the Authority to adopt a*

*Amendment*

deleted
decision whether to authorise the transfer of the relevant tasks and powers or to oppose it. The decision shall be notified to the Authority, which shall immediately inform the financial supervisor and the non-selected obliged entity thereof.

Amendment 124
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 30 – paragraph 7

Text proposed by the Commission

7. On the tenth working day after the notification of the decision authorising the transfer of tasks and powers in relation to the non-selected obliged entity, the non-selected obliged entity referred to in paragraph 2 shall be deemed a selected obliged entity for the purposes of the exercise of the tasks referred to in Article 5(2) and the powers referred to in Article 6(1) and Articles 16 to 22. The Commission decision shall set a time-limit for the exercise of these tasks and powers, upon the expiry of which they shall be automatically transferred back to the financial supervisor concerned.

Amendment 125
Charles Goerens

Proposal for a regulation
Article 32 – paragraph 1

Text proposed by the Commission

1. Where a supervisory authority in
the non-financial sector has not applied the Union acts or the national legislation referred to in Article 1(2), or has applied them in a way which appears to be a breach of Union law, in particular by failing to ensure that an entity under its supervision or oversight satisfies the requirements laid down in those acts or in that legislation, the Authority shall act in accordance with the powers set out in paragraphs 2, 3, 4, 6 and 7 of this Article. the non-financial sector has not applied the Union acts or the national legislation referred to in Article 1(2), or has applied them in a way which breaches Union law, in particular by failing to ensure that an entity under its supervision or oversight satisfies the requirements laid down in those acts or in that legislation, the Authority shall act in accordance with the powers set out in paragraphs 2, 3, 4, 6 and 7 of this Article.

Or. fr

Amendment 126
Charles Goerens

Proposal for a regulation
Article 32 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The supervisory authority shall, without delay, provide the Authority with all information which the Authority considers necessary for its investigation including information on how the Union acts or in that legislation referred to in Article 1(2) are applied in accordance with Union law.

Amendment

The supervisory authority shall, without delay, provide the Authority with all information relevant for the investigation including information on how the Union acts or in that legislation referred to in Article 1(2) are applied in accordance with Union law.

The authority's right to information shall apply without prejudice to professional secrecy and legal privilege.

Or. en

Amendment 127
Charles Goerens

Proposal for a regulation
Article 32 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Before issuing such a recommendation, the Authority shall engage with the

Amendment

Before issuing such a recommendation, the Authority shall engage with the
supervisory authority concerned, *where it considers such engagement appropriate in order to resolve a breach of Union law*, in an attempt to reach agreement on the actions necessary for compliance with Union law.

supervisory authority concerned, in an attempt to reach agreement on the actions necessary for compliance with Union law.

**Amendment 128**
*Charles Goerens*

**Proposal for a regulation**
**Article 32 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The supervisory authority in the non-financial sector shall, within *ten working days of receipt* of the recommendation, inform the Authority of the steps it has taken or intends to take to ensure compliance with Union law.

*Amendment*

The supervisory authority in the non-financial sector shall, within *two months* of the recommendation, inform the Authority of the steps it has taken or intends to take to ensure compliance with Union law.

**Amendment 129**
*Charles Goerens*

**Proposal for a regulation**
**Article 32 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Where *the* supervisory authority in the non-financial sector has not complied with Union law within one month from receipt of the Authority’s recommendation, the Commission may, after having been informed by the Authority, or on its own initiative, issue a formal opinion requiring the supervisory authority in the non-financial sector to take the action necessary to comply with Union law. The Commission’s formal opinion shall take

*Amendment*

4. Where *a* supervisory authority in the non-financial sector *other than those in charge of the obliged entities listed in article 3 (3) (b) of the [AML Regulation]* has not complied with Union law within one month from receipt of the Authority’s recommendation, the Commission may, after having been informed by the Authority, or on its own initiative, issue a formal opinion requiring the supervisory authority in the non-financial sector to take
into account the Authority’s recommendation.

the action necessary to comply with Union law. The Commission’s formal opinion shall take into account the Authority’s recommendation.

Amendment 130
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 32 a (new)

Text proposed by the Commission

Amendment

Article 32a

The European System of FIUs
The Authority and Member States’ FIUs shall constitute a European System of FIUs in order to prevent, detect and effectively combat money laundering and terrorist financing in the internal market. The European System of FIUs shall perform their tasks and carry out their activities in accordance with this Regulation and applicable Union law.

Amendment 131
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

1. Where, pursuant to Article 25 of [OP please insert the next number to the AMLD, COM(2021)423], a FIU of a Member State identifies a potential need to conduct a joint analysis with one or several FIUs in other Member States, it shall notify...
the Authority thereof. The Authority shall inform the FIUs in all the relevant Member States and invite them to take part in the joint analysis within five days of the initial notification. To this end, the Authority shall use secured channels of communication. The FIUs in all the relevant Member States shall consider taking part in the joint analysis. The Authority shall ensure that the joint analysis is launched within 20 days of the initial notification.

Within 10 working days, the Authority shall assess the merits of such joint-analysis, in light of the priorities identified in the supervisory plan and of the available resources. The Authority shall inform the FIUs in all the relevant Member States and invite them to take part in the joint analysis within five days of the initial assessment. To this end, the Authority shall use secured channels of communication. The FIUs in all the relevant Member States shall consider taking part in the joint analysis. The Authority shall ensure that the joint analysis is launched within 20 days of the initial assessment.

Or. en

Amendment 132
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. Where, pursuant to Article 25 of [OP please insert the next number to the AMLD, COM(2021)423], a FIU of a Member State identifies a potential need to conduct a joint analysis with one or several FIUs in other Member States, it shall notify the Authority thereof. The Authority shall inform the FIUs in all the relevant Member States and invite them to take part in the joint analysis within five days of the initial notification. To this end, the Authority shall use secured channels of communication. The FIUs in all the relevant Member States shall consider taking part in the joint analysis. The Authority shall ensure that the joint analysis is launched within 20 days of the initial notification.

Amendment

1. Where, pursuant to Article 25 of [OP please insert the next number to the AMLD, COM(2021)423], a FIU of a Member State identifies a potential need to conduct a joint analysis with one or several FIUs in other Member States, it shall notify the Authority thereof. The Authority may also propose itself the initiation of joint analyses. The Authority shall inform the FIUs in all the relevant Member States and Europol and invite them to take part in the joint analysis within five days of the initial notification. To this end, the Authority shall use secured channels of communication. The FIUs in all the relevant Member States and Europol shall consider taking part in the joint analysis. The Authority shall ensure that the joint analysis is launched within 20 days of the
Initial notification.

Amendment 133
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. The Authority shall be responsible for the establishment and the composition of joint analysis teams, for the coordination of the conduct of joint analysis and shall be empowered to settle potential disagreements between participating FIUs. Where the Authority identifies the need for a joint-analysis, it shall, on its own initiative, request FIUs to participate in the conduct of the joint analysis. Where appropriate, Europol should be invited to participate to the joint analyses.

Or. en

Amendment 134
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Ia. The Authority shall support and be responsible for the coordination of the conduct of the analyses. The Authority shall also develop methods and procedures for the conduct of joint analyses.

Or. en
Amendment 135
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 33 – paragraph 2

Text proposed by the Commission

2. Any FIU that declines to participate in the conduct of the joint analysis shall provide the reasons thereof in writing to the Authority, within five days of the receipt of the invitation. The Authority shall provide such explanation without delay to the FIU having identified the need for a joint analysis.

Amendment

2. Any FIU that declines to participate in the conduct of the joint analysis shall provide the reasons thereof in writing to the Authority, within five days of the receipt of the invitation. In case the proposal to initiate a joint analysis originated from an FIU, the Authority shall provide such explanation without delay to the FIU having identified the need for a joint analysis.

Or. en

Amendment 136
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 33 – paragraph 2 a (new)

Text proposed by the Commission

2a. In order to bring together all relevant information in an early stage of the joint analysis, the joint analysis should encompass by default the matching of subject-matter data against Europol databases and vice versa.

Amendment

Or. en

Amendment 137
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 33 – paragraph 3
3. **Upon explicit consent** of the FIUs participating in the joint analysis, the staff of the Authority supporting the joint analysis shall be granted access to all the data pertaining to the subject-matter of the joint analysis and shall be able to process those data.

**Amendment**

3. **Apart from an explicit and duly motivated objection from the side** of the FIUs participating in the joint analysis, the staff of the Authority supporting the joint analysis shall be granted access to all the data pertaining to the subject-matter of the joint analysis and shall be able to process those data. **The same principle would apply when Europol would also be given access to part or all of the data.**

Or. en

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**Amendment 138**

**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 33 – paragraph 3**

**Text proposed by the Commission**

3. **Upon explicit consent of the FIUs participating in the joint analysis,** the staff of the Authority **supporting** the joint analysis shall be granted access to all the data pertaining to the subject-matter of the joint analysis and shall be able to process those data.

**Amendment**

3. The staff of the Authority **participating in** the joint analysis shall be granted access to all the data pertaining to the subject-matter of the joint analysis and shall be able to process those data.

Or. en

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**Amendment 139**

**Alin Mituța**

**Proposal for a regulation**
**Article 33 – paragraph 4 a (new)**

**Text proposed by the Commission**

4a. **As soon as a joint analysis concludes that there is reasonable**

**Amendment**
suspicion of an offence being committed, the Authority shall inform Europol;

Or. en

Justification

Europol’s role is not spelled out. As soon as a joint analysis concludes that there is a potential criminal element, it should transmit this information to Europol.

Amendment 140
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 34 – paragraph 2

Amendment

Text proposed by the Commission

2. The FIUs that participated or were otherwise involved in one or more joint analyses may provide their feedback on the conduct of the analysis, including feedback on the operational support provided by the Authority in the process of the joint analysis, as well as feedback on the outcome of the analysis working methods and arrangements in place, the tools available and the coordination between the participating FIUs. The feedback may be labelled as confidential, in which case it will not be shared with other FIUs.

Or. en

Amendment 141
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 35 – paragraph 1

Amendment

Text proposed by the Commission

1. The FIU of each Member State may delegate one staff member to the Authority.

1. The FIU of each Member State shall delegate one staff member to the
The national FIU delegate shall have his or her regular place of work at the seat of the Authority.

Amendment 142
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 35 – paragraph 1

**Text proposed by the Commission**

1. The FIU of each Member State **may** delegate one staff member to the Authority. The national FIU delegate shall have his or her regular place of work at the seat of the Authority.

**Amendment**

1. The FIU of each Member State **shall** delegate one staff member to the Authority. The national FIU delegate shall have his or her regular place of work at the seat of the Authority.

**Justification**

*In the proposal FIU delegates sending one of its staff members to AMLA, on a voluntary basis. We should build upon the experience with the EPPO and make this mandatory.*

Amendment 143
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 37 – paragraph 2

**Text proposed by the Commission**

2. The Authority shall ensure uninterrupted functioning of the FIU.net and keep it and up to date. Where necessary to support or strengthen the exchange of information and cooperation between the FIUs and based on the needs of FIUs, the Authority shall design and implement, or otherwise make available, upgraded or additional functionalities of FIU.net.

**Amendment**

2. The Authority shall ensure uninterrupted functioning of the FIU.net and keep it and up to date. Where necessary to support or strengthen the exchange of information and cooperation between the FIUs and other entities authorized to have access to FIU.net and based on the needs of FIUs, the Authority shall design and implement, or otherwise make available, upgraded or additional
The functionalities of FIU.net.

**Amendment 144**
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 43 – paragraph 2

*Text proposed by the Commission*

2. The Authority shall, where appropriate, conduct open public consultations regarding the guidelines and recommendations which it issues and analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. Where the Authority does not conduct open public consultations, the Authority shall provide its reasons.

*Amendment*

2. The Authority shall, where appropriate, conduct open public consultations regarding the guidelines and recommendations which it issues and analyse the related potential costs and benefits of issuing such guidelines and recommendations. Those consultations and analyses shall be proportionate in relation to the scope, nature and impact of the guidelines or recommendations. Where the Authority does not conduct open public consultations, the Authority shall provide its reasons. **The Authority will also, when relevant, consult other EU institutions, offices, bodies and agencies involved in the AML/CFT framework to produce such guidelines and recommendations.**

**Amendment 145**
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 43 – paragraph 3 – subparagraph 2

*Text proposed by the Commission*

The Authority shall publish the fact that a supervisory authority does not comply or does not intend to comply with that guideline or recommendation. *The*

*Amendment*

The Authority shall publish the fact that a supervisory authority does not comply or does not intend to comply with that guideline or recommendation **and the**
Authority may also decide, on a case-by-case basis, to publish the reasons provided by the supervisory authority for not complying with that guideline or recommendation. The supervisory authority shall receive advanced notice of such publication.

Amendment 146
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 43 – paragraph 3 – subparagraph 3

Text proposed by the Commission
If required by that guideline or recommendation, obliged entities shall report, in a clear and detailed way, whether they comply with that guideline or recommendation.

Amendment
If required by that guideline or recommendation, obliged entities shall report, in a clear and detailed way, whether they comply with that guideline or recommendation and, in case of non-compliance, they should provide reasons thereof.

Amendment 147
Damian Boeselager on behalf of the Greens/EFA Group

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

Text proposed by the Commission
3a. In the report on its activities referred to in Article 72(2), the Authority shall inform the European Parliament, the Council and the Commission of the guidelines and recommendations that it has issued, stating which national authority has not complied with them and outlining how the Authority intends to
ensure that its recommendations and
guidelines will be followed in the future.

Amendment 148
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. The request referred to in paragraph
1 may include a public consultation or a
technical analysis.

Amendment

2. The request referred to in paragraph
1 may include a public consultation or a
technical analysis and may also involve
the consultation of other EU institutions,
offices, bodies and agencies involved in
the AML/CFT framework.

Amendment 149
Gunnar Beck, Laura Huhtasaari

Proposal for a regulation
Article 45 – paragraph 1 – point 2

Text proposed by the Commission

(2) an Executive Board, which shall
deleted
exercise the tasks set out in Article 53:

Amendment

Justification

The same approach taken with the ESAs should be taken with AMLA, i.e. that the provisions
regarding the executive board should be removed from the proposal and its tasks moved to
the General Board.

Amendment 150
Damian Boeselager
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 45 – paragraph 1 – point 4 a (new)**

*Text proposed by the Commission*

(4a) a Civil Society Advisory Body, which shall exercise the tasks set out in Article -60

*Amendment*

Or. en

**Amendment 151**
**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 46 – paragraph 2 – point c a (new)**

*Text proposed by the Commission*

(ca) one representative of the Civil Society Advisory Body, without the right to vote;

*Amendment*

Or. en

**Amendment 152**
**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**
**Article 46 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The heads of the supervisory authorities referred to in the first subparagraph, point (b) in each Member State shall share a single vote and shall agree on a single common representative for each meeting and voting procedure. That common representative shall be the ad-hoc voting member for the purposes of that meeting or

*Amendment*

The heads of the supervisory authorities referred to in the first subparagraph, point (b) in each Member State shall share a single vote and shall agree on a single common representative for each meeting and voting procedure. That common representative shall be the ad-hoc voting member for the purposes of that meeting or
voting procedure. The public authorities in a Member State may also agree on a single permanent common representative who shall be a permanent voting member. Where items to be discussed by the General Board in supervisory composition concern the competence of several public authorities, the ad-hoc or permanent voting member may be accompanied by a representative from up to two other public authorities, who shall be non-voting.

In their appointments to the General Board, the public authorities of Member States shall ensure gender balance, in particular with regard to the composition of the Board as a body.

Amendment 153
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 46 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) A representative of Europol without the right to vote.

Or. en

Amendment 154
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 46 – paragraph 4

Text proposed by the Commission

Amendment

4. The General Board may decide to admit observers. In particular, the General Board in FIU composition shall admit as an observer a representative of OLAF, Europol, Eurojust and the EPPO to meetings when
meetings when matters fall under their respective mandates. The General Board in supervisory composition shall admit a representative nominated by the Supervisory Board of the European Central Bank and a representative of each of the European Supervisory Authorities, where matters within the scope of their respective mandates are discussed.

The General Board in both compositions may also decide to invite relevant domestic and international organisations and members of the academia of recognised standing to its meetings on an ad-hoc basis.

Or. en

Amendment 155
Victor Negrescu

Proposal for a regulation
Article 46 – paragraph 4

Text proposed by the Commission

4. The General Board may decide to admit observers. In particular, the General Board in FIU composition shall admit as an observer a representative of OLAF, Europol, Eurojust and the EPPO to meetings when matters fall under their respective mandates. The General Board in supervisory composition shall admit a representative nominated by the Supervisory Board of the European Central Bank and a representative of each of the European Supervisory Authorities, where matters within the scope of their respective mandates are discussed.

Amendment

4. The General Board may decide to admit observers. In particular, the General Board in FIU composition shall admit as an observer a representative of OLAF, Europol, Eurojust and the EPPO to meetings when matters fall under their respective mandates. The General Board in supervisory composition shall admit a representative of the European Central Bank and a representative of each of the European Supervisory Authorities, where matters within the scope of their respective mandates are discussed.

Or. en

Amendment 156
Loránt Vincze, Sven Simon, Esteban González Pons
Proposal for a regulation
Article 47 – paragraph 1

Text proposed by the Commission

The General Board, on its own initiative or at the request of the Chair of the Authority, may establish internal committees for specific tasks attributed to it. The General Board may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chair. The General Board may revoke such delegation at any time.

Amendment

The General Board, on its own initiative or at the request of the Chair of the Authority, may establish internal committees for specific tasks attributed to it. The General Board may provide for the delegation of certain clearly defined tasks and decisions to internal committees, to the Executive Board or to the Chair. The General Board may revoke such delegation at any time. All decisions of the internal committees shall have to be endorsed by the General Board in order to be valid.

Amendment 157
Victor Negrescu

Proposal for a regulation
Article 49 – paragraph 7

Text proposed by the Commission

7. Without prejudice to Articles 52 (3) and (4) and Article 56 (1) and (2), the appointing authority powers over the Chair and the five permanent members of the Executive Board throughout their mandate shall be exercised by the General Board.

Amendment

7. Without prejudice to Articles 52 (3) and (4) and Article 56 (1) and (2), the appointing authority powers over the Chair and the seven permanent members of the Executive Board throughout their mandate shall be exercised by the General Board.

Amendment 158
Victor Negrescu
6. The Chair of the Authority and the permanent **five** members of the Executive Board shall not attend those meetings of the General Board where matters concerning the performance of their mandate are discussed or decided upon.

6. The Chair of the Authority and the permanent **seven** members of the Executive Board shall not attend those meetings of the General Board where matters concerning the performance of their mandate are discussed or decided upon.

Or. en

**Amendment 159**
Victor Negrescu

Proposal for a regulation  
**Article 52 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) **five** full-time members;

*Amendment*

(b) **seven** full-time members;

Or. en

**Amendment 160**
Victor Negrescu

Proposal for a regulation  
**Article 52 – paragraph 3**

*Text proposed by the Commission*

3. The **five** members of the Executive Board referred to in paragraph 1, point (b), shall be selected following an open selection procedure which shall be published in the Official Journal of the European Union. They shall be appointed by the General Board based on the shortlist drawn by the Commission. The selection shall respect the principles of experience, qualification, and, to the extent possible, gender and geographical balance.

*Amendment*

3. The **seven** members of the Executive Board referred to in paragraph 1, point (b), shall be selected following an open selection procedure which shall be published in the Official Journal of the European Union. They shall be appointed by the General Board based on the shortlist drawn by the Commission. The selection shall respect the principles of experience, qualification, and, to the extent possible, gender and geographical balance.

Or. en
Amendment 161
Victor Negrescu

Proposal for a regulation
Article 52 – paragraph 4

Text proposed by the Commission

4. The term of office of the five members of the Executive Board shall be four years. In the course of the 12 months preceding the end of the four-year term of office of the Chair of the Authority and five members of the Executive Board, the General Board in both compositions or a smaller committee selected among General Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members’ performance and the Authority’s future tasks and challenges. Based on the assessment, the General Board in both compositions may extend their term of office once.

Amendment

4. The term of office of the seven members of the Executive Board shall be four years. In the course of the 12 months preceding the end of the four-year term of office of the Chair of the Authority and five members of the Executive Board, the General Board in both compositions or a smaller committee selected among General Board members including a Commission representative shall carry out an assessment of performance of the Executive Board. The assessment shall take into account an evaluation of the Executive Board members’ performance and the Authority’s future tasks and challenges. Based on the assessment, the General Board in both compositions may extend their term of office once.

Amendment 162
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 52 – paragraph 7 – introductory part

Text proposed by the Commission

7. During a period of one year after ceasing to hold office, the former members of the Executive Board, including the Chair of the Authority, are prohibited from engaging in a gainful occupational activity with

Amendment

7. During a period of two years after ceasing to hold office, the former members of the Executive Board, including the Chair and the Vice-Chair of the Authority, are prohibited from engaging in a gainful occupational activity with
Amendment 163
Gunnar Beck, Laura Huhtasaari

Proposal for a regulation
Article 53

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Justification

The same approach take with the ESAs should be taken with AMLA, i.e. that the provisions regarding the Executive Board should be removed from the proposal and its tasks moved to the General Board.

Amendment 164
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 53 – paragraph 5

Text proposed by the Commission

Amendment

5. The Executive Board shall select a Vice-Chair of the Authority among its voting members. The Vice-Chair shall automatically replace the Chair, if the latter is prevented from attending to his/her duties.

deleted

Or. en

Amendment 165
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 56 – title
Amendment

Amendment 166
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. The Chair of the Authority shall be selected on the basis of merit, skills, knowledge, recognised standing and experience in the area of anti-money laundering and countering the financing of terrorism and other relevant qualification, following an open selection procedure which shall be published in the Official Journal of the European Union. The Commission shall draw up a shortlist of two qualified candidates for the position of the Chair of the Authority. The Council, after approval by the European Parliament, shall adopt an implementing decision to appoint the Chair of the Authority.

Amendment

1. The Chair and the Vice-Chair of the Authority shall be selected on the basis of merit, skills, knowledge, recognised standing and experience in the area of anti-money laundering and countering the financing of terrorism and other relevant qualification, following an open selection procedure, which shall respect the principle of gender balance and shall be published in the Official Journal of the European Union. The Commission shall draw up a gender-balanced shortlist of four qualified candidates for the position of the Chair and Vice-Chair of the Authority. Before the approval, the candidate(s) shall be heard by the competent committee(s) of the European Parliament. After conducting hearings, the European Parliament shall select one of those candidates for each position. The Council, after approval by the European Parliament, shall adopt an implementing decision to appoint the Chair and the Vice-Chair of the Authority.

Where the European Parliament is of the opinion that none of the shortlisted candidates sufficiently fulfils the qualifications set out in the first subparagraph, the open selection procedure will recommence.
Amendment 167
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 56 – paragraph 1

Text proposed by the Commission

1. The Chair of the Authority shall be selected on the basis of merit, skills, knowledge, recognised standing and experience in the area of anti-money laundering and countering the financing of terrorism and other relevant qualification, following an open selection procedure which shall be published in the Official Journal of the European Union. The Commission shall draw up a shortlist of two qualified candidates for the position of the Chair of the Authority. The Council, after approval by the European Parliament, shall adopt an implementing decision to appoint the Chair of the Authority.

Amendment

1. The Chair of the Authority shall be selected on the basis of merit, skills, knowledge, recognised standing and experience in the area of anti-money laundering and countering the financing of terrorism, high-level experience in international cooperation and other relevant qualification, following an open selection procedure which shall be published in the Official Journal of the European Union. The Commission shall draw up a shortlist of three qualified candidates for the position of the Chair of the Authority. The European Parliament shall hear the candidates in front of its responsible Committee(s). The Council, after approval by the European Parliament, shall adopt an implementing decision to appoint the Chair of the Authority.

Amendment 168
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 56 – paragraph 1 a (new)

Text proposed by the Commission

1a. The Vice-Chair shall automatically replace the Chair, if the latter is prevented from attending to his/her duties.

Amendment
Amendment 169  
Damian Boeselager  
on behalf of the Greens/EFA Group  

Proposal for a regulation  
Article 56 – paragraph 2  

*Text proposed by the Commission*  

2. If the Chair of the Authority no longer fulfils the conditions required for the performance of his or her duties or has been guilty of serious misconduct, the Council may, following a proposal by the General Board in either composition, adopt an implementing decision to remove the Chair of the Authority from office. The Council shall act by qualified majority.  

*Amendment*  

2. If the Chair or the Vice-Chair of the Authority no longer fulfils the conditions required for the performance of his or her duties or has been guilty of serious misconduct, the Council may, following a proposal by the General Board in either composition, and after approval of the European Parliament, adopt an implementing decision to remove the Chair or the Vice-Chair of the Authority from office. The Chair and Vice-Chair shall be accountable to Parliament and Council. Parliament and Council may also decide to deprive the Chair or the Vice-Chair of his or her right to a pension or other benefits in case he or she is found guilty of serious misconduct. The Council shall act by qualified majority.  

Amendment 170  
Loránt Vincze, Sven Simon, Esteban González Pons  

Proposal for a regulation  
Article 56 – paragraph 2  

*Text proposed by the Commission*  

2. If the Chair of the Authority no longer fulfils the conditions required for the performance of his or her duties or has been guilty of serious misconduct, the Council may, following a proposal by the
General Board in either composition, adopt an implementing decision to remove the Chair of the Authority from office. The Council shall act by qualified majority.

General Board in either composition, and after consultation of the European Parliament, adopt an implementing decision to remove the Chair of the Authority from office. The Council shall act by qualified majority.

Amendment 171
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 56 – paragraph 3

Text proposed by the Commission

3. Should the Chair resign or be unable to attend to his or her duties for any other reason, the functions of the Chair shall be performed by the Vice-Chair.

Amendment

3. Should the Chair resign, be dismissed or leave his/her position for any reason, the position shall immediately be filled in accordance with the procedure set out in paragraph 1.

Amendment 172
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 57 – paragraph 1

Text proposed by the Commission

1. The Chair of the Authority shall represent the Authority and shall be responsible for preparing the work of the General Board and the Executive Board, including setting the agenda, convening and chairing all the meetings and tabling items for decision.

Amendment

1. The Chair of the Authority shall represent the Authority and shall be responsible for preparing the work of the General Board and the Executive Board, including setting the agenda, convening and chairing all the meetings and tabling items for decision. The Chair of the Authority may delegate his/her tasks relating to representation to the Vice-Chair or to a member of the Executive Board.
Amendment 173
Victor Negrescu

Proposal for a regulation
Article 57 – paragraph 2

Text proposed by the Commission

2. The Chair shall assign to the five members of the Executive Board specific areas of responsibility within the scope of tasks of the Authority for the duration of their mandate.

Amendment

2. The Chair shall assign to the seven members of the Executive Board specific areas of responsibility within the scope of tasks of the Authority for the duration of their mandate.

Amendment 174
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 58 – paragraph 4

Text proposed by the Commission

4. The Executive Director shall be selected on the grounds of merit and documented high-level administrative, budgetary and management skills, following an open selection procedure which shall be published in the Official Journal of the European Union, and, as appropriate, other press or internet sites. The Commission shall draw up a shortlist of two qualified candidates for the position of the Executive Director. The Executive Board shall appoint the Executive Director.

Amendment

4. The Executive Director shall be selected on the grounds of merit and documented high-level administrative, budgetary and management skills, following an open selection procedure, which shall respect the principle of gender balance and which shall be published in the Official Journal of the European Union, and, as appropriate, other press or internet sites. The Commission shall draw up a gender-balanced shortlist of two qualified candidates for the position of the Executive Director. After the approval by the European Parliament, the Executive Board shall appoint the Executive Director.

Where the European Parliament is of the opinion that none of the shortlisted
candidates sufficiently fulfils the qualifications set out in the first subparagraph, the open selection procedure will recommence.

Or. en

Amendment 175
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 58 – paragraph 5 – subparagraph 1

Text proposed by the Commission

The Executive Director may be removed from office by the Executive Board on proposal by the Commission.

Amendment

The Executive Director may be removed from office by the Executive Board on proposal by the European Parliament or by the Commission.

Or. en

Amendment 176
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 59 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Executive Director shall be in charge of the day-to-day management of the Authority and shall aim to ensure gender balance within the Authority. In particular, the Executive Director shall be responsible for:

Amendment

1. The Executive Director shall be in charge of the day-to-day management of the Authority and shall aim to ensure gender and geographical balance within the Authority. In particular, the Executive Director shall be responsible for:

Or. en

Amendment 177
Damian Boeselager
on behalf of the Greens/EFA Group
Proposal for a regulation
Article 59 a (new)

Text proposed by the Commission

Amendment

Article 59a

Civil Society Advisory Body

1. The Authority shall establish a Civil Society Advisory Body for the purpose of advising it when exercising its powers listed in Article 38, 42 and 43.

2. The General Board shall determine the composition of the Civil Society Advisory Body upon the recommendation of the Commission and after consultation of the European Parliament. The appointment of the chair of the Advisory body shall be approved by the European Parliament. The internal working methods of the Advisory Body shall be established by the body itself.

3. The Civil Society Advisory Body shall be consulted regularly, and in any case whenever the Authority or the Commission is required to conduct public consultations in particular with regard to the adoption of regulatory technical standards under Article 38(1) and (3), implementing technical standards under Article 42(1) and (3) and guidelines and recommendations under Article 43(2), unless such consultation is disproportionate in relation to the particular urgency of the matter. If such consultation is not conducted, the Authority or the Commission respectively shall clearly justify such decision.

4. When carrying out the tasks conferred upon them by this Regulation, the members of the Civil Society Advisory Body shall act independently and objectively in the sole interest of the Union as a whole and shall neither seek nor take instructions from Union institutions, bodies, offices nor agencies from any government or any other public
or private body.

5. The Civil Society Advisory body shall be provided with sufficient resources and expertise to assess the exercise of the powers of the Authority under this Regulation.

6. The General Board shall lay down the practical arrangements for the prevention and the management of conflict of interest of the members of the Civil Society Advisory Body.

Amendment 178
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 72 – paragraph 2

Text proposed by the Commission
2. The Authority shall submit on an annual basis to the European Parliament, to the Council, and to the Commission a report on the execution of the tasks conferred on it by this Regulation, including information on the planned evolution of the structure and amount of the supervisory fees referred to in Article 66. The Chair of the Authority shall present that report in public to the European Parliament.

Amendment
2. The Authority shall submit on an annual basis to the European Parliament, to the Council, and to the Commission a report on the execution of the tasks conferred on it by this Regulation, including information on the planned evolution of the structure and amount of the supervisory fees referred to in Article 66, the outcome of joint analyses, the issuing and implementation of guidelines and recommendations and the measures on access to documents in application of Regulation (EC) No 1049/2001. The Chair of the Authority shall present that report in public to the European Parliament.

Amendment 179
Damian Boeselager
on behalf of the Greens/EFA Group
Proposal for a regulation
Article 72 – paragraph 2

Text proposed by the Commission

2. The Authority shall submit on an annual basis to the European Parliament, to the Council, and to the Commission a report on the execution of the tasks conferred on it by this Regulation, including information on the planned evolution of the structure and amount of the supervisory fees referred to in Article 66. The Chair of the Authority shall present that report in public to the European Parliament.

Amendment

2. The Authority shall submit on an annual basis to the European Parliament, to the Council, and to the Commission a report on the execution of the tasks conferred on it by this Regulation, including information on the planned evolution of the structure and amount of the supervisory fees referred to in Article 66 as well on guidelines and recommendations it has issued following the procedure foreseen in Article 43. The Chair of the Authority shall present that report in public to the European Parliament.

Or. en

Amendment 180
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 72 – paragraph 4

Text proposed by the Commission

4. The Authority shall reply orally or in writing to questions put to it by the European Parliament.

Amendment

4. The Authority shall reply orally or in writing to questions put to it by the European Parliament as soon as possible and in any case at the latest within five weeks of their notification to the Authority.

Or. en

Amendment 181
Victor Negrescu

Proposal for a regulation
Article 73 – paragraph 2
2. By way of derogation from paragraph 1, the Chair of the Authority, and the **five** members of the Executive Board referred to in Article 53 shall, respectively, be on a par with a Member and the Registrar of the General Court regarding emoluments and pensionable age, as defined in Council Regulation (EU) 2016/300. For aspects not covered by this Regulation or by Regulation (EU) 2016/300, the Staff Regulations and the Conditions of Employment shall apply by analogy.


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**Amendment 182**

**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 77 – title**

*Text proposed by the Commission*

Cooperation with European Supervisory Authorities and the European Data Protection **Board**

*Amendment*

Cooperation with European Supervisory Authorities and the European Data Protection **Supervisor**

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**Amendment 183**

**Loránt Vincze, Sven Simon, Esteban González Pons**

**Proposal for a regulation**

**Article 77 – paragraph 2**
2. When drafting guidelines and recommendations in accordance with Article 43, having a significant impact on the protection of personal data, the Authority shall closely cooperate with the European Data Protection Board established by Regulation (EU) 2016/679 to avoid duplication, inconsistencies and legal uncertainty in the sphere of data protection.

Amendment 184
Damian Boeselager
on behalf of the Greens/EFA Group

Proposal for a regulation
Article 77 – paragraph 2

Text proposed by the Commission

2. When drafting guidelines and recommendations in accordance with Article 43, having a significant impact on the protection of personal data, the Authority shall closely cooperate with the European Data Protection Board established by Regulation (EU) 2016/679 to avoid duplication, inconsistencies and legal uncertainty in the sphere of data protection.

Amendment

2. When drafting guidelines and recommendations in accordance with Article 43, having a significant impact on the protection of personal data, the Authority shall closely cooperate with the European Data Protection Supervisor established by Regulation (EU) 2018/1725 to avoid duplication, inconsistencies and legal uncertainty in the sphere of data protection.

Or. en

Amendment 185
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 79 – paragraph 1
Where relevant for the fulfilment of the tasks referred to in Sections 3 and 6 of Chapter II, the Authority may participate in existing cooperation arrangements established in one or across several Member States by supervisory authorities or FIUs, where such arrangements involve, inter alia, cooperation and information exchange between the aforementioned authorities and selected obliged entities. Participation of the Authority shall be subject to consent of the relevant national authority that has established such arrangement.

Amendment 186
Gunnar Beck, Laura Huhtasaari

Proposal for a regulation
Article 79 – paragraph 1 a (new)

Text proposed by the Commission

In case it is proven valuable, the Authority may, by its initiative, create such a PPP inviting the entities it considers appropriate, such as obliged entities and AML compliance entities.

Amendment

In case it is proven valuable, the Authority may, by its initiative, create such a PPP inviting the entities it considers appropriate, such as obliged entities and AML compliance entities.
Proposal for a regulation
Article 80 – paragraph 1

**Text proposed by the Commission**

1. The Authority **may** conclude working arrangements with Union institutions, Union decentralised agencies and other Union bodies, acting in the field of law enforcement and judicial cooperation. Those working arrangements may be of a strategic or technical nature, and shall in particular aim to facilitate cooperation and the exchange of information between the parties thereto. The working arrangements shall **neither** form the basis for allowing the exchange of personal data **nor** shall bind the Union or its Member States.

**Amendment**

1. The Authority **shall** conclude working arrangements with Union institutions, Union decentralised agencies and other Union bodies, acting in the field of law enforcement and judicial cooperation. Those working arrangements may be of a strategic or technical nature, and shall in particular aim to facilitate cooperation and the exchange of information between the parties thereto. **Regarding the Coordination and Support Mechanism for EU FIUs of the Authority**, the working arrangements shall **ensure the mutual involvement in strategic projects carried out by the FIU coordination and support mechanism and other Union bodies involved in the AML/CFT framework, in particular Europol. With the exception of the working arrangement with Europol, the working arrangements shall **not** form the basis for allowing the exchange of personal data. The working arrangements shall **not** bind the Union or its Member States.

**Amendment 188**
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 80 – paragraph 1

**Text proposed by the Commission**

1. The Authority **may** conclude working arrangements with Union institutions, Union decentralised agencies and other Union bodies, acting in the field of law enforcement and judicial cooperation. Those working arrangements may be of a strategic or technical nature,

**Amendment**

1. The Authority **shall** conclude working arrangements with Union institutions, Union decentralised agencies and other Union bodies, acting in the field of law enforcement and judicial cooperation. Those working arrangements may be of a strategic or technical nature,
and shall in particular aim to facilitate cooperation and the exchange of information between the parties thereto. The working arrangements shall neither form the basis for allowing the exchange of personal data nor shall bind the Union or its Member States.

Or. en

Justification

In order to strengthen cooperation with other institutions and decentralised agencies, especially Europol, OLAF and EPPO.

Amendment 189
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 80 – paragraph 2

Text proposed by the Commission

2. The Authority shall establish and maintain a close relationship with OLAF, Europol, Eurojust, and the EPPO. To that end, the Authority shall conclude separate working arrangements with OLAF, Europol, Eurojust, and the EPPO setting out the details of their cooperation. The relationship shall aim in particular to ensure the exchange of strategic information and trends in relation to money laundering and terrorist financing threats facing the Union.

Amendment

2. The Authority shall establish and maintain a close relationship with OLAF, Europol, Eurojust, and the EPPO. To that end, the Authority shall conclude separate working arrangements with OLAF, Europol, Eurojust, and the EPPO setting out the details of their cooperation. With the exception of the working arrangement with Europol, which shall cover operational and strategic information, the relationship shall aim in particular to ensure the exchange of strategic information and trends in relation to money laundering and terrorist financing threats facing the Union.

Or. en

Amendment 190
Alin Mituța, Gilles Boyer

Proposal for a regulation
Article 80 – paragraph 2

Text proposed by the Commission

2. The Authority shall establish and maintain a close relationship with OLAF, Europol, Eurojust, and the EPPO. To that end, the Authority shall conclude separate working arrangements with OLAF, Europol, Eurojust, and the EPPO setting out the details of their cooperation. The relationship shall aim in particular to ensure the exchange of strategic information and trends in relation to money laundering and terrorist financing threats facing the Union.

Amendment

2. The Authority shall establish and maintain a close relationship with OLAF, Europol, Eurojust, and the EPPO. To that end, the Authority shall conclude separate working arrangements with OLAF, Europol, Eurojust, and the EPPO setting out the details of their cooperation. The relationship shall aim in particular to ensure the exchange of relevant information and trends in relation to money laundering and terrorist financing threats facing the Union.

Or. en

Justification

In order to strengthen cooperation and Union decentralised agencies, especially Europol, OLAF and EPPO.

Amendment 191

Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 81 – paragraph 1

Text proposed by the Commission

1. In order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the Union institutions, the Authority may develop contacts and enter into administrative arrangements with AML/CFT authorities in third countries that have regulatory, supervisory and FIU-related competences in the field of anti-money laundering and counter terrorism financing as well as with international organisations and third-country administrations. Those arrangements shall not create legal obligations in respect of the Union and its bodies agencies and offices.

Amendment

1. In order to achieve the objectives set out in this Regulation, and without prejudice to the respective competences of the Member States and the Union institutions, bodies agencies and offices, the Authority may develop contacts and enter into administrative arrangements with AML/CFT authorities in third countries that have regulatory, supervisory and FIU-related competences in the field of anti-money laundering and counter terrorism financing as well as with international organisations and third-country administrations. Those arrangements shall not create legal obligations in respect of the
Member States nor shall they prevent Member States and their competent authorities from concluding bilateral arrangements with those third countries.

Union and its Member States nor shall they prevent Member States and their competent authorities from concluding bilateral arrangements with those third countries.

**Amendment 192**
Loránt Vincze, Sven Simon, Esteban González Pons

**Proposal for a regulation**
**Article 81 – paragraph 3**

*Text proposed by the Commission*

3. In cases where the interaction of several Union public authorities and FIUs with third country authorities concerns matters falling within the scope of the Authority’s tasks as defined in Article 5, the Authority shall have a leading role in facilitating such interaction where necessary. This role of the Authority shall be without prejudice to the regular interactions by competent authorities with third-country authorities.

*Amendment*

3. In cases where the interaction of several Union public authorities and FIUs with third country authorities concerns matters falling within the scope of the Authority’s tasks as defined in Article 5, the Authority shall have coordinating role in facilitating such interaction where necessary, in close cooperation with other EU institutions, offices, bodies and agencies involved in the AML/CFT framework that have regular interactions with third-country authorities. This role of the Authority shall be without prejudice to the regular interactions by competent authorities with third-country authorities.

**Amendment 193**
Loránt Vincze, Sven Simon, Esteban González Pons

**Proposal for a regulation**
**Article 82 – paragraph 5**

*Text proposed by the Commission*

5. The Executive Board shall adopt practical measures for applying Regulation (EC) No 1049/2001 and the rules regarding disclosure of information relating to

*Amendment*

5. The Executive Board shall adopt practical measures for applying Regulation (EC) No 1049/2001 and the rules regarding disclosure of information relating to
supervisory procedures. The Authority shall include in its annual report foreseen in Article 72 a detailed section on the implementation of the Regulation for the preceding year.

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**Amendment 194**

**Damian Boeselager**
on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 82 – paragraph 5**

*Text proposed by the Commission*

5. The Executive Board shall adopt practical measures for applying Regulation (EC) No 1049/2001 and the rules regarding disclosure of information relating to supervisory procedures.

*Amendment*

5. The Executive Board shall adopt practical measures for applying Regulation (EC) No 1049/2001 and the rules regarding disclosure of information relating to supervisory procedures. The Authority shall publish an annual report on the implementation of the Regulation for the preceding year.

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**Amendment 195**

**Loránt Vincze, Sven Simon, Esteban González Pons**

**Proposal for a regulation**

**Article 88 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. By 31 December 2029, and every five years thereafter, the Commission shall assess the Authority’s performance in relation to its objectives, mandate, tasks and location(s), in accordance with the Commission's guidelines. The evaluation shall, in particular, address:

*Amendment*

1. By 31 December 2028, and every five years thereafter, the Commission shall assess the Authority’s performance in relation to its objectives, mandate, tasks and location(s), in accordance with the Commission's guidelines. The evaluation shall, in particular, address:
Amendment 196
Loránt Vincze, Sven Simon, Esteban González Pons

Proposal for a regulation
Article 88 – paragraph 1 – point c

Text proposed by the Commission
(c) the impact of the activities related to support and coordination of FIUs, and in particular the coordination of the joint analyses of cross-border activities and transactions conducted by FIUs;

Amendment
(c) the impact of the activities related to support and coordination of FIUs, and in particular the coordination of the joint analyses of cross-border activities and transactions conducted by FIUs and the successful follow up to those joint analyses in preventing and combating ML and TF;

Or. en